



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

23 October 1990

**Tuesday, 23 October 1990**

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

### **QUESTIONS WITHOUT NOTICE**

#### **Mr Speaker Prowse**

**MR WOOD:** Mr Speaker, I direct a question to you. I refer you to the debate in the Assembly last Wednesday when the Chief Minister referred to you as "Mr ex-Speaker" and the Chief Minister's subsequent claim that he had said, "Yes, Speaker". I assume that you have listened to the Hansard recording, as members of the Opposition have, and established that the Chief Minister did say "Mr ex-Speaker", not "Yes, Speaker" as he attempted to lead the Assembly to believe. Mr Speaker - I say simply "Mr Speaker" - will you assure the Assembly that this will not be changed in Hansard, as both the Chief Minister and Mr DUBY threatened to do on Thursday?

**MR SPEAKER:** Mr Wood, I answered that question when the issue was raised on the floor of the house. I can assure you that the Hansard will remain as is.

**Mr Kaine:** Mr Speaker, I seek to object to what was just said. At no time did I say that I would have the Hansard changed. At no time did I make such a statement.

**MR SPEAKER:** Order! I would expect a personal explanation on that, Chief Minister.

**Mr Berry:** On a point of order: the Chief Minister will have the opportunity to raise that as a personal explanation in due course, I suspect.

#### **Retail Trade Turnover**

**MR STEFANIAK:** My question is directed to the Chief Minister. Recent indications in Australia are that retail sales have been depressed over the last six months. In the light of that worrying news, is that trend reflected in the ACT?

**MR KAINE:** Mr Speaker, the answer to that question is no. The real term is the trend in retail turnover. In the ACT in the last month of record, which was August, it was higher than in July, by 0.2 per cent. So there has not been a continued reduction in retail turnover. This

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compares with a fall nationally of 0.3 per cent. Over those two months, there was a fall nationally, but that has not been reflected in the ACT. On an annual basis, retail turnover in the ACT was 3.4 per cent higher in August 1990 than in August 1989. This, again, compares with a fall nationally of 2.5 per cent during the same time.

I think the level of retail turnover in the ACT is encouraging, but it should be noted that the national trend is downward. Smaller retailers seem to be showing subdued results, Mr Speaker, while larger retailers are showing modest improvement. It is a bit hard to tell exactly where the reduction is taking effect at the moment. While the August statistics indicate that the economy is slowing, that retail sales are flat and that many small retailers in the ACT are experiencing very difficult times, the ACT is still in a better position than the other States and Territories in this matter.

### **Commonwealth Funding**

**MR STEVENSON:** My question is addressed to the Chief Minister. Does he have any comment on the Federal Government's decision to hand over \$15m of special assistance for South African activities in consultation with the ANC when we are told that there are insufficient funds to keep open schools in Canberra?

**MR KAINE:** My only comment on that, Mr Speaker, would be that the Commonwealth Treasurer and the Prime Minister have to make policy decisions within the context of their budget. I presume that they have weighed up the economic and other advantages to Australia in general in providing that assistance to South Africa against what the benefits might be if they use the money in some other way. It really does not bear on the ACT problems at the moment. We are in the last year of the three-year period of guaranteed income.

**Mr Stevenson:** Was it not two years?

**MR KAINE:** It was effectively two years, but it is the last year in relation to which the Commonwealth guaranteed some real input to the ACT budget. We know that, in effect, some of the money has been put in a trust fund and is not immediately available to us, but I expect that in the longer term the Commonwealth will release that money to us. Even if we had it, it would make no difference to the Government's school rationalisation process because we have 13,000 vacant places in our schools, which we cannot afford to maintain. We are rationalising our education budget, just as we are restructuring other areas of government.

It is a long way from the Commonwealth making available money to South Africa, on the one hand, to the ACT Government and its school budget, on the other. I really do not see the link between the two.

**Mr Speaker Prowse**

**MR CONNOLLY:** Mr Speaker, my question is to the Chief Minister. Does the Chief Minister now concede that he did say "Mr ex-Speaker" in this house last Wednesday? Does he stand by his assertion made last Thursday that he said "Yes, Speaker"? How does he explain his statement, "Hansard will no doubt correct the error", and Mr DUBY's statement, "Do you want to bet they will not change the error", when I indicated that there was no error?

**MR KAINE:** Mr Speaker, I must say that I am constantly amazed at the sorts of things that members of the Opposition try to turn into matters of major importance.

**Mr Berry:** We are not liars over here and we find it difficult to live with.

**MR SPEAKER:** Order!

**MR KAINE:** Mr Speaker, I would like that statement to be withdrawn.

**MR SPEAKER:** Mr Berry, please withdraw that.

**Mr Berry:** I will not withdraw the statement that we are not liars.

**MR KAINE:** Mr Speaker, I ask that it be withdrawn because the clear intent is to imply that the people on this side of the house are, and I want that matter withdrawn.

**MR SPEAKER:** Thank you, Chief Minister. Yes, Mr Berry, I think there is an imputation there. Please withdraw it.

**Mr Berry:** I direct no imputation, and I will not withdraw the statement that we are not liars. We are not, Mr Speaker.

**MR SPEAKER:** Mr Berry, please; it is not that important. I am sure you can understand that there is an imputation there. If you push the matter, I will have to act. There is an imputation. It is quite obvious from English usage that you imply that others are, if you are not. I would ask you to withdraw it.

**Mr Berry:** Well, if it upsets the Chief Minister so much - - -

**MR KAINE:** Yes. I suggest that you listen to Mr Connolly and withdraw it gracefully.

**Mr Berry:** Merely to settle the matter - - -

**MR SPEAKER:** Thank you. Please proceed, Chief Minister.

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**MR KAINÉ:** As I said, the sorts of things that the Opposition seeks to turn into matters of great importance are amazing. The things that its members focus their time and energy on, and attempt to focus the time and energy of this Assembly on, are absolutely incredible.

Mr Speaker, when I made an aside to the Attorney-General, it was by way of a joke. When the members of the Opposition attempted to bring it up the following day and to turn it into a major issue, I still regarded it as a joke. I believe that anybody with any intelligence who heard the exchange and the circumstances under which it was made would see it as a joke. The joke, of course, is on the people opposite.

Mr Speaker, here we have two letters, E and X. They had nothing to do with any debate that was going on in this Assembly. They were used in an aside which in most places would not even be recorded in Hansard. If we are going to devote this amount of time and effort - as the Opposition is demanding - to every aside that is made in this Assembly, including those of the Opposition, and we are going to take up the time of this Assembly debating them, then I submit that the Assembly is going to go rapidly downhill. Opposition members have demonstrated that they will go to any lengths. They are up there listening to Hansard tapes; they are poring over transcripts - - -

**Mr Connolly:** Because you denied that you said it.

**MR KAINÉ:** I have not finished my statement yet, Mr Speaker. Having asked the question, Mr Connolly might let me answer it. They have been up there in the dust going through the Hansard tapes and listening to the tapes to obtain this crucial evidence about this objectionable word.

**Ms Follett:** About the untrue statement that you had made.

**MR KAINÉ:** It is interesting that you did not object to it, Mr Speaker; only those people opposite object to it.

**Mr Jensen:** On a point of order, Mr Speaker: there was a suggestion made just then by Ms Follett that the Chief Minister had made an untrue statement. I request that that be withdrawn.

**MR SPEAKER:** I did not hear the aside - another aside.

**MR KAINÉ:** I am prepared to let that pass, Mr Speaker.

**MR SPEAKER:** I was listening to the Chief Minister, Mr Jensen.

**MR KAINÉ:** However, despite the paltry nature of what they are on about, I have to concede there is some evidence. The eminent practising lawyer and sleuth across the road there and his indefatigable offsider have done their

homework well. They have sifted through the evidence and they have expertly built up their case. Let us be clear about that, Mr Speaker. I do not know quite what to compare their efforts with because they do not appear to put half as much effort into most of the things that are debated in the Assembly as they have put into their pursuit of evidence on this matter.

It would appear that the evidence suggests, Mr Speaker, that I have committed a heinous crime. I have not listened to the tape and I have not read the transcript because, quite frankly, Mr Speaker, I do not have the time.

**Mr Connolly:** But you had the time to deny it on Thursday and make up a pathetic excuse.

**MR SPEAKER:** Order!

**MR KAINE:** I was going to say, Mr Speaker, that, quite frankly, I really do not have a great or accurate recollection of the events because it was an aside during the course of a debate, and I do not recall all the asides that I make; nor do I bring up all the asides that are made by the people opposite. I think that, if we went through the transcript and had a look at some of the things that they say that appear in the transcript, they might be a little red-faced over this matter, because they make lots of statements during the course of a debate that they think are not being recorded either; but, in fact - - -

**Mr Wood:** But we do not attack each other.

**MR KAINE:** You do not? The interesting thing is, Mr Speaker, that, when Mr Connolly got up the other day in high dudgeon and started to interrogate me about what I had said, he may not recall whether he accused me of saying "ex-Speaker" or "ex-Minister".

**Mr Berry:** On a point of order, Mr Speaker: we have been fairly relaxed about the Chief Minister's approach to this, but the standing orders do call for a concise answer and - - -

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

**MR KAINE:** He had better be a bit more relaxed, Mr Speaker, because I have not finished yet. They asked me a question, and they are going to get the answer.

**Mr Berry:** Mr Speaker, I think the Chief Minister has to accept that you have the speakership in this place and not him.

**MR SPEAKER:** Thank you, Mr Berry, for your observation. Please bring it to a close as soon as possible, Chief Minister.



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**MR KAINE:** I will accept his ruling if you will, Mr Speaker. The thing is that if Mr Connolly goes and reads Hansard he will discover that he made a misstatement because he refers in Hansard, I am told, to my having said - - -

**Mr Connolly:** You have been reading Hansard after all.

**MR KAINE:** No, I have not, but lots of people read Hansard. I do not read it; I have not the time. But other people do. I do not go delving around to try to find some nonsense to bring up in the Assembly, but I am sure that if Mr Connolly reads Hansard he will discover that he made a slip of the tongue too, which just goes to show that anybody can.

Mr Speaker, I do not believe that anybody in this Assembly, including the people opposite, could say that I am anything but an open person. I am not devious, I am not vicious, I am not given to committing criminal acts, either spontaneously or with malice aforethought. So, Mr Speaker, I throw myself at the mercy of the court. Being the up-front sort of person that I am, I will be only too pleased to withdraw the word, if I indeed uttered it, and apparently I did. I am prepared to abase myself before this court, Mr Speaker, and to acknowledge to the eminent practising lawyer, the great sleuth opposite, and to his trusty henchmen, and of course to you, Mr Speaker, that I confess the error of my ways. Mr Speaker, I beg the court's indulgence.

#### **Lower Molonglo Water Quality Control Centre**

**MR JENSEN:** Mr Speaker, my question is directed to Mr DUBY in his capacity as Minister for Urban Services. I refer the Minister to recent comments by the New South Wales member for Monaro, Mr Peter Cochran, about alleged cost cutting on the part of the Alliance Government causing the phasing out of the nitrate removal process by the lower Molonglo treatment plant, resulting in a greater threat of algal blooms in the Murrumbidgee River. Could the Minister advise the house: firstly, have cost cutting measures been the problem, as stated by Mr Cochran; and, secondly, is there a problem in New South Wales with algal blooms, caused by the standard of discharge from the Molonglo treatment works into the Murrumbidgee River?

**MR DUBY:** I thank Mr Jensen for the question. Yes, I am aware of Mr Cochran's statements, and I would like to say quite categorically that there is no truth whatsoever in the suggestion that Alliance Government budget cuts have interfered with the standard of treatment of effluent at the Lower Molonglo Water Quality Control Centre. No cuts have been applied in that particular area, and I can state with confidence that the control centre produces the highest quality effluent of any major sewage treatment works in Australia. If other sewage treatment works

throughout the country could match the standard of effluent that issues from the lower Molonglo, the problem of algal blooms in Australia's streams and lakes would be nowhere near as bad as it is.

The problem in relation to algal blooms is caused by a mixture of warm water, the presence of nitrates and the presence of phosphorus. The lower Molonglo treatment plant removes phosphorus from that effluent. It goes into Lake Burrinjuck, and we notice that, particularly at the end that issues in from the ACT side, there are no algal blooms at all.

There may well be algal blooms in other portions of that particular lake, but I am sure those blooms originate from unsatisfactory farming techniques, and not from the effluent that may be coming from the lower Molonglo. There is no evidence whatsoever of any profusion of algae in the Murrumbidgee arm of Burrinjuck Dam. Studies on the level of denitrification of effluent from the control centre have not taken place since 1983, and in that time there has been no increase in algal blooms or anything like that. I think Mr Cochran should get his facts right before he makes statements of this nature.

### **Hospital Redevelopment - Letting of Contracts**

**MR BERRY:** Mr Speaker, my question is directed to the Chief Minister. Mr Kaine, has there been any political interference in the letting of contracts for packages of work for the redevelopment project taking place at the Woden Valley Hospital?

**MR KAINE:** As far as I am aware, Mr Speaker, absolutely not. But I am not responsible for the reconstruction of the Woden Valley Hospital, and I suggest that if Mr Berry wants an answer to his question he should address it to the responsible Minister, and that is the Minister for Health.

**MR BERRY:** Mr Speaker, I have a supplementary question, and I need to have that confirmed by the Chief Minister. Can the Chief Minister reassure this Assembly that from his point of view there has been no breakdown, nor any improper practices adopted, in the letting of contracts for the hospitals redevelopment project?

**MR KAINE:** To my knowledge, Mr Speaker, there has been nothing of the kind described by Mr Berry.

### **School Closures - Buses**

**MR MOORE:** My question is to Mr Humphries, or it might be to Mr Duby. It is about buses and education, so they can choose between them which one will answer it. Will the buses used for transporting students displaced by the proposed school closures be provided by ACTION, or is there a plan to use the commercial buses which come from Yass and currently transport students from New South Wales into the ACT?

**MR DUBY:** I shall answer this question, Mr Speaker, and I thank Mr Moore for the question. In the past school bus services have been coordinated through the department of education and through ACTION. In future years, commencing in 1991, the school bus program will be entirely provided by ACTION, using its own resources, and the funding for that will be put into ACTION's services. I think this matter was actually raised in the Estimates Committee. Maybe I have missed the point of the question; but the Government has allocated an amount of money, some \$128,000, to cater for the provision of school buses which may be required next year - I repeat, may be required - as a result of the school closures program. If those buses are used, and are required, they will be provided by ACTION in its capacity as the school bus carrier of the ACT. There is no plan at this stage to hire private buses.

### **Ambulance Services**

**MRS NOLAN:** Mr Speaker, my question is to Mr Humphries in his capacity as Minister for Health. Will the Minister advise the Assembly what the Government is doing about providing sufficient ambulance services for the ACT community?

**MR HUMPHRIES:** That is an extremely timely question and I thank Mrs Nolan very much for it. I am aware that several vacant ambulance officer positions, seasonal sick leave and training commitments - features which are fairly common at this point in the year - have recently affected the number of available ambulances, leading on some occasions to the closure of an ambulance station.

It is not possible, Mr Speaker, to staff an ambulance when a rostered officer calls in sick at short notice and the shortage is not covered by overtime. I understand that two officers staff each ambulance station. When one officer is not available the station is closed and the remaining officer reports to the nearest open station. That is a longstanding practice.

This temporary problem, which has occurred historically and on an annual basis, has been remedied with the recent - - -

**Mr Connolly:** On a point of order, Mr Speaker: the notice paper indicates that a matter of public importance on this subject will be discussed this afternoon. I draw your attention to standing order 117(f), which indicates that:

Questions may be asked to elicit information regarding business pending on the notice paper but discussion must not be anticipated.

I submit that the question being answered is anticipating discussion on the matter of public importance and should, therefore, be ruled out of order.

**MR SPEAKER:** Just let me think on that matter for a moment.

**Mr Kaine:** It is not on the notice paper. It is on the daily program, but not on the notice paper. You are wrong again, Mr Connolly.

**MR SPEAKER:** Please continue, Mr Humphries.

**MR HUMPHRIES:** The temporary problem which has occurred historically and on an annual basis has been remedied with the recent ambulance SEP agreement. The agreement will provide for the service to employ a number of officers supernumerary to actual roster positions next year. Currently seven replacement staff are in training, and they will be on operational road duties after 2 November. The new recruits have brought the service to full strength with 71 staff. At the same time last year the service had 62 staff, so this is a significant improvement. Whilst the service has recently been under pressure, it has met the demands placed upon it. The ACT Ambulance Service uses a number of procedural protocols to ensure that ambulances are always available to meet the emergency calls received. I can assure the Assembly that the service is closely monitoring its staffing levels.

### **Department of Justice and Community Services**

**MS FOLLETT:** Mr Speaker, my question is to the Minister for justice and community services. The question is: is it a fact that the Minister's Department of Justice and Community Services is the only department not yet to have prepared an equal employment opportunity plan? What action will the Minister take to rectify this matter, and when can we expect that such a plan will be prepared and put into effect?

**MR DUBY:** Mr Speaker, it is patently obvious that the Minister for justice is not present in the Assembly at this time.

**Ms Follett:** It is not on the record.

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**MR DUBY:** As I said, it is patently obvious that he is not present at this time; so on his behalf I will undertake to have an answer supplied to that question.

### **Green Potatoes**

**MR STEVENSON:** My question is to Gary Humphries as Minister for Health, and it concerns the availability of unhealthy food in Canberra. As it is well known that green potatoes cause a toxaemic reaction, is the Minister aware that green potatoes are readily available in Canberra? They are quite often sold in coloured plastic bags, making it very difficult to ascertain their colour when they are being purchased. Is the Minister contemplating taking any action, or has he taken any action, concerning the availability of green potatoes? Secondly, has it been noted that they are harmful, and is that knowledge being made available to the general public?

**MR HUMPHRIES:** Mr Speaker, I thank Mr Stevenson for his question. I must admit that, being a person of culinary expertise myself, I was not aware until fairly recent times - - -

**Ms Follett:** You put eggs in scones, Gary; come on.

**MR HUMPHRIES:** We all make mistakes, Ms Follett. The knowledge came to me fairly recently that green potatoes were, in fact, quite dangerous and potentially even fatal, I am told. I am sure, therefore, that if it came to my attention only fairly recently it probably is a matter of which many ordinary citizens of the ACT might be ignorant, and I think it is appropriate to ensure that injury or risk does not occur because of the existence of such things in the ACT.

As to whether green potatoes are a phenomenon which it is impossible to avoid because they are potatoes which become edible potatoes later, I cannot say. I will take on notice the question of what action the ACT department of health might take to remedy the situation. It may be a matter more appropriately under the auspices of the Consumer Affairs Bureau. However, I will arrange an appropriate response to that question.

I might also indicate that it is possible that issues such as this might be dealt with under the proposed food Act which I hope to be able to introduce in the Assembly some time in the coming weeks. If that is the case, then, of course, action on that front would be greatly enhanced by the existence of that Act. However, I will take on notice those aspects of Mr Stevenson's question which I have not been able to answer.

### **Hospital Redevelopment**

**MR CONNOLLY:** Mr Speaker, my question is to the Chief Minister, Mr Kaine. On 27 September of this year, I understand, the Australian Federation of Construction Contractors was notified of its appointment as the consultant to coordinate industrial relations and occupational health and safety on the public hospitals redevelopment project. Why, Mr Chief Minister, was that contract cancelled three weeks later?

**MR KAINE:** Mr Speaker, I have no idea. I am not responsible for the management of that project, as I said before. I suggest that if Mr Connolly wants an answer to that question he should ask the responsible Minister, Mr Humphries, who is managing that project.

**MR CONNOLLY:** I have a supplementary question, Mr Speaker. Has the Chief Minister been spoken to by a senior officer of the Liberal Party in relation to this matter?

**MR KAINE:** No.

### **School Closures - Interim Territory Planning Authority**

**MR STEFANIAK:** My question is to the Minister for Education, Mr Humphries. Did the Government ignore advice from the Interim Territory Planning Authority in deciding on school closures?

**Ms Follett:** Yes. I can answer that one.

**MR HUMPHRIES:** Unfortunately Ms Follett is not in government - fortunately for all of us. Mr Speaker, the answer to Mr Stefaniak's question, for which I thank him, is as follows. The planning authority document referred to in a recent Canberra Times article, I think last Saturday, was only a small part of a very wide-ranging involvement by the authority in the schools reshaping project over a long period. During June and July, the period leading up to the announcement of the particular closures proposed, officers of the planning authority and the schools reshaping team met on about 10 occasions, with a great deal of material changing hands.

The ITPA document to which the article referred contained both town planning and educational policy advice. Although the town planning advice was in general accepted, the Government decided to accept the educational policy advice provided by the educational specialists in the Ministry for Health, Education and the Arts, to the extent that it was different.

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The Government's decisions on the reshaping of the school system are based on present demographic and financial imperatives rather than on luring immigrants to Canberra with the provision of generous amenities which we can no longer afford. Planning issues have not been ignored. They are at the centre of the project to reshape ACT public schooling so that resources can be devoted to maintaining and enhancing the quality of education rather than maintaining surplus building space.

### **School Closures - Inquiry**

**MR WOOD:** I direct a question to the Minister for Education. Mr Humphries, under its terms of reference does the Hudson inquiry have authority to recommend the closure of other schools in place of any of those that you have named?

**MR HUMPHRIES:** I do not have before me a copy of the terms of reference that were given to the Hudson inquiry. I would have to say that I very much doubt whether that would be within the terms of reference of that inquiry. Whether that kind of information would be forthcoming is pure speculation, and I again regret the fact that the ALP continues to spearhead this kind of divisive and unsettling speculation which is, I think, ultimately designed to scuttle whatever recommendations come forward from Mr Hudson's inquiry.

I obviously cannot exclude Mr Hudson from saying anything at all in his final report, but I would think it unlikely that there would be recommendations concerning the closure of other schools, at least in the case of naming particular schools.

**MR WOOD:** I have a supplementary question, Mr Speaker. I thank the Minister for that answer and I would press the point, referring him to the situation of Scullin and Page where Page quite unexpectedly became a school to be closed. Would you make a clear statement that no school, for example, North Ainslie school, will be closed as a result of the machinations of the current inquiry?

**MR HUMPHRIES:** This is a variation on an earlier question I have been asked before. Can I guarantee this? Can I guarantee that? I have made it quite clear that I am not going to guarantee anything in respect of these changes, any more than I could say that I could guarantee any of the other questions on which assurances have been sought in the past. It is not the Government's intention to depart from the plan that is already laid down; but, of course, it will await the outcome of the Hudson report, as I urge you to do.

### **Business Bankruptcies**

**MRS GRASSBY:** I would like to ask a question of the Chief Minister. I refer the Chief Minister to the dramatic increase in business bankruptcies in Canberra. Can the Chief Minister provide any action taken to prevent the collapse of ACT industry?

**MR KAINE:** The question somehow implies that the Government should be stepping into the ring and preventing bankruptcies. I do not quite know how Mrs Grassby imagines that, firstly, we would be able to anticipate which companies might be on the verge of insolvency or bankruptcy and, secondly, what we should do to fix it even if we were aware.

I think, first of all, that the scaremongering that was precipitated by the Canberra Times article - which I have to say was totally misinformed or uninformed on the situation - is quite regrettable. When things are tough, to print information which is totally wrong, which is not based on any facts whatsoever, and which is guaranteed to cause yet more concern I think is, to say the least, regrettable.

**Mrs Grassby:** So, the Canberra Times is wrong, is it?

**MR KAINE:** Yes, the Canberra Times is wrong, Mrs Grassby, and if you listen I will give you the facts. Firstly, prior to March 1990, ACT bankruptcy data was combined with New South Wales, so there is no historical information on the number of bankruptcies in the ACT before March 1990. Secondly, information on the total number of bankruptcy registrations lodged in the ACT is available on a quarterly basis. This information does not currently include the number of business versus personal bankruptcies. It does not include the number of bankruptcies specifically for ACT residents, because New South Wales residents in the surrounding district tend to lodge their bankruptcy notices in the ACT. It does not include information about the industry in which the business operated. It does not contain any information about the cause of the bankruptcy.

Mr Speaker, we have been recording bankruptcy registrations in the ACT only since 1 April this year. In the first quarter, ended June, there were 70 registered. In the second quarter, ended September, there were 92 - an increase of 31 per cent. To my recollection, the figure that appeared on the front page of the Canberra Times this morning was 64 per cent. This is absolutely absurd, and based on no known information.

It should be noted, Mr Speaker, that the figures that I have quoted include both personal and business bankruptcies for the ACT and the surrounding region. The Canberra Times article implied, if it did not specifically state it, that those figures reflected only ACT small business bankruptcies. That is totally untrue.



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I do not think I need to say much more about that, Mr Speaker. The Canberra Times article is patently wrong. To the extent that it used factual information at all, it misquoted it and drew incorrect conclusions from it. To ask the Government to take action on that kind of reporting, as though it is somehow reflective of the truth, is, I submit, totally absurd. Perhaps the Opposition would like to explain how its members would do so if they were in government.

### **School Crossings - Tuggeranong**

**MRS NOLAN:** Mr Speaker, my question is to Mr DUBY in his capacity as Minister for Urban Services. Why are school crossings not installed at Tuggeranong schools? The two schools I am concerned about in particular are Calwell and Isabella Plains, although I think there are about 15 schools in the Tuggeranong Valley that do not have school crossings.

**MR DUBY:** I thank Mrs Nolan for the question. I think it should be pointed out that a school crossing is one of a number of devices used to improve safety around schools, and it is important that the most appropriate device be chosen to maximise safety for the children. School zones, refuge islands, underpasses and warning signs are installed as a safer form of protection than school crossings, especially for young children. These facilities have been provided at Tuggeranong schools.

Engineering staff of my department have met with representatives of Calwell and Isabella Plains primary schools on several occasions to ensure that child safety has been achieved. The Australian Federal Police is addressing the problems of speeding and poor driver behaviour in the vicinity of schools. It should be pointed out that other States - Victoria and Queensland in particular - are proposing to trial the ACT school zone system, which has proved so successful here in Canberra and has been such a boon for the safety of our young children.

### **School Closures**

**MR BERRY:** My question is directed to the Minister for Education, in our quest to scuttle the school closures program. Will the Minister assure parents at those schools he proposes to close that, in the event that receiving schools will not be ready for occupancy, their children will not be temporarily relocated to any other school?

**MR HUMPHRIES:** Mr Speaker, the members of the Opposition are very quick to fly to their standing orders to prevent Ministers offering answers to questions that they do not

particularly want answered. I am going to rely on standing orders, for the reason that Mr Berry is again seeking to whip up fear and hysteria in this area. Quite simply, the question is hypothetical. I expect to be able to provide services as indicated by the Government, subject to the outcome of the Hudson inquiry. I stand by that decision.

### **Assembly Business**

**MR DUBY:** Mr Speaker, I have a question to address to you. Can you advise us why the matter of public importance appearing on today's daily program was not notified to the relevant Minister until approximately 1.15 pm, some 45 minutes after the due time? Mr Speaker, do you acknowledge that a delay of that nature places great strain on ministerial and departmental staff?

**MR SPEAKER:** Yes, I take that point, Mr Duby. The situation was that we had a late submission as a second MPI and we had to decide which one was to come up and - - -

**Mr Kaine:** A late submission? The cut-off time is 12.30 pm.

**MR SPEAKER:** That is quite correct. I was at lunch when the second one arrived. We did not expect a second one to arrive and when I came back from lunch I was then asked to make the decision. That is why there was a delay. I apologise to the house and the Minister involved.

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

### **ANIMAL WELFARE POLICY Paper and Ministerial Statement**

**MR DUBY** (Minister for Finance and Urban Services), by leave: Mr Speaker, it gives me great pleasure to table the following policy statement on animal welfare:

Animal Welfare in the ACT - Policy statement, prepared by ACT Parks and Conservation Service, dated October 1990.

The tabling of this policy statement on animal welfare is a step forward for the ACT. It will bring us into line with, and in some ways ahead of, New South Wales, South Australia and Victoria - States which have revised their animal welfare policies and laws in recent years. I understand two other States have announced that they are commencing the process of reviewing their animal welfare legislation along similar lines.

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As part of the process of preparing the policy statement, two episodes of public consultation occurred, including the publication of a draft policy in 1989. The consultation resulted in the receipt of over 1,000 pages of representations. An advisory body was consulted throughout the process. It represented the main organisations involved in animal welfare matters in the ACT, including the RSPCA, Animal Liberation, the Rural Lessees Association, research bodies, pet shops, vets and general members of the public as well. I thank the members of the animal welfare representative working group for their dedicated and constructive contribution to the development of the policy statement.

The policy statement sets out in detail what action the Government intends to take in relation to animal welfare issues in the ACT. The Government believes that this is a comprehensive statement of policy that will put the ACT at the forefront in Australia in this area. The most important action in the policy statement is that a new Prevention of Cruelty to Animals Act will be prepared for the ACT. A Bill based on the content of the policy statement will be drafted and submitted to the Assembly. Adoption of this policy statement and enactment of the future Bill will provide a major improvement in the standards and administrative systems for the protection of animals in the ACT.

As the policy statement indicates, the Government will legislate to repeal the current Prevention of Cruelty to Animals Act. It will define the animals to which the new legislation is to apply as all vertebrates, except humans, including fish, reptiles and birds. It will legislate to appoint inspectors to enforce the new law; to incorporate codes of practice, some of which will be closely aligned to those used interstate; to specify the procedures to be adopted in the care of animals; and to establish an animal welfare advisory committee, AWAC, to provide expert advice on animal welfare matters. This committee will be representative of those sections of the community with an interest in animal welfare and those sections which use animals for any purpose. The legislation will also establish a system of enforced self-regulation to control and monitor the use of animals in research, including requirements for research institutions to operate ethics committees and to report to AWAC on research projects being carried out. It will also require intensive poultry farming to operate in accordance with a code of practice.

We will also be acting to prohibit rodeos in the ACT; to allow circuses to visit the ACT, subject to control by a permit system; to make it an offence to deliberately abandon an animal; to prohibit the conduct of animal fighting events - including making it an offence to be present at such events, so it is not just the perpetrators but also the viewers; to prohibit the release of an animal to be shot at; to prohibit fox hunting; to outlaw the use of animals as live bait for other animals, such as in the

practice of bleeding greyhounds or hunting dogs, and including a law to make it illegal to be in possession of animals which could be used as live bait for greyhounds - animals such as rabbits, hares, guinea pigs, small dogs, cats, possums, large birds, and things like that - at a place where live baiting of dogs is occurring or where greyhounds or hunting dogs are being raced or trained to race or hunt. Also, we plan to prohibit the possession of steel jaw traps and animal fighting equipment, such as cockfighting spur caps and sharp spurs or spurs with fixed rowels.

The policy statement also includes some important non-legislative policies, including the establishment of an animal welfare unit to implement the policy. Its functions will be to administer the proposed Prevention of Cruelty to Animals Act, and to improve animal welfare through training and development, the review of codes of practice and the implementation of community information systems.

The proposed legislation will bind the activities of the ACT Government. A number of Commonwealth bodies conduct research or other activities in the ACT which affect the welfare of animals. These activities should also be covered by the new legislation as far as possible. Therefore, the policy states that the ACT Government will seek to have the necessary arrangements made for the animal welfare legislation to bind the Commonwealth Crown as well as the ACT Government.

In due course, the Government will also conduct a companion animal review, to consult with groups representing pet owners and the general public about the management of companion animals - dogs, cats, budgies, et cetera. This will include pet registration, identification systems and compulsory desexing of cats and dogs.

Mr Speaker, I commend the policy statement to the Assembly. I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

### **ABSENCE OF MINISTER Ministerial Statement**

**MR KAINE** (Chief Minister), by leave: Mr Speaker, I find it rather curious that the members opposite demand to know where a member of the Government is, since he has been absent for only three-quarters of an hour at this stage. If we are going to be asked to explain our absences, I think the Leader of the Opposition will have more trouble than anybody else because she spends less time here than anybody else. She will have to explain where she has been every time she comes back.

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**Mr Duby:** She is not here again.

**MR KAINÉ:** Exactly. But the fact is - - -

**Mr Wood:** It is properly done before question time; you know that.

**MR SPEAKER:** Order!

**Mr Wood:** If it had been done properly, you would not be doing it now; you would have done it at 2.30 pm.

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

**MR KAINÉ:** Mr Speaker, as far as I am aware, at 2.30 pm question time takes precedence over all other business. Mr Wood is quite wrong.

**Mrs Grassby:** The Speaker is supposed to tell us who the questions should be directed to if the Minister is not available.

**MR SPEAKER:** Order, Mrs Grassby! Please address your comments through the Chair.

**MR KAINÉ:** Anyway, to get to the point, Mr Speaker, if Mr Wood and Mrs Grassby will allow me to get to it, the fact is that the Minister is attending a meeting of the Australian Institute of Criminology at a conference in Brisbane. He has been invited to deliver a paper on the police and the community in the 1990s. I cannot think of anybody better qualified to deliver such a paper. Mr Speaker, he will be here in the house before this sitting day is out. So, in fact, we are not obliged to seek leave or anything else, but I am happy to satisfy the curiosity of the members opposite as to what he is doing. He is off on legitimate business as the Minister for justice.

### **SOUTH EAST ECONOMIC DEVELOPMENT COUNCIL Ministerial Statement**

**MR KAINÉ** (Chief Minister), by leave: Mr Speaker, I wish to speak on the establishment of the South East Economic Development Council. In February this year the New South Wales and ACT governments announced their intention of preparing a joint regional economic development strategy. Details of the strategy were discussed at the first meeting of the New South Wales-ACT consultative forum held in March, and a progress report on that matter is to be presented to the second meeting of the forum to be held early in December.

As the strategy has progressed, it has become clear that greater significance must be given to the economic links between the ACT and New South Wales, particularly those in the surrounding region. For this reason Mr Greiner and I

have agreed to establish a joint South East Economic Development Council. The council complements those already established by the New South Wales Government in the Hunter and Wollongong regions. The council will replace and build on the work done by the Canberra Development Board.

The council is a recognition of four key issues: firstly, the importance of a joint ACT-New South Wales Government approach to issues affecting economic development; secondly, the vital economic interdependencies between the ACT and the south-east region of New South Wales; thirdly, the potential opportunities through a coordinated and common commitment to the goal of sustainable economic growth in the region; and, fourthly, the economic linkages between Sydney, as Australia's financial centre and international gateway, and Canberra, as the nation's capital strategically located between Sydney and Melbourne.

Mr Speaker, the council will comprise 11 members: a chairperson, who will be jointly agreed upon by Mr Greiner and me; four members nominated by the New South Wales Government and four nominated by the ACT Government; plus the head of the ACT Chief Minister's Department, Mr Bill Harris, and the head of the New South Wales Department of State Development, Dr John Saunders. The chair and membership will be finalised in the next few days, and the first formal meeting is expected to take place at the time of the New South Wales-ACT consultative forum in Queanbeyan in early December, which will be chaired by Mr Greiner and me.

Mr Speaker, I would be remiss at this time if I did not take the opportunity of placing on record the important contribution that the Canberra Development Board has made to the Territory, and particularly that of its chairman, Mr Fulton Muir. It is through the efforts of the board that we have a private sector in this city which now constitutes some 52 per cent of total ACT employment. The Government acknowledges the value of the work done by Mr Fulton Muir and the members of the board. This new council is intended to build on the work already done in the interests of the ACT community and the surrounding region.

### **AMBULANCE COVER** **Discussion of Matter of Public Importance**

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

The failure of the Government to provide adequate ambulance cover in the ACT.

**MR BERRY (3.20):** I get no joy from rising to discuss this issue because of its significance in terms of the delivery of services to the people of the ACT. Mr Speaker, this

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issue came before the Assembly last year when Mr Humphries developed an interest in the matter. On 27 September he raised the question about the staffing levels of ambulances and the provision of services. Amongst other things he said, "Does the Minister consider that there being as few as two crews on duty at particular periods in the ACT is satisfactory?". I assumed from that statement that he considered that it was not satisfactory.

**Mr Humphries:** What was your answer? He is avoiding it.

**MR BERRY:** The answer to that question, of course, contained some very valuable information and established the fact that a review was being taken up and that it had implications for the service's staffing numbers. The review, of course, was to involve the workers and their unions, and it was anticipated that the review would be finalised by December 1989. Then, of course, the events of December 1989 overtook us and the matter fell into the hands of Mr Humphries.

It seems, Mr Speaker, that Mr Humphries then lost interest in the issue. He was so busy doing a job on our schools and our hospitals that he seemed to lose interest in the Ambulance Service which he sought to take a few political points on earlier. Since then, of course, in our office we have been hearing constant complaints about the developing crisis in the Ambulance Service.

This leads us to the Estimates Committee, where I was able to raise a couple of relevant questions about the Ambulance Service, but to no avail. I asked Mr Humphries about the number of occasions on which four ambulances could not be fielded in the ACT. Mr Humphries, of course, failed - in fact, I think "refused" is the proper word - to provide that information. The information did not turn up to the Assembly after the first question, a second question had to be asked, and it was asked that the information be given in 24 hours. The Minister failed to live up to that expectation of the Estimates Committee and, when the information eventually lobbed at the Estimates Committee at the eleventh hour, it failed to give the details required to explain properly the predicament that the Ambulance Service was in.

Mr Speaker, in terms of concerns about the Ambulance Service the flow of information peaked to a flood, and there are serious concerns about it. The answers have not been supplied. I have been given a range of information from sources close to the Ambulance Service which, whilst these may not be the Government's figures, point out the predicament of the Ambulance Service.

**Mr Wood:** These are the accurate figures.

**MR BERRY:** These are the figures from a source close to the Ambulance Service which point out the predicament of the Ambulance Service and the embarrassment that the provision

of these figures would have caused the Government had it provided them in the Estimates Committee as it was required to do.

I suggest, Mr Speaker, that there has been a cover-up in relation to this matter because of the embarrassing situation that the Government finds itself in. There is no doubt that the situation is serious. I heard the Minister say a little while ago that the situation had actually improved since last year because of the provision of seven extra staff, but in a moment I will come to the facts which will disprove that statement.

In the last 27 days, 26 September to 22 October, there have been 112 requirements for overtime shifts in the Ambulance Service. Mr Speaker, you should understand that that represents 25 per cent of the total shifts for the Ambulance Service in that month, and that 25 per cent of the total shifts were needed because of staff shortages. Bear in mind that 25 per cent of the total shifts were not filled and required overtime to cover them. Fifty-seven of those shifts were not covered, that is, ambulance crews were short and as a result at least one of the four ACT stations was closed on 32 occasions. That, to me, is the sign of an approaching disaster, if the Government cannot identify a difficulty and fix it because the difficulty is so severe.

Staffing levels have been down to as low as 1.5 crews. That is in the last 27 days - not the last year since the Minister first raised the issue, but the last 27 days. There have been 32 occasions where three or less ambulances have been in service in the ACT. The minimum requirement, and the requirement that I think is endorsed by the Government, is for four ambulances to operate 24 hours a day within the ACT. The Government has not changed that policy. I know the Minister is getting touchy about it. He ought to be touchy and he ought to be embarrassed because he is the one who had some concerns about it as long as a year ago, and he has forgotten about them ever since.

**Mrs Grassby:** It does not matter what we did. What has he done since? Nothing; it has got worse.

**MR BERRY:** They forgot about it, Mrs Grassby, did they not? Ambulance availability is often below that which applied in 1973 when the requirement was set. You have had a year to fix it and you have done nothing. You are the one who had all the concerns; you were high and mighty, up on your high horse about them a year ago. You forgot about them because you were too busy doing a job on our schools and hospitals. That is why you forgot. You are the vandal of our schools and hospital system.

Mr Speaker, I will give you a couple of examples of what is happening to the Ambulance Service. Recently there was a motor vehicle accident which resulted in a woman having a



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broken jaw and other trauma. She had to wait 55 minutes for an ambulance while the fourth operational ambulance crew was just 1 minutes away, but it was under contract to the local race meeting and could not leave. The practice has developed that, instead of putting an extra crew on, on the basis of costs they are using operational ambulance crews to cover contracts to sports events instead of providing services to the community. That is what this Minister has done in the year after he raised his concerns about it.

Mr Speaker, immediately the concerns were raised with the Labor Party when in office we moved to fix them, and we handed over a process whereby a plan was being developed to fix the Ambulance Service, but this Minister could not pick up the baton and run with it. He conveniently forgot about it immediately he took office.

Last night a Canberra medical centre required an ambulance for an asthmatic. It had to wait unduly until an ambulance had completed another job, and that was because there were insufficient ambulances on duty to cover the situation. There have been three other occasions when one person, contrary to the standard set by the Ambulance Service and contrary to the public position that has been announced by this Minister, has been required to go out on a job alone. That is not a standard that anybody would set in a modern ambulance service.

At the start of today's shift, I was informed, there were 2.5 ambulance crews available, that is, there were only two ambulances available in the ACT. The 0.5 does not count for an ambulance because an ambulance does not respond with less than two qualified crew members unless - - -

**Mr Humphries:** Did that ever happen when you were Minister?

**MR BERRY:** You have to take the responsibility for this now, Minister, because you are the Minister. You are the one who had concerns about it, and you are the one who has had control of it for almost a year and you have done nothing; you have let it wither on the vine. Sick leave amongst ambulance officers is at its highest in the service's history, and that is because of the inaction of this Minister. There is no doubt that it is the inaction of this Minister that has caused that.

The increased workload on the ambulance officers - and they are the ones I am particularly concerned about - has led to a build-up of critical incident stress. Those who have worked in emergency services would understand the impact of that, and the cumulative effect of working extra shifts and of being involved in the sorts of circumstances that ambulance officers and other emergency workers are involved in. Because they are working so much additional overtime as a result of the Government's inaction and the Government's inability to get its recruiting processes into

gear, the stress on those ambulance officers is greater. The result, of course, will be more sick leave, and perhaps as time goes past, because of the cumulative effects of critical incident stress, there will be the loss of other highly qualified, highly dedicated, and quite young ambulance officers before their time.

As I said when I opened up on the matter, Mr Speaker, this is of serious consequence to the community because the services which people expect and pay for through the levy for ambulance services are not being supplied up to expectations. People are being diddled by this Government because the Government has not got its recruiting processes into place. Do not tell me, Minister, that in the time that you have been in government you could not recruit more than seven people. Do not tell me that, because it cannot be true. It cannot be true.

**Mr Humphries:** It is seven more than you had, Mr Berry.

**MR BERRY:** So, since you have been Minister you have been able to recruit only seven people. Do you think, Minister, that the seven people you have recruited will be able to fix up the massive amount of shifts which have not been able to be serviced because of staff shortages?

This Minister has failed. He has let down the people of the ACT and he has diddled the private insurers of this Territory, because they are the ones that are paying a massive amount - - -

**Mr Humphries:** On a point of order, Mr Speaker: the reference to having diddled private insurers in the Territory is, I think, offensive and unparliamentary. I ask Mr Berry to withdraw it.

**MR SPEAKER:** Yes, I believe the interpretation of that is "stolen". I would ask you to withdraw that, Mr Berry.

**MR BERRY:** Mr Speaker, I withdraw that. The fact of the matter is that this Minister sitting over here is the one who has taken money from those insurers and has not provided the goods that were promised. The fact of the matter is that people who insure in this Territory are promised four ambulances per shift, 24 hours a day. This Minister has not delivered. He took over the reins as Minister with all sorts of intentions and higher than thou attitudes in relation to ambulance services, but in almost a year he has done nothing to fix the situation.

All that has happened is that seven recruits have been taken into the Ambulance Service and there have been massive increases in sick leave because of pressure on the work force. Nobody can deny that, and, if the Minister does, he is deluding himself. If workers in that sort of industry work that many extra shifts they will suffer, and so will their families, and so will the people they are supposed to service out in the Territory.

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This Government's inaction has led to a situation where the Ambulance Service is in crisis. There is no indication that anything will change, because the Minister has done nothing in the past, except cover up the information. Time after time we have called for accurate figures from the Government, but the Government has been so embarrassed that it would not provide them to the Estimates Committee. I know why it would not provide them. It was because it would reinforce that embarrassment and show Government members up for what they are.

Mr Speaker, not only is this Minister responsible for tearing apart our education and hospital systems, but he has now set about our ambulance system. And there one goes by this place - probably only one of two in the Ambulance Service, because of this Minister.

**Mr Kaine:** This record is wearing a bit thin, Wayne. Why do you not come up with something new?

**MR BERRY:** Of course it is wearing a bit thin. The old Chief Minister over here would be getting a little tetchy because it shows his Government up in a bad light. Of course, you will get the truth only from this side of the house, Mr Chief Minister, and that is something you have some difficulty with, as has been seen in the past by your performance in this place. Save our ambulance system!

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (3.35): Mr Speaker, I think Mr Berry rises in this place secretly a very embarrassed man, because Mr Berry knows - although he has kept a very stony and careful visage of not caring today - that the standards on which he attempts to hoist this Government are exactly the same standards on which he was hoist last year. The difference is that this Government's record is actually better.

**Mr Berry:** You have done nothing.

**MR HUMPHRIES:** It is actually better. I have done plenty, Mr Berry, and I will come to that in just a moment. There is one point that needs to be made before we get into this debate seriously, Mr Speaker, and that is to ask ourselves why this matter was raised today. It is no coincidence that today happens to be the day that this matter was raised, and the reason it was raised is that today the Government is going to pass - I have no reason to believe it will not - tobacco legislation. This is very important legislation - perhaps the most significant legislation this Government has yet passed. Mr Berry does not want this Government to get the front page or any other front line credit for that piece of legislation today. He wants to take it off the front page and take it out of the lead stories in the news bulletins tonight. He wants to have some smokescreen to divert attention away; so he chooses ambulances. A nice serve - a soggy, unsubstantiated attack on ambulances. That is what this is. It is unsubstantiated.

**Mr Jensen:** On a point of order, Mr Speaker: Mrs Grassby has been asked by you on numerous occasions to cease her interjections. I request her suspension.

**Mrs Grassby:** Mr Jensen ought to sit down. How many times have you asked him to shut up and he has not sat down?

**MR SPEAKER:** Order, Mrs Grassby! Could I ask both members to - - -

**Mrs Grassby:** Talk about the pot calling the kettle black.

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

**MR HUMPHRIES:** Mr Speaker, the fact is that most of what the Opposition has said is a collection of distortions and half-truths. The reality is that the position of the Ambulance Service in the ACT is probably better than it was last year, and I make the assertion based on the evidence. The fact of life is that Mr Berry faced problems of a similar kind when he was in government. The sorts of things he issued a press release about today were probably capable of being said in exactly the same way last year, and he has not made reference to that fact. No-one is getting up in this place and pretending that our Ambulance Service is perfect; of course, it is not. It was not perfect under Mr Berry; it is not perfect under Gary Humphries, but it is improving.

**Mr Berry:** It is disastrous under Gary Humphries.

**MR HUMPHRIES:** It is not disastrous under Gary Humphries. The situation is improving, and Mr Berry knows that. Let us look at the evidence. Mr Berry's own position last year was anything but clear; it was extremely woolly. I will give you an example. On 1 June he was asked a question about ambulance services by Mr DUBY. On 27 June he responded as follows:

There are four fully manned and equipped ambulances on duty at any time throughout each 24-hour, seven-day period.

That is what he said on 27 June. Then, apparently things changed, because on 27 September, three months later, I asked him the same question - more or less - and his response was this - and this would do Sir Humphrey Appleby great credit, Mr Speaker:

In relation to the last part of the question, there is at times, as you would appreciate, depending on the incidence of emergencies, the necessity for some of the ambulance crews to be away from their stations and, because of their involvement in those emergencies, only two might be freely available to respond in those sorts of circumstances.

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This is classic Sir Humphrey Appleby. In fact, that was an admission by Mr Berry in September last year - almost exactly the same time as now - that there are problems at that time of the year with our ambulance services. That was an admission, a frank admission - not a frank admission; it was a forced admission - from Mr Berry, the then Minister, that there are problems at that time of the year. Those problems beset us again at this point in time, but this Government has made a difference.

At this time last year there were some 62 staff in the Ambulance Service; today there are 71. That is a response to the problems that the service is facing and I believe it is the beginning of a solution to those problems. Obviously people will become sick; there are two or three staff at present on maternity leave; there are staff on workers compensation - all those things are not matters which governments can control, they are matters which happen from time to time in any work force, and the fact of life is that we have to cope with those things. To suggest, as Mr Berry has suggested, quite dishonestly, that the situation has deteriorated from last year, is totally and utterly false. There is simply no evidence of that.

Mr Berry quotes anecdotal evidence out of context, some of which is quite untrue. Let me quote some of the evidence that appears in his press release of today. First of all he says:

Staffing levels have been down to as low as 1.5 crews.

I am assured that that is not the case; it has never been the case - at least, not in the last 12 months.

**Mr Berry:** Give us all of the facts I asked for.

**MR HUMPHRIES:** So, Mr Berry is making up the evidence because he cannot get the evidence from me. That gives it all away, does it not, Mr Berry? He says:

The minimum requirement is for 4 ambulances to operate 24 hours a day within the ACT.

If that is the case, then he himself was not complying with his own rules last year, on 27 September. He says that there was a motor vehicle accident in which a person with a broken jaw had to wait for 55 minutes. I think it is worth knowing that that incident was not reported to management, so apparently there was not sufficient angst on the part of the person affected to complain about the matter. No evidence about that has come before the Ambulance Service. I would have to ask why, unless Mr Berry is making it up.

He points out that there was an ambulance crew under contract at a race meeting and says that that was a rather disgraceful thing to happen. Mr Berry has conveniently

forgotten the fact that when he was Minister crews were also contracted to cover race meetings and other occasions like that.

**Mr Berry:** Fifth crews - extra crews.

**MR HUMPHRIES:** No, not fifth crews; operational crews, Mr Berry. Mr Berry is telling an untruth to this Assembly. Operational crews covered occasions when he was Minister, and that meant that some person was not working the rostered duty. I think that Mr Berry ought to - - -

**Mrs Grassby:** Mr Speaker, I think he should withdraw that statement "untruth" - I really do - because it is a reflection on Mr Berry. Mr Berry is not telling an untruth; he has the facts and the figures. Therefore, I think he should be made to withdraw that statement.

**MR HUMPHRIES:** It was untrue.

**Mrs Grassby:** He is calling him a liar. It is the same thing. You have made other people withdraw that.

**MR HUMPHRIES:** I will come back tomorrow with a motion of - - -

**MR SPEAKER:** Order! Mr Humphries, I ask you to withdraw it. If you want to move a motion along those lines against Mr Berry you are entitled to do so. Could you withdraw and rephrase your comment.

**MR HUMPHRIES:** Mr Speaker, the statement is true. What Mr Berry said was untrue, and I will be quite happy to substantiate that and bring this matter up and prove that it is the case.

**MR SPEAKER:** That is what I say. You can use it as a substantive motion, but in the meantime would you - - -

**MR HUMPHRIES:** I am in the middle of responding to an MPI. I do not know how I could do it right now. I would be very happy to do it at the conclusion of the MPI.

**MR SPEAKER:** Would you withdraw the comment now and substantiate it later?

**MR HUMPHRIES:** For the moment I withdraw that comment. In his press release Mr Berry also says:

Last night a Canberra medical centre required an ambulance for an asthmatic and had to wait unduly until an ambulance had completed another job.

That was also not reported to the authorities, and one has to wonder why that was the case.

**Mr Berry:** They do not do anything; that is why they do not report it. Why waste time?

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**MR HUMPHRIES:** That is an extremely unfair reference and reflection on the people who work very hard in our Ambulance Service in the ACT. When I attacked the situation over ambulance services in the ACT last year I did not attack the crews or the personnel that manned those services. Mr Berry has sunk one step further today in having to respond and bring up this tawdry point of order by attacking the people who provide those services. Shame, Mr Berry, shame!

**Mr Berry:** Rubbish! I have not attacked them at all.

**MR HUMPHRIES:** He did not say it; he did not say it.

**Mr Berry:** You are the one who is working them to death.

**MR HUMPHRIES:** I can see that Mr Berry is getting very testy about this and I can well understand that. He knows that he has been hoist with his own petard.

The assertion that sickness amongst the Ambulance Service is the highest in the service's history is again a matter that he has not substantiated. It is simply pure assertion on the part of Mr Berry, and I would not give it much weight for that reason. I am also not going to apologise for the way in which I was unable to provide information at the time Mr Berry requested it in the Estimates Committee last week. Mr Berry sought a very large amount of information on relatively short notice. There were a great many issues; they took a great deal of time to sift through. One of those questions alone, I am instructed, would have required two ambulance officers two full days, that is four full working days, to provide the information. And he complains that it was not provided at the click of his fingers. The fact of the matter is that the crews Mr Berry believes so fervently ought to be on the road have better things to do than provide the extremely finicky information that Mr Berry has sought.

**Mr Berry:** They do not provide that information.

**MR HUMPHRIES:** Information was provided, Mr Berry. It is totally untrue of Mr Berry to say that I refused to provide it. Mr Berry sought information which had not been provided on the last occasion I appeared before the Estimates Committee, and I undertook to provide that information. It is totally untrue and false to say that I refused to provide it.

**Mr Berry:** Where is it?

**MR HUMPHRIES:** I did not say I was going to provide it yesterday, Mr Berry. I said I would provide it, but I did not say I would get it to you as soon as you happened to want it. You did not say I refused to provide it within a certain period of time; you said I refused to provide it. You stand condemned for that.

Mr Speaker, I believe the situation is improving. There are still problems to be faced, and we as a government have to make sure we face those problems squarely. It is not possible to prevent all occurrences that might give rise to problems in the Ambulance Service from time to time. Unfortunately, people will report sick; they will fall pregnant; they will contract injuries that give rise to workers compensation claims. There are all sorts of reasons why those things give rise to shortages from time to time.

The improvement in the number of people on the service from 62 to 71 - which incidentally, Mr Berry, is nine people, not seven; we know that you cannot count - does mean, of course, that we are in a better position to deal with those problems. The situation will also improve quite dramatically from 2 November when those crews which are in training will come on to full operational duty. I think that the problems Mr Berry has complained about, to the extent that they exist - and I doubt that they do - will tend to diminish.

I think it is worth bringing a few facts about the matter to the attention of the house. The ACT Ambulance Service operates an agreed minimum crewing level adequate to provide four on-duty ambulances as often as is physically possible. The Ambulance Service's rosters reflect this service. Currently, seven replacement staff are in training, and will be on operational road duties after 2 November. The new recruits will bring the service to full strength with 71 staff. At this time last year there were only 62. Recently there have been occasions on which several ambulance officer positions were unfilled for a number of reasons - sick leave, et cetera. That affected the ambulance rosters and that led, on those occasions, to the closure of an ambulance station. Mr Speaker, this is not a matter which I would choose to deny or cover up, as Mr Berry suggested. I am quite happy and willing to indicate when there are shortages and problems in our system. Unlike Mr Berry, I have never alleged that we would always have four full-time ambulance crews on the road, as Mr Berry alleged in June of last year, when it was quite untrue. What is more, I can assure the Assembly that the service is closely monitoring its staffing levels to ensure that such pressures as do come on to our service do not result in any tragedies.

It is also worth pointing out that some of the things Mr Berry said about the service led to the impression that there is some crisis in the service leading to people being in a situation which is life threatening. My advice is that none of the shortages in our system - and I regret those shortages, of course - have resulted in any person's life being at risk. Mr Berry made reference to someone having to wait 45 minutes for an ambulance crew to arrive, but neglected to mention that it was a non-critical, non-urgent situation. Of course, people in non-urgent



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situations will have to wait on occasions for 45 minutes or longer. They have always had to wait that period of time. They certainly had to wait that period of time on occasions under Mr Berry's ministry.

However, our response times for emergencies are considerably better than that, and I am very proud of them. The latest available figures indicate, in fact, that our response time has dropped from 8.2 minutes to 7.4 minutes. That is a very significant improvement and I think it is worth acknowledging that fact. Those are average response times; they cannot always be guaranteed but they are pretty good. I think that 7.4 minutes is a pretty good response time, and I think that overall the service is doing pretty well.

**MS FOLLETT** (Leader of the Opposition) (3.51): Mr Speaker, I believe that the situation that Mr Berry has outlined to us today represents a crisis for our community. That is the reason why it has been raised in this Assembly as a matter of public importance. It is of great regret to me that some members of this Assembly have treated this crisis in a jocular manner and others seem to regard it as some sort of test of masculinity. That is a debating style that I find totally alien and totally inappropriate to this topic.

The situation with the Ambulance Service, Mr Speaker, represents a crisis for the community because it means, quite simply, that the community cannot be confident, as it has the right to be confident, that an ambulance will be available when it is needed. It is also a crisis, I believe, for the Ambulance Service itself. If you look at the figures that Mr Berry has put before us today it is quite clear that the people operating the Ambulance Service are operating under conditions of the most dire stress.

As Mr Berry said, there have been 112 requirements for overtime shifts, in other words, 25 per cent of the total shifts. Mr Berry has provided the figures that 57 of those shifts were not covered; in other words, 57 of those shifts were actually short staffed. I accept that the officers of the Ambulance Service are dedicated and professional people. I believe for them to operate under those sorts of conditions puts them under enormous stress. That would affect their whole lives, quite apart from their working lives, and would probably place their families under stress as well.

As I said, Mr Speaker, it is essential that the community has confidence that the Ambulance Service will be up to scratch when it is needed. I would like to refer to a statement that Mr Humphries has just made regarding that service. Everybody in this Assembly knows that it is a minimum requirement for the Ambulance Service that there be four ambulances operating 24 hours a day. We have heard from Mr Humphries, the Minister responsible, that that is the case "as often as is physically possible". I regard

that statement by Mr Humphries as an admission that the minimum requirement is not being met, and that is a very alarming situation.

I would also draw to the Assembly's attention the fact that it was the members opposite - Mr Duby and Mr Humphries - who first raised concerns about the Ambulance Service last year. Those concerns were taken up by Mr Berry, who was then the Minister responsible, and in September last year he called for a review of the Ambulance Service. That review was to have been completed by December last year. I am unaware of the results of that review and I believe that they should be made available.

It seems, Mr Speaker, that Mr Humphries has not been able to answer the detailed questions that Mr Berry has put to him. We have heard from Mr Humphries that the figures Mr Berry has provided are totally untrue, yet we have heard no other figures put forward, either in this Assembly or in the Estimates Committee. To assert merely that they are totally untrue is really to do less than justice to this Assembly. We must have a case put. If he is to say that the figures provided are just rubbish, then he must say what the correct figures are.

I would put it to you, Mr Speaker, that the figures Mr Berry has provided are extremely well sourced. They are certainly not plucked from thin air. They are figures which this Government must take seriously and must respond to in a serious way. To date, we have not heard it respond in this way. Indeed, Mr Humphries has alleged that the only reason Mr Berry raised the matter was to take the media attention away from his tobacco Bill. What a paltry statement. I find that an unforgivable statement in this Assembly and a terrible reflection on another member. It is a denial that there is, in fact, a crisis in the Ambulance Service and a denial that I, for one, find quite untenable. He has not put the opposite case.

Mr Speaker, I also believe that Mr Humphries, while making much of the increased staffing of the Ambulance Service - and I accept that he has managed to increase the staffing levels - has not actually addressed what that means to the service provided to the community, and that is what is at issue here. It is not the numbers of staff; it is the actual service that is provided. I am further advised, Mr Speaker, that the seven new staff have commenced only in the past few weeks. I believe that in grabbing the glory on the increase in staff Mr Humphries has, in fact, acted quite belatedly, because those staff positions were advertised on 8 October. It has been a very last-ditch effort to bring things into line.

Mr Speaker, I believe it is fair to say that, on the whole question of the ambulance service provided in the ACT, both my Government and the current Government have had extraordinary difficulty in getting hold of the facts. Mr Berry now has the facts. Quite frankly, I think Mr

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Humphries is being snowed. I believe that there is a problem in getting hold of what is actually happening in the Ambulance Service. I would ask you to compare the statement made in the Chronicle on 23 October by a senior officer involved in the Ambulance Service. He is referring to staff shortages, which are reported in this paper, and he says:

It hasn't caused any problems. Nobody has been lacking in service as far as we know, based on our computer monitoring.

I would ask you not to base this on the computer monitoring but to base it on the actual experiences of the staff concerned and the experiences of the people requiring ambulance services. That is what Mr Berry has provided us with here. The computer monitoring will not tell you whether or not people are satisfied with the service. Quite obviously, somebody with a broken jaw and other injuries waiting 55 minutes for an ambulance would in no way be satisfied. Quite obviously, somebody with a broken leg who waited an interminable time on a Saturday afternoon for an ambulance would not be satisfied with the service. This was an incident that I saw at a football game. But the first thing people do is not rush out to complain; when they are in hospital they are grateful to be fixed at all. It is not a matter of the computer monitoring. It is a matter of the community confidence in that service and it is a matter of the professional job satisfaction of the officers involved in the service. If you rely on your computer information, you will never get the full figure.

Mr Humphries has not addressed the questions Mr Berry has posed. He has not responded in a detailed way or in a convincing way to any of the issues that Mr Berry has raised. On behalf of the Labor team in this Assembly, I say that we realise that there is a difficulty with the Ambulance Service, and there has been a difficulty for some time with the Ambulance Service. One of the major difficulties is in actually getting hold of the facts of what is occurring, and I would like to see those difficulties resolved. I can assure Mr Humphries that, if there is any way in which we can assist in resolving those problems, then we stand ready to do so. But simply to deny the facts is not helpful. What we need here, I believe, is an open approach to the provision of this service in the community, an approach that recognises that there have been problems for some years, probably; an approach which recognises that it is the community's confidence and the service provided to the community which are at stake here, not our egos in this Assembly.

Mr Speaker, in conclusion, if there is anything which the Labor team here can do by way of service on committees or assistance in providing the Minister with information which we have, then we stand ready to assist in that way.

**Mr Humphries:** Not pushing false facts about the matter. Try starting to tell the truth about the matter.

**Mr Berry:** On a point of order, Mr Speaker: I heard Mr Humphries interject by saying, "Try starting to tell the truth about the matter". I do not know who that interjection was referring to, but I ask that - - -

**Mr Humphries:** It was referring to you.

**Mr Berry:** Was it to me?

**Mr Humphries:** Yes.

**MR SPEAKER:** Yes, I take your objection. Please withdraw that, Mr Humphries.

**Mr Humphries:** Mr Speaker, Mrs Grassby asked me before whether I would substantiate a claim that Mr Berry had told an untruth in the Assembly. I am perfectly happy to do so. I am securing the documentary evidence to prove that Mr Berry spoke an untruth in the Assembly. It is not available as yet. I am again happy to withdraw that assertion for the time being, but I will be coming back to this house tomorrow and proving that Mr Berry told a lie to the Assembly.

**Mr Berry:** That is a qualified withdrawal, Mr Speaker.

**MR SPEAKER:** No. He said he would withdraw it for the moment, Mr Berry. I think that is appropriate.

**MR DUBY (Minister for Finance and Urban Services) (4.01):** Mr Speaker, today we have seen the usual response of the Leader of the Opposition to debates in this house. She has come in and told her usual tale of woe in spiteful fashion and has now left the Assembly again, presumably to go and do more important things. In her statement, the Leader of the Opposition maintained consistently that Minister Humphries had not been able to answer questions that Mr Berry had put. I find that a remarkable statement because Mr Humphries has shown me the questions which Mr Berry asked at the Estimates Committee hearing on 10 October. The answers to all his questions have been clearly provided by Minister Humphries. I cannot see what more Mr Berry could be implying when he is saying that the answers have not been given. The simple fact is that we acknowledge - - -

**Mr Berry:** List them. List the questions and list the answers.

**MR DUBY:** I am only too happy to do that. There are a number of questions here. "Is there a system of accruing overtime?", is a question and the answer is, "No, there is not". It is a pretty clear question and a pretty clear answer. "Is there is an amount of leave that is held beyond a year's entitlement?". "No, there is not". There

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is no leave held beyond a year's entitlement as annual leave has been rostered for each officer. There is some outstanding accumulated leave which was rostered in the 1983-87 period, and staff have agreed under the recent ambulance agreement - - -

**Mr Berry:** What about the question: how many times in the last six months have there been less than four ambulances? What about that question? What was the answer?

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

**MR DUBY:** The simple fact is, of course, that four ambulances are supposed to be provided for the ACT. As Mr Berry is well aware, that is the preferred standard for the ACT at any one time. For people to be able to pull statistics out and say, "Yes, we did not have four ambulances for so many hours of each week between the dates of such-and-such and such-and-such", is clearly impossible. Mr Humphries has said, quite categorically, that the amount of work involved in obtaining that information at the click of a finger makes it quite an arduous task, yet it is being provided. Mr Humphries has given the indication that that answer will be provided and it will be provided when - - -

**Mr Berry:** Would you accept nine days from your bureaucrats? I bet you would not.

**MR DUBY:** The obvious answer is that that depends on the nature of the task and the nature of the other work that is required to be done in that area. The simple fact is that, as Minister Humphries has said, the Ambulance Service is currently up to full strength with 71 staff. At the same time last year, under Mr Berry, the service was understaffed with only 62. There are people who have recently started, and I believe it should be pointed out that these people have started. Seven additional staff have been put on. They commenced work on 8 October after a long and careful selection process. The Leader of the Opposition implied that the positions had been advertised in October. These people actually started in October.

The ratio of staff within the Ambulance Service is quite good in comparison with that within other services. We have a ratio of qualified to unqualified staff within the service. It currently has 32 qualified staff and 19 staff at various levels working towards full qualifications. The remaining 20 staff include 11 station officers, three clinic or bus transport staff, three training and three administration staff. There have been no instances when ambulances have operated with an unqualified crew, and that is a question that Mr Berry has bandied about as if it has happened. He has been told on numerous occasions - - -

**Mr Berry:** No, I asked the question.

**MR DUBY:** You have been told on numerous occasions that that has not occurred, yet I notice that in your media release here today we have this statement, "The staffing levels have been down to as low as 1.5 crews". That is simply not true; that is simply inaccurate. The statistics are there. The reports from the Ambulance Service are there to show that that is not the case. As I said, there have been no instances where ambulances have operated with an unqualified crew. It is a standard operations policy of the service that every ambulance which is deployed is crewed by a fully qualified ambulance officer, preferably with advanced life support qualifications, and an assistant, who could well be a second fully qualified ambulance officer or a training ambulance officer. In this context, ambulances are sent out with qualified crews.

**Mr Berry:** There has never been one sent out with one person in; never, ever, guaranteed?

**Mr Humphries:** He did not say that. You were not listening.

**MR DUBY:** I did not say that. The reason that there may well be staffing difficulties at the moment is that regular long service leave is calculated in a certain way. The rostered staff of the Ambulance Service accumulate nine weeks of leave each year, which includes recreation leave of four weeks, public holiday leave of two weeks, a shift-worker allowance of one week and rostered days off for two weeks. The current staffing arrangements are adequate to allow the service to roster all leave in each 12-month period. As I said earlier, no recreation leave is held beyond a year's entitlement as annual leave has been rostered for each officer.

The service has sufficient staff to be able to fully monitor and aim for the ideal case of four fully operational ambulances operating within the city at any one time. We have heard examples of how awful it is that people have had to wait 55 minutes for an ambulance as a result of a car accident when they have a broken jaw or whatever. That is in the nature and the course of events. Even if, at all times, four fully operational ambulances were available within the ACT, the time is eventually going to come, Mr Berry, when those four ambulances are going to be fully utilised at the one time and there is going to be a fifth person, or a fifth situation, demanding an ambulance and the ambulance is simply not going to be able to attend within an appropriate response time. What I am suggesting to you is that the very fact that you can cite an example where someone unfortunately may have had to wait for up to an hour to receive ambulance attention is not an indication that the service is not operating on the guidelines that are set down for the efficient operation of ambulance services in this Territory.

**Mr Wood:** Too bad if it is a fatal heart attack.

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**MR DUBY:** Well, that is life, Mr Wood.

**Mr Wood:** No, it is death, I am afraid.

**MR DUBY:** Yes, I will pay that one.

**Mr Wood:** It was not meant to be droll; it was meant to be very serious.

**MR DUBY:** If it turns out that all ambulances are being utilised, Mr Wood, on ambulance services  
- - -

**Mr Berry:** All two or all four?

**MR DUBY:** I can assure you it is as many as there are; it is immaterial how many we are talking about. If they are all being utilised and someone requires an ambulance, that is just the way of the world; there is nothing much we can do about it. Would you want us to have reserve ambulances and crews of, say, five, six or seven?

**Mr Wood:** But four is supposed to give a margin.

**MR DUBY:** Four is supposed to give a margin, but will you accept also that the time may come when the four are operational and are being used and a fifth is required? Of course, you will.

**Mr Wood:** You have to provide good services to the public.

**MR DUBY:** And that is exactly what we do here in the Territory. I know, of course, that the cardiac response times have come down dramatically since they were measured in 1989. They are now down to that seven-minute level that has been mentioned by the Minister. But for non-cardiac requirements for ambulances the response time, I believe, is in the order of some 19 minutes. I think that that is a very good time and it compares very favourably with other cities of this kind in Australia.

This matter of public importance is a farce. The Government has provided adequate ambulance cover in the ACT. Naturally, we would like it to be better. We would like it to be the best possible, as good as possible. We all want that; no-one is disputing that. But to say that there is not adequate ambulance cover in the ACT could be regarded by anyone who knows the facts as a joke.

**MR CONNOLLY (4.11):** Mr Speaker, it is very disappointing to hear the Minister for Urban Services say, parrot-like, the Government's usual response: this matter of public importance is a farce. We have heard that regularly in this place. The usual Government response to an Opposition MPI is to attempt to trivialise the matter the Opposition is raising. But there could be few more important issues for the community of Canberra than to raise the issue of adequate or inadequate ambulance cover in this Territory.

The people of this Territory have assumed, and they have good reason to assume, that they are safely protected by a professional and efficient ambulance service which will be there when they need it. After we had the recent incident of Mr Packer in Sydney being revived by the intensive care equipment that starts the heart, there were some pronouncements from Sydney that that equipment would be introduced to all New South Wales ambulances over a 12- or 18-month period. I think a lot of people in Canberra were very pleased to learn that that type of facility has long been available in the ACT ambulances. People in Canberra feel that the Ambulance Service provides them with a security blanket, should they ever need it.

When we look at planning for this Territory, for example, at the new Territory Plan discussion papers that have recently been distributed, we see again the four ambulance stations with the eight-minute response contour. We assume that that is how the service is provided. But the sad facts that have emerged this afternoon are that those pronouncements on the quality of services provided are not an accurate reflection of the service that is provided; they are merely some sort of wish list.

The assumption that Canberra residents have is that at any one time there will be four ambulances on standby. Certainly, as Mr Duby says, if there were four ambulances operational at any one time, there could, through a series of unfortunate coincidences, be a time when all four ambulances were on duty attending different incidents and so there may be an hour's delay or two hours' delay on the additional incident. Of course, there will always be situations like that. If you had 10 ambulances, a situation could occur when at any given moment an eleventh would be required and there would be delays.

But what we have learnt today is not that delays are being caused because there is not a fifth ambulance. What we have learnt today is that very regularly there are not four ambulances. The Government is unable to tell us how often that is the case. The Government seems unable to tell us from day to day how many services are provided. Mr Berry put it to the house that, on occasions, there are only 1 crews available, which means, in effect, that there is only one ambulance operational. On many occasions, Mr Berry advised the house, there would be only two ambulances available, and he specifically said - - -

**Mr Humphries:** And you believe it?

**MR CONNOLLY:** I have no reason not to believe it. The Government has simply failed to address these difficulties, and it is extraordinary that the Minister seems not to know from day to day how many services are being provided. Because of this shortage of services, because of the fact that adequate staff have not been provided, we learn that 25 per cent of shifts in a recent one-month period were worked on overtime.



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We expect quality staff to operate in our Ambulance Service, quality staff that we are confident in because we know they are well trained. You cannot expect people to be constantly working overtime, constantly working extended hours, and provide the standard of care that we expect. The country watched recently as Mr Packer's well-publicised need for an ambulance was on the front page of every newspaper and leading every electronic media bulletin. We learnt then that it is the ambulance officer that is the first provider of care, and it is the trained expert ambulance officer who, by applying proper paramedical attention in the first instance after an incident, can often be the difference between life and death.

We assume that the men and women of the Ambulance Service will be able to provide that quality of service day in and day out, but if they are working day in and day out individually, if they are working through weekends and constantly doing overtime and not being able to take the appropriate time off, we cannot expect these men and women to be constantly performing at that very high level. Ambulance officers are, after all, only people; they are not machines. They cannot be expected to perform constantly at that very high level. And that is a matter of real concern, a matter of public importance which we properly raised. I think it is very disappointing that the Government has attempted to trivialise that point.

As I said, the people of this Territory have assumed that they are adequately protected by the ambulance service. They, quite properly, rest their confidence in the ACT Ambulance Service and the Ambulance Service provides, when required, an adequate return in that confidence; but when the service is constantly undermanned, when the assumed four ambulances at any one time are not there, the community often has a misplaced confidence - not in the service, not in the individual ambulance officers and ambulance crews, but in the assumption that an ambulance will always be there when required.

If we are not keeping to this minimum requirement of four ambulances, the community is indeed, as Mr Berry said, being short-changed. If the Government is now saying that this minimum requirement of four ambulances is not a minimum requirement but merely some goal that we may or may not meet from day to day, the community has real cause for concern. The community has real cause to demand of this Minister an accurate accounting of how many services are provided at any one time. He should stand condemned for his failure to do that.

**MR MOORE (4.18):** Mr Deputy Speaker, it seems to me that the most significant factor involved with this situation is that so many times last year we had Mr Humphries, then in opposition, asking Mr Berry a series of questions about ambulances and always drawing attention to the fact that the people of the ACT were not getting what they expected

and what they thought they were getting as a service. He has had the best part of a year to resolve the problem that he drew attention to, and that, in itself, reflects either that he does not consider it a problem or that he is incompetent.

The next question that will come up, of course, is the fact that when he spoke on the no confidence motion on the then Chief Minister, Ms Follett, he pointed out that there was a \$7m budget blow-out in the hospitals. He felt that was an appropriate reason for supporting a no confidence motion. This was, I must say, the best of the reasons given at that time. It was certainly different to the X-rated reason given. But, if this is his attitude, one now starts to wonder whether we will not find out that he is also running a similar budget blow-out. That is something, of course, that we will be looking at.

**Mr Humphries:** I rise on a point of order. Mr Moore is suggesting that I am going to cover up evidence of budget blow-outs, and - - -

**MR MOORE:** I withdraw any imputation. The question that you are going to have to ask yourself now, Minister, is: how would you feel if you were the one caught up in an accident and - - -

**Mr Berry:** He covered up the ambulance figures.

**Mr Humphries:** On a point of order, Mr Deputy Speaker: Mr Berry has just said across the chamber that I have covered up ambulance figures. Again that is untrue, and I ask for it to be withdrawn.

**Mr Berry:** He did not assist with the provision of the figures. I withdraw that.

**MR DEPUTY SPEAKER:** I did not actually hear that, but I would ask members to refrain from interjections across the table. The time for the discussion has now expired.

**CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEE**  
**Report on Space Tracking Stations in Namadgi National Park**

**DR KINLOCH (4.20):** I present the following papers:

Conservation, Heritage and Environment - Standing Committee - Space Tracking Stations in  
Namadgi National Park -

Report No. 3, dated October 1990.

Copies of, and extracts from, minutes of proceedings.

I move:

That the recommendations be agreed to.

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This matter of what to do with the remnants of the Orroral Valley and Honeysuckle Creek tracking stations has been awaiting some effective decision making for several years. Our immediate thanks go to Mrs Grassby for helping to initiate this inquiry, and to her department, and then to Mr Duby's department for the necessary help in resolving this matter. What should have happened five or six years ago was this: The Federal Government should have acted immediately after the closing of the facilities to protect and preserve the sites as places of great historical significance. That significance is briefly described in the report and I will not repeat it here.

We understand that NASA, the United States space agency, made some such tentative proposal but nothing was done, and we await further advice on this matter. In due course, under self-government, we inherited two sites which have been stripped of most of what made them significant and have been badly vandalised to the point where they are dangerous. This again is described in some detail. We have been left to pick up the pieces. I want to stress here that we should pick up those pieces not at our expense but with the financial support of the Commonwealth Government, and that is our final recommendation, recommendation 14.

Had these two sites been in the United States I suspect that they would have been mothballed, at the very least, or more likely would have been maintained in some way as historical scientific sites and sights. We must now do what we can to do justice to these two tracking stations. As it is, our committee had to deal pragmatically with the realities of neglect. That is the nature of our report - to cope with that. Basically, we are suggesting that we clear the Orroral tracking station down to near ground level and that we seek further advice about the best way to deal in a somewhat similar way with the clearing of the Honeysuckle Creek station. I will not repeat the recommendations, but I draw the attention of members to pages 14 and 15 of the report.

Let me stress that even at this late date we can preserve the historical memory of the two tracking stations by plaques, by photographs, by other historical remembrances of the two sites, and by appropriate written material about them - material to be made available to all visitors to the ACT. Some other members of the committee will speak to that. This task calls for much imagination from our Parks and Conservation Service and from the ACT Heritage Committee in conjunction with NASA.

In the same way that our Assembly is now responsible for 19th century Lanyon and for early 20th century Calthorpes House, so are we now entrusted with caring for the memory of places of late 20th century symbolism and significance, Australia's earliest role in the exploration of space. As the centuries roll by - of course, none of us will be

here - future families of Australia will come to these sites with awe. When Canberra is a city of a million people, when we are linked by rapid transportation to Sydney and Melbourne, then, in the 21st and 22nd centuries, Australian families will gaze with respect at these sites. We need therefore to have them documented fully and adequately.

Finally, Mr Ron Owens was secretary of this investigation throughout the process of field work, the process of gathering evidence and the process leading to this final report. Indeed, this report was his last service to the Standing Committee on Conservation, Heritage and the Environment before handing over to Mr Bill Symington. My very great thanks to Mr Owens on behalf of all of us for his work, but especially may I thank him for his good historical sense and his wise advice when asked about ways to proceed. We are also grateful for his up to date understanding of some contentious matters which may or may not be adequately resolved - and Mr Wood may be rather shocked by what I am about to say - by recourse to carefully reading Fowler's Modern English Usage, or alternatively, to reading Fowler's Modern English Usage carefully.

When the historical markers are written I hope that Mr Owens, with his many skills, will be on hand to advise the drafters of those statements. Mr Owens has helped us to remember the great events associated with Orroral Valley and Honeysuckle Creek.

**MR STEFANIAK (4.26):** Firstly, I join with my colleague the chairman, Dr Kinloch, in relation to his comments about Mr Ron Owens, our committee secretary, Indeed, I would also commend the other staff of the Assembly who assisted the committee on this report. These two sites are quite historic, as Dr Kinloch said. Their relevance to space tracking and the NASA space exploration program was superseded by other sites in Australia and around the rest of the world. By 1985 both sites were closed. I think it is appropriate to note some of the great events that these sites relate to, especially the Honeysuckle Creek tracking site which broadcast that historic message when Neil Armstrong stepped onto the moon in July 1969. Honeysuckle Creek was the ground receiving station. His famous words, "That's one small step for man, one giant leap for mankind", were broadcast to the world via the Honeysuckle Creek tracking station in the ACT.

Orroral Valley tracking station also has played a great and significant part in space exploration. The first satellite tracked by that station was Pegasus, a weather information satellite. It was also involved in the Apollo III mission. Both are historic sites and the committee realises that they should not be lost to future generations. Appropriately, its recommendation, in chapter 3, was that, in consultation with the managers of the Tidbinbilla space tracking station, a space tracking station that is still

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used - indeed, it is on a very popular tourist path for tourists visiting the ACT; it is a living and breathing tracking station - there should be a public display at the Tidbinbilla space tracking station which would include information on the involvement of the Orroral Valley and Honeysuckle Creek space tracking stations in space exploration.

A number of reports were submitted to the committee in relation to how the space tracking stations could be used, some verging on perhaps the ridiculous and some on the not so ridiculous. It was good to see community involvement as to how these sites should be used. The committee looked long and hard at the possibilities of these sites being used. However, there are a number of problems with their use.

Firstly, Orroral Valley was in a shocking state of disrepair due to vandalism and the ravages of time. There are also danger there, I think, in relation to asbestos, perhaps, and other noxious materials, that have to be taken into account. I think it was painfully obvious to those members of the committee who visited that site that it would be utterly impossible for that site to be economically refurbished. It really has been devastated, especially by vandalism, and that is, I think, a rather sad reflection. Honeysuckle Creek seemed to be in a sturdier state. However, there were also a number of problems there. It also had been subjected to vandalism.

There are a number of other problems common to both sites. Firstly, the electrical wiring is American and is incompatible with what we have here in Australia. It would cost a lot of money for those sites to be wired to Canberra's electricity supply. There are problems also with water and with sewerage. The buildings were unsafe, especially Orroral Valley. There was that non-Australian electrical system and a non-operable water and sewerage reticulation system. Accordingly, the committee decided to recommend that the Orroral Valley and Honeysuckle Creek space tracking stations be demolished in accordance with its recommendations contained in chapter 8. It saw no realistic future for the sites other than that. To refurbish them, or to rebuild on them, simply was not an option.

Dr Kinloch has alluded to the need to maintain history. Because of that the committee looked at some way, firstly, as I have indicated, of documenting what happened there - and that is where we came up with the Tidbinbilla idea - and, secondly, of having some commemoration on site. Hence the recommendation that at Orroral Valley parts of the wall be retained, up to 20 centimetres, as an indication of where that tracking station was. Similarly, with Honeysuckle Creek, the committee recommended that the wall, up to 20 centimetres high, be retained. There is also a recommendation for Mr DUBY's department to look into whether parts of the shell could be maintained there

because, as I indicated earlier, that particular building is in a much better state of repair than its counterpart at Orroral Valley.

The final chapter in the report is very significant because it deals with Commonwealth financial assistance. In the evidence given before the committee, the senior Australian representative of NASA informed the committee that, when a decision was made to decommission and evacuate both tracking stations, NASA, in fact, made an offer to the Commonwealth to demolish the buildings and rehabilitate the sites. If that had been taken up by Mr Hawke's Government at the time it would have saved us a lot of money in the Territory. According to NASA, representatives of the Commonwealth declined this offer. It is the committee's view that the state of the decline and the destructive levels of vandalism to the buildings are due in a major part to the inactivity of the Commonwealth Government during the 4 years the sites were under its direct control.

It is also our view that the Commonwealth, having chosen not to accept the offer from NASA to demolish the buildings, and having done little or nothing to preserve them, should be called upon to bear the cost of its own inaction. They were a national facility, providing an essential service to space research, and the Commonwealth did not take up that offer. Certainly the committee felt that it should bear the cost.

Accordingly, the committee recommended that the Commonwealth Government be asked to fund the cost of the demolition of the buildings at the Orroral Valley and Honeysuckle Creek space tracking stations. One would hope that the Commonwealth will not be as reluctant as it has been to advance the Territory moneys it should have advanced us over the last 18 months when called upon - I hope this Assembly will call upon it - to pay the full cost of demolishing those buildings and rehabilitating the sites.

**MR MOORE** (4.33): I would like to join with other members of the committee in thanking Mr Ron Owens for his contribution. I thank the other members of the committee for the hard work they put in and for their preparedness to discuss each issue and to look for solutions. I must say it is pleasing to see that we have a report that does not contain a minority report or any additional comments.

I think that the report really speaks for itself; so I do not propose to go through it in the way that Mr Stefaniak did. I want to mention just a couple of things. Dr Kinloch referred to Fowler's Modern English Usage. I suppose it is an appropriate time to draw the Assembly's attention - and Dr Kinloch's attention, perhaps - to the fact that some people like to think of dictionaries as dictating. Maybe they think the two words are related. But, of course, dictionaries and Fowler's Modern English Usage are not really designed to dictate the language. We have a living language and their job is to record what we do. Therefore only the most modern dictionaries, the most recent dictionaries, and the most recent versions of Modern English Usage can really assist us in ensuring that our language is appropriate. Otherwise, we would have a very stultified form of language, and that is something that I would oppose at any stage. Dictionaries and Fowler's Modern English Usage

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have their purpose, but they are not there to dictate. That is just a small point that I would like to raise at this time.

The other point about this report that is most important to me really relates to a question of priorities within the committee. In the period between 14 December 1989 when I was removed from the committee and 28 March 1990 when I was reinstated, the committee decided that this particular report would take priority over the other reference that it has relating to energy.

It seems to me that that priority is back to front. So I am very pleased that we now have the opportunity to get into what is a much more important and much more significant issue for the ACT. In fact, really it is a world issue. Although some members of this Assembly, I know, argue that there is no greenhouse impact and that the whole notion of greenhouse is inappropriate, most of us do accept it, and most of us do realise that we have a responsibility to act very quickly and effectively in that area. I shall be looking forward to moving on to what I consider a much higher priority reference for the committee.

**MRS NOLAN (4.36):** I am the most recent appointment to the Conservation, Heritage and Environment Committee - in fact, I became a member only in early August when this inquiry was under way - and I am pleased I was able to participate in the finalisation of the report. I am sure all of us on the committee were very concerned that both the Honeysuckle Creek station and the Orroral Valley tracking station were allowed to deteriorate to the condition that they are now in.

However, let me get back to the report. The problem, Mr Deputy Speaker, is that when there is a committee of five people, all speaking to one report, very often much of what one wants to say has already been stated by previous speakers. However, there are areas of the report I want to address today and I will try to be brief. May I also take this opportunity to thank the committee staff, especially Ron Owens, the Hansard staff and others responsible for getting this report finalised and published.

One of the main areas I want to mention today is the historical significance of both tracking stations, in particular the Honeysuckle Creek tracking station and the integral part it played in the Apollo moon program. As is stated in the report, when astronaut Neil Armstrong stepped

onto the moon in July 1969, Honeysuckle Creek was the ground receiving station, and Armstrong's famous words "That's one small step for man, one giant leap for mankind" were broadcast to the world via this station.

With the wind-down of the US space exploration program in the early 1980s, the increasing significance of the US space shuttle program and changes in space communication techniques, decisions were made in the US to decommission both stations. The Honeysuckle Creek space tracking station was closed down and handed over to the Commonwealth Department of Territories in December 1984, and the Orroral Valley tracking station was closed down and handed to the same Commonwealth department in March 1985.

Mr Deputy Speaker, earlier this year I was fortunate to be in the United States and visited, with my family, the Cape Kennedy Space Centre. My children, especially my 15-year-old son, was delighted to visit the centre and to inspect a large display recognising the Apollo project. He was delighted to see the name Honeysuckle Creek up in lights, and all visitors received a very professional guide through the project. However, our delight turned to frustration when an American woman asked her friend where Honeysuckle Creek was. In fact, she thought it was in America.

After further discussion it was discovered that there were only two people besides ourselves in that group of tourists who knew where Honeysuckle Creek was. It was a full 49-seater coach, so there were in fact 49 people, and of those only two were able to say that Honeysuckle Creek was in Australia. In fact they were our American tour guide and the guide who was taking us through the centre. I must say, though, that by the end of the discussion Canberra and Honeysuckle Creek were probably on everyone's lips. To a certain extent recommendation No. 3 follows from that. I am sure the Government will agree with recommendation No. 3, in paragraph 2.5. That recommendation reads:

That the Government ask the National Aeronautics and Space Administration to recognise and acknowledge the role played by the Honeysuckle Creek Space Tracking Station in the Apollo Moon Project at such sites as Cape Kennedy and the Aeronautics and Space Museum, Washington, DC.

I would also like to add, Mr Deputy Speaker, that when Mr Colonna, a senior Australian representative from the National Aeronautics and Space Administration, appeared before the committee he was very receptive to the idea and thought that there was every chance it could happen, that we could have "ACT, Australia" put alongside Honeysuckle Creek. I think he even suggested a formal letter of request.

Unfortunately the major problem with both tracking stations has been that vandals were really the only ones to find where the stations were located. Vandalism is clearly



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visible when visiting the stations, and it really is to dangerous levels. Because of the historical significance I consider it absolutely essential that more publicity be given to both stations, especially Honeysuckle Creek, and consider recommendations 4, 5 and 6 at paragraph 3.6 in the report to be very good ones indeed. I will not reiterate those. They already have been read out, I think, by one of the previous speakers this afternoon.

The report goes on and recommends that both tracking stations not be made available for private development, and I believe it gives good logical argument for this not to occur. The environmental issues and site rehabilitation are also well covered in the report and have also been addressed today. While I am not going to address them specifically, that does not indicate that I do not consider them important recommendations.

Mr Deputy Speaker, I consider it would be totally inappropriate to completely demolish the Honeysuckle Creek station, given the historical significance. However, I accept that there may be problems that the committee is not aware of and therefore consider that the recommendations at paragraph 8.10 are totally appropriate. I think in that case it is worth just reading those two recommendations into the record. They are:

That the Department of Urban Services investigate, and report back to this committee on, the possibility of leaving a part of the main building at the Honeysuckle Creek Space Tracking Station standing as a shell devoid of internal structures, for historical purposes; and that, wherever possible and in consultation with the ACT Heritage Committee, walls at the station be left standing to a height of 20 centimetres above the ground level, again for historical purposes.

That no demolition work proceed at the Honeysuckle Creek Space Tracking Station until the Department of Urban Services has reported back to this committee, as provided for in the preceding resolution, and the committee has considered that report and made further recommendations concerning it.

Mr Deputy Speaker, I have to say in conclusion that I would like to express my extreme disappointment that these two tracking stations were allowed to deteriorate to the condition that they are now in. The Commonwealth Labor Government was responsible for this. As is stated in the report, and as I said earlier, Honeysuckle Creek was closed in 1984. The responsibility was then handed over to the Department of Territories. Orroral Valley was closed in 1985 and similarly then handed over to a Commonwealth department.

The Commonwealth Government should be responsible for the demolition of the buildings and therefore I support the recommendation that the Commonwealth Government be asked to fund the cost of the demolition. I am not sure, though, Mr Deputy Speaker, that I have much faith in that recommendation. It will no doubt join the long queue of facilities let run down by the Federal Labor Government prior to self-government and which the Commonwealth now chooses to ignore.

This report has requested the Department of Urban Services to report back to the committee. This should be done quickly and then the committee can announce its final recommendations.

I have not mentioned the Orroral Valley tracking station to the same extent as Honeysuckle Creek. In fact I would have preferred, obviously, that both stations continue to stand; but the reality is that they have been allowed to deteriorate to such a state that there really is no alternative but demolition.

For Orroral Valley that means that the site walls should be left standing to a limited height above ground level, thus allowing future generations to easily recognise the site. Combined with placing a plaque on the site, this would in fact achieve this end. As I mentioned earlier, Mr Deputy Speaker, because of the more special significance of Honeysuckle Creek tracking station to the Apollo moon program, this is the station that needs more significant recognition. I commend the report to the Assembly.

**MRS GRASSBY (4.45):** This is important. This matter was brought before me when I was Minister and I felt that it was such an important part of Canberra that it should be sent to a committee so that at least the people of Canberra could have a say on what they felt could be done.

The Labor Party is pleased to have participated in the standing committee looking at the future of the tracking stations in the national park. The Labor Party supports the recommendations made by the committee but I would just like to make some brief comments about them.

The recommendation in paragraph 6.4 says that all environmentally hazardous material should be removed from the sites during the demolition. As members will be aware, there is a significant possibility of asbestos at both sites. There is also the presence of PCBs at Orroral Valley. There was a cylinder of halon gas and there is evidence of oil spillages on both sites, one of which may threaten the creek. The committee, quite properly, was concerned about these environmental factors and urges that corrective measures be taken to render these sites environmentally safe.

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While the committee was of the view that the removal of this material should be completed during the demolition of these buildings, the Labor Party is concerned that the appropriate action be taken as a matter of urgency. Accordingly, the Labor Party asks the Government to make its decision on the report and this particular recommendation in paragraph 5 regarding demolition of the station as quickly as possible. This potential threat to our environment should not be allowed to linger any longer.

While the ALP does not oppose the recommendation in paragraph 8 regarding the heights of existing walls, we do not lose any sleep over other Government actions as long as some effort is made to commemorate Australia's involvement in space exploration. That is dealt with in recommendation 2.

The ALP also is concerned that recommendation 12 regarding the retention of part of the main building at the Honeysuckle Creek space tracking station should not impede urgent Government action to remedy the problems mentioned previously. The ALP also supports recommendation 14 that the Commonwealth Government be asked to fund part of the cost of the demolition. As Dr Kinloch and others have already mentioned, these space tracking stations have been an integral part of Australia's history. The ALP supports appropriate recognition of that historical background but agrees with the committee that there is no further appropriate use for these stations.

May I also just go on to say, Mr Deputy Speaker, that I would like to thank the staff for putting this report together. At least we now have on the books a decision that something should be done about it.

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

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

**MR STEFANIAK** (4.49): Members, I have been advised by the Clerk that as I am to give this report I can give it from the chair. Acting upon that advice, I present report No. 17 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and I seek leave to make a brief statement on the report. Is leave granted?

**Mr Kaine:** Yes. We would allow you to leave the chair and let Bill take the chair if you would like to, Mr Deputy Speaker, so that you can make that statement in comfort. But feel free to do it from there if you would prefer.

**MR STEFANIAK:** It is very brief. It probably saves time. The report I have just tabled details the committee's comments on the Motor Traffic (Amendment) Bill (No. 7) of 1990 and the Consumer Affairs (Amendment) Bill 1990. I commend the report to the Assembly.

**Sitting suspended from 4.50 to 8.00 pm**

**TOBACCO (AMENDMENT) BILL 1990**

Debate resumed from 17 October 1990, on motion by **Mr Humphries:**

That this Bill be agreed to in principle.

**MR MOORE (8.00):** This has taken me a little bit by surprise. I thought there was somebody else to speak first and I appear to have misplaced my notes. Mr Speaker, I think in the first place it is appropriate to congratulate the Government for bringing this Bill down. In dealing with all drugs I think the appropriate attitude is to minimise the use and minimise the harm associated with the use of any drugs, particularly tobacco because it kills over 17,000 a year, from bronchitis, lung cancer, and so on. There is a particular problem with tobacco, which is, of course, the real killer drug in our society. What we see here is an attempt by the Government to minimise its use and its harm. This is something to be applauded.

During the in-principle stage of the debate there are just a few issues I would like to draw attention to. The first one relates to the supply of tobacco products and the sale of tobacco products to persons under 18 years of age. Having taught, for some time, young adults of 15, 16 and 18 years, I am very concerned about the effect that this legislation may have on the people who are currently smokers, who are currently addicted to smoking. They will find it very, very difficult to reduce their habit.

In fact, dare I say they will find it impossible to reduce their smoking habit. Yet they will be up for a penalty of up to \$1,000 under proposed section 4 of this Act. I must say I have some real concerns about that particular issue and I cannot, at this stage, support it. I did indicate to Mr Humphries that I had some problem and had hoped that we would be able to have some discussion on the particular issue. If we are going to push forward with it, then I think I shall need to move some amendments to that particular section of the Act.

The goal of trying to reduce use of tobacco by under-18-year-olds is certainly an admirable one. But I think that using the heavy hand, as is proposed in this Bill, is not the appropriate way to go, particularly for the people who are now going to be in that transition period over the next two years. A 16-year-old who is already a smoker, and

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perhaps a heavy smoker, is now going to be vulnerable for the next couple of years. I just foreshadow that I have some real concerns on that particular issue.

The other area that I feel I ought comment on relates to confectionery toys resembling tobacco products. The last few times this amending Bill has been discussed the Minister has had a series of samples on his desk. I notice they are not there tonight. I cannot say how pleased I am - - -

**Mr Wood:** He ate them.

**MR MOORE:** He ate them; that is right. I am pleased to see that those insidious forms of advertising are being taken seriously and are being removed by this legislation. Similarly, the removal of tobacco advertisements, moving tobacco out of the advertising area, is part of that method of reducing usage and reducing harm associated with this particular drug. I must say I am very pleased about that.

I am a little disappointed - unless I have missed it; but I have read through the Bill a number of times - that the notion of controlling restaurants and controlling passive smoking has not been taken up as part of this Bill. I suppose that is an issue that is going to need further discussion and further airing. I guess there is always the opportunity for it to come up again. But of more concern, even with the reduction of smoking around us, is the effects of passive smoking and they are to be taken seriously. I think it is appropriate that in public areas the right to fresh air is considered a much more important right than the right people have to smoke and to allow that smoke to affect other people's health. In general, I support the Bill.

**MR JENSEN (8.06):** Like the Minister, Mr Humphries, and Mr Moore and others who have spoken on this Bill, particularly Mr Berry, I strongly support this emphasis on the reduction of the ability of young people to be exposed to the problems of tobacco use and the impact that it has on their lives in a future stage.

As a parent of two teenage children and as one who has gone through the period of being a reformed smoker, I acknowledge that it is a fact that a reformed smoker is the worst type, in fact, because we are a little more difficult to get on with than others. I am not sure, but I suspect Mr Berry might be one of those as well. At one stage during my life I was a two to three packet a day man and I can assure you that it certainly did not do my health any good. I certainly noticed a major difference to my health when I desisted from the terrible habit.

However, I think it is more important at this stage to comment on the effect this weed, if you like, has on our younger generation. I recall my daughter being encouraged, as part of her peer group I think, to participate in this

habit even though there was no-one in the family who smoked. It was something that was part of the ethos, if you like, of the society and the groups that she mixed in.

She has often said to me in recent years, now that she has left her teens, that she is sorry that she ever took up the habit. She said to me one night, "Dad, I cannot give it up. I cannot get rid of it. I cannot stop it". It occurred to me, Mr Speaker, that this is a very important factor and a reason why we should consider taking over controls on this. It is quite clear that smoking is the single major preventable cause of death and disease in Australia.

While there appears to be evidence to suggest that smoking amongst young men is lessening, it seems clear that smoking by young women is going the other way. It is even more important, I think, for young women, particularly as they often become involved in pregnancy. Smoking clearly has an effect on the unborn child. Those of them who are involved in the use of contraceptive tablets and other pills find that also has an effect when combined with smoking.

Any of us who have been unfortunate enough to go through hospital wards where people have been afflicted by the dreaded emphysema or thrombosis caused by cigarette smoking, which results in bad circulation and often the loss of limbs, can feel some concern about the insidious nature of this particular material. I recall as a young lad seeing my maternal grandfather literally shrivelling up and dying before our eyes. He had been consumed over the years by the abuse of this noxious substance.

Therefore, Mr Speaker, the Government has a clear responsibility to take every opportunity in its path to seek to reduce the number of people who are going to be exposed to tobacco products. There clearly has been some gain in certain areas in relation to attempts to identify the problems associated with cigarette smoking, but we cannot rest on our laurels. Mr Berry has indicated that a large number of young people take up the habit every day.

The Bill before the Assembly and that we are debating tonight, Mr Speaker, represents a very effective and active response to this serious problem in the ACT. The legislation is similar to that in force in Victoria and South Australia, and that proposed in Western Australia and Tasmania. Since the Government announced its intention to introduce this legislation there has been substantial support expressed for it by the ACT community. But, of course, there also have been attempts by others and groups within the community to influence members of the Assembly to change their position and vote differently on this legislation. I commend the Minister, Mr Humphries, for persevering with his commitment to reducing the effects of the tobacco industry on our young people.

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While it may be that this Bill is not the precursor to controls on other substances that we have some problems with in our society, my personal view is that advertising relating to alcohol, particularly as it affects our young people, should also be looked at very extensively. Some of you may have seen recently a television program on the ABC which referred to so-called self-regulation of alcohol advertising within our society. It was quite clear from the advertising that was shown in that program that the voluntary code of conduct that had been adopted by the industry was, in fact, being flagrantly flouted by groups within the industry.

I notice Mr Berry smiling. He probably knows what I am talking about. I think one ad was on Kahlua and milk and there has been a recent one on Jim Beam. They were advertisements that clearly flout the attempt at self-regulation. When such powerful industries have a role in our society in this way there is often a requirement for strong legislation to ensure that they do not seek to turn self-regulation to their own ends.

There is very little evidence that voluntary codes are reducing the rate of tobacco use. Commonwealth legislation bans tobacco advertising in the electronic media and new legislation will ban advertising in the print media from 28 December 1990. I think the legislation that we are debating tonight will complement this national legislation by banning other forms of tobacco advertising, including cinema advertising. I recall as a young lad seeing those great advertisements on the TV screens and on the big screen on the Saturday night - the Marlboro man; the Alpine ad; beautiful scenes; lovely people - clearly promoting something that in fact this particular material is not.

It is not glamorous. It is something that kills. That, Mr Speaker, is why it is very important that in such circumstances governments that have a responsibility for the public health of the community take action to ensure that every attempt is made to reduce the cost to our society of such self-inflicted diseases and health problems. That is what they are.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (8.15), in reply: Mr Speaker, I am pleased to sum up this debate and to say how pleased I am as Minister that this Bill has received support. I do have to say, however, that there are some aspects of the movement that the Territory has made towards the passage of this Bill which have given me some concern and some angst. All the members who have spoken in this debate tonight have supported the legislation and all those who spoke before tonight have also done so. However, the legislation has had its critics.

There have been critics who have criticised the Bill for not going far enough. There are people who have said that we should have gone further, that we should have banned all

tobacco sponsorships, that we should have put much more severe restrictions on advertising and that other more serious steps ought to have been taken. There are also critics who believe that we have gone too far, the tobacco companies being chief among them. Others believe that the Government is being draconian and in some cases infringing on civil liberties and imposing codes of behaviour on people.

But I have to say that the critics who have received the most attention in respect of this Bill have been members of the Australian Labor Party opposite. Their criticism of the Bill has been quite trenchant on a number of occasions in the last few months. The irony, of course, is that to the best of my perception those criticisms have not been based on any disagreement with the general thrust of the legislation. Rather they have been based on some desire to take the gloss off the legislation from the Government's point of view. On occasions it has been suggested that the Government has been got to by tobacco companies and as a result was not going to bring the Bill forward, or was going soft and was allowing disease caused by tobacco to multiply in the ACT while it dithered on the question of legislation.

Although tonight we all come to this place cheered by our agreement that this Bill should pass quickly, I do think that an Opposition which believes in this legislation - and it claims to do so - would not have taken the trouble to damage the legislation in the way that they did before it came here tonight. This will be controversial legislation. It will require some political will on our part as legislators to ensure that it is successful. There will be people, for example, who will criticise our banning of tobacco sales to children of 16 and 17 years of age, and I acknowledge some concerns in that area. I am grateful to Mr Moore and Mr Berry for the concerns they raised with me in the discussions we had on the subject. Those will be difficult things. To have criticised the Bill in the way that they did - and I am talking about those opposite, in this case - to criticise the Bill for no reason other than the fact that they wish to take the gloss off the Bill's impetus, I think will have the effect of making it a little bit harder for this Government to bring this Bill into effect and to make it an effective and forceful piece of legislation for tackling tobacco disease and death in this Territory. However, that is the only divisive thing I want to say tonight. I do think it is a night to dwell on the positive aspects of the legislation, and I intend to do so.

The legislation has been drafted in such a way that it can be enacted in parts. It is my intention to take advantage of that structure to allow us to progressively implement the Bill in such a way that we can effect the changes in the appropriate fashion. In particular, I intend to provide that the section of the legislation making it an offence to sell tobacco products to people under the age of 18 years, that is section 4 of the new Act, not be enacted



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for some six months to allow those people in the age range 16 to 17 years who already smoke to take some measures to quit the habit. I realise there will still be problems, even with that notice, but I think that at least we can attempt to overcome them through this kind of process.

The legislation cannot be implemented immediately. Time is required to acquaint retailers, vending machine operators, advertising companies, tobacco companies and others of their changed responsibilities. Time must also be allowed for advertising to be removed from shopfronts, et cetera. It is particularly important to allow time for young people affected by those changes to make appropriate adjustments in their behaviour and, if necessary, seek assistance to quit the habit.

It is intended that we undertake information campaigns to advise all those affected of the changes. It is intended also to undertake negotiations with, for example, the business sector about the advertising ban and the appropriate amount of time to allow for current advertising to be removed. However, we are still firm in the intention that this legislation will be in effect no later than six months from the day on which the legislation is passed into law.

Mr Speaker, I am grateful to Mr Moore for his suggestion that we should take advantage of the college system - a college system which retains some 95 or more per cent of students in the ACT - as a vehicle for ensuring the ACT does get very clearly to young smokers the message that the rules are changing and that we need to consider behaviour changes to accompany those new rules. It is not possible, obviously, to change the behaviour of everybody; but it is, I think, an opportunity to get through at least to those people about the new rules.

I have been very cheered, Mr Speaker, by the overwhelming support the community has indicated towards this legislation. There is clear evidence, in my view, that voluntary agreements of the kind that tobacco companies have urged on the Government are not a satisfactory way of resolving problems in this area. They can go, even by the admission of the tobacco companies themselves, only a small way towards satisfying the objectives in this legislation and as such are an unacceptable solution to the problem that has been posed to this Territory, namely, the problem generated by the death of something like one person every week from illnesses related to tobacco consumption.

I also have to indicate that I have been cheered by the extent to which the Health Promotion Fund's role in this whole process has been successful to date and shows every prospect of being successful in the future. The level of tobacco sponsorship of sports in the ACT, I think, has now been confirmed to be relatively small - in the order of \$70,000 to \$100,000 - and much of that is accounted for by major events of the kind that may not be affected by this legislation, namely, the Winfield Cup and others.

The fund is operating effectively and approval of more than \$400,000 worth of expenditure to health, sports and arts bodies has already been given. We are continuing negotiations with the groups that are affected by the ban to make the transition to the new arrangements easy.

The recent establishment of an ACT Tobacco and Health Co-ordination Group, comprising representatives of the Community and Health Service, the National Heart Foundation, the Cancer Society, Canberra ASH, the Public Health Association, the AMA and the Department of Education, has been another successful addition to our armoury in this area. The group is developing an ACT tobacco and health strategy, building on this legislative base, and addressing issues such as educational and preventive programs and, of course, cessation services in a coordinated fashion. We hope to have that strategy finalised by May of next year - that month containing World No Tobacco Day.

I think Mr Moore made reference to the question of smoking in restaurants. I am happy to indicate what it is the Government intends to do in this area. The Bill does not deal with the issue of smoking in restaurants. The capacity to effect the provision of no smoking zones in restaurants is dealt with in public health legislation and that will be the vehicle by which the Government will effect any change should that be necessary. However, the Government's first choice in this area is to permit restaurants in the ACT to voluntarily self-regulate. I have spoken with representatives of the catering industry. I acknowledge the problems in achieving this objective but am enthused by their willingness to see the spirit of the program implemented. I am confident that, in fact, those restaurants, or the restaurant industry which represents them, will make every effort to ensure that the self-regulation regime is successful and avoids the need to proceed to regulation.

It was announced in April that we would be taking this action. The intention of the Government is to set aside voluntarily no smoking zones in restaurants in the order of some 30 per cent of restaurant space. The representatives of the industry, I believe, are capable of working in with that framework and I am cheered by the progress made so far.

Mr Speaker, I have on my desk some examples of some of the things that the ACT will be seeking to deal with in this legislation. For Hansard's benefit I will not try to describe them. It is certainly the case that confectionery designed to resemble cigarettes, toys designed to resemble cigarettes and things of that kind make a significant contribution towards normalising the smoking habit among children and I am particularly keen to see that part of the legislation enacted quickly so that that influence on young people is removed.

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It is also the case that the Government, with this Bill, will effectively ban a number of non-smoked tobacco products, particularly things such as chewing snuff and sucking tobacco. Those particular products have very limited use in the ACT, I am pleased to say. However, their carcinogenic effect is extremely large and I think it is only appropriate that we take the pre-emptive measure of not permitting those products to be sold in the ACT so that there is no question of their becoming an adverse influence on people's health.

It is also the case that the Government will be banning the sale of cigarettes in small packets. Obviously it is desirable that those packets not be of a size that would attract young people. Of course, most tobacco companies already sell cigarettes in packets of, I think, a minimum of 30, and that certainly makes it easier, although there are some imported brands which do not conform with that particular restriction, and therefore legislation is necessary.

Mr Speaker, I am quite sure that this legislation will achieve a great deal. It is historic legislation. It is the product not of any particular person's or government's initiative but rather of a long process of negotiation and change in the ACT, going back I think to at least 1983, if not before. The legislation therefore is historic. It represents the largest step taken by any Australian government to combat death and disease caused by tobacco consumption. It is legislation which I hope, therefore, will be emulated and copied elsewhere, particularly with respect to measures which deal with the influence of tobacco on children.

I believe these measures are timely. They will be effective and they will provide for a very large degree of community acceptance because I believe, fundamentally, that our community understands the nature of the problem. There are few adult smokers who cheerfully acknowledge that the habit is a good one that they would wish to see others take up, particularly young people. This is a measure which I think can go some way towards breaking that cycle of new smokers which feeds the habit, which feeds death and disease in the community, and which also feeds the profits of those companies that sell those products. Mr Speaker, I understand that there is general support for the Bill and I commend it to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

### Detail Stage

Bill, by leave, taken as a whole.

**MR BERRY** (8.30): Mr Speaker, I have chosen this course to set the record straight about the Labor Party's position on this legislation. It has long been the policy of the Labor Party in this place to support such a Bill. It has to be recognised that it was the Labor Party in office that first moved to do something about this process. That is not to say that the Labor Party is in any way churlish because somebody else has introduced the Bill. It is a good Bill and it will mean much to the people of the ACT in the future. But I will not sit back and tolerate the churlish remarks that were made by the Minister in relation to the Labor Party's performance on this matter.

The Labor Party has never, ever, attempted to take the gloss off this Bill, as he put it. The Labor Party has attempted to take the gloss off the Minister's tardy performance in relation to the introduction of the Bill.

**Mr Kaine:** You talk about churlishness. You are a master of it.

**MR BERRY:** Well, Mr Speaker, it is a matter of fact and these facts have to be placed on the record after such an attack as that by the Minister. The fact is that on 13 December last year the Labor Party sought drafting support to have this legislation introduced into the parliament in the first sittings of this year. We were blocked in that attempt by the Government's position in relation to the development of legislation. It could be said in hindsight that we should have drafted it ourselves. That is an avenue that the Labor Party had to resort to on other Bills because of the blocking tactics of the Government opposite.

The Labor Party has never attempted to knock the gloss off this legislation. It has always supported the introduction of strong legislation. It has always supported its early introduction. If the Minister finds it difficult to be criticised about a tardy approach to progressive introduction of legislation, he will have to cope with that more often because the Labor Party will keep him on his mettle in relation to this sort of legislation at all times that it has the opportunity to do so in the future.

**Mr Kaine:** What a bunch of codswallop.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (8.33): Yes, I think the Chief Minister described it very aptly; a bunch of codswallop is what I would say about Mr Berry's comments.

**Mr Berry:** I get two says, Gary, so be careful.

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**MR HUMPHRIES:** Well, I get two says as well, Mr Berry. Mr Speaker, it is quite untrue to suggest, as Mr Berry has just suggested, that it was the Labor Party which first moved to do something about this. Mr Berry well knows that the genesis of this legislation goes back at least seven years, and perhaps more than 10. There were community moves to have this legislation put into law long before Mr Berry and I were players on the public stage of the ACT.

**Mr Berry:** I got the first set of drafting instructions ready, Gary. I know who did it.

**MR HUMPHRIES:** Mr Berry says that putting in place the first set of drafting instructions means that they were the first to do something about it. I dispute that. Preparing drafting instructions is not the first thing to do about a piece of legislation. You decide on policy, you develop the framework, and you do a great many other things before it comes to that stage. Again, I think it is most unfortunate that the Labor Party claims credit for being the first. It is saying, "We are the true fathers of this legislation". I think that is a slightly selfish claim, particularly with respect to all those public servants and others who, quite independently of any political party, have been working for a number of years to bring this to fruition. In that light those sorts of statements are extremely unfair.

Mr Speaker, I am particularly galled by Mr Berry's comments about tardy performance. Mr Berry did attack the legislation by saying that he believed it was being influenced by the tobacco companies. He made that direct and unambiguous suggestion some weeks ago, at the end of the last sitting session of the Assembly before this session started, and suggested thereby that there was some influence of the tobacco companies on this Government. It is particularly galling to hear him say that this Government has a tardy performance when he himself came into the chamber last week and suggested amendments to this legislation as a result of that delay.

The Government put the legislation on the table for public comment, public consultation and debate. There has been a considerable amount of that. What is more, Mr Berry has taken advantage of that extended period of consultation to propose some amendments. It is richly galling to hear him come to this place and say we were tardy. If it were not for that, we might not have had the chance to consider the amendments that Mr Berry put to me last week.

I do find it difficult to accept some criticism, particularly when it is like that. I do not think that the Bill is one that we should be fighting over. It is important legislation for the people of the Territory. We should all be welcoming its passage, not attempting to score political points off each other about it, but rather saying this legislation is a valuable piece of legislation which should stand ACT Legislative Assembly in better stead

with the citizens of this Territory because of the vision, the foresight and the determination of the people in this chamber who will vote to pass it.

Bill agreed to.

### **MOTOR TRAFFIC (AMENDMENT) BILL (NO. 5) 1990**

Debate resumed from 20 September 1990, on motion by **Mr Duby**:

That this Bill be agreed to in principle.

**MRS GRASSBY** (8.37): The Labor Party is happy to support the Motor Traffic (Amendment) Bill (No. 5). The Bill will amend the Motor Traffic Act to allow the Minister to determine the maximum fare for taxi hire by notice published in the Gazette. Previously taxi fares were amended by regulation - a very long and slow process. It is ironic, Mr Speaker, that one of the first issues I faced on becoming Minister in May last year was the delay in increasing taxi fares. A recommendation to increase taxi fares had been made to the Commonwealth Government prior to self-government but no action had been taken, and I was threatened with a taxi strike in my first week in office because of the delay in implementing the new fares. I am pleased to say we were able to act quickly and avert a strike. However, had the proposed legislation been in place the crisis would never have arisen. I am pleased to be able to support this Bill. We had this Bill in the pipeline to bring in when we were in government, and the Minister has just brought it into the house. We will be pleased to support this Bill in full from the Labor Party side.

**MR JENSEN** (8.39): Mr Speaker - - -

**Mrs Grassby**: God, I thought we would be spared this.

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

**MR JENSEN**: Mr Speaker, despite the histrionics of Mrs Grassby opposite, I, too, am pleased to support this Bill to amend the Motor Traffic Act 1936 which will allow future taxi fares to be set by ministerial determination. At present the taxi and private hire car regulations must be amended to alter taxi fare levels. It is a time consuming exercise which ties up scarce legislative resources. The fare increases which took effect in July 1989 took three months to process.

It is interesting that Mrs Grassby, in fact, was making some comments about the problems she faced when she came to office. Clearly, Mr Speaker, this is another example of the need for self-government in the ACT. The previous Labor organisation and, I would suspect, the Federal

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Liberal organisation did not see it as necessary to provide the amendments to this legislation to allow such matters to be processed quickly and efficiently.

Mr Speaker, cost-based increases should be given when they are warranted and there is no merit in delaying them unnecessarily. In addition, the taxi industry, like all industries, in applying for an increase, supplies current data to justify its claim. Its fare increase application is then considered by the Taxi Industry Advisory Committee, which advises the Minister on an appropriate level at which to set fares. So, Mr Speaker, in other words, there is often a significant time lapse before the legislative process can commence. While measures are in hand to speed up this part of the process, these efforts will be wasted if implementing the new fares still takes a considerable time to finalise.

Consequently, the purpose of this Bill is to enable fare rises to take effect when they are intended, and to free up scarce legislative resources - something that already has clearly been identified, Mr Speaker, as we seek to ensure that some of the more important legislation is brought before this Assembly as soon as possible. It would be unfortunate if we had to tie up those important resources in drafting such simple changes to legislation.

There will be no decrease in the degree of consultation undertaken during fare reviews. The setting of fares will still be open to scrutiny in the Assembly, and increases will be disallowable. This is important as increasing taxi fares has an impact on the whole ACT community. It is only reasonable that all members of the Assembly have the opportunity to debate any increase should they believe it impacts unduly on the community.

Taxi fare increases are of immediate interest to the ACT Government because they influence the cost of servicing the taxi scheme for the disabled. In the ACT the scheme is run by the Housing and Community Services Bureau. It provides subsidised transport to disabled or aged individuals who are unable to access other forms of transport. Soundly based increases will be applied when they should be and not delayed by legislative process. This will assist stability in the taxi industry and remove any wish to seek catch-up increases.

Overall, Mr Speaker, I believe this Bill will make the whole process of assessing fare increases a more rational and more orderly one, and I am pleased to commend it to the Assembly.

**MRS NOLAN (8.42):** I also am pleased to support this Bill, to amend the Motor Traffic Act 1936, which will allow future taxi fares to be set by ministerial determination. The implementation of taxi fares has historically been characterised by long delays due to lengthy legislative procedures. This Bill will reduce the time taken to implement new fares.

Mr Speaker, very often the taxi industry is not given the recognition it deserves. There are many hard-working small business owners out there trying, in what can be considered to be fairly tight economic times and times of considerably fewer disposable dollars, to make a living and provide a service to the community. Sure, it is an industry that always has to cope with criticism, whether or not fares go up. When the accommodation venues are full to capacity and taxis take a considerable time to arrive, the taxi industry and those owners and drivers are the ones who always seem to cop that criticism.

Delays in implementing fare increases have attracted criticism from the industry in the past. Delays in the legislative process have contributed to what is perceived to be a reluctance to sanction any fare increases. Development of a more constructive relationship between the Government and the private sector is, I believe, welcomed wholeheartedly. The amendment proposed in the Bill will help achieve this goal without reducing the power of the decision or the degree of consultation that has had to occur.

In fact, Mr Speaker, while taxi fares will be able to be increased more regularly, the increases will be smaller and will allow those people in small business to better budget for their business over a period of time. Reducing delays will allow the merits of the case to be considered without acrimonious interchanges arising from the process of setting fare levels.

As I have already said, Mr Speaker, there is industry support for this proposal, and its implementation will decrease the time between the application for a fare adjustment and the implementation of new fares. This support has been expressed by the ACT Taxi Industry Advisory Committee, a committee established by the Government to advise on matters affecting the taxi industry in the ACT. This committee, having representation from consumer and tourist organisations, is also a forum for input from interest groups in the community. It is a very effective forum for the airing of such issues.

This is not a radical proposal, simply a sensible one. In fact it brings us into line with New South Wales, where taxi fares are also set by determination. Given our closeness to Queanbeyan, I believe this gives much greater equity to owners of taxis in both cities.

The Government has provided a forum in the form of the Taxi Industry Advisory Committee, as I said earlier, whose operation is intended to permit timely consultation on important elements of the taxi industry and clients. This amendment is also part of the Government's endeavour to enhance the operations of the industry. The introduction of this Bill is another example of how this Government is



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reducing the red tape associated with decision making, ensuring improved service to the community, and is a very welcome one indeed. I commend the Bill to the Assembly.

**MR STEFANIAK** (8.46): I remember very well Mrs Grassby's initial problems in this matter when she was Minister in the early days of this Assembly. I think I was the one who had to bring it to her notice. The Liberal Party certainly had no problems with the then proposed taxi fares. I personally had been lobbied by a number of taxi drivers, pushing the justice of their case. They had not had a fare rise for about two years then. I know there were problems and I discussed it with the then Minister, Mrs Grassby, and I was pleased to see that she was in fact responsive to it. I remember that well, Mr Speaker.

I am also pleased to support this Bill to amend the Act because it will allow future taxi fares to be set by ministerial determination - a much quicker approach than what had to happen in the past.

This Bill will allow new fare levels to be implemented far more rapidly than the present legislative requirements allow. The increased speed of implementation of new fare levels will allow fares to more accurately reflect market conditions. Situations which dramatically affect the operating costs of taxis can be swiftly countered by an appropriate fare increase, allowing operators to avoid potential periods of hardship associated with unforeseen cost increases. The Government recognises that the transport industry generally is volatile and often subject to the influence of cost fluctuations quite outside the industry's control. Whilst it is essential to continue to aim for more efficient passenger transport, efforts also have to be made to ensure that enterprises such as taxi operations are not disadvantaged by inflexible administrative processes.

The responsible setting of taxi fares is totally consistent with this Government's overall transport strategy for the ACT. Allowing our community to traverse this city in the most efficient and effective way, be it by private transport, by taxi or by bus, is a high priority for this Government.

However, the effectiveness of the taxi industry depends on the continued financial viability of its members. For this reason alone we must ensure that fare reviews are processed as quickly as possible to alleviate the problems and the great hardship many taxi drivers and their families faced in the past. It is with this in mind that I take great pleasure in supporting this Bill.

**MR DUBY** (Minister for Finance and Urban Services) (8.48), in reply: I am genuinely pleased at the support given to this Bill to allow the Motor Traffic Act 1936 to be amended to allow taxi fares to be set by ministerial determination. The support shown from both sides of the house and by

individual members has been most appreciated. I think you particularly, Mr Speaker, will agree that reducing unnecessary legislative processes will benefit the general community.

This Bill ensures that the more straightforward procedural decision of setting taxi fares can be made by the responsible Minister without unnecessarily committing legislative resources. The decision to alter fares will still be open to scrutiny by the Government and in the Legislative Assembly. The decision will be disallowable in the Assembly. I think that is an important part that has been stressed by a number of members. I commend the support for the Bill and I commend it to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

#### **MOTOR TRAFFIC (AMENDMENT) BILL (NO. 6) 1990**

Debate resumed from 20 September 1990, on motion by **Mr Duby**:

That this Bill be agreed to in principle.

**MR MOORE** (8.50): Mr Speaker, this Bill concerns me because it is more a budget Bill than it is a Bill to deal with penalties. When we are looking at penalties it is clear that from time to time penalties will need to rise. I think it is appropriate that penalties, like many other things, should be attached to the CPI if we want them to be realistic.

I think it is an inappropriate time, as a recession approaches, when we realise that many people are in the position of having a limited disposable income, for us to be increasing penalties. The reason for increasing penalties is to ensure that the effect of such penalties is not lost, that penalties do not become so small that they simply can be ignored. The effect of this Bill, right across the Motor Traffic Act, is to increase many of the penalties significantly and I think that approach is inappropriate at this time.

There is certainly a need to adjust penalties from time to time; but the timing of this Bill, tying in with the budget, is, of course, just too much of a coincidence. I think that we should really very carefully consider whether we are here, under such circumstances, trying to deter people or whether we are trying to raise revenue. Insofar

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as parts of this Bill are about raising revenue, I think it is inappropriate that those figures be changed in the way that is suggested.

I shall be very interested to hear Mr Duby explain why it is that they are effectively presenting just the appropriate amount of rise so that they are still effective. It seems to me that in most cases increasing a fine from \$40 to \$70 or \$50 to \$80 is not going to have an extra impact in terms of what you are trying to achieve in the Motor Traffic Act. In fact, in reality, this is only a revenue raising measure. As far as that goes, I must say I have some serious difficulties with this particular Bill.

**MR CONNOLLY (8.53):** Mr Speaker, I rise this evening to make three points in relation to this Motor Traffic (Amendment) Bill (No. 6) and they are, firstly, a general concern at repetitive Bills amending one substantial Act introduced in the one session of the Assembly; secondly, some observations on the general problem of fines and keeping fines relevant in terms of an appropriate penalty to fit the offence; and, thirdly, some specific concerns about persons unable to pay these new raised fines and who find themselves spending time in prison by way of time in default of payment.

Mr Speaker, the first point is a very serious one. It has been commented upon now twice by the Standing Committee on Scrutiny of Bills and Subordinate Legislation. It is extremely wasteful, both of this Assembly's time and of public moneys, to repeatedly introduce single Bills to amend a substantial Act. We are considering this evening Motor Traffic (Amendment) Bill (No. 6) 1990. We will be considering later this week Motor Traffic (Amendment) Bill (No. 7) 1990. We have just passed Motor Traffic (Amendment) Bill (No. 5) 1990 and last week, if my memory serves me correctly, this Assembly passed Motor Traffic (Amendment) Bills (Nos. 3 and 4) 1990.

If the Assembly proceeds according to plan, that will mean that in a two-week sitting period we have passed five separate Bills amending the one substantial Act.

**Mr Humphries:** So what?

**MR CONNOLLY:** Mr Humphries says, "So what?". It is clearly a substantial cost to revenue, which we went into in the Estimates Committee, to print and prepare a Bill.

**Mr Kaine:** Oh, rubbish!

**MR CONNOLLY:** Mr Kaine says, "Oh, rubbish". As I say, this is a serious point - a point unanimously agreed to by this Assembly's Scrutiny of Bills Committee - and I think it is a very sad indictment on Mr Kaine's regard for the parliamentary system that he says "Oh, rubbish" to a unanimous recommendation of a parliamentary committee. Mr Speaker, the normal process in the Federal Parliament and,

as I am aware, in State parliaments is that where a number of separate amendments need to be made to the one Act they are dealt with, strangely enough, in one amending Bill. For some reason this Government has decided not to do that.

Mrs Grassby made some comments last week and suggested that perhaps the Government wanted to boost its number of Bills and this was a useful ruse for boosting the Government's number of Bills. I must say I find myself in agreement with Mrs Grassby. I notice also that we have adopted the course, or this Alliance Government has adopted the course, generally speaking, of passing a consequential amendment Bill together with a substantial Bill on a number of subjects. The Director of Public Prosecutions Bill and the Director of Public Prosecutions (Consequential Provisions) Bill stand as examples.

The normal practice, I would have thought, employed on the hill is that you simply have a consequential provisions section at the end of your substantial Bill - again, a substantial saving to public revenue, not rubbish, Mr Kaine. We heard in the Estimates Committee that every time one of these is produced - and it seems a very flimsy piece of paper; we are talking about what appears to be an A4 sheet of paper printed on both sides - there is a cost of many thousands of dollars of public funds in typesetting and in printing. There is also the added disadvantage that when citizens wish to know the law they are required to look at several Acts.

Clearly, separate areas of the Minister's department would have been responsible for the policy on different areas of this Bill. But, equally clearly, there could have been some coordination. Mr Kaine said that in Mrs Grassby's period as Minister there were a number of amendments to the same Bill. Indeed, that may well be the case. I take Mr Kaine at his word on that; I will not check the Hansard transcript. That may well be the case. I make no criticism of the fact that Mr DUBY made some amendments earlier this year and I would make no criticism, Mr Speaker, if Mr DUBY later this year again found it necessary to make amendments to the Motor Traffic Act.

My point is that in a two-week period this Assembly has passed five Bills amending the one Act. That is clearly wasteful. It clearly would have been better if those had been coordinated and I hope that, in future, the Government will attempt to do that. Otherwise, as I remarked to some of my colleagues today when we were discussing this, when the Federal Government amends the Trade Practices Act, we could have 160 amending Bills and, heaven forbid, the number of amending Bills that could be necessary when the amendments to the Corporations Act, made necessary by the High Court case ruling certain sections invalid, are introduced up on the hill later this year or early next year. We could have 300 amending Bills amending 300 sections of the Corporations Act if this, frankly, ludicrous legislative ruse was adopted. Mr Speaker, I hope

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that the unanimous recommendation, twice in a row, of the Scrutiny of Bills Committee will be adopted by the Government and a more responsible attitude will be adopted.

Mr Speaker, another point that arises in relation to this Bill is the issue that I have raised several times since I have become a member of this place, and that is the difficulty of keeping penalties relevant. Mr Moore raised what I think is a very genuine community concern - that these dramatic hikes in penalties for road traffic offences are being seen as a revenue measure. Mr DUBY no doubt will defend this move by pointing out that in many cases fines for traffic infringements have not been increased since 1983, and that in general the increases proposed by this Bill are more or less equal to consumer price index movements since 1983. I can accept that explanation. However, it is unfortunate that this Assembly is confronted with a 60 or 70 per cent increase in fines. It raises again the problem that the Assembly sets a monetary penalty for an offence and then years pass during which the Act is not looked at. The Motor Traffic Act will probably fairly regularly be looked at because it impinges upon people's daily lives or revenue, as Mr Moore says.

But in some of the other more obscure pieces of legislation that we have looked at we have found that the penalty has not been varied for many, many years. As I have remarked before, when one looks at the statute books of this Territory one finds a lot of penalties of the order of \$20, which were originally 10 pounds and which, when they were enacted as perhaps New South Wales statutes in the last century, were a substantial penalty, but today are quite laughable. The suggestion that has been made previously, and that I make again for the Government's consideration, is to look at the legislative device of penalty units which allows the Assembly once and for all to set a level of penalty and the actual monetary amount of that penalty to be automatically varied on an annual basis so that it remains continually relevant. It is a sensible suggestion which the Opposition will continue to sensibly offer. Perhaps one day it will be adopted.

The other specific item that I wish to raise this evening is the problem of the people who will find themselves unable to pay these increased fines and will find that, as the course of justice takes its effect, they will be spending time in gaol in default. When this Bill was first announced my colleague Mrs Grassby mentioned to the Assembly that the New South Wales Government, when it increased motor traffic penalties, when it in fact doubled those penalties, also changed the fine default rate, which meant that a person would spend the same time in gaol by way of default on a fine under the new penalties as they would have done under the old penalties.

Mrs Grassby made the criticism that when these fines were in effect doubled no action had been taken to alter the default provisions in the ACT, so a person could in fact

find that for the same offence under the Motor Traffic Act they would end up spending considerably more time in gaol. When Mrs Grassby made this suggestion the ACT's first law officer, Mr Collaery, was very critical of Mrs Grassby. He said that Mrs Grassby did not know what she was talking about and that there was no set relationship between the level of fine and the time spent in prison by way of default. Now, as it transpired that, of course, was not so.

The Magistrates Court Act, section 189, does provide a rate of \$25 for each day, and it does go on, to be fair, to say that the magistrates have a discretion. But Mrs Grassby's point remains essentially valid. The guideline, the touchstone, as it were, is \$25 for a day. And when a citizen goes to look for the law the citizen may well look to a text on the law - for example, the Law Faculty of the ANU's ACT Supplement to the Law Handbook, which simply says that fines in the ACT are paid off at the rate of one day's imprisonment for every \$25, with a maximum of six months.

Mrs Grassby's point remains valid. The touchstone for imprisonment by way of default is, by section 189 of the Magistrates Court Act, \$25 a day. There is a discretion vested in the magistrates, so a magistrate may, of course, adopt a different rate. But \$25 a day, is the guideline, the touchstone, the basis of imprisonment, and Mrs Grassby's very sensible and thoughtful suggestion, I would suggest, ought to have been taken up by the Government. Mr Collaery rushed into print in his press release and made the rash statement that there is no set relationship between the level of fine and the time spent in imprisonment by way of default.

There is indeed that set relationship, subject to an overriding discretion; but if you have a set relationship it ought to be relevant. If you have a set relationship, just as a fine ought to reflect a real value, so the relationship set down in the Magistrates Court Act between the level of penalty and the time spent in imprisonment by way of default ought to be relevant. When we are looking at dramatically increasing penalties, we ought also to look at that \$25 a day schedule. Mrs Grassby's comments were thoughtful and helpful and it was unfortunate that they were so rashly dismissed by the Attorney-General.

**MR COLLAERY** (Attorney-General) (9.07): Mr Speaker, I was not going to speak on this matter, but I think the house is entitled to some comment on some of the remarks that my legal colleague Mr Connolly mentioned. In fact, I will not address the last matter, other than to say that I leapt into print on this issue only when Mrs Grassby issued a press release which was alarmist, wrong, and really not becoming the approach we should adopt in the Assembly. Fortunately, Mr Speaker, the media showed a very responsible approach to the issue. They either ignored it or mutely reported it, and that was the right way to go, considering what the issues were. I will let Mr Duby

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answer that issue because he has the straight advice there. That has always been my understanding of the law and is the understanding of the Law Office too; that is the advice given to Mr Duby and he will respond to it.

I want to mention another interesting matter that Mr Connolly raised, and that was the style of the Government's legislative program and the fact that multi amendments come through to principal Acts. I am quite happy to conduct a survey, Mr Temporary Deputy Speaker, on, for example, the amendments the Government has progressively done to the Motor Traffic Act 1936. They are, of course, the Australian Design Rules amendment, the child restraint amendment, the taxi fares amendment, and the fee for taxi licences amendment. I am sure Mr Connolly will be delighted to know that there are about five others in the pipeline.

The essential problem of government is that each of these issues usually requires separate consultative action by the Government departments concerned and that is a community consultative thing, or a business and community consultative thing, or, for example, with the Australian Design Rules amendment, there is some involved discussion with the Federal Department of Transport and other States. A lot of this evolves from the joint Ministers conferences that we go to - although, of course, the Opposition do not like to see us attending those ministerial conferences - to secure agreement for uniform activity on child restraints and Australian Design Rules. The Opposition says we are wasting travel funds by attending those meetings and securing those agreements.

Certainly, Mr Temporary Deputy Speaker, it is extremely difficult to bring those Bills together; but, in any event, I will undertake a review of that matter to see whether there is, beyond the printing of the first page and the preamble to the Bills, a lot of extra work and funding in it. It may be the reverse. I do not know. I think Mr Connolly has raised an issue that we will look at. It was mentioned in the Estimates Committee.

On the penalty unit issue, Mr Connolly knows, as a lawyer, that that has been around for years and governments have progressively, with a certain degree of activity or not, been looking at it. Mr Connolly has to accept the fact that when the Alliance came to government the Territory had not had, if I may say so without being insulting, an informed, practising Attorney-General, and the fact of the matter was that very little had been done.

**Mrs Grassby:** Oh, I don't believe it!

**MR COLLAERY:** The law reform process had not even been initiated, Mrs Grassby, and a whole range of activities, along with many other functions of government, had lacked policy direction - not from the public service but from the minority government that, of course, was too afraid to

leave town to attend these State Attorneys-General meetings. They never attended one meeting and they piously went to the press and said that they never travelled. The fact is that when they could sneak out of town and bolt down to Melbourne for a radio interview they did so on the public purse. So we see the penalty units thing being evolved as a brilliant new idea. It is not. As Mr Moore indicated, it has been around for a long time. It is currently being worked on by the Law Office, which could have been cranked up seven months earlier, for that matter, on the issue by policy direction from a government which failed dismally to govern, particularly in the legal area.

**MR STEFANIAK (9.12):** Before I get into my substantive speech in support of this very necessary Bill I would like to clarify a number of points made by Mr Moore and Mr Connolly. Firstly, as a member of the Scrutiny of Bills and Subordinate Legislation Committee, I am heartened to hear the comments made by the Attorney-General in relation to one of the points Mr Connolly made and look forward to his response in relation to that.

Mr Moore, this is not a revenue Bill. This has been on the agenda for quite some time. To say that it was introduced at about the same time as the budget and that has some relevance is really rubbish. Mr Duby, in answer to a question I asked him in March, indicated that instructions had been given for this legislation to be drafted. It is something I have been very keen to see since the start of this Assembly because the penalties have not been changed since 1983.

This Bill is not about raising revenue; it is about deterrence - deterrence pure and simple. I am pleased to see in Mr Duby's press release that he will be monitoring the effect of the increased penalties, and he issued a warning that further increases could ensue in the future. I still believe that perhaps the fines are still a bit too low in certain circumstances for certain offences. They are still the lowest in Australia, but they bring us much closer to Victoria and New South Wales. A number of people who come to Canberra and commit traffic offences are pleasantly surprised when they find that the traffic infringement notices are so very cheap here compared with elsewhere. Indeed, I recall talking to a number of police during the Summernats over the January period. A lot of the people who come to that budget on paying a certain amount in traffic infringement notices and are pleasantly surprised when they see how cheap ours are because ours have not been altered since 1983.

Mr Connolly raised a number of points in relation to penalties. I would disagree with him in relation to what the public want. I think the public want higher penalties. They want higher penalties generally, and they want higher traffic penalties. The community is concerned about traffic; people are concerned about the road toll; people are concerned about bad driving. I think members in this



chamber would probably have witnessed, quite often, when driving about Canberra and interstate, some shocking acts of driving. I think it behoves us, as a responsible Assembly, to ensure that people are deterred, in whatever way we can deter them, from driving irresponsibly, for the public's benefit and for their own benefit as well. Indeed, in relation to people being worried - - -

**MR TEMPORARY DEPUTY SPEAKER** (Mr Jensen): Order! The level of conversation in the chamber is too high. I would request members to keep it down to allow the member with the call to speak.

**MR STEFANIAK:** Thank you, Mr Temporary Deputy Speaker, for your protection and your ruling - not so much your protection, but certainly your ruling. As I was saying, only regular offenders need worry about that, and they surely are the people we want to deter. I do not think we should be particularly concerned if some people are going to be paying more because they offend. It is their choice as to whether they obey the road traffic rules. Indeed, it behoves a responsible community to ensure that penalties are adequate, and this Bill introduced by Mr Duby goes some way towards redressing what was a serious inadequacy in ACT law.

Mr Connolly has also shown a surprising interest, perhaps, in how the local courts operate in relation to a worry about people going to gaol if they do not pay. These are traffic infringement notices. If a person does not pay them they do not automatically go to gaol. The next step is that they receive a summons to go to court for that offence to explain to the court, to defend it or in fact to plead guilty to not paying the traffic infringement notice. If they are then fined by the court and they do not pay they do receive a period of imprisonment in default. I might advise the Assembly and Mr Connolly that no-one leaves the Territory if they only have to serve four days in default. They serve that as a matter of course in the remand centres, or more likely in the police cells. So, to say that if people do not pay a traffic infringement notice they go to gaol is rubbish; a lot of steps have to be taken before then. Indeed, as Mr Connolly indicated, amongst a lot of inaccuracies, magistrates do have a discretion and people can be given time to pay, and a considerable time to pay if they are in difficult financial circumstances. But I think it would be a pretty stupid and irresponsible person in difficult financial circumstances who was even able to afford to drive a motor car and who committed a series of traffic offences to just make it harder for themselves.

These traffic infringement notices are far less draconian than the parking offences brought in by Mrs Grassby when she was in office, whereby if you did not pay a parking ticket you could lose your car licence, you could lose your registration and have no third party insurance. That is a quite draconian penalty for a very minor offence. The penalties here are far less draconian than that.

It is interesting to compare these penalties with what we have interstate. The maximum traffic infringement in the ACT now is only \$130. Let us take a speeding offence. The penalty is now \$130 for exceeding the speed limit by more than 30 kilometres per hour. In New South Wales it is \$250. In New South Wales, if you happen to be going more than 45 kilometres per hour over the limit, it is \$500 for a car or \$750 for a heavy truck or bus, plus you lose your licence for three months - automatic suspension. Victoria has similar provisions. We are still behind the other States - not way behind as we were in the past, but still behind. I am glad that Mr Duby and his department will be monitoring that, because that is so very important.

I think this Bill will have an important effect on driver behaviour if for no other reason than that it does start becoming expensive for offenders to continually be paying fines for their misbehaviour. But it should not be seen in isolation. This Bill is just one of a series of initiatives being undertaken by the Government to reduce the road toll and provide a safer road environment for us all.

The Federal Government's 10-point package of road safety initiatives, which has been agreed to in principle by the Government, includes requirements relating to increased enforcement of seat belt and child restraint wearing, which we have passed. It also provides greater penalties for not using restraints and will act as a deterrent to continued abuse of the law.

Other major initiatives that have been agreed by the Government include much tougher laws relating to drinking and driving, particularly for young and inexperienced drivers and drivers of heavy vehicles, including trucks and buses, and other public vehicle drivers. A lowering of the current .08 limit to .05 is also part of that package, and that law will be coming into force in the Territory soon.

Young and inexperienced drivers will be required to display "P" plates on their vehicles and conditions relating to the use of automatic vehicles and the towing of trailers will also be included as part of these important road safety initiatives. In relation to the "P" plate issue, perhaps we have been somewhat pampered here as this has never been included in the ACT before.

Current road safety programs which receive Government support include compulsory motorcycle rider training for learner riders, significant school-based road safety programs such as pre-licence driver education for year 10 to year 12 students, and general road safety programs targeted to suit school needs for preschools and primary schools. I think that is great, Mr Temporary Deputy Speaker, because I know that when I was a young motorcycle rider the police conducted a few programs but nothing was compulsory and we learnt nothing about it in school. That

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is absolutely great - teaching our young safe riding habits at an early age, at an age when they are just getting their licence. To make that compulsory so that they have to learn it and learn safe habits is a very good step indeed.

**Mr Kaine:** Do not stop now, Bill. You still have 6 minutes.

**MR STEFANIAK:** Thank you, Chief Minister. The road toll has been steadily declining in recent years, nationally and to an extent in the ACT. We have not had a good road toll perhaps over the last 10 or 15 years; but it is slowly declining, which is good to see. In 1988 the cost of road accidents was estimated at \$560,000 per person killed, which represents an enormous financial cost on the community. The emotional cost of pain, grief and suffering, of course, is immeasurable.

The introduction of this Bill provides another small but significant step towards keeping the road toll down, reducing the cost on the community and providing a safer road environment for all of us to enjoy.

**MR JENSEN (9.21):** Mr Deputy Speaker, in speaking to this Bill I wish to make some comment on the points raised by Mr Moore in expressing concern about penalties on the community during a recession. I note Mr Moore is busy on other things, so he is not listening. I hope he will take some notice of what I have to say.

**Mr Moore:** I take a point of order. There is a clear imputation there. In fact I have in front of me the Motor Traffic Ordinance. I have the specific Bill. I am checking the Bill against the other thing. To suggest that I am doing something else is totally inappropriate. This is just the very wrong moment. He could have got me at almost any other part of the day, but he has got me at the wrong minute.

**MR DEPUTY SPEAKER:** Thank you, Mr Moore. I do not believe that is a point of order. I think Mr Jensen would have to be a mind reader. We will take that as an explanation. Continue, Mr Jensen.

**MR JENSEN:** When I was referring to Mr Moore's comments, he clearly was not listening to what I had to say. He was doing something else. Mr Deputy Speaker, it seems to me that it is long past the time when an increase in fines is due. In fact, it could be argued that small fines do not discourage those who seek to break the law and the community will suffer because there are some who choose not to adopt a responsible attitude to the use of a motor vehicle.

We must remember, Mr Deputy Speaker, that a licence to drive a motor vehicle is not a right; it is a privilege which carries considerable responsibilities which I, as a parent, have been seeking to encourage and advise my young

lad about in recent years, to remind him of his responsibility as he takes on the role of driving a motor vehicle out on the street. In fact, it could be argued, Mr Deputy Speaker, that increasing such fines in times of economic recession - caused, of course, by a Federal Labor Government - might just encourage some of the less responsible members of the community to think twice before they break the law as it relates to the use of a motor vehicle.

This is specifically related to fines for speeding. I do not believe that anybody would disagree with the saying that speed kills. It is a very real danger for those who travel on the road. I know that people like Mr Berry, who have operated in the emergency area, are fully aware of the effect of such activities on young people, in particular, as they seek to exceed the speed limit and end up acting in an irresponsible manner and cause the unfortunate death of a member of society.

It is unfortunate that some of these people who claim that their civil rights are being infringed by such fines are in fact clearly breaching the civil rights of others, particularly if they are involved in the sorts of accidents that we often see portrayed on our television screens. I think it is time that we ensured that the younger people of our community, in particular, are made fully aware of their inability to cope with the responsibility of holding a driving licence.

The Motor Traffic Act was introduced in 1936 and relates to controls of motor vehicles and the regulation of traffic. Traffic infringement notices were introduced in the ACT in 1983 in recognition of the fact that it is not necessary for minor offenders against the Motor Traffic Act always to be subject to the court processes. It also serves to keep the courts clear for offences of a more serious nature to be heard. Traffic infringement notices are issued by the police for less serious traffic offences, such as speeding, not wearing a seat belt, not stopping at a "stop" sign, not giving way at a "give way" sign, not wearing a motorcycle helmet, and so on.

More serious offences, such as dangerous or negligent driving, are not traffic infringements. These types of offenders do not receive on the spot fines; they are required to go before the court. Driving at a dangerous speed is one such offence with a court imposed penalty of up to \$2,000. I would think that that is not an inappropriate penalty for such irresponsible behaviour.

The fines for traffic infringements have not been reviewed since they were introduced in 1983 and do not reflect an adequate level of penalty to provide a deterrent to potential offenders. You, Mr Deputy Speaker, have raised the issue as it relates to fines applying in other States. I think it is well past the time when the ACT brought itself into line with nearby States and others in Australia

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in accordance with the 10-point safety plan that our Government has agreed to participate in. Of course, we receive a not inconsiderable sum of money from the Federal coffers for participating in that program.

This amendment Bill provides for a 60 to 70 per cent increase in the level of all traffic infringement fines and this equates with the consumer price index increase of 67 per cent since the fines were first introduced. Fines for similar offences in other States have been considerably higher than our present levels. This Bill brings us more generally into line with other States, with the exception of fines for speeding in New South Wales which you, Mr Deputy Speaker, have identified as being higher. In New South Wales fines for exceeding the speed limit have been increased more than fines for any other traffic offence. This is largely because of the recent spate of crashes on the Hume Highway and other major New South Wales roads.

It should also be said, Mr Deputy Speaker, that increasing on-the-spot traffic fines has no relevance to gaol sentences for non-payment of fines as has been suggested by Mrs Grassby. I would suggest that those sorts of arguments have been well and truly put to rest by my colleague Mr Collaery and also Mr Stefaniak. Gaol sentences may be imposed for non-payment of fines which have been ordered following convictions in a court. Of themselves, traffic infringements do not attract court convictions.

This Bill, Mr Speaker, is part of the Government's ongoing commitment to improve road safety and reduce the road toll in the ACT even further than what it is at the moment. The increased penalties complement such measures as increased enforcement of seat belt restraint wearing, graduated licences for novice drivers, and continued road safety education programs in the school. It is for that reason, Mr Speaker, that I commend the Bill to the Assembly.

Debate interrupted.

### ADJOURNMENT

**MR SPEAKER:** It being close to 9.30 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.

**MOTOR TRAFFIC (AMENDMENT) BILL (NO. 6) 1990**

Debate resumed.

**MRS NOLAN (9.29):** Mr Speaker, I too am pleased to support this Bill to amend the Motor Traffic Act 1936 to increase the fines for traffic infringements. I wonder how many members in the house know how much it costs you today if you are booked for not wearing a seat belt. At present you will pay only \$40. This is certainly not large enough to have any great effect on the irresponsible or thoughtless driver. Perhaps, more importantly, it is not large enough to make drivers more responsible towards their passengers. Drivers are responsible for ensuring that any passenger under 14 years of age is restrained in a seat belt or child restraint. The present \$40 fine is unlikely to make irresponsible drivers more vigilant in keeping their young passengers restrained.

I am pleased to see that at last fines for traffic infringements are going somewhere near those in New South Wales, although there certainly is still some way to go, as Mr Stefaniak mentioned a little earlier. It is hoped that this Bill, with its increased penalty of \$70 for this offence, will provide some deterrent and make drivers more responsible towards the safety of their passengers and themselves. This increase from \$40 to \$70 does no more than return the penalty to its 1983 level when on-the-spot fines were introduced. These penalties have not been increased since 1983.

Speeding fines too are too low in the ACT. There are far too many people in the ACT who speed habitually. Knowing that the highest fine you can receive at present is \$80 is unlikely to deter the worst offenders. The new fine of \$130 may be more effective. As I mentioned a little earlier, Mr Speaker, the new speeding fines in the ACT are still considerably lower than those in New South Wales, where fines for exceeding the speed limit have been increased disproportionately to other traffic offences. On-the-spot fines for speeding in New South Wales range from \$81 to \$750, depending on the speed and type of vehicle. Heavy vehicles such as trucks and buses are the hardest hit in New South Wales for speeding offences. Under this Bill speeding fines will range from \$70 for exceeding the speed limit by no more than 15 kilometres per hour to \$130 for exceeding the speed limit by more than 30 kilometres per hour.

Let me now provide you, Mr Speaker, with a few other examples of the new fines under this Bill: being booked for going the wrong way down a one-way street, driving in a bus lane or failing to dip your headlights will cost you \$80. Overtaking on the left-hand side of a vehicle or failing to make way for an emergency vehicle will attract a fine of \$100, while disobeying a "stop" or "give way" sign will cost you \$130.

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I am confident that this Bill will have some effect on habitual traffic offenders and may make people think twice before deliberately committing an offence. The knowledge of a \$100 or \$130 fine will act as a deterrent, particularly with repeat offenders. I think this goes some way towards addressing this very serious problem that we have had in the ACT where fines have been as low as they have been.

I must say, Mr Speaker, while taking note of Mr Moore's concerns - and I notice he is now not in the chamber - that these fines have not been increased since 1983. Seven years without fines having been increased is a quite considerable length of time. Perhaps Mr Moore could let me know how many other things have not increased in seven years. I would have to say that there would be very few at all. Fines must act as a deterrent. I hope we do not see again a situation where no increases occur for such a long period. I believe that anything that we can do to support road safety is absolutely vital, and it is in this respect that I commend the Bill to the house.

**MR STEVENSON (9.34):** I have some concerns with such large increases. I believe that the majority of the increases are to raise revenue, not to handle the problem of car accidents. I think there is a responsibility on government for a number of areas that absolutely have not been addressed. Firstly, there is a responsibility to teach people to drive correctly. I do not believe for a second that that is being done. Who here can handle a car in a skid on a wet road, as an example?

**Mr Moore:** I can. There you are.

**MR STEVENSON:** Right. Let us go outside. I will get a bucket of water and we will watch you. And - - -

**Mr Humphries:** And a car. You have to get a car.

**MR STEVENSON:** What a good idea. That is excellent if you can. Very rarely can people control the vehicle. They know very little about it. Many cars are actually unroadworthy because people are not taught the basics of looking after their motor vehicle. So many people drive with tyres that are not inflated correctly. We all know that many - - -

**Mrs Nolan:** We had better check Dennis' car out thoroughly.

**Mr Kaine:** Tail lights that do not work.

**MR STEVENSON:** Thank you. At least it is mine. Tail lights that do not work, and various other things. But mostly people do not know how to drive a car correctly, and that is the major problem. In Germany on the autobahns you might be sitting in the middle lane doing about 120 and have a vehicle go by at about 250 kilometres an hour. But those people, looking at their accident rate, do know how

to drive quite well. You would need to at that speed. So I think we have a responsibility not to tax people for exceeding the speed limit. Where do you usually find radar traps set up? I do not particularly believe they are set up at those areas where it is dangerous to exceed the speed limit.

**Mrs Nolan:** Dennis, you used to be a policeman. You would know where you set them up.

**MR STEVENSON:** Absolutely. I know where they are set up and that is why I make the point. They are set up where the police know they are going to raise the greatest amount of revenue. You just made the point, Mrs Nolan. You have to accept the fact that I do know. We have another responsibility when it comes to signs. I think the speed signs should be very clear. Signs of two sizes are used. There is a small one and a large one. I think the larger one should always be used when there is a change of speed limit. That is not the case but it should be.

As for the suggestion that this might be a CPI increase, most people that I speak to do not think that the fines should be as high as they are in other States. The fact that governments in other States have rammed high fines through is not a reason why we should do the same thing. I grant they are very high there. I think we should put attention on road safety and not road revenue. We should teach people to drive; we should put up adequate signs. We have a responsibility to make sure that the speed limits for certain sections of roads are correct, and they are not in all cases. This is something that I intend to take on board and find out those areas where changes could be made to increase safety.

**MR DUBY** (Minister for Finance and Urban Services) (9.38), in reply: Mr Speaker, I must admit that I am pleased with the general support which has been voiced by the Assembly as a whole for the measures that this Bill introduces.

**Mr Moore:** By the Alliance, you mean.

**MR DUBY:** Whilst Mr Moore makes a comment that the support has been given by the Alliance, I will be very surprised if Mr Moore chooses to vote against this piece of legislation. As a matter of fact, Mr Moore's main - - -

**Mr Stefaniak:** He is thinking about it. Careful.

**MR DUBY:** Well, that will look good on the record. Mr Moore's main objection to this particular piece of legislation is that he treats it as a revenue item rather than something which merely allows for on-the-spot fines to be increased so that they become a realistic level of penalty, something commensurate with that which exists in other States, particularly in New South Wales. He expressed concern about the extent of the increase in these fines, these traffic infringement notices. The level of



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fine has not increased since 1983 when they were first introduced. I should point out that the increases that we are proposing in this Bill are in line with CPI increases since the fines were last set, which, as I said, was in 1983. Since then the fines for similar offences in other States have increased roughly in line with the CPI, although New South Wales has introduced extraordinarily high fines for speeding.

Basically the situation we now have is that ACT fines are much lower than those that exist in other States, particularly in New South Wales, and this has attracted criticism from New South Wales at New South Wales-ACT forums of which I am proud to be a member and from within the ACT itself, from the police and from road safety groups and lobby groups. The fines we are proposing, a general level of increase, are now generally more comparable and equitable with those in other States.

**Mr Berry:** What is the death and injury rate comparison?

**MR DUBY:** The death and injury rate, undoubtedly, is better in the ACT than it is in the other States.

**Mr Moore:** See how lower fines can improve death and injury rates. It is statistically proven.

**MR DUBY:** It is statistically proven, says Mr Moore, that low fines mean low accident rates. Well, I do not accept that argument.

Mr Connolly made general comments and I believe my colleague Mr Collaery has answered a number of those, particularly in relation to having the fine rate declared in unit terms so that we do not need to adjust them. Penalties across a whole range of legislation seem to be expressed in terms of units and then it requires only one piece of legislation to say that a unit shall comprise X dollars and it affects every piece of legislation which is in place. I think that is a very sensible suggestion. It is something which, of course, this Government is looking at and something which we are trying, I hope, to implement during the life of this Assembly. It is a long overdue reform and everyone acknowledges that; but that does not get away from the fact that these variations to this Act are needed now and we cannot wait until such time as complicated legislation of that type is introduced and put through the Assembly.

He mentioned the number of amendments we have had to the Motor Traffic Act. I will repeat basically what Mr Collaery has said: the Motor Traffic Act is a very complex Act. It is currently under review. We are having consultations with various groups about the Motor Traffic Act. The point is that the various amendments to the Act affect various groups within society and they are the groups that we had to consult. As a result, these

amendments are coming in, in special arrangements, like they are - No. 5 referring to taxi fares, No. 6 referring to traffic infringement notices, et cetera.

But the crux of the argument that Mr Connolly used, unfortunately, relates to the issue that Mrs Grassby raised a month or so ago when this was first mooted in relation to traffic offences. For Mr Connolly's benefit I would just like to point out exactly what this legislation that we are passing tonight is doing.

This Bill increases the penalties for on-the-spot fines for traffic infringement notices or TINs, as they are commonly known. It is part of the Government's ongoing commitment to improve road safety and reduce the road toll in the ACT. The increased penalties complement such measures as increased enforcement of seat belt and restraint wearing, graduated licences for novice drivers and continued road safety education programs in schools.

Traffic infringement notices, Mr Connolly, are issued by the police for less serious traffic offences such as speeding, graduated into three levels, 0 to 15, 15 to 30 and over 30, not wearing a seat belt, not stopping at a "Stop" sign or not giving way at a "give way" sign or not wearing a motorcycle helmet and so on. Now, this is the crux of the issue: Offences of a more serious nature such as dangerous or negligent driving are not traffic infringements. Offenders charged with those types of acts do not receive on-the-spot fines; they are required to go before the court. Driving at a dangerous speed, for example, is one such offence with a maximum fine of \$2,000.

When Mrs Grassby first raised this issue my colleague the Attorney-General, Mr Collaery, responded to her extraordinary claims that increased monetary penalties for traffic offenders would double the time spent in gaol by fine defaulters. As I recall then, he said that she did not know what she was talking about. I am actually quite embarrassed for Mr Connolly to say that he does not know what he is talking about this evening, particularly given his particular area of expertise.

I want to respond to what Mrs Grassby has claimed and what Mr Connolly has reiterated tonight. I am sure it is going to be a very embarrassing reread of Hansard when Mr Connolly does reread it because he is going to find that he has got the law wrong. Let me say that increasing on-the-spot traffic fines has no relevance to gaol sentences for non-payment of fines. I notice that I am saying this and I do not seem to be - - -

**Mr Connolly:** I hear what you are saying.

**MR DUBY:** I was going to say that I do not seem to be getting any impression from Mr Connolly. He is sitting over there reading his "Law Week", or whatever the book may be. I will say it again. Increasing the on-the-spot

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traffic fines has no relevance to gaol sentences for non-payment of fines. Gaol sentences may be imposed for non-payment of fines which have been ordered following conviction in a court. Of themselves traffic infringements do not attract court convictions. On-the-spot fines for traffic offenders were introduced in 1983 as a way of keeping minor offenders against the Motor Traffic Act of 1936 out of the court systems and leaving the courts clear to deal with offences of a more serious nature. A person who does not pay an on-the-spot traffic fine may - and I repeat may - receive a summons and if found guilty may, under the Motor Traffic Act, receive a monetary fine of up to \$500 for the offence. The offence is that of not paying the traffic infringement notice that they were first presented with. It is this fine that is referred to in the Magistrates Court Act of 1930 where gaol sentences for non-payment of fines is addressed. As I say, the maximum penalty for that, Mr Connolly, is \$500; something which this legislation affects in no way whatsoever.

If a person then does not pay the court imposed fine, under the Magistrates Court Act a magistrate may impose a gaol sentence, although I am advised that the usual procedure is to allow the offender more time to pay and gaol sentences are very rare for non-payment of fines. But they do exist. There is no question about that.

**Mr Connolly:** And there is a formula.

**MR DUBY:** There is a formula; by all means. But are you listening? I do not think you are. The fact is that the penalty for not paying the traffic infringement notice has nothing to do with the penalty that was originally imposed with the TIN. The maximum penalty for not paying the traffic infringement notice, under that Magistrates Court Act 1930, is \$500. This legislation in no way affects that penalty. This legislation in no way affects the amount of time a person may be sentenced to spend in gaol as a result of not paying an infringement notice.

I think you have been well and truly caught, Mr Connolly. Unfortunately you listened to what Mrs Grassby had to say. We all know the results of that. The simple fact is that you are dead wrong, and there is no way around it. I will reiterate that fines for traffic infringements are not court imposed fines, and, unless an offender is convicted in a court of law under the Magistrates Courts Act of 1930 and then does not, or cannot, pay the penalty for the conviction, the possibility of a gaol sentence does not arise.

So, any time you want to put out a press statement, Mrs Grassby, that you got it wrong, and you got it wrong the first time, and any time you want to put out a press statement, Mr Connolly, that you realise now that what Mrs Grassby told you in the first place was wrong - - -

**Mrs Grassby:** No, the Canberra Times got it right. You are all wrong.

**MR DUBY:** Well, there is the simple fact. This does not affect by one hour, or one day, the amount of time that a person will spend in gaol for not paying his traffic infringement notice. I feel very embarrassed for the members opposite.

Mr Stevenson raised some issues in relation to driving education and testing. Might I say, Mr Stevenson, that I support entirely the thrust of your argument in terms of reducing the road toll. It requires an increase in driver education and more resources in that area. And, of course, this Government is doing just that. We have introduced increased driver education for motorcyclists and compulsory motorcycle training for people who require a motorcycle licence, and I can tell you, Mr Stevenson, that I will be bringing before the Government proposed legislation regarding the registration, instruction and licensing of driver education officers, if that is the term for people who do that for a living - registration and testing. That is under review and I would anticipate that legislation along that line will be brought into the Assembly next year.

I reject your claim that traffic infringement notices are used as a source of revenue by this Government.

**Mr Stevenson:** Of course you would. What are you going to say? That it is true?

**MR DUBY:** Of course I am not going to say that it is true, because it is not. I reject that claim entirely and I think it is an effrontery to our police force and to the general - - -

**Mr Stevenson:** It has nothing to do with the police force, and you know it.

**MR SPEAKER:** Order!

**Mr Stevenson:** They simply do the job they are told to by politicians.

**MR DUBY:** Oh, please!

**Mr Kaine:** I do not tell police officers to do anything. Do you?

**MR DUBY:** No, and I am the Minister for Finance and the person in charge of the Commissioner for ACT Revenue and I can assure you that I certainly give no instructions to the police saying, "By the way, we are short a few bob this week, fellows. Go out and see what you can pick up in speeding fines". I have no bearing in that. So, I reject that and it is an effrontery to the police of this Territory who do a noble job in enforcing the law and

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trying to save lives. I think the very fact that we have such a good safety record, although one which can be improved upon - in relation to other States and Territories it is a very good road safety record - is in no small way due to the efforts of the Australian Federal Police in their monitoring of road regulations and safety regulations.

Generally, I welcome the support of the house and I am sure this Bill will have the support of the house. I am glad I was able to fix up those clear errors that were made by those opposite us in the Labor camp, and I cannot wait for - - -

**Mr Moore:** Craig Duby, the practising lawyer.

**MR DUBY:** I am not practising, but I have got it right. All I can say, if that is the case, is that our lawyer opposite needs more practice because he has clearly got it wrong.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clauses 1 to 8, by leave, taken together, and agreed to.

Clauses 9 to 11, by leave, taken together.

**MR MOORE (9.53):** Mr Speaker, having heard the Government present all their arguments - - -

**MR SPEAKER:** Order! Mr Moore, are you seeking leave to move your amendments as one?

**MR MOORE:** I would seek leave from the Assembly to move these 10 amendments as one so that we can deal with them as quickly as possible.

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

**Mr Kaine:** If he does not talk for more than 15 minutes.

**MR MOORE:** On each one. Thank you, Mr Speaker. I move:

Clause 9, page 2, paragraph (a), line 24, omit "\$70", substitute "\$50".

Clause 9, page 2, paragraph (b), line 26, omit "\$100", substitute "\$70".

Clause 9, page 2, paragraph (c), line 28, omit "\$130", substitute "\$100".

Clause 9, page 2, paragraph (d), line 30, omit "\$80", substitute "\$60".

Clause 9, page 2, paragraph (e), line 32, omit "\$130", substitute "\$100".  
Clause 11, page 3, paragraph (b), line 2, omit "50", substitute "40".  
Clause 11, page 3, paragraph (c), line 4, omit "70", substitute "50".  
Clause 11, page 3, paragraph (d), line 6, omit "80", substitute "60".  
Clause 11, page 3, paragraph (e), line 8, omit "100", substitute "70".  
Clause 11, page 3, paragraph (f), line 10, omit "130", substitute "100".

Having heard the evidence, the point, I guess, that carried most weight with me is that although the ACT fines are already lower than in New South Wales and other States Mr Duby admits that we still have a lower death and injury rate and a lower accident rate. That being the case, I think that there are obviously other factors that come into it apart from just the deterrent factor of fines. Those conservatives think that the only way to deter is to increase fines. Of course, that is very suitable for those who have money, but it makes it very difficult for those who have to find, as they would suggest, \$130 or \$70 for doing 10 kilometres or 15 kilometres an hour over the speed limit.

Whilst I accept that there is a need for some increase, the increase that we are looking at of nearly 100 per cent in some of these cases is really right over the top. Accepting that there is a need for some increases, I think that it is very important for us to realise three things: first of all, the sort of increase that I am suggesting will have no different deterrent effect from the increases that have been put in the Bill; secondly, whilst we are in this time of economic hardship it is most important to ensure that we do not cause any more pain than we have to; and, thirdly, there has been no evidence to show that there is good reason, from a traffic and safety point of view, to raise the fines to this level. That being the case, I think the amendments, as circulated, that I have moved are appropriate.

**MR SPEAKER:** Before we proceed, I would just like to point out to members that we are looking at clauses 9 to 11 when considering these amendments.

**MR STEVENSON (9.56):** I support the words of Mr Moore.

**MR COLLAERY (Attorney-General) (9.56):** I will be brief. Mr Speaker, I am astounded to hear from Mr Moore on this point. He has pressed me, in particular, very strongly in this Assembly and outside this Assembly on the cost of policing. The community expects a very high standard of safety, a high standard of policing and so on and so forth. It all adds up to a vast amount of money for the Government and I find it somewhat incongruous that Mr Moore would now stand and seek to reduce the general funds available to the Government out of a policing function. That to me

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demonstrates an extraordinary somersault. I do not want to be personal. I just find it philosophically and logically unsound.

Secondly, Mr Speaker, Mr Moore advanced arguments about the town having so many poor people. That is admitted and that is part of modern tragedy. Of course, Mr Berry, you know as well as I do - through you, Mr Speaker - that a lot of that has to do with the policies of your Labor Treasurer, the disgraceful policies that he has pursued.

I could say in reply - although I do not claim it is the argument - that Canberra has the highest per capita income of the nation. These arguments can go on and get lost in the sand, Mr Speaker. The real issue is that if you speed on the Tullamarine Freeway you will be fined more than, or close to, these amounts. I think it is \$130 for going over the speed limit on the Tullamarine Freeway. Really, we are not doing anything that is out of step with the rest of the country. In fact, as Mr Duby said, our fines are lower.

I think it would be unnecessarily divisive if Assembly members go out on this issue and say that they have stood and fought hard to keep fines down but this money-grubbing Government increased fines. These are long overdue adjustments of penalty rates. They have been required throughout the community. A broad spectrum of people have spoken to me and I am sure to Mr Duby, and perhaps other members, about these issues. It is not an ideologically driven exercise. It would be unfortunate if that argument is used against us.

**MR MOORE (9.59):** I do not think I will close the debate because we will all get a chance to speak. Mr Collaery suggesting that there is a lack of logic in my motivation does not surprise because Mr Collaery has so little understanding of logic.

**Mr Jensen:** Coming from you, that is terrific.

**MR MOORE:** Some of us have a major in our degree in such things, Mr Jensen.

**Mr Duby:** He is saying that he has a piece of paper certifying it.

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

**MR MOORE:** Thank you, Mr Speaker. I think that Mr Collaery has been kind enough to give us some of the words that we can use in due time, and that was very thoughtful of him. But the most important thing in terms of logic is trying to determine what this Government is about. One Minister tells us that it has nothing to do with revenue raising. The next minute Mr Collaery stands up and talks about how we need to raise the revenue in order to support the extra tens of millions of dollars that he has spent on the police force and has committed the ACT to in the future.

I think that, whilst there is no question about the motives of the police force, there is no evidence provided by the Government to indicate that raising these fines to the extent that they are talking about will have the effect that they want to achieve. Until they provide that evidence we ought not be prepared to support such drastic rises in these fines. From \$40 to \$70 is nearly 100 per cent in seven years.

I ask you: how many normal salary earners have increased their salary to that extent over those same years? Not many. I know that Mr Collaery has; he was earning only \$3,000 a couple of years ago.

**MR JENSEN** (10.01): Mr Speaker, I wish to provide some evidence for Mr Moore in relation to his question about whether it would have some deterrent effect on some of the drivers in the ACT. It certainly has a deterrent effect on one person that I am acquainted with because when he found out that the Government was going to increase the fines quite considerably he said, "Dad, don't do it. It will cost me too much". When it comes out of his pocket money, Mr Speaker, and the money that he earns, he knows full well what it is going to cost him and it has a deterrent effect on him. I can assure Mr Moore of that.

Question put:

That the amendments be agreed to.

The Assembly voted -

AYES, 2

Mr Moore  
Mr Stevenson

NOES, 14

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

Question so resolved in the negative.

Clauses agreed to.

Title agreed to.



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Question put:

That this Bill be agreed to.

The Assembly voted -

AYES, 15

NOES, 1

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

Mr Stevenson

Question so resolved in the affirmative.

Bill agreed to.

### ADJOURNMENT

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

That the Assembly do now adjourn.

### **Mr Nelson Mandela - Visit to Canberra**

**MS FOLLETT** (Leader of the Opposition) (10.06): Mr Speaker, today I had the great honour and privilege of attending the lunch which the Prime Minister hosted in honour of Mr Nelson Mandela's visit to Australia. I would like to inform the Assembly that there were hundreds of people at that lunch today. We had representatives from the diplomatic corps, from all churches, from the military, from politics of all sides. There were public servants, there were trade union people and other community representatives, and all of those hundreds of people were there in order to honour Mr Nelson Mandela and to honour, in particular, his fight over a great many years to abolish the apartheid regime in South Africa and to install a non-racial democratic government in South Africa.

Both the Prime Minister and the Federal Opposition Leader, Dr Hewson, spoke at the lunch today, and they both spoke in support of Mr Mandela and his efforts. In fact, there was

a great deal of unanimity in what was said, and when Mr Mandela himself spoke he urged Australia to continue the support that we have offered against the apartheid regime and, in particular, to continue support for the sanctions which we have applied against South Africa.

Mr Speaker, I felt that today was a very significant occasion and, as I have said, I was very honoured to be present at that lunch. But, in that company, I was deeply ashamed of the actions that this Assembly had taken in relation to Mr Mandela's visit. I have often been embarrassed, particularly by the actions of the Government members, and I have often felt embarrassed by my association with this Assembly because of some of the things that people have said and done on that side of the house. But today I was more than embarrassed; as I said, I was deeply ashamed. I find it very distressing to have to report that, but to see the breadth of support for Mr Mandela, to see the grace and dignity of the people who spoke, to see them putting aside political differences, to see people from all walks of life coming together to honour such an historic and significant occasion, brought on in me a feeling of shame at the very shabby treatment of this great man that was meted out by this Assembly.

Members interjected.

**MS FOLLETT:** Mr Speaker, please, are you going to protect me from these people?

**MR SPEAKER:** Order!

**MS FOLLETT:** Mr Speaker, I would further like to report to the Assembly that Mr Bruce Haigh was present at the lunch today, and I was able to have a short discussion with him. Members might recall that Mr Haigh proposed to this Assembly a scheme whereby placements would be found for young black South Africans to get work experience in various areas of the ACT Administration. Mr Haigh has advised me that he is continuing to work on that proposal, and that he has the support of the Department of Foreign Affairs in that matter. I hope that members of the Government will overcome their initial knee-jerk reaction against this proposition and actually cooperate in order to find suitable positions for these young South Africans, so that they might take back to South Africa the kinds of skills and experience that will actually help their own people.

I would also like to remind the Assembly that Mr Berry's original proposal to rename Rhodes Place to Mandela Place has now been referred to a committee of this Assembly, and I would like to ask the Government members of that committee to put aside their political posturing on the question of Mr Mandela's visit and to approach the renaming of that street in the same sort of spirit that was evident at the lunch today at Parliament House.

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I would reiterate that I believe that the actions of this Assembly were shabby in the extreme in relation to Mr Mandela's visit. I believe that members of the Government have in no way given that man the honour which he deserves and which, quite clearly, greater politicians than they have seen fit to give to Mr Mandela. As I have said, Mr Speaker, the support for Mr Mandela today was from all sections of politics and from all sections of the community; it is only within this chamber that we have a government which is not prepared to echo those sentiments.

### **Mental Health Week**

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (10.11): I do not know what Ms Follett is talking about. Along with other members on this side of the chamber, I supported an emphatic motion of support to Mr Mandela. I do not know what it is that is supposed to be shabby treatment. I am sure that, if Mr Mandela saw the motion carried by Government members in this Assembly, he would not think it was the least bit shabby.

I have risen, Mr Speaker, to remind the house that this week is Mental Health Week. It is a week designed to encourage members of the public to talk about what they can do to improve mental health in the ACT and to increase awareness of the needs of people who suffer from mental illness.

It is a valuable opportunity for us to reflect on a number of things. Firstly, there is the importance of changing community attitudes towards people who suffer from mental illness. In particular, we must improve the way in which people treat other people - particularly members of their families or people with whom they come into contact - who suffer from mental illness. Secondly, it is a way of improving our awareness of the resources available to assist such people, such as community resources, Government resources and voluntary and non-government organisational resources. Thirdly, it is an opportunity to pay some tribute to the many people who work in the area to provide services and relief to people suffering from mental illness. I would have to say that those people are a special breed; they are people who exhibit a particularly high degree of tolerance and understanding which I, myself, find hard to understand, but I am sure that other people who have watched that kind of work going on would be as quick to praise it as I am.

I was fortunate to open Mental Health Week yesterday, and I made reference to some of the initiatives that are currently in train in the ACT in respect of mental health. I might just mention some of the activities going on this week for Mental Health Week. There is a display all this week at the Woden Library on the subject. Its collection of literature on that subject is there for people to

borrow. There is an exhibition of paintings by Patrick Morison at the Graphix Brasserie in Green Square, Kingston, which opened at 5 o'clock this afternoon.

Today there were also free films around mental health issues at the National Library. A bush dance is due to be held tonight. Tomorrow is an open day at the Queanbeyan Hospital Mental Health Service. On Thursday there is a street stall being held in Monaro Street, Queanbeyan, and Saturday is open day at Hennessy House - between 2.00 and 9.00 pm, just behind the Calvary Hospital. I strongly urge any members of the Assembly who are interested in these activities, and, in particular, in supporting some of the work done by people who are labouring to make this area a more effective part of the ACT's provision of social services, to go to one of those occasions and find out what is going on in this area in the ACT.

### **Gulf Crisis**

**MRS GRASSBY (10.14):** I rise to speak on behalf of Australian citizens, particularly in this city, whose first language is Arabic. That includes many Australians, particularly in this city. I speak in their defence at a time when they are torn between their love for their loved ones back in the country that they came from, and what could be a very nasty war which we all may be dragged into. We may meet our maker long before we wish to.

The fact is, Mr Speaker, that there are many nasty things being said about those people in the press these days, because of the fact that their first language was Arabic and because the war, as we all know, is between Iraq and America and the rest of the world. May I say that many horrible things have been written in papers lately, and in many cities - not so much in this city, thank goodness - we are seeing that the people whose first language is Arabic are being treated as though they do not belong in this country. All citizens in this country have their rights, and as the Australian Labor Party we stand for justice for all citizens in this land, no matter where they were born; whether they were born in this country or born in another country. As Robbie Burns said, "a man's a man for a' that". Therefore every person has all the rights to be a citizen and to be treated as a citizen in this country.

May I say, Mr Speaker, that I hope to goodness that people will come to their senses and we will not see a war in the Middle East. Most of all, may I say that citizens of this country whose first language has been Arabic should be treated as one of us. Their loved ones back in the country that they came from may be going through most tremendous trauma now. Therefore these people need a lot more care and understanding from us in this country.

### **Ministerial Arrangements**

**MR WOOD** (10.17): Mr Speaker, I want to read a short paragraph from House of Representatives Practice, page 294. Its subtitle is, "Announcement of ministerial arrangements". It reads:

The Prime Minister from time to time informs the House of changes in the Ministry, of the absence or illness of Ministers, of any acting and representational arrangements that are made within the Ministry, and of changes in departmental and administrative arrangements. It is the practice for such an announcement to be made before questions without notice to assist Members in directing their questions.

Today, the Chief Minister walked in with his Government colleagues. The Deputy Chief Minister was absent in Brisbane - and that is a quite reasonable thing to happen - but no announcement was made and no statement was made. After question time, with prodding from the members of the Opposition, the Chief Minister made some rather disdainful comment, as though we did not need to know these things. Mr Speaker, I do not know whether the Chief Minister is simply incompetent - perhaps he forgot what he needed to do - or whether he holds this parliament in contempt in that he has no respect for it and the traditions on which it is based. Certainly, his actions last week showed a lack of respect for this parliament. I hope that on future occasions, if any Minister is absent, the normal courtesies will be followed.

### **Gulf Crisis**

**MR STEFANIAK** (10.19): I would like to endorse Mrs Grassby's general comments. I think there has been some limited hysteria - and I am pleased to see that it is limited in Australia - in some actions directed against people who are of Arabic extraction - not necessarily Iraqi extraction either - as a result of the tensions in the Gulf. This, unfortunately, is not new. I can recall in Australian history similar reactions against Germans and Italians in World War II and World War I. A quite loyal German population - Australians of second and third generations - was badly treated as a result of hostilities between the then British Empire and Germany in World War I. In the United States there were Japanese units from Hawaii who fought with great distinction with the US forces in Europe and, of course, there was a lot of criticism of the way that Japanese Americans were treated during World War II.

I think it is timely that Mrs Grassby brought that point home, and she did so very well tonight. It is also timely, of course, to bring home the fact that many people from various ethnic backgrounds are now in Australia, and I think it is important that when they come to Australia they leave the problems of their homeland behind. You can never forget what has happened in your original homeland, but you start afresh in your new country. You bring your skills to that new country and you are part of that new country, and your first loyalty, of course, is to your new country.

I am glad Mrs Grassby also mentioned the potential conflict in the Gulf because a lot of things have happened in the world in the last year or so. The great easing of tension between the super powers has led to what we might have thought was going to be a much more stable world. However, the old adage, the defence of freedom requires eternal vigilance, is very true because we have seen a larger aggressor nation, Iraq, invade and take over a smaller, weaker and helpless country, Kuwait. I think the response of virtually all the world, led by the United States and properly supported by the current Federal Australian Government with the support of the Federal Opposition and, I believe, the vast majority of the Australian people, and the support given to Kuwait and also Saudi Arabia by the vast majority of the Islamic world and the Arab world, is very comforting to see. Like Mrs Grassby, I certainly hope that the conflict will be resolved without force. I suppose, if all else fails, force may well have to be used, as a last resort, to throw the aggressor out of Kuwait. Let us hope it does not have to come to that; let us hope some sanity does prevail.

#### **Residents Rally - Resignation of Mr Moore**

**MR MOORE** (10.21): Mr Speaker, this time last year I was drinking champagne. I remember it well because it is exactly a year ago today that I resigned from the Residents Rally. I would like to say that I have not been sorry for one minute or one second of that year.

#### **Bruce Hostel**

**MR BERRY** (10.22): Earlier on I decided that I would rise on the issue of the collapse of ACT businesses, but I note that the Chief Minister is not here, and I have to say that on the basis of experience in the last few days it would be difficult to turn the Chief Minister around from his view on these matters. The ACT, of course, has been criticised and is criticised each time the country is in trouble economically, and, of course, it does not help in this Territory when we have a government that is on the nose. That does, of course, cause difficulty in business because of the lack of confidence and the lack of stability. It is

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a difficulty for the future of the Territory. But the Chief Minister is not here, so I will not persist with that matter any more.

Another issue of concern which was reported on page 3 of the Canberra Times today concerned a young man who was involved in a fracas at the Bruce Hostel. Marcus English is the young fellow's name. I first met this young man at the launching of the autistic children's program more than a year ago, where a program was launched to help children suffering with autism. Ms English, as she was then, impressed me as a committed parent who wanted the best for her son and who wanted the best for young people who are in a similar predicament. Things changed in their lives and Marcus became difficult for her to handle. She was forced to look for other accommodation, and Marcus ended up in Bruce Hostel.

Now, what angers me about this young man's predicament and the predicament of Ms English is that she has been working very hard to secure a better environment for her son and for youngsters like him in our system, and this article in the paper this morning clearly describes the inability of the Government to do anything for this young man, and, in particular, slams Mr Humphries and Mr Bernard Collaery because of their failure even to reply to approaches that she has made in recent times.

The situation has developed to a point where the staff at the hostel are talking about industrial action. I suggest that this is outrageous in the circumstances because it is not their doing, it is the Government's doing that circumstances have become so difficult at that place that staff look towards industrial action to try to highlight the needs and the changes necessary for the provision of services to people in this sort of trouble. The Bruce staff are alarmed and concerned about it. I have taken a special interest in that place because of the concerns of the parents of the residents of the ACT who use that facility and because of the concerns of the staff about the future of that facility. I have to say that Sherry English is a tireless worker on these issues and she would have left no stone unturned in approaching the Government to improve the situation for youngsters who need those sorts of facilities. She has not been able to achieve anything, even though there have been many warm statements from this Government. The Government has failed again. It has been reported as failing in the Canberra Times and it will be remembered for it.

### **Mr Nelson Mandela - Visit to Canberra**

**MR DUBY** (Minister for Finance and Urban Services) (10.26): Mr Speaker, first of all, I would just like to comment on what I regard as the outrageous claims made by the Leader of the Opposition in her opening of this adjournment

debate. I refer to her comments about Mr Mandela and the statement that this Assembly in some way had done something that was prejudicial to Mr Mandela's cause, or whatever. I notice that the Leader of the Opposition is not here, as usual.

Mr Speaker, that address tonight was a sham address. It was a sham speech of outrage. As usual, her comments were words of venom and bile and, if anything, to me they dripped with falsehood. The simple fact is, as Mr Humphries commented, that if Mr Mandela were to read the motion that was passed by this Assembly - almost unanimously - I am sure he would be delighted by the descriptions of good wishes and concern that were expressed by that motion. It was supported by all members of this Government and, I might add, by the members opposite as well, with the exception of one. So, to pretend that somehow we had done something prejudicial to Mr Mandela's cause or to his reputation, or anything like that, is simply outrageous. Anyway, that is enough of that.

I would like to comment also on the statement made by Mr Moore. Today is the first anniversary of his parting of the ways with the Residents Rally.

**Mr Moore:** My long and detailed statement.

**MR DUBY:** Yes, it was too.

**Mr Moore:** You were sorry you missed out on the champagne.

**MR DUBY:** That is a point also. More to the point, if the 12 months is up that means that we are now into the decree nisi stage, and it will be decree absolute by 23 November. You will then be legally free, Mr Moore, to conjoin officially with a new partner. And we know exactly where you will go to find that.

### **Mr Nelson Mandela - Visit to Canberra**

**MR CONNOLLY (10.29):** Mr Speaker, I rise tonight, provoked by Mr Duby's attack on the Leader of the Opposition's very measured comments on the recent visit of Mr Mandela. Mr Speaker, the attacks by the Government were mealy-mouthed in the extreme. This Assembly brought shame on itself through the widely reported comments that Mr Mandela was a communist and that there had been communist influence in the ANC. We could not give a key to the city to Mr Mandela because it was unprecedented. One of the commercial television stations in this town that evening, I believe, showed film footage of a Government Minister presenting the key to the city to a circus bear. Mr Speaker, what a shameful proposition! We cannot contemplate giving the key to the city to one of the dominant political figures of the twentieth century, but we can give the key to the city to a circus bear. That, in itself, was outrageous.



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Mr Speaker, Ms Follett made another point to me earlier this evening in conversation. She remarked that both the Prime Minister and the Leader of the Opposition, in very impressive and measured speeches at the function this afternoon, referred to their hope - their shared hope - with Mr Mandela for a non-racial future for South Africa. One of the most outrageous parts of the events early this week was the Government's opposition to our hopes for a non-racial future for South Africa. Ms Follett made the comment today that that phrase that the Government objected to was supported by both Mr Hawke and Dr Hewson. Mr Speaker, that objection to that term made no sense to us and made the Assembly look absurd.

Mr Duby seemed to find the proposition that the key to the city could not be granted to Mr Mandela, but could be granted to a bear, amusing, and he asked whether it was a brown bear or a black bear, or perhaps, given his concerns about the ANC, a red bear. That made us look absurd. As Ms Follett said, it was a shameful exercise for this Assembly.

### **Mr Nelson Mandela - Visit to Canberra**

**MR COLLAERY** (Attorney-General) (10.32), in reply: Mr Speaker, I join with my colleagues in expressing disgust at how low the Leader of the Opposition will stoop for political point scoring. I will say very little more than that she is rapidly earning our complete disgust with the way she proceeds.

Mr Speaker, I have been active in South African human rights issues for years and years in this country. If the Prime Minister was not willing to invite Mr Kaine to a luncheon today, I think it is absolutely disgraceful that he would not invite me, or one other Minister of this Government, or one member of the Amnesty group in the Assembly. I am going to look into the activities of the Prime Minister and his protocol group in this clear and apparent snub of our Assembly, and also into the manner in which Ms Follett seems to have agreed with that snub to our self-governing entity. That is a very strong statement I make.

Those of us who have been busy in the field of human rights can stand on our records. No-one has ever seen Rosemary Follett at any of the principal human rights activities and functions in this country. The record shows, Mr Speaker, that for years I harried this Federal Prime Minister, Mr Hawke, to give justice to South African military deserters. It is on the record in this town. The Prime Minister and the current Foreign Minister, Gareth Evans, well know how I was a thorn in their side for years, yet no invitation was expressed. This was shabby political point scoring,

endorsed by a very shallow Leader of the Opposition. It was a disgraceful performance that she put on here this evening.

Mr Speaker, the real problem with this Assembly is that, when and if anyone opposite us ever gets into power as a Minister, they will get around this country and they will see that we are judged constantly by the claptrap that they put out as an opposition in this Assembly. They have done nothing to elevate the status of our Assembly. Once again Ms Follett has introduced a stupid motion in the Assembly, knowing we would agree to it without demur, providing we could get the verbiage right, and knowing full well that we could have negotiated the issue of training courses for young blacks from South Africa. It was put on to point score, and then there was this dreadful speech this evening. It was a disgraceful, hurtful speech from a very spiteful, venomous person who is very unhappy with herself and life.

Finally, Mr Speaker, regarding Mrs Grassby's comments about Iraq, I trust that in all her comments she will endorse the view that the Government of Iraq should not, in any way - - -

**Mrs Grassby:** I was not talking about Iraq. I was talking about people whose first language is Arabic.

**MR COLLAERY:** You were clearly talking about Iraq, Mrs Grassby. I hope that that Government will in no way fund activities in this country, either in relation to the Arabic community or in relation to any other divisive political issues in this town. I know that Mrs Grassby is taking my comments to heart.

Question resolved in the affirmative.

**Assembly adjourned at 10.36 pm**

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**ANSWERS TO QUESTIONS**

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**School Buildings - Operating Costs**

**QUESTION NO 181**

MR WOOD - asked the Minister for Health, Education and the Arts on 6 June 1990: In the current financial year, which Department of Agency has been responsible for paying

- (a) the maintenance costs of buildings;
- (b) heating costs;
- (c) electricity costs;
- (d) ground maintenance; and
- (e) cleaning costs on the following premises:
  - (i) former Downer Primary School
  - (ii) former Curtin South Primary School; and
  - (iii) wing occupied by ACE, Watson Primary School.

MR HUMPHRIES - the answer to Mr Woods question is:

- (i) (a) - (e) Department of Finance and Urban Services
  - (ii) - (iii) (a) - (e) Department of Education
- Note: Grounds maintenance includes the school area only

Tenants contribute to these costs through their rental payments.

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**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 202**

**Consultants**

MS FOLLETT - asked the Minister for Health, Education and the Arts upon notice on 20 September 1990:

- (1) In the period from 5 June 1990 to 6 August 1990, what consultants were employed by (a) the Minister; and (b) each agency in the Ministers portfolio
- (2) For each consultant employed, what was (a) the purpose; (b) the duration; and (c) the cost of the consultancy.

MR HUMPHRIES - the answer to Ms Folletts question is:

MINISTER

Mots Du Vert

Assist the ACT Minister for Health, Education and the Arts and the ACT Department of Education in public education programs associated with the development of the Schools Reshaping Program.

Period: 14 May 1990 - 17 August 1990 Cost: \$15 400

AGENCIES

Education and Arts component - see Attachment 1

Health component - see Attachment 2

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Attachment 1

EDUCATION AND ARTS

CONSULTANCIES 5 JUNE 1990 TO 6 AUGUST 1990

James Lang Wootton

Report on the rental potential of surplus space in ACT Government schools

Period: 22 June 1990 - 29 June 1990 Cost: \$1 890

Delete Ross Topmast

Analyse and provide advice on the funding requirements for the 1990-91 financial year for the Government Schooling Program

Period: 16 July 1990 - 20 July 1990 Cost: \$5 200

The Consultancy Bureau

Review current school bus service arrangements to determine more cost effective options for the administration and provision of services in the future in line with recommendations of the Priorities Review Board

Period: 25 June 1990 - 23 July 1990 Cost: \$25 700  
(Excluding Fares & T.A.)

Price Waterhouse

Perform an audit of the staffing formulae for the generation of school based staffing entitlements

Period: 2 August 1990 - 10 August 1990 Cost: \$8 800

A Steel (Canberra Theatre Trust)

To develop a concept and organise a program for the Australian Theatre Festival to be held in Canberra from 24 September to 6 October 1990

Period: 8 April 1990 - 19 October 1990 Cost: \$7 500

(Covered by private sponsorship)

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Attachment 2

ACT COMMUNITY & HEALTH SERVICE - CONSULTANCIES 5 JUNE 1990 TO 6 AUGUST 1990

CONSULTANT PURPOSE DURATION COST  
(\$000)

J. Murray Training Course - SES Staff 2 days 0.2  
J. Niland Management Training in Industrial get. 1 day 4.5  
The Change Agency Workshop - "Gaining Co-operation" 1 day 1.0  
The Change Agency Consultancy - Jindalee restructuring 3 hours 0.4  
Dr G. Ash Noise Survey 1 day 0.5  
Dr J. Uhr Consultancy - Public Management 1 hour 0.1  
The Change Agency Consultancy - Jindalee restructuring 2 days 1.0  
V. McAlister Nurse Career Structure 9 hours 0.2  
Fitness Industry Consultancy - National Better Health 2 days 1.5  
Public Service Comm. Senior Executive Selection Committee 18 days 6.5

Cullen Egan Dell Consultancy - CEO position Calvary Hosp. 1,day 0.4  
" I. Bidmede Consultancy - Reforms of ACT Health Laws 6 days 4.6

Edwin Dell. Clare Consultancy - Hospital Redevelopment 3 day 2.2  
Shoshane Faire Consultancy - Conflict resolution 2 days 2.2  
Employees Assistance Assessment and Counselling - employees 60 days 9.1  
Service  
Management & Consultancy - Strategic Planning 34 days 34.4  
Technology Consulting

Palm Management Staff seminars - Hospital Redevelopment 19 days 14.9  
Prime People Consultancy- Ambulance Accounts 14 days 2.8  
Raine & Horne Evaluation Griffith Ambulance Station 1 day 0.4

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 206**

**Consultancies**

MS FOLLETT - asked the Minister for Health, Education and the Arts upon notice on 7 August 1990: What amount was expended on consultancies in 1989-90 financial year by each agency in the Ministers Portfolio.

MR HUMPHRIES - the answer to Ms Folletts question is:

Expenditure on consultancies for the 1989-90 financial year were:

(a) the former Department of Education:

Government Schooling - \$55 685

Arts - \$ 5 000

Non-Government Education - nil

Canberra Theatre Trust - \$11 600

(b) the Community and Health Service - \$776 033

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**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**Hospitals Redevelopment Project**

**QUESTION NO. 225**

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

1. Will the Minister provide the following material in relation to the appointment of the company appointed to head the ACT Hospitals Redevelopment Project (a) copies of the tender documents or any other invitations to quote; (b) the list of persons or companies invited to tender; (c) the submitted tenders and (d) how the tenders were evaluated.
2. Did the Minister accept the nominated tenderer and if not, why not.

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

1. (a) A copy of the invitation to submit proposals is attached.

(b) This invitation was extended to the following firms:

Turner Corporation Limited (NSW)  
Richard Glenn & Associates Pty Ltd (VIC)  
Australia Pacific Projects Corporation (NSW/ACT)  
Capworks Management Pty Ltd (NSW)  
Dockrill Health Projects (NSF)  
Civil & Civic Pty Ltd (NSW)  
Till Crow & Associates (NSW)  
Prominent International (NSW)

(c) Six of the eight firms invited to submit proposals responded. These submissions are classified as "Commercial-in-Confidence" and therefore cannot be supplied without the specific clearance of the firms in question.

(d) The proposals were evaluated by a Committee comprising the Secretarys of the Departments of Health, Chief Ministers and Urban Services, the Under Treasurer and the Director of ACT Public Works.

2. The Committees recommendation was accepted..-; .

3976

DEPARTMENT OF HEALTH

Dear

ACT PUBLIC HOSPITAL REDEVELOPMENT PROGRAM

I am pleased to confirm my recent advice that the ACT Government has now adopted a management model for the overall conduct of this program.

The model provides for a small project office operating under the direction of a Project Director who will be responsible through me to the minister for Health, Education and the Arts. An indicative depiction of the model is attached.

I am anxious to contract a suitably skilled and experienced person to take on the role of Project Director and as discussed with you previously would welcome a proposal from your organisation. It is desirable that the Project Director take up duties as soon as possible.

The main specifications for the appointment are as follows:

- (i) the Project Director must be a designated person;
- (ii) the Project Director will be resident full time in Canberra or otherwise available full time to the project;
- (iii) the minimum contract period will be for three years; and
- (iv) the Project Director will be regarded as an employee (on contract) of the Department of Health, with direct accountability to me.

Persons to be considered for appointment will be suitably qualified and experienced and possess a solid track record of achievement in the industry, incorporating demonstrated success in the management and coordination of major hospital projects.

In putting forward a proposal, the following information will be essential:

- (i) the name of your nominee, accompanied by a full curriculum vitae;

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23 October 1990

- (ii) the arrangements under which the nominee will be available to the project on a full time basis;
- (iii) the proposed contract period;
- (iv) the proposed fee package for the contract; and
- (v) the proposed commencement date.

In addition relevant background material on your firms capabilities and achievements will be valuable

You should be aware that in submitting a proposal it would be wrong to anticipate any automatic flow of assignments to your firm for other work associated with the project. Such assignments will be managed quite separately and in competitive environments.

Finally, I must point out that the Project Director and his or her nominating firm will need always to be in a position to avoid any conflict of interest. Hence you will need to judge before submitting a proposal whether appointment of your nominee would interfere with the opportunity for your firm, and those connected with it, to participate in other activities associated with the program which will be relevant to your expertise and aspirations.

Please do not hesitate to contact me if further information is required. I look forward to hearing from you by Monday, 4 June.

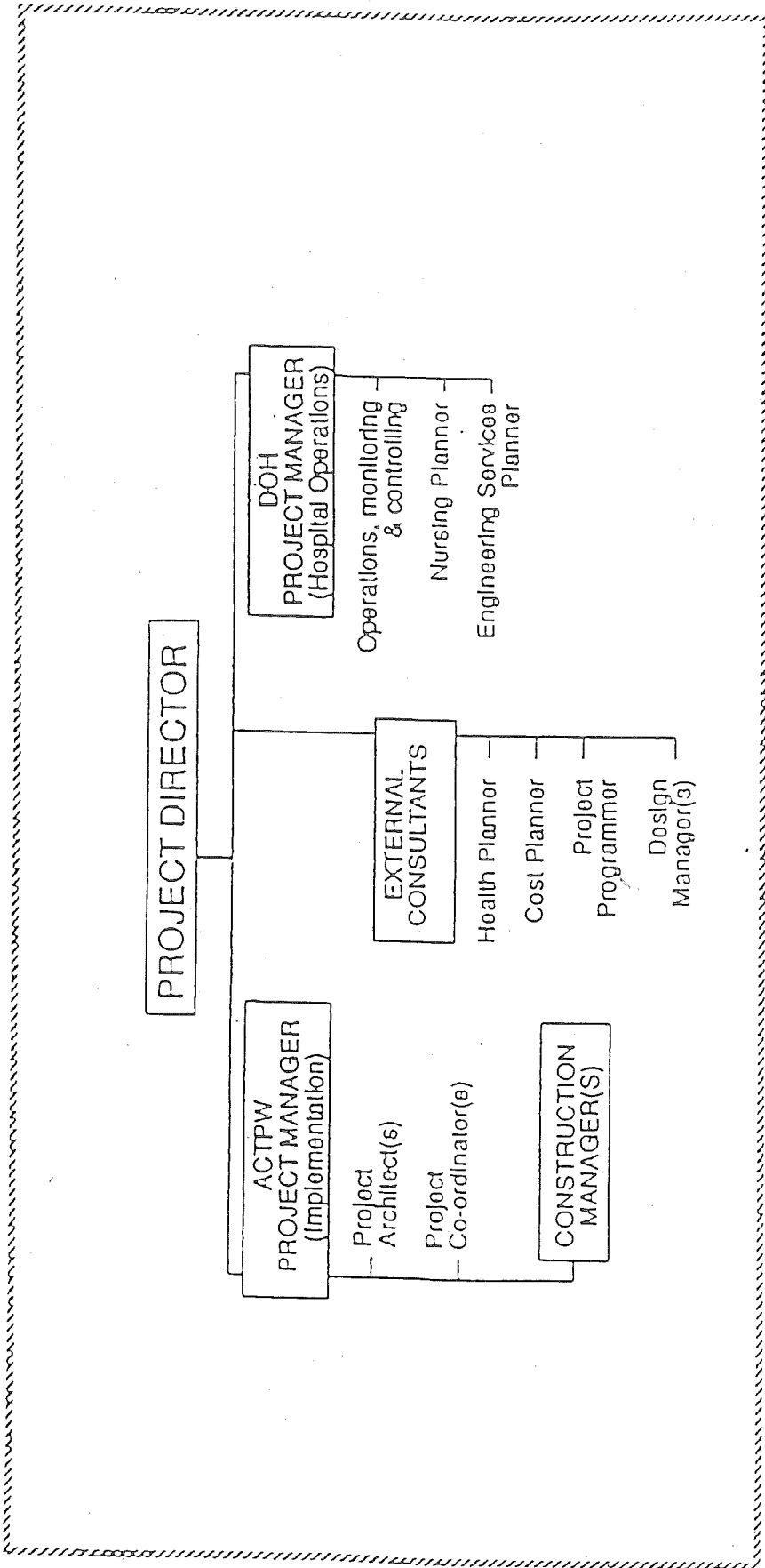
Best wishes.

Yours sincerely

Bissett  
Secretary

3978

# PROJECT OFFICE



23 October 1990

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**Hospitals Redevelopment Project**

**QUESTION NO. 226**

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

1. What process is in place for the tenders for the new work to be undertaken as part of the Hospital Redevelopment Program.
2. Does the process ensure that ACT firms are able to participate in the redevelopment.

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

1. Tenders for new work to be undertaken as part of this project will be managed through the normal processes of ACT Public Works, under the supervision of the Project Director.
2. ACT firms will be able to participate in the redevelopment.

3980

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**Hospitals Redevelopment Project**

**QUESTION NO 227**

MR BERRY - asked the Minister for Health, Education and the Arts on notice on 15 August 1990:

1. The Government has announced the new planning process for the ACT Hospital System.
2. How was the project consultant chosen.
3. What is the cost of the consultancy to the ACT.

MR HUMPHRIES - the answer to Mr Berrys question is:

2. The project consultant for the functional and master development control planning process for the Public Hospital Redevelopment Program was selected through normal ACT Public Works processes.
3. The cost of the consultancy is estimated to be \$570 000.

3981

23 October 1990

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 231**

**Community Development Fund**

MR BERRY - asked the Minister for Health, Education and the Arts upon notice on 15 August 1990: In your portfolio areas, how much of the Community Development Fund has been allocated and how much remains.

MR HUMPHRIES - the answer to the members question is:

In 1989-90 the following allocations were made from the Community Development Fund for Health and the Arts components of the Ministers portfolio:

**Health**

An allocation of \$874 291 was made and all grants were paid out in full.

**Arts**

Allocations were made:

- \$1.681 million for grants to the private sector
- \$0.796 million for grants to the public sector
- \$2 million for capital advances, loans and grants to the private sector.

During the year total expenditure incurred was:

- \$1 673 million in grants to the private sector leaving a balance against the original allocation of \$8 000
- \$0.796 million in grants to the public sector leaving no remaining funds
- \$0.266 million in capital advances, loans and grants to the private sector leaving a balance against the original allocation of \$1.734 million.

These funds have been set aside to purchase studio space for visual artists and for upgrading of the Childers Street Theatre. Of the \$1.734 million, \$1.487 million is to be expended by 31 December 1990 and the remainder by 30 June 1991. Properties for studio space for visual artists have been identified. However, the sponsoring body, Australian National Capital-Artists (ANCA), has experienced unforeseen delays in finalising arrangements for the purchase of the properties.

3982

**ATTORNEY GENERAL**  
**ACT LEGISLATIVE ASSEMBLY**  
**Administrative Appeals Tribunal**

**QUESTION NO 251**

Mr Connolly- asked the Attorney General -

- (1) How many matters have been dealt with by the ACT Administrative Appeals Tribunal. .
- (2) What is the average time between making application and receiving a decision.
- (3) What is the cost of running the ACT Administrative Appeals Tribunal.
- (4) What is the cost per application.

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

- (1) 72 applications have been lodged with the ACT Administrative Appeals Tribunal between May 1989 and September 1990.  
A summary of how these matters were dealt with is in Table A.
- (2) Five (5) matters proceeded to a final hearing with an average time between making an application and receiving a decision of 158 days. Details are set out in Table B.

The average figure is just that - an average: it does not take account of delays introduced into the conference and hearing process by either or both parties.

- (3) The ACT Administrative Appeals Tribunal came into existence in May 1989. It is run under an agency arrangement by the Commonwealth AAA. The cost of running the Tribunal for the period May 1989 - July 1990 was \$139,204 which comprised a payment of \$136,900 to the Commonwealth and \$2,304 sitting fees for a member of the ACT Tribunal who is not a member of the Commonwealth Tribunal and who does not come under the agency agreement.
- (4) The average cost per application lodged for the period ending July 1990 is \$2,175.

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1989

A.C.T. ADMINISTRATIVE APPEALS TRIBUNAL

<u>LODGED</u>	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
	4	4	4	4	2	3	5	26

DETERMINED

	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
Withdrawn					1		1
Varied	-	-	-	-	-	-	-
Affirmed					1	1	2
Conceded							
Jdn	2	1	1	1	1		6
Set Aside	-	-	-	-	-	-	-
Remitted	-	-	-	-	-	-	-
Delisted	-	-	1	-	-	-	1
Other	-	-	2	-	1	-	3
<b>Total</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>13</b>

JURISDICTIONS

Housing	7	Rates	1
Rent	5	CAL	1
ITFA	5	Stamp Duty	1
Building			
Controller	4		
MVD Licence	1		
Gun Licence	1		

ACT ADMINISTRATIVE APPEALS TRIBUNAL - 1990LODGED

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	TOT
	4	5	-	3	2	4	22*	5	1	4

DETERMINED

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	TOT
CRC										-
CSA								1		1
CVC										-
DCW	2	1	1			2	1			7
DNA						1	1			2
HAF	1							1		2
HNJ	1							1		2
HRM										-
HSA						1				1
HVA										-
OTH	1		1	1						3
OTHD										-
<b>TOTAL</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>-</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>-</b>	<b>18</b>

JURISDICTIONS

Stamp Duty	24
Housing	8
Rates	6
Payroll Tax	2
CAL	2
FOI	1
Nature	1
Building	
Controller	2

CURRENT AS AT 17.9.90

Listed for PC	30*	Unlisted	4
DH	--	- settled to be	
H	5	confirmed in	
H&R	1	writing	2
EOT only	1	- to be listed for	
		hearing	1
		- awaiting app	1
		<b>TOTAL</b>	<b>41</b>

\* 20 applns related stamp duty issue

MATTERS COMPLETED AVERAGE TIME

HEARD (5 MATTERS)		NUMBER OF		DAYS	
NO.	NAME	JDN	MEMBERS	ELAPSED	ELAPSED
C89/8	McCaskill	ITPA	3	26. 7.89	317*
				3-5.4.90	
				10.4.90	
				17.5.90	
C89/9	Tibbs	Gun Licence	1	2. 8.89	181
				30.1.90	
C89/14	Humphries	Priority Housing	1	7 & 12.11.89	71
				17.11.89	
C89/20	Castle Industries	ITPA	1	22.11.89	27
				30.11 & 18.12.89	
C89/24	Capital Auto Mart P/L	MVD Licence	1	8.12.89	196
				21 & 29.3.90	
				22.6.90	

\* Earlier hearing dates were offered in Dec 89 and Jan/Feb '90.

B NOT HEARD (26 MATTERS)

Minimum  
15

Average  
93

Maximum  
419\*

\* Settled December 89 agreement not lodged until Aug 90

CODES USED IN REPORT

DETERMINED

CRC Remitted by consent  
CSA Set aside by consent  
CVO Varied by consent  
DEW Dismissed by consent or withdrawal  
DNA Dismissed for non-appearance  
HAY Heard and affirmed  
H&J No jurisdiction  
HR. Heard and remitted  
NSA Heard and set aside  
HA Heard and varied  
OTH Other

OATH Delisted with right of reinstatement

JURISDICTIONS

ITPA Interim Territory Planning Authority  
MVP Motor Vehicle Dealer  
CAL City Area Leases Act  
FBI Freedom of Information  
NATURE Nature Conservation Act

CURRENT

H Hearing  
DH Directions Hearing  
PC Preliminary Conference  
EDT Extension of Time

3987

23 October 1990

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS  
QUESTION ON NOTICE No 254**

**Teachers - Statistics**

MR WOOD - asked the Minister for Health, Education and the Arts on 12 September 1990:

- (1) What have been the number of male and female Teachers at Band 1 level in ACT Government Primary Schools for each of the years 1975-1990?

MR HUMPHRIES - the answer to Mr Woods question is as follows:

- (1) In the years before 1986 data was not stored by gender and thus separate figures for male and female primary teachers are not available for those years.

The number of primary school teachers by gender for the years from 1986 to the present is as follows:

In August 1986 there were 97 males and 809 females. In July 1987 there were 98 males and 869 females. In June 1988 there were 99 males and 949 females. In June 1989 there were 102 males and 954 females. In June 1990 there were 91 males and 876 females.

3988

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**Teachers - Qualifications**

**QUESTION ON NOTICE No 255**

MR WOOD - asked the Minister for Health, Education and the Arts on 12 September 1990:

- (1) What qualifications or experience are required by the Ministry for Health, Education and the Arts from teachers who may be recruited from places outside the ACT.

Are these the same as for teacher applicants resident in the ACT.

MR HUMPHRIES - the answer to Mr Woods question is as follows:

- (1) Teachers recruited from outside the ACT must be holders of teaching qualifications awarded following completion of approved courses at approved tertiary institutions in Australia. Overseas qualifications are assessed individually. The Ministry employs both experienced and beginning teachers.
- (2) Yes.

3989

23 October 1990

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**Teachers - Statistics**

**QUESTION NO 256**

MR WOOD - asked the Minister for Health, Education and the Arts on 12 September 1990:

- (1) For each year from 1984 to the present, and in respect of Band 2 and 3 positions, at each of primary school, secondary school and secondary college levels what are the respective numbers of male and female teachers.
- (2) For the same period and categories, how many promotions have been made and what is the proportion of males and females.

MR HUMPHRIES - the answer to Mr Woods question is:

- (1) Data is not available for the years prior to 1986.

At June 1988 Bands 2 and 3 became Level 2.

In August 1986 at Band 2 level there were 50 males and 26 females in secondary colleges, 87 males and 54 females in high schools, and 51 males and 119 females in primary schools.

In July 1987 at Band 2 level there were 42 males and 40 females in secondary colleges, \_ 82 males and 53 females in high schools, and 44 males and 112 females in primary,schools.

In June 1988 at Band 2 level there were 49 males and 34 females at secondary colleges, 82 males and 48 females at high schools, and 50 males and 102 females at primary schools.

In August 1986 at Band 3 level there were 18 males and 4 females in secondary colleges, 38 males and 8 females in high schools, and 35 males and 52 females in primary schools.

3990

In July 1987 at Band 3 level there were 21 males and 3 females in secondary colleges, 37 males and 9 females in high schools, and 40 males and 44 females in primary schools.

In June 1988 at Band 3 level there were 16 males and 8 females at secondary colleges, 36 males and 9 females at high schools, and 35 males and 46 females at primary schools.

In June 1989 at Level 2 there were 60 males and 38 females in secondary colleges, 99 males and 51 females in high schools, and 69 males and 138 females in primary schools.

In June 1990 at Level 2 there were 63 males and 37 females in secondary colleges, 90 males and 54 females in high schools, and 63 males and 140 females in primary schools.

(2) In 1989 there were 10 female and 2 male Level 2 Primary promotions. There were 1 female and 5 male Level 3 Primary promotions. There were 19 female and 5 male Level 2 Secondary promotions, and there were 5 female and 5 male Level 3 Secondary promotions.

In 1988 the promotions in Level 2 and Level 3 Primary were 50\$ female and 50\$ male. There were 83.33\$ female and 16.67\$ male Level 2 Secondary promotions, and 60\$ female and 40\$ male Level 3 Secondary promotions.

In 1987 there were 50\$ female and 50\$ male Band 4 Secondary promotions, and 80\$ female and 20\$ male Band 4 Primary promotions. The Band 3 Secondary promotions were 37.5\$ female and 62.5\$ male, the Band 3 Primary promotions were 50\$ female and 50\$ male. There were 60.61\$ female and 39.39\$ male Band 2 Secondary promotions, and 64.29\$ female and 35.71\$ male Band 2 Primary promotions.

No statistics were collected prior to 1987.

3991



23 October 1990

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 259**

**Overseas Students - High Schools and Secondary Colleges**

MR WOOD - asked the Minister for Health, Education and the Arts on 12 September 1990: In relation to full fee overseas students in ACT high schools and secondary colleges -

- (a) how many students are enrolled;
- (b) how many students are expected in 1991;
  
- (c) what efforts have been made to secure enrolments;  
and
- (d) what is the cost of that activity;

MR HUMPHRIES - the answer to Mr Woods question is:

- (a) 44 in 1990
  
- (b) 100
- (c) Promotional and marketing activities consisting of:

participation in two AMSTRAD education exhibitions in August 1989 and August 1990 in Hong Kong.;

appointment of an agent in Hong Kong in August 1990;

subscription to the Australian Education Centre Network throughout Asia and the Pacific; and

publicity materials for the aforementioned exhibitions.

- (d) The combined cost of all promotional and marketing activity related to securing the enrolments of full fee paying overseas students is approximately \$10 500. This activity has been accounted for in the full fee structure.

3992

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**ACTAID Pty Ltd**

**Question No. 262**

MR WOOD - To ask the Chief Minister - What income has been derived from the operation of ACTAID Pty Ltd in TAPE for 1988-89 and 1989-90.

CHIEF MINISTER - The answer to the Members question is as follows:

ACTAID Pty Ltd was formed by the ACT Institute of TAFE on 4 January 1989 and its first formal accounting period under the Companies Code ended on 30 June 1990. As an exempt proprietary company, audited financial statements are not statutorily required. However, in accordance with best public sector practice, the Institute is arranging for the appointment of the ACT Auditor General to audit the accounts and records of ACTAID Pty Ltd.

In anticipation of these audited statements the institute advises that there are three ways in which ACT TAFE can derive benefits from the company.

First by dividend out of profits of the Company. -To date no dividends have been declared. However, for information, the unaudited net profit of ACTAID Pty Ltd in respect of 1988/89 and 1989/90 was \$3,850 and \$901 respectively;

Second, by charges for TAFE owned facilities, services and goods which might not otherwise be utilised. Institute receipts in 1988/89 and 1989/90 were \$5,876 and \$39,652 respectively; and

Third, by intangible and in kind means, including making TAFE services more widely available to the ACT community, by working with staff and students of the institute and by undertaking activities complementary to mainstream vocational education and training. No quantification of this benefit is available.

3993

23 October 1990

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Higher School Certificate Courses**

**Question No.263**

MR WOOD- To ask the Chief Minister - Does ACT TAFE provide courses related to study towards year 12 Certification in NSW; if so, what are these courses and how long will they continue to be available.

CHIEF MINISTER- The answer to the members question is as follows:

The ACT Institute of TAFE has offered the NSW Higher School Certificate to students 19 years of age and older, as a pre-requisite to vocational and other studies for the past-25 years.

Following a decision in last years ACT Government budget, ..ACT TAFE ceased offering this course to evening students and 1990 will be the final year that this particular course is offered to full-time day students.

From the beginning of 1991 ACT TAFE will offer the ACT Year 12 Matriculation program. Course development and preparations for the introduction of the ACT program are well in hand and enrolments will take place in February 1991. An enrolment of 150 students from within the ACT and overseas is anticipated.

3994

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS  
LEGISLATIVE ASSEMBLY QUESTION**

**Executive Assistant Program**

**QUESTION No 264**

MR WOOD asked the Minister for Health, Education and the Arts:

Has an Executive Assistant program been conducted by the Education Department during the 1990 school year; if so, (a) what is the nature of the program: (b) how many people have participated in the program and what is the ratio of women to men participants; and (c) what is the cost of the program.

MR HUMPHRIES the answer to Mr Woods question is:

- Yes, there has been an Executive Assistant Program for Women and other Designated Groups since the beginning of 1989.
- (a) The Program aims to improve the representation of women and other designated groups, under the Equal Employment Opportunity guidelines, in senior positions in the organisation. It provides participants with opportunities to further develop their expertise in responsibilities at a senior level and to work directly with members of the executive. The range of developmental experiences during the twelve month period can include: policy development and analysis, oversight of an Authority program, preparation of reports and submissions and preparation of Ministerial correspondence. One position is attached to each of the Deputy Secretaries.
- (b) Including the current two occupants, five women have participated and no men.
- (c) Two salaries at Level 2S, currently a total of \$85,000 annually plus normal on costs.
- There are other officers who currently assist executive staff but who are not considered part of the Executive Assistant Program for Women and other Designated Groups.

3995

23 October 1990

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**Business Colleges - Overseas Students**

**QUESTION NO 265**

Enrollment of Overseas Students in Business Colleges

MR WOOD - asked the Minister for Health, Education and the Arts on 12 September 1990: In respect of business colleges in the ACT which offer courses to overseas students -

- (a) how many such colleges operate;
- (b) how many students are enrolled;
- (c) what registration or monitoring is required; and
- (d) in what manner does the ACT Government or its agencies express a concern for the welfare of students, both local and overseas.

MR HUMPHRIES - the answer to Mr Woods question is:

Two

- (b) 220
- (c) Any business college wishing to offer courses to overseas students must first make application for registration to the ACT Ministry for Health, Education and the Arts, which has recently taken over responsibility for registering all institutions wishing to offer education and training to overseas fee paying students. The Chief Ministers Department is responsible for the accreditation of courses through the ACT Accreditation Agency. The Ministry takes into account the advice of the Agency in the process of registering institutions
- (d) The existing Guidelines for Registration of ACT Institutions Providing Education and Training to Overseas Students are under review. They require that institutions provide student welfare and counselling services, or advise students of the appropriate agency through which they can obtain such services. Availability of these services is taken into account by the Ministry in assessing all applications for registration.

3996

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**School Buildings - Operating Costs**

**QUESTION NO 269**

MR WOOD - asked the Minister for Health, Education and the Arts on 19 September 1990: When will the Minister answer question 181 on the Notice Paper.

MR HUMPHRIES - the answer to Mr Woods question is: The answer to question 181 has now been provided. I regret the delay.

3997

23 October 1990

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 271**

**Language Programs**

MR WOOD - asked the Minister for Health, Education and the Arts on 19 September 1990; What language programs are provided in ACT schools as a result of Commonwealth Grants under the National Policy on Languages.

MR HUMPHRIES - the answer to Mr Woods question is:

As a result of Commonwealth Grants under the National Policy on Languages, the Australian Second Language Learning Program in 1990 provides the following language programs in ACT schools:

Spanish at Copland College and Macgregor Primary School

Chinese at Mawson Primary School

German at Melba, Isabella Plains and Richardson Primary Schools

French at Miles Franklin Primary School

Also, under the National Languages Policy, the Asian Studies Program in 1990 provides language programs in:

Japanese at Narrabundah College and Giralang Primary School

Chinese at Narrabundah College -

3998

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**Business Colleges - Overseas Students**

**QUESTION NO 278**

MR WOOD - asked the Minister for Health, Education and the Arts on 19 September 1990: In respect of business colleges in the ACT which offer courses to overseas students -

- (1) Does the Education Department facilitate accommodation arrangements for overseas students
- (2) Is an additional fee imposed for any such service
- (3) What processes are undertaken to monitor suitability of accommodation
- (4) How are disputes between students and the providers of accommodation settled.

MR HUMPHRIES - the answer to Mr Woods question is:

- (1) No, in respect of business colleges in the ACT.
- (2) Not applicable
- (3) Again, not applicable
- (4) As the Ministry has not been responsible for the accommodation for overseas students at business colleges, it has not had a formal dispute settling mechanism.

The Ministry has recently become responsible for the process of registration of all institutions offering education and training to overseas students. In that context, guidelines for registration indicate that all institutions must have an appropriate grievance mechanism for disputes between a student and the institution at which he/she is enrolled.

Where the dispute is not resolved by the Institution, the Ministry is considering a committee to arbitrate any disputes. It is envisaged that the committee will consist of Officers of the Ministry, the private institution and the community or students body.

3999



23 October 1990

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**Community Development Fund Grants**

**QUESTION NO 279**

MR BERRY - asked the Minister for Health, Education and the Arts upon notice on 20 September 1990:

- (1) How much money has been allocated from the Community Development Fund (CDF) to each of your portfolio areas.
- (2) How much will be provided through the Consolidated Revenue Fund for the balance of grants to be allocated as a result of the abolition of the CDF on 31 December 1990.

MR HUMPHRIES - the answer to Mr Berrys question is:

(1)

**ACT COMMUNITY AND HEALTH SERVICE**

In 1990/91, an allocation of \$716 900 was provided to the Community and Health Service from the Community Development Fund for administration of the Public and Community Health Services program. This amount represents three quarters of the full year allocation. The first quarter was paid by the Housing and Community Services Bureau.

**THE ARTS**

**Recurrent Grants**

- a. Grants to the Private Sector \$ 48 000
- b. Grants to the Public Sector 425 750

**Capital Grants**

Grants to the Private Sector 1 487 000  
Total Community Development Fund \$1 960 750

4000

(2)

COMMUNITY AND HEALTH SERVICE

Following the abolition of the Community Development Fund on 31 December 1990, \$462 700 will be provided through the Consolidated Revenue Fund. This amount represents the balance of the total allocation for grants from the CDF.

THE ARTS

Recurrent Grants

- a. Grants to the Private Sector \$1 844 000
- b. Grants to the Public Sector 525 000

Capital Grants

Grants to the Private Sector 543 000  
Total Consolidated Revenue Fund \$2 912 000

4001

23 October 1990

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**Hawker Primary School**

**QUESTION TAKEN ON NOTICE, 9 AUGUST 1990**

Ms Follett asked the Minister for Health, Education and the Arts:

What provision will the Government make to ensure that there is adequate playground provision for the children who will move to Hawker from Weetangera bearing in mind that I am fairly certain you have said there would be a couple of demountables there as well?

Mr Humphries - the answer to Ms Folletts question is:

The Hawker Primary School playground is fully available to the school -no other organisation holds a lease over the site.

The Capital Bible Church holds a lease over land to the north of the school. This land is not part of the Hawker School site.

The school has a site of just over 3.3 hectares (about the same size as the Weetangera Primary School) and buildings are located towards the southern end, leaving a relatively large playground area.

Officers from the Ministry have assessed accommodation requirements for next year and consider that provision of transportable units on the site will not have a significant impact on the available playground areas.

In addition, as with most primary schools, there are community playing fields nearby (accessible via an underpass under Murrarji Street) for activities requiring larger open spaces.

4002

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**QUESTION TAKEN ON NOTICE ON 11 SEPTEMBER 1990**

**School Closures - Transitional Committees**

MR MOORE - asked the Minister for Health, Education and the Arts:

My question deals with the transitional committees, which have been set up by the Ministry of Education, using people from the closing schools and the receiving schools. And whose tasks include those which are assigned by the Act, to boards. Under what Act or Regulation have they been established or if they have no function under law what legal protection do the members of the transitional committees have.

What protection do they have against being personally sued for negligence, should their actions be at odds with the legally constituted school boards.

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

The Ministry has suggested, as part of the process of amalgamating schools, that each continuing board (ie the board in the receiving school in an amalgamation)

-establishes sub-committees to assist the board in its deliberations. These sub-committees should have members from both school communities and may cover areas related to the amalgamation such as staffing, resources, programs and operational aspects such as canteens and uniforms.

These sub-committees would be expected to report to the board on a regular basis; but the board makes any necessary decisions.

The sub-committees have no legal standing whereas boards have a legislative base. Protection is afforded board members through the application of section 55 of the Schools Authority Act for acts done in good faith in the performance of any functions under section 38(1) of the Act.

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23 October 1990

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION TAKEN ON NOTICE ON 12 SEPTEMBER 1990**

**Free-Range Eggs**

Mr Stevenson - asked the minister for Health, Education and the Arts:

How can Canberrans be certain that allegedly free range eggs on sale in the ACT are genuine as against battery hen eggs? What steps will the minister take to bring about truth in marketing so that eggs labelled free range eggs, open range eggs or similar do in fact comply with the animal liberation minimum standards. Will the animal liberation standards be included in the new ACT food standards code, - such standard, having been adopted by every State but not yet by the ACT? And when will the ACT enact this code under the ACT food and drugs regulations? Information I was given would certainly seem to show that there are eggs being advertised as free range that are not.

Mr Humphries - the answer to Mr Stevensons question is:

Officers of the Health Surveillance Service have investigated the matter and have advised that those eggs purporting to be "free range" and packed in sealed cartons with details of the poultry farm on the seal, are legitimate free range eggs. There may, however, be other suppliers that have not been discovered as yet by the Service.

I am advised that the proposed Food Standards Code will not adopt the requirements of the animal liberation movement unless agreement to do so is reached nationally.

This would require national agreement that the Food Standards Code was in fact the correct vehicle for this purpose.

It is considered that food legislation would not be the appropriate vehicle to control any malpractice of substitution in that;

Health legislation is designed to protect health, nutritional standards, etc.

There would need to be an identified nutritional taste, or food quality difference between free range eggs and battery eggs.

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This can be determined in the case of, eg. fish species such as Barmaid, where substitution is used to offer a lower valued product at an inflated or misrepresented price. This would be difficult to prove in the case of free range versus battery eggs.

As I stated in the House on the 12th September 1990, it is likely that any controls considered necessary would be imposed by trade practices legislation, such as the A.C.T. Law Reform (Misrepresentation) Act 1977, or the Trade Practice Act.

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23 October 1990

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION TAKEN ON NOTICE ON 18 SEPTEMBER 1990**

**Woden Valley Hospital**

MR STEVENSON - asked the Minister for Health, Education and the Arts:

How many outpatients and how many inpatients are handled each week by Ward 12B at Woden Valley Hospital? How many doctors and nursing staff are available or on duty at any one time and are these staffing levels adequate or are patients often left to their own devices?

MR HUMPHRIES - The answer to Mr Stevensons question is:

In recent months the average number of inpatients at any one time in Ward 12B has been 28, with approximately 12 to 14 new admissions per week. Ward 12B does not conduct an official outpatient clinic, however, outpatients do attend the ward (usually soon after discharge or if inpatient admission is being considered). Approximately 25 outpatients are seen in this capacity per week.

There are two full-time and two part-time psychiatrists, together With three medical officers in training who are available to provide medical services to the Ward. The number of medical staff is considered adequate, but shortfalls have occurred because vacancies have taken time to fill.

The number of nurses on duty is determined by an agreed ratio between the ACT Community and Health Service and the Australian Nursing Federation of nurses to inpatients. Should the number of nursing staff on the ward fall (for recruitment or other reasons) the available inpatient beds are adjusted downwards accordingly. The current ratio between nurses and beds is considered adequate.

I am aware that there have been complaints of patients being left to their own devices. There is some basis for this complaint as medical vacancies have been a problem in the recent past. This situation has been largely corrected and it is anticipated the remaining vacancies will be filled in the next few months. In addition the current ward design limits opportunities for recreational and diversional activity. However this will be corrected in the proposed Psychiatric Block for the Principal Hospital. There may be a need to increase occupational therapy staff, as it is proposed that the new unit will provide more adequate conditions for such activities. I)

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