DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

29 November 1990

Thursday, 29 November 1990

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

CARELESS USE OF FIRE (AMENDMENT) BILL 1990

Debate resumed from 25 October 1990, on motion by **Mr Duby**:

> That this Bill be agreed to in principle.

MRS GRASSBY (10.30): At the outset of this debate let me say that the Labor Party is pleased that the Government has brought on this Bill and, in particular, that it has attempted to protect firefighters from legal action arising as a result of their duties. However, we have some concerns with these amendments, which I will deal with later in my speech.

I would first like to address the question of consultation in relation to this Bill. When this Bill was first tabled, I wrote to a number of organisations that I thought would have an interest in this area. I have received a number of interesting replies. In particular, Mr Phil Cheney, the Principal Research Scientist in the CSIRO Bushfire Research Unit, has expressed a number of concerns about the Bill. In his response, Mr Cheney said:

> Although I was a member of the Bushfire Council subcommittee that initiated the changes to the Ordinance, this committee was not given the opportunity to review the drafting instructions that were sent from the Conservation and Land Management Branch. I have expressed grave doubts about the wording of parts of this Bill through the council and requested an opportunity to discuss these concerns with the drafting branch, but on each occasion I was refused.

Also, the ACT Volunteer Bush Fire Brigades Association said in its response to me:

> Between May 1988 and May 1990 the Bushfire Council had no input or chance to comment on the draft legislation until it finally appeared.

And further:

> Cabinet was told that the Bushfire Council supported the form of the proposed legislation then before Cabinet. This is simply not true, because council was not permitted to see the proposed legislation.

Mr Speaker, what sort of consultation does this Government carry out when both the Bushfire Council and one of its members, Australia's most eminent bushfire research scientist, say that they have not had the opportunity to express their views on this important legislation despite the fact that on numerous occasions they have asked to see the legislation? It is unfortunate that this Government did not consult with these people, because, if they had, this legislation would not contain the flaws that it does.

Before I turn to the question of immunity versus indemnity, I would first like to ask the Minister to explain, in his response, what he intends to achieve by introducing a fire control manual. The Volunteer Bush Fire Brigades Association has expressed to me, in no uncertain terms, their belief that the manual would simply hamper their operations, and that it should be deleted from the legislation. While I have some sympathy with their views, I understand that it may be important for the Bushfire Council to have an operation manual. I would like the Minister to set out clearly and precisely the role he envisages for the fire control manual. I wish to be assured that it will not become a cumbersome, bureaucratic document that would hamper the work of the volunteer bush fire brigade.

Let me now turn to the question of the indemnity provisions included in this Act. In his presentation speech, the Minister said:

> The Bill brings the protection of bushfire fighters acting in a bona fide manner in line with the provisions that apply in every other mainland State or Territory within Australia.

I would like to read that again:

> ... the provisions that apply in every other mainland State or Territory within Australia.

This is simply not true. I hope the Minister is listening. It is simply not true. Section 48 of the Bushfires Act of New South Wales provides total immunity, not indemnity for bushfire fighters, as does section 64 of the Country Fires Act of South Australia. Similar provisions apply in Queensland, Victoria, Tasmania and Western Australia, and even the Northern Territory. I am not sure about the provisions for Christmas Island or Norfolk Island. Perhaps, this is what the Minister had in mind. The new provisions suggested in this Act will put the ACT out of line with every other State. We will be out of kilter with every other State in Australia. Although located as an island in New South Wales, as we are, we will be out of kilter.

Mr Duby: We are leading the way.

MRS GRASSBY: Leading the way, my God!

Mr Collaery: Here is a voice for conservatism, again from the Labor benches.

MRS GRASSBY: That is a voice calling out in the wilderness; that is for sure, Mr Speaker.

Mr Collaery: Talk to Senator Richardson.

MR SPEAKER: Order, Mr Collaery!

MRS GRASSBY: I tell you what, Mr Speaker: if Moses had seen the Attorney-General, he would have made another commandment, I am sure, to ban him.

It is important at this stage to explain the difference between indemnity, as proposed by the Minister, and immunity which applies in other States. Under the current proposal, bushfire fighters can be sued for negligence arising from decisions made during the course of fighting fires. I know that the Chief Minister is not terribly interested in bushfires, but he does live in an area where he could very well have his house burnt down, so he should listen to this.

Mr Moore: He has had to put out a few of his own. He gets so much practice putting out his own bushfires in his own Ministry.

MRS GRASSBY: However, the Government would step in and indemnify a person against the liability.

Mr Collaery: Now that you have left the Rally we have fewer calls for bushfires.

Mr Moore: What about the Chief Minister having to put out yours?

MR SPEAKER: Order!

Mr Duby: It is annoying, isn't it, Ellnor?

MRS GRASSBY: No, it is not really.

Mr Duby: Isn't it annoying when people try to talk over you.

MRS GRASSBY: No, I just want to let you have your time. I will ask for extra time after, because I just want to let you have your time.

MR SPEAKER: Order! Order, Mrs Grassby, please! You have the floor.

MRS GRASSBY: I will repeat that, because we will be out of kilter. Under the current proposal, bushfire fighters can be sued for negligence arising from the decisions made during the course of fighting fires. However, the Government would step in and indemnify a person against the liability. In the other States and the Northern Territory, neither a firefighter nor the Government would incur a civil or criminal liability while performing a power or function under the Act. Let me again quote Mr Cheney on this matter:

> It was the council's intention to provide firefighters with immunity from prosecution in the event of litigation arising from an action made in good faith and intent on the fire line. I do not believe that section 5P in the Amendment Bill is satisfactory for two reasons. One, because the Territory indemnifies a person against liability for damage or personal injury caused, either directly or indirectly, by performance or purported performance of firefighters, then this Bill provides the opportunity for people who suffer damages from bushfires to question the action of firefighters, whether in good faith or otherwise, and could lead to the Territory paying out enormous damages if firefighters fail to control a fire when one of their decisions, in hindsight, is deemed to be incorrect. To me this is suing the general for losing a battle.
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> Secondly, I believe that volunteer firefighters will be unwilling to fight fires if they understand there is a risk of being involved in legal proceedings for actions they take on the fire line, even though they may well be indemnified by the Government. I refer you to sections 54 and 64 of the Country Fires Act 1989 in South Australia. Both sections need to be read together and because of the difficulty of making decisions on a fire line then it has been the wisdom in the past that firefighters should be given far-reaching powers to carry out whatever actions they deem necessary to control the fire.

In the past it may have been acceptable for the Commonwealth to act as insurer of last resort. Although the Commonwealth Treasurer may not have been pleased to pay out millions of dollars for fire damages, it would have been only a drop in the ocean to the Commonwealth. As a result of this legislation, we are now in the situation where, if a bushfire began in New South Wales and then spread into Tuggeranong, the residents of Tuggeranong who suffered damage would not be able to take action against the New South Wales Bush Fire Brigade. However, if the fire began in the ACT and spread into Queanbeyan, the residents of Queanbeyan would be able to take action against the ACT Government.

It would not be unrealistic for a bushfire of this nature to cause damage amounting to tens of millions of dollars. In such a case the Government could find itself losing, for example, half of the ACT budget for housing and community services. I hope the Attorney-General realises this, as he is also Minister for Housing.

I cannot stress enough that it is gross financial folly for the ACT Government to make itself liable for millions of dollars, especially when they will find themselves assuming the role that insurance organisations currently fulfil. Moreover, by requiring publication of a statutory operations manual, the Government is not only inviting legal action; it is preparing the ground for a negligence action. All that may need to be proved to found a successful action would be that the firefighters did not strictly follow the manual. It is important that that point be made. I am sure the Minister has not thought about this.

It also needs to be pointed out that the Minister has not explained why there should be different provisions for rural firefighters and city firefighters. Section 15 of the Fire Brigade Act 1957 says:

> Neither the Territory nor any person is liable in any way for damage caused, either directly or indirectly, by the exercise of a power or the performance of a function by a person under this Act.

This provision grants immunity to both the ACT Government and the city firefighters. Why are rural firefighters not being granted the same level of protection? Why are we discriminating between two types of firefighters? I would just like to know what the Minister has in the back of his mind for this. I have a fair idea; but, never mind, we will wait and see.

In the detail stage I intend to move two amendments to clause 15 of this Bill. The first amendment, which replaces the new section 5P, will place the bush fire brigades in the same legal position as the ACT Fire Brigade. It will also protect the ACT Government from the massive damages claims which could arise under the current proposals.

I was told that one of the people from the media rang Mr Tony De Domenico on this and asked him about it. He was absolutely shocked that this would be left in the Act. He found it incredible. We all know that Mr Tony De Domenico is involved with the insurance industry in this city.

Mr Kaine: That is a good bit of third-hand information.

Mr Collaery: You have now convinced us where we are going.

MRS GRASSBY: I am sure Mr Tony De Domenico, a member of the Liberal Party, will be pleased to hear that said about him.

The second amendment will replace the new section 5Q with a similar provision from the Fire Brigade Act. While the Government's suggested amendment is reasonable, I believe that section 9 of the Fire Brigade Act expresses the intention more clearly.

I hope that the Government is prepared to give serious consideration to my amendments which are made in good faith. If it does, I am sure that it will come to the realisation that the path it has chosen is full of financial dangers and poses serious problems for rural firefighters. The Government's actions may even, in the long run, lead to the demise of the bush fire brigades. I hope that the Government accepts these amendments.

I have a lot of wonderful praise for people who fight bushfires. I lived in a country town myself, and I have worked on many a bag line and many a bucket line in a bushfire. Some of the most wonderful people volunteer to do this work, and they are quite prepared to do it. Under this Bill we will find it very hard to get people to do this job as volunteers. I am wondering what the Government really has at the back of its mind and what it is trying to organise.

I just say to the Government that it should think very clearly before it goes ahead with this Act. As I say, I have a lot of admiration for the bushfire fighters, and I congratulate them on the wonderful work they have done. We are now coming into a very serious time of the year for bushfires.

Mr Moore: With all the long grass around.

MRS GRASSBY: We have seen them through New South Wales. Mr Michael Moore has just reminded me of all the long grass. I am sure we should be very worried about this. I would now like to say that I commend the representatives from the Parks and Conservation Service sitting in the gallery. They do a very good job, with very little money, to try to cut all the grass. They do their very best. Of course, it is up to the Minister to make that decision. I would like to table the amendments that the Labor Party proposes to this Bill. Mr Speaker, may I have leave to table these amendments so that they can be circulated?

Leave granted.

MR COLLAERY (Attorney-General) (10.46): Mr Speaker, I am delighted to respond to what I think is a good-natured challenge, for once, from the Australian Labor Party. I believe that Mrs Grassby sincerely believes in her case, for once. This is a good debate today. It is a very important debate. It is an extremely important debate, and - - -

Ms Follett: That is why you interrupted all through it, is it?

MR COLLAERY: Mr Speaker, let the record show that the Leader of the Opposition has graced us today, but she is writing out her Christmas cards. The Labor Party is in decay. Of course, we all know that there can be spontaneous combustion from a compost heap.

Ms Follett: On a point of order, Mr Speaker: There is a Bill before us, the Careless Use of Fire (Amendment) Bill. I do not believe that the subject of the Labor Party is in any way relevant.

MR SPEAKER: I do not believe that that is a valid point. Please proceed, Mr Collaery.

MR COLLAERY: I can appreciate the sensitivity of the Leader of the Opposition about the Labor Party at the moment. She has found herself in the Labor Party and, if she needs to get herself out of it, that is her problem.

The issues here are exercising governments around Australia. The principal issue is: should the Crown, or the Government, be able to hide behind a shield of statutory immunity - Crown immunity - that has flowed down to us from the British legal system over so many hundreds of years? I would like to start my comments by quoting some remarks from the New South Wales Law Reform Commission report of 1975. The report said this:

> The tenor of the cases examined gives us the stronger reason to conclude that the special protections for public authorities are, in general, mischievous and inimical to the due course of justice. We think the decisions clearly point to a need for some revision of the law. The best solution, in our view, is to strike at the source of the problem and eliminate the advantages which public authorities are given over private litigants.

As a private solicitor, I would like Mrs Grassby to dwell for a moment on the devastation that has been caused, and was caused some years ago, to landholders in and about the Territory. I can remember seeing some very, very dejected and devastated people in my office. At the time they faced, along with others, a very stiff fight against ACTEW to secure compensation for damage suffered to their

properties when some old-fashioned type fuses had blown from a transformer box onto grassland and commenced a fire which ringed Canberra. Those of us who were here at the time can recall the devastation of it. In fact, I clearly remember them still smelling of fire a few days later in my office. I suggest to the Labor Party that they put their minds to that other element in the community - those who suffer, and who suffer occasionally, not by a chance strike of lightning or an old beer bottle, but by tortious negligence of authority. In that case, I believe ACTEW settled the matter, and justice was done.

I am not reflecting at all on the present ACTEW approach. Around Australia we see private litigants occasionally attempt to sue governments for what, in the private area, is easily provable negligence. We have seen statutory bodies stand behind the shield of the Crown and say, "Yes, we admit the negligence of our servants. But we are immune; we are the Crown - bad luck". You need to be in private practice to know the angst that creates. I will not identify it, but I once ran a case against ACTEW in similar circumstances. That was settled too. It was the same issue.

Today, we are looking at a very serious matter. The matter has taken up the minds of eminent jurists in this country and elsewhere. I think my colleagues opposite, who want to show a particular interest, should look through the literature on the matter. There is a leading text on it entitled *Liability of the Crown,* second edition, by Peter W. Hogg. The views favouring, what is called, the vicarious liability of the Crown are set out at page 96 of that text. I will not detain the Assembly on it, other than to point out that, in the Bill that my colleague Mr Duby proposes, we are saying that, whilst we will grant immunity to those firefighters for their honest mistakes - if ever they make them, and we are all fallible - we will accept vicarious liability as a Territory for events and damage that may flow from their actions.

As I have noticed in the popular press, that does not suggest that we will take on the cost of bushfires that spread and cause millions of dollars worth of damage. The fact is that we will accept vicarious liability only where those issues of negligence pertain. We are not saying, as Mrs Grassby is suggesting I believe, that we will pay for the cost of any fire.

I believe that the issue has been confused. The New South Wales Law Reform Commission report sets out adequately the views of those who take modern approaches to the law. There have been studies in jurisdictions in England and Canada that have produced similar results. I am very proud of the Alliance Government. This is another area of reform where we are leading the way in this country. The Leader of the Opposition looks up from her Christmas cards and laughs. Let us see what she can contribute to the debate.

Mrs Grassby likened liability in this issue to suing a general for losing a battle. Well, apart from the fact that I reckon there might be a few elements in society who would love to sue a few famous generals for losing a few battles, I cannot support that populist view of the issue before us. The issue before us is extremely important. What we are saying to the Opposition is that in this first Bill to come before the Assembly that raises this issue, to my knowledge, we have decided to seek a reform.

I am quite sure my colleague Mr Connolly can look through the statute books and he will find inconsistencies. You will still find immunity provisions on our statute books concerning laws administered by my colleague Ministers and me. It is my hope, as Attorney-General, that we can progressively go through those, and look toward implementing the recommendations of the Law Reform Commission of New South Wales.

I am extremely proud of this day, when we can now get up and say to the community, particularly in regard to our statutory authorities that want to act and purport to act on a commercially competitive basis, that they are also prepared to accept the commercial risks that go with it, along with all private litigants. That has been one of the more obnoxious things that have developed in the last 30 years. Governments have moved into essentially competitive activities through their statutory authorities; but, when those statutory authorities, who have said that they want a level commercial playing ground, have been sued, they have occasionally scuttled behind the shield of the Crown.

It is typical of this Labor Party opposite to have run this debate today, because I feel that some of their colleagues interstate, and certainly on the hill, would feel some difficulty about the propositions put forward by the Labor Party in this chamber. The fact is that we are confident of the actions of our fire brigades and volunteer fire workers. We are confident that we are not exposing ourselves to the vast claims that Mrs Grassby suggests. We are happy about the competence of those people; but we are willing to accept the fact that, in the realm of human affairs, people will occasionally make mistakes, and it is right, just and humanitarian to provide compensation to those who lose as a result of those acts.

To summarise on that indemnity versus immunity point, I direct the attention of the Opposition to the New South Wales Law Reform Commission report of 1975. I particularly draw their attention to part 2 of a 1988 report of the Federal Department of Immigration, Local Government and Ethnic Affairs. That very interesting report is headed "The Liability of Local Authorities - Options for Reform". There are significant recommendations in the report by that Federal department dealing with the operation of statutory protection clauses and immunity provisions.

I believe that the Opposition might be advantaged by looking at that issue before the matter comes before the Assembly again, because the Bill will be passed today. I would like to think that, rather than scaremongering, they will retreat a little bit from their position and be a little more circumspect when we bring the matter back on. As Mr Connolly well knows, the cases looked at by the New South Wales Law Reform Commission covered various forums, including the High Court of Australia, where the courts have worked very, very hard to try to restrict the shield of the Crown. I see that Mr Connolly is slightly amused.

Mr Connolly: What is the leading authority, Bernard? Name us the leading authority last year.

MR COLLAERY: The leading authority, for example, is quoted in the New South Wales Law Reform Commission report. I am not going to bore the house, but the authority is the Board of Fire Commissioners, New South Wales v. Ardouin. It is in 1961 Commonwealth Law Reports, volume 109, page 105. That is where the High Court looked at this issue dealing with the supposed negligent driving of a fire engine on the way to the scene of a fire. There is useful comment there where the court sought to limit the immunity provisions in that Act which worked, in that case, against a person who was riding a motorcycle that came into collision with the fire engine.

I do not think we want to turn this into a legal debate. I am simply suggesting to the Opposition that they look through their law before they come back here with their populist views. I also believe the Labor Party should embrace some of the law reform movements that are going around this country. The volunteer fire fighting people and their brigades were once a very strong social knot in the community. They are a very important grouping.

Mrs Grassby quotes a gentleman who she said was a senior scientist from the CSIRO. I do not doubt his qualifications and I do not know why she quoted them. If she was suggesting that he was giving an objective summation of events, I draw attention to the fact that he is also involved with the issue. Clearly he has a conflict, in that sense, with objective scientific principles, none of which I heard expounded. It was also suggested by Mrs Grassby that the Government's drafting instructions should be released. My colleague, Mr Duby, will address that consultation issue.

As to the fire manual, I draw to the attention of the house the Alliance Government's environment policy entitled *Caring for the Environment.* It is a document that is described by the Conservation Council as the most progressive in this country, particularly paragraph 2.12 where we talk about bringing in fire management plans, and the rest. Surely, a manual is adjunctive to that. This manual was supported by the Opposition. This morning they now, clearly, seem to query an element of that. I suggest that there is also an inconsistency in your arguments.

The Bill before the house does not create liability for fire workers. It has nothing to do with their personal liability. It has to do with the confidence of our Government in itself and our law reform processes. I very much welcome this Bill. I will be extremely satisfied when it passes through this chamber.

MR CONNOLLY (11.01): In his remarks this morning the Attorney-General began with a quite erudite explanation of the general principles of Crown liability and immunity. Unfortunately, towards the end, it degenerated into a diatribe against the Opposition. I will try to keep my remarks at the higher level where the Attorney began.

I want to say, at the outset, that the Opposition does not take issue with the general remarks that the Attorney made when he said that there is a general tendency in Australia to move away from the old proposition that the Crown, in general, is not liable in tort for a loss suffered by a citizen; that laws generally do not bind the Crown. The Attorney referred to the work of the Law Reform Commission done up to 1988. He could also have referred to the recent High Court decision in Mabo's case that effectively reversed the law on statutory provisions binding the Crown. Previously it had been held that the Crown is generally not bound. The High Court now says that the Crown is generally to be bound.

He could have referred to the work being done in the Standing Committee of Attorneys-General on this whole issue of Crown liability. The Attorney is correct in saying that the general trend is towards increasing the liability of the Crown and statutory authorities, and so it should be. He is correct in noting that local government is now increasingly bound by the ordinary law of negligence. He referred to the increasing tendencies for advice given by local government authorities to give rise to liability. We do not cavil with the general proposition that the Crown ought to be in the same position as the citizen in respect of loss or damage done to another; but we say that there are questions of public policy which may, in individual cases, lead to the conclusion that in this case the Crown ought not to assume the burden of liability.

Mr Collaery spoke only to broad generalities. I hope that in the remainder of the morning's debate Government speakers will address the specifics. The specific question is: why ought the Australian Capital Territory assume for itself a liability that no other State or Territory in Australia has assumed, and a liability that has not been assumed in respect of urban fire services?

In her remarks Mrs Grassby outlined the law in the other States or Territories and outlined the law in respect of urban fire services. She quoted section 15 of the Fire Brigade Act 1957. Now that Mrs Grassby's amendments have been circulated, members will note that the provision that

grants immunity to the urban fire service is precisely the provision that the Opposition is proposing should apply to the bush fire brigades. What we are saying is that the bush fire brigades in the ACT ought to stand in precisely the same legal position as does the urban fire service and, in effect - without using precisely the identical language - the legal position as it applies in New South Wales; indeed, as Mrs Grassby said, as it applies in New South Wales, South Australia, and so on.

The provisions vary slightly from State to State, but the general tenor of those provisions is to grant immunity to fire services. Indeed, it is of significance that the other provision that Mrs Grassby quoted, the 1989 South Australian Fire Service Act, again has a very clear form of immunity. I invite the Attorney's attention to the date of that statute. That was a 1989 statute passed by the Government of South Australia.

In this general era that the Attorney correctly points to, an era when governments throughout Australia are focusing on this issue of liability and generally accepting the proposition that the Crown ought to be liable in the same way as the citizen for tortious damage suffered by a citizen, we have governments saying, "No, not in respect of bushfire services". In 1989, in the middle of this era that the Attorney is speaking about, the South Australian Government takes the position that it grants immunity for bushfire services.

Mr Jensen: They have just accepted responsibility for Stirling Council.

Mr Collaery: But not for the Crown.

MR SPEAKER: Order!

MR CONNOLLY: I hear mention of Stirling City Council. There is, of course, longstanding litigation in South Australia and in Victoria in which the Crown, for other reasons, is fighting bushfire damage cases. Where a local council starts a fire in its tip, which I think is the Stirling City Council incident, litigation will apply. Where an electricity authority starts a fire through the negligent provision of insulators, or insulators not up to the appropriate standard, liability can be established. The Crown is properly accepting liability in those cases. There has been litigation going on for many years in both South Australia and Victoria. The tendency around Australia is to say, "We do not want to accept liability for a tortious act committed by a bushfire fighter". The reasons for that are essentially those of public policy.

Governments throughout Australia are saying that in the case of a bushfire they are relying on highly trained volunteers, who, despite being highly trained, are often forced to make snap decisions. The widely used method of fighting a fire by way of a back-burn is an inherently

dangerous activity which we are asking our trained volunteers to use with perfect 20-20 hindsight, which is what courts and lawyers are always blessed with when they come to look at a case before them.

It is very easy to find that the bushfire captain made an error of judgment which would, in law, amount to negligence. We can easily imagine a situation: there is a grass fire. The bushfire captain has been on the radio. He asks, "What is the weather forecast?". The weather forecast continues to be for southerly winds. He makes the decision, based on his training, that a back-burn is appropriate. Things are happening quickly. He got that weather forecast half an hour ago. He thinks, "Shall I check for another weather forecast? No, we are in a bit of a hurry. We will light the back-burn". Unfortunately, there is a change of weather forecast.

Had he, as a prudent and reasonable man, which is the test in tort, radioed back in and checked, "Is there a new forecast?", he would have been told, "Yes, there is an urgent wind shift about to happen, northerly winds". He has lit the back-burn in good faith, acting on information he had some time ago but, unfortunately, in the heat of the moment, without making another call. The winds change. The fire turns into a major conflagration and spreads into an urban area - potentially causing tens of millions of dollars of damage. The court says that the back-burn, which was done in good faith and was meant to preserve life and property, was a negligent act. Let us hope that it does not ever happen again. In Australia we have seen hundreds of millions of dollars of damage that can be caused by a bushfire which can start in those circumstances.

We are saying, "Why ought the ACT assume that sort of responsibility?". The Attorney makes the point that the individual is protected. I am not so sure that the individual would feel protected. In the event of successful court proceedings the liability would, of course, under the Government proposal, be borne by the Crown, the ACT, not the individual firefighter. But the individual firefighter would be dragged through weeks, or months, of court proceedings.

I will get to who will be bringing the case because, inevitably, it will be the insurance companies. The insurance companies will have suffered massive losses. We have a situation where a lot of property has been lost. To go back to my previous example, the fire has got into an urban area, we have tens of millions of dollars of damage, and the insurance companies face a very large pay-out. They go to their solicitor and say, "Have a look at this new novel reformist law that the Attorney-General of the ACT is so proud of. Tell us what that means". The solicitor will say, "Well, this is your lucky day, Mr Insurance Company. This means that you are not going to have to pay out hundreds of millions of dollars on your policies because we can sue the ACT".

Mr Collaery: They have to prove negligence.

MR CONNOLLY: As the Attorney says, they have to prove negligence. The insurance company says, "Now, how do we do that?". The solicitor says, "We litigate, and we bring the volunteer firefighters in and we put them in the witness box and we pound them, and we pound them, and we pound them. We bring in Mr Cheney from the CSIRO and we give Mr Cheney all the facts".

Mr Cheney says, as an expert witness, that the fire captain I was referring to earlier ought to have radioed in before he started the back-burn. He says that he ought not to have relied on the weather report that he had got half an hour earlier; that he ought to have rung. He would be asked, "Well, how long would it take to radio in, Mr Cheney?". Mr Cheney would say, "Well, he has a little porta phone. Conditions were clear. He could have got through. It would have taken him 30 seconds if he had telephoned in and asked whether the forecast he was given half an hour ago was still valid. And they would have said, 'No, hold on. There is a new forecast. Do not do anything'.". He would then be asked, "Thirty seconds would have been reasonable for him to have done that?", and he would say, "Yes, of course, it would have". The bushfire captain would be put in a humiliating situation in the witness box when justifying his actions. He would be asked, "Why didn't you do that?".

Negligence could be established in the circumstances that I am postulating, the negligence being that the bushfire captain negligently failed to check that the weather forecast that he was relying on was still valid. Negligence is established. The Crown is liable. The poor old bushfire captain has been dragged through weeks of court proceedings. I suppose one could say that he was humiliated in front of his peers, being shown to have been negligent. No-one is saying that he was not acting in good faith.

Members interjected.

MR CONNOLLY: I know that this is worrying the Government. No-one could say that the bushfire captain had not acted in good faith; but, as the Attorney and Mr Stefaniak well know, acting in good faith is no defence to an action in negligence. We have the situation where, in the circumstances of the fire, it is very possible that negligence could be established.

That is just one instance. We could think of many, many other circumstances where, after the event, lawyers, poring over what happened in the circumstances of fighting a bushfire which got out of control and caused much damage to property, could pinpoint instances of negligence, target those bushfire fighters, and go for them to establish negligence to get the damages. Of course, it would be well

worthwhile for insurance companies, because we are not talking about a couple of actions for a couple of thousand dollars; we are talking about actions that can involve tens or even hundreds of millions of dollars. We can rest assured that the insurance companies concerned could go out and hire the best legal minds in the country, the sharpest litigation lawyers. Our bush fire brigade men and women are going to find themselves in the witness box for weeks, with these hot guns going after them to trap them up to establish negligence.

Mr Collaery: Terry, do not go any further. You have your career to think of.

MR CONNOLLY: That is perfectly proper. That is what you hire a lawyer to do. I am not saying that there is anything inappropriate.

Mrs Grassby: The lawyers will love it. Bernard is looking for work when he goes from here.

MR CONNOLLY: Mrs Grassby makes a very good point. Lawyers would love this provision because what you are doing, in effect, is putting up a big flashing neon sign in the Australian Capital Territory and saying, "In the event of bushfire damage, please litigate here. We are prepared to take the burden. Come and have a crack".

In my example I was talking about a fire in the ACT. The point that Mrs Grassby made is even more crystal clear; the fire that starts in the ACT, in these circumstances of negligence, and goes across the border and wipes out Queanbeyan has the Australian Capital Territory shouldering the massive financial responsibility to get the insurance companies over the border off the hook. What about the fire that starts in Queanbeyan in identical circumstances, with the identical negligent activity of the New South Wales bushfire fighters, and comes into the ACT and wipes out a suburb and causes hundred of millions of dollars worth of property damage? There is no legal comeback. There is no possibility of ACT residents, or their insurance companies, suing the New South Wales Government.

We say that this is bad public policy. Everybody is out of step, apart from Mr Duby and Mr Collaery. Every other State is wrong, the urban fire services are wrong; but these two have the true welfare of the ACT at heart. The potential risk to which they are putting the ACT far outweighs the benefit. They are going to put bushfire fighters through a real grilling in the litigation that will inevitably follow. At the end of the day it is the taxpayer picking up the burden that ought to fall on the insurance companies.

One last question that I ask the Government is: how much do they expect fire insurance premiums to drop in the ACT after this legislation is passed? The insurance companies will be breathing a big sigh of relief. They will not be paying the pay-outs. It will be litigated against this Government.

MR JENSEN (11.16): Mr Speaker, in making my opening remarks in this particular debate, I wish to refer very quickly to section 64 of the South Australian Country Fires Act 1989. In fact, if one is to read that particular section of the Act that is being so fondly quoted by those opposite, it provides immunity only to persons and not to the Crown. That is the difference. Mrs Grassby seems to be suggesting in her comments that, in fact, that section 64 provides immunity to the Crown. It does not; it provides immunity only to the fire workers, which is, effectively, what this proposal is going to do.

So that there is no argument about what it says, and so that people are aware, that section of the Act states:

> A person incurs no civil or criminal liability for an honest act or omission in the exercise or performance, or purported exercise or performance, of a power or function under this Act.

Just let me reiterate: a person, not the Crown. Therefore, to say that the South Australian Act exempts the Crown is incorrect. The Standing Committee of Attorneys-General is, in fact, looking at this particular issue. I would suggest that, at this stage, it is not proper while negotiations and discussions are taking place, for my colleague, Mr Collaery, to identify the points of view that have been taken by the other Attorneys. In fact, Mr Connolly should, perhaps, initiate some discussions with his fellow Labor colleagues who have that responsibility in other States, to find out what their position is before he comes into this place and pontificates without really knowing what is going on.

Mr Connolly seems to be suggesting, in fact, that no-one in any of these organisations is going to make any mistakes at all; even Mr Connolly. However, let me briefly remind the house of a situation concerning Mr Connolly's first attempt to make his mark in this place. He brought forward, in haste, a number of amendments to a number of Bills without consideration of the effect his amendments would have on the minor penalties as well as the major penalties.

I am just trying to identify, for the benefit of Mrs Grassby and Mr Connolly, that people are human and that mistakes do happen. For the benefit of the house, I am just using as an example the mistake that was made in this place by Mr Connolly. They do happen.

These proposals of the Government provide suitable protection for the various officials who act in accordance with this Act. Rather than the ACT being behind or out of step, as Mrs Grassby and Mr Connolly seem to want to suggest, in fact the ACT, as my colleague the Attorney-General has indicated, is leading the way. It may be that at the end of the discussion it will be seen, in fact, that the ACT is leading the way and, in fact, the other States will fall into line, as has clearly been the indication by the number of legal issues and matters that have been raised.

Let me now continue to make some further comments on those matters of consultation that were raised by Mrs Grassby when she started. I was advised as late as last night that the Conservation Council of Canberra and the South-East Region fully supported the thrust of the legislation. They pressed me to ensure - - -

Mrs Grassby: That is not true.

MR JENSEN: That is true, Mrs Grassby.

Mrs Grassby: That is not true.

MR JENSEN: I will not provide you with the name.

Mrs Grassby: It is not true.

MR JENSEN: I can assure you that it is true.

Mrs Grassby: I can tell you - Graeme Evans. He rang me, too.

MR JENSEN: He spoke to me last night, Mrs Grassby. As late as 11 o'clock last night I spoke to Mr Evans and he asked me to ensure that the Government proceeded with this proposal in this regard. He, in fact, indicated to me that any suggestion that the Crown should have complete immunity from here was disgraceful and should not be allowed. Therefore, Mrs Grassby, I suggest that you may need to go and have another discussion with Mr Evans. He might not be quite as complimentary as you might think.

I notice also Mrs Grassby's comments about the rural fire control manual. I suggest that Mrs Grassby should have taken the time to look at the explanatory memorandum for the Bill, because she asked the question, "What is the fire manual going to do?". Well, it is laid out there in black and white, if you like, in the explanatory memorandum.

Let me just read it into the record so that if, at some stage, Mrs Grassby, perhaps, rereads these debates she will be able to recall and refresh her memory as to what the rural fire control manual is all about. I am referring to the bottom of page 5 of the explanatory memorandum for the Bill, where it states:

New subsection 5KA (2) stipulates that the Manual shall include:-

(a) the organisation and structure of the Service;

I notice that Mrs Grassby is reading the paper rather than reading this particular matter. That just shows the interest that Mrs Grassby has in this particular issue.

It continues:

(b) the powers and duties of fire control officers, bushfire brigade members and emergency volunteers;

(c) the standards and requirements for recruitment and training of fire control officers and bushfire brigade members;

(d) the procedures and conditions for the recruitment of emergency volunteers; and

(e) equipment requirements and communication specifications for the Service.

That is what is in the fire manual. Clearly, Mrs Grassby needs to do a lot more homework before she comes into this place and pontificates on this subject. Now that I have put to rest the majority of the arguments that have been put forward by those opposite, let me move onto some particular comments. As a result of the devastating fires throughout south-eastern Australia, including the ACT, during January 1939, the ACT Bush Fire Council was established for the purposes of implementing the Careless Use of Fire Act 1936. Since that time there have been very few changes or amendments to the Act.

Over the past 10 years legal proceedings following major bushfire events have become commonplace in Australian States. These recent court actions exposed a number of shortcomings in our current legislation, particularly with regard to legal protection for bushfire fighters, but also demonstrated the need for landowners to be made responsible for the fuel management of their land.

The measures proposed within the Bill take account of the growing need for an environmentally conscious approach to the management of bushland and rural fire hazards which is, and always will be, a necessary adjunct to safe and effective fire fighting, particularly in what we know as the bush capital.

These responsibilities may be commercially oriented, as are those of forestry and farming, or they may be conservation oriented, as are those of national parks and reserves. Each will, thus, have a differing attitude to the importance of fire and, in particular, to the use of fire as a tool for making safe fire fighting effective and, in many cases, possible.

Whilst the differing management objectives of the organisation in question have to be taken into account, it is fundamental that hazards must be addressed. The Bill now before the Assembly places an obligation on landowners to take all reasonable steps to prevent the occurrence and spread of fire from land under their management or control.

To ensure that the issue of fuel management is addressed, the Bill provides for inspectors, appointed under the principal Act, to compel landowners to manage hazards, if need be, by issuing a notice to remove hazards. I will comment on that in my closing remarks. Such notices will be issued through the Chief Fire Control Officer and will be aimed at ensuring that management action is taken to ameliorate the hazard by the most appropriate means. By placing this fuel management responsibility with landowners it is expected that effective resolution of the fuel management problem, in the most environmentally sensitive way possible, will be achievable.

I think, at this time, it is also appropriate for me to quote from the ACT Government's environment strategy for the 1990s. I refer to paragraph 2.21 on page 7 of this particular document where it states:

> Fire management plans and assessment procedures will require that, whenever possible, fire suppression will be effected without the use of heavy earthmoving equipment, in wilderness or environmentally sensitive areas.

That is a very appropriate approach to take and, as my colleague Mr Collaery has already indicated, it is supported by the Conservation Council. Also, fire management plans will be prepared in consultation with the ACT Bush Fire Council and the Parks and Conservation Consultative Committee. They will take into account a number of principles which include reference to control burning being necessary for nature conservation reasons or where life or property is threatened, and so on. That is, in fact, in paragraph 2.22. What, in fact, the Government is doing, once again, is implementing a clear policy in this area. When taken into account with our proposals to provide greater security of tenure for rural leaseholders, there will be an even greater incentive for rural leaseholders to meet their responsibilities in this area.

However, in closing, in case there is any suggestion that, in fact, the vast majority of rural leaseholders are not meeting their responsibilities, let me place on record that rural leaseholders in the ACT are a very important link in the protection of our environment. They adopt a very responsible approach, as well as often putting their lives on the line when bush and grass fires threaten life and property within the ACT. It is in their interest to ensure that proper management is provided. It is also a responsibility of Government, however, to ensure that the necessary legislation and legislative backing is provided for those farmers, if you like, and rural leaseholders who take responsible action. They should receive support from the Government in their enforcement actions, as opposed to those one or two who may not, in fact, take a similarly responsible approach to the management of their land.

Before I sit down, might I, once again, emphasise that this is a very, very minute aspect but it is a very important aspect of the control and management of land in the ACT.

MR MOORE (11.27): At the outset let me say that I support this Bill in principle. I give credit to the Government for bringing on this matter which, I think, is recognised generally as being a matter of some urgency as we approach the bushfire season.

One of the things that interest me is the final paragraph - almost an afterthought paragraph - of the Minister's speech when he tabled this Bill, in which he said:

> The Bill also addresses the term of office of the Bush Fire Council by extending the term from one year to three years, and providing for the chairman and deputy chairman to be appointed by the Minister.

This is an area that is of some interest to me. When Labor was in office they favoured their advisory council as a method of operating. I accept that as being their method of operating. I supported that while they were in. I have had this discussion on a number of occasions with Mr Humphries, who favours a different system. He has appointed his health board and has given them power and the ability to make decisions, which, I gather, he is about to support with legislation that has been tabled today. If that is his management style, I am quite happy to support that as well.

Personally, I slightly favour the style that Labor uses because I think you can hold the Minister more responsible. However, I quite accept that Mr Humphries' method - the Liberal method - is slightly different and fulfils the function. Of course, the Minister is still responsible. If that board is not performing its duties, then he has the responsibility to take action which could, at the extreme, be removing the board and replacing it with a new one. It is just a different management style, and I quite accept

it. I presume that the Alliance Government has a mixture of management styles and that Mr Humphries - and the Chief Minister, I presume - is quite happy with the board. I am happy to support that.

In this particular case, following a letter which, I believe, all members received from the ACT Volunteer Bush Fire Brigades Association, I presume that there is some type of a power struggle - perhaps that is an exaggeration, but that sort of concept - between the Minister, or the Minister and his bureaucracy and the current leadership of the ACT Volunteer Bush Fire Brigades Association who clearly prefer to ensure that the Minister does not appoint what was the president of the Bush Fire Brigades Association - which will now be the Bush Fire Council - but allows the chairman and deputy chairman to be appointed by the Minister rather than elected.

I am really here to ask Mr Duby to explain why he thinks it is necessary to make this change. I will be seeking to have a response to that. I also ask why it is that he thinks that the current system is not working or that it is necessary to change it. I think that issue needs to be dealt with before we go to the detail stage of the Bill.

I received this letter on 19 November. Because of other duties I have not had time to go through it in a great deal of detail. Having gone through the amendments suggested by the Bush Fire Council, it is important that members understand why it is that the Government has rejected those suggested amendments. Mr Duby, I presume that you actually have a copy of those suggested amendments from the Bush Fire Council. Am I correct?

Mr Duby: Which amendments are you referring to?

MR MOORE: Mr Speaker, we had a letter from Michael Lonergan, president of the ACT Volunteer Bush Fire Brigades Association, who said that he believed that all members of the Assembly, being representatives of the people, should be made aware of the problems caused by the differences, and the differences he refers to are the differences between the current Bill and the recommendations of the ACT Bush Fire Council.

I think it is important for members of the Assembly to understand those differences because, as Mr Lonergan argues, they could affect, to a substantial degree, the ability of the ACT Bush Fire Council to minimise the potential of summer wild fires to impact on the ACT community. He goes on about why that is the case. He has presented a series of explanations as to what the differences are.

I think that it is quite clear that members generally support this legislation in principle. There are some concerns about the detail. It seems to me, Mr Duby, that if you are not aware of these, and if you cannot explain to us why it is that the differences exist and why there is an overwhelming reason to override the recommendations of the body most involved in the bushfire thing, then the debate should be adjourned in the detail stage at least until the next sitting. This is so that you can explain to us just exactly what it is that has caused you and your department to override those suggestions.

What I would be waiting for is an explanation from you on each one of those areas suggested by the Bush Fire Council. There are differences, and I will be waiting for the explanations. It seems to me that, if those explanations are not full, then we really ought to make sure that we can sort out this detail in a bipartisan fashion and then bring the legislation back to the house in the detail stage.

Mr Jensen: You should have brought it to us earlier.

MR MOORE: Mr Jensen interjects that we ought to have brought this to you earlier.

Mrs Grassby: We did, but they would not listen. Last week I discussed this with you.

MR MOORE: Mrs Grassby also interjects, saying that that is the case.

Bushfires are not one of the priority areas that I normally deal with. I think it is important to understand just why that is the case, which is why I am prepared to give the opportunity now. What I am saying is that, if there is not a satisfactory explanation, then the matter ought to be simply adjourned for a little over a week in order to sort this out, then to bring it back and to run through the detail stage quickly on the floor.

That is a perfectly reasonable way of going about it. If Mr Duby can now provide an overwhelming answer to these questions and to the questions raised by Mr Connolly, I think we can go ahead. But, if that is not the case, I will certainly be moving, at the beginning of the detail stage, that the debate be adjourned. I hope that the Government would see the good sense in that because it is an issue that is of great interest to the community, partly, I suppose, due to fear of fire, and it is one of the things that plague our nation. But it does not have to be that way. It would be of great concern to me if this situation were, in effect, whipped up in a scaremongering fashion, whereas it clearly is a sensitive issue and ought to be dealt with in a fashion that does not result in a public battle of that kind.

MR DUBY (Minister for Finance and Urban Services) (11.37), in reply: Mr Speaker, it is reassuring to hear that all members of the Assembly today recognise the need for this Bill to upgrade and get into more modern parlance legislation which can control the scourge of bushfire in the ACT. I endorse entirely the comments that have been made by a number of members about the sterling efforts of, and the great community debt that is owed by all of us to, volunteer bushfire fighters, et cetera. There is no question about that. Our community would be a poorer place without members like that, who donate a lot of time and effort and, as we have tragically seen in only recent years, often at the cost of their lives, to protect society generally from the scourge of bushfire in the ACT.

In discussing the various issues that have been raised by the speakers, I would like to start with the comments made by Mr Moore. Mr Moore confessed in his speech that the bushfire brigades and the Bush Fire Council were not a strong area of expertise; he admitted that quite categorically. I think it is fair to say that Mr Moore has confused the Bush Fire Council and the Volunteer Bush Fire Brigades Association.

The Volunteer Bush Fire Brigades Association has membership on the Bush Fire Council. The Volunteer Bush Fire Brigades Association is, naturally, the association of those people who volunteer to fight bushfires. The Bush Fire Council is a government body, whereas the association is a private voluntary organisation. I think it should be pointed out that at the moment the Bush Fire Council, the government body, is the only statutory body in the whole of the ACT to which the Minister does not appoint the chairperson. I do not believe that is appropriate in the 1990s. To every other statutory body within the ambit of government business the Minister responsible has the power and, I think, the responsibility to appoint a chairperson with whom the Minister feels that he or she can deal effectively. For that reason, I reject the claim that the chairperson of any statutory body should be elected by the members appointed to it.

The membership of the council is quite large; I believe that 12 organisations and departmental bodies provide membership, so the council may seek advice from a whole range of people who are interested in this problem. But I think it is appropriate - I will stick to my guns - that the chairperson and deputy chairperson of statutory bodies be appointed by the Minister.

The amendments that have been proposed in a letter from Mr Lonergan, who is one of 12 members of the Bush Fire Council, are minor, in my view. If you look at them I think you will agree that some of them are minor, to the point of deleting "Rural Firefighting Service" and inserting "Rural Fire Service" - taking out the word "fighting". They are minor amendments which deal mainly with the delegation of powers. I think it is fair to say

that the issues that have been raised by Mr Lonergan are not new; that they are issues of which the council is aware and which will be dealt with in the next series of amendments to the principal Act.

But this Bill is important, and the Government thought that it was almost of an urgent nature, given the time of year and the possibility of devastation that occurs in the south-east region, particularly on the south-west slopes, with the break-out of a bushfire. There is another point in that letter, which I want to clarify.

Mrs Grassby: So you already had the letter, but you did not take any notice of it.

MR DUBY: I received the letter a few minutes ago from my colleague behind me. The point that I want to clarify is about the lack of consultation. The statement which is in the letter and which has been put about through the media, that there has been a lack of consultation, has been made by not only Mr Lonergan but also Mr Cheney, I believe. This whole claim is absolute nonsense.

The legislation with which we are dealing today has been discussed at every meeting of the Bush Fire Council, with the exception of one - and it holds meetings on a monthly or bimonthly basis - since September 1988. We are talking about a period that is in excess of two years. This matter has been debated ad nauseam over the years. Officers of the Administration have had two meetings to discuss in detail with the council the provisions of the Bill. I have had meetings with Mr Lonergan and other people from the Bush Fire Council to explain the provisions of the Bill, and where we are going - to consult them on various issues. To say that consultation has not occurred, frankly, I think is a sham.

In September 1990 the executive committee of the council agreed with the Bill, including the concept of indemnity versus immunity. In October this year the council also agreed to the Bill, including the indemnity versus immunity controversy. This matter has been going on for so long; it amazes me that it has taken so long to get here. It is worthwhile noting that I believe that this matter about upgrading, correcting and modifying the Careless Use Of Fire Act has been around so long that it went before the previous Government's Cabinet. So this consultation has been going on for some time. I believe that is the case.

Mrs Grassby: It is not good enough to believe; you should know.

MR DUBY: I believe it is the case.

Mr Berry: How did you form that belief?

MR DUBY: I believe that is the case.

Mr Berry: Answer the question.

MR DUBY: Would you like to deny it? This has been discussed, as I said, for quite a long period. The issue to which Mrs Grassby and the rest of the Labor Opposition are taking objection seems to me to be basically this one of immunity versus indemnity. That was the thrust of the arguments put forward by Mrs Grassby and the shadow Attorney-General, Mr Connolly.

I have a number of things to say on that issue. There is no question about the fact that the Bush Fire Council originally requested improved indemnity provisions for bushfire fighters, both volunteer and paid. That was agreed to, and the provision has been made within this Bill. Since then some members of the volunteer association, a member of the council, and some other members of the council have argued for immunity rather than indemnity. They are seeking to change this Bill, and obviously they have the ears of Mrs Grassby and Mr Connolly.

I think it should be pointed out that an indemnity provision will enable any firefighter acting within the course of his or her duties to be indemnified against liability. No-one is disputing that. An immunity provision attempts to provide freedom from liability in respect of any action whatsoever. I object to such a change from indemnity to immunity, on the basis that a citizen should have a right to take action against a firefighter in cases where there is a negligent act or omission. Where people act as bona fide firefighters and, through whatever act of omission, they take some negligent action, it is commonsense that someone should have a claim, not against them but against the people who are responsible, namely, the Government. The firefighter is indemnified.

I think the whole issue of indemnity versus immunity also was raised by Mrs Grassby in terms of being of enormous cost to this Territory. I am at liberty to say that in relation to the Cabinet submission that went before this Government the Treasury officials who monitor these things very, very carefully, I can assure you, had no problems whatsoever, and they raised no objections to the indemnity approach when it was circulated for comment.

The immunity provision which the Opposition is trying to introduce, which would give an immunity to the Territory and to any firefighters for any damage caused, either directly or indirectly, by the exercise of a power or the performance of a function by a person under the legislation is substantially similar to State provisions. But the interesting point is that various court decisions on such immunity provisions have consistently read these provisions down. I quote Lobsey v. Care, 1983 New South Wales Supreme Court, as a specific case in point. It considered and substantially read down the immunity provision in the Bushfires Act 1949 of New South Wales.

It is significant also, I think, that the relevant authorities in those States maintain public liability insurance, despite these immunity provisions. In other words, they are not worth the paper on which they are written. When these amendments are moved, if the Opposition is still going to go ahead with this farce, perhaps Mr Connolly can explain why it is that States maintain major public liability insurance, despite having immunity provisions in their firefighting Acts.

No immunity or indemnity is provided specifically by the Careless Use of Fire Act at present. There is only an implied indemnity in the fact that the Act condones and authorises certain actions. The substantial change to the Act today will be to recognise volunteer firefighters so that their status as persons deriving authority for their actions from the Act is clarified. I think that is most important. The indemnity is therefore essentially a statutory reassurance for something which would be provided as a matter of course administratively otherwise. For this reason the Bill makes no substantial change to the current position with regard to indemnifying firefighters other than to clarify that volunteers will be indemnified. There has been an area of doubt and a cloud over that.

The issue was also raised by Mrs Grassby about inconsistency with State legislation and the Fire Brigade Act 1957 which applies in the ACT. The fact that other States have attempted to provide an immunity for firefighters is not an adequate reason in itself, I believe, to follow the same course of action in the Territory. We are talking about reform. Mark my words, as the Attorney-General said, this is a reform that will spread, I am sure, through the States, where the immunity provisions, which I think are rather iniquitous, will be removed.

Given the attitude of the courts to immunity provisions and the fact that, notwithstanding the immunity provisions that the States have in place, the relevant authorities within those States have still thought it prudent, indeed essential, to have insurance cover, an immunity provision would not seem to be that effective anyway. So I hope that basically that puts to bed the claims made by the Opposition about the dire consequences that are going to flow from this lack of immunity.

I was most intrigued to hear Mr Connolly's expansion into a dire chain of consequences and events. I can suggest only that he has a bright future as an author because he introduced in one fell swoop a number of unlikely scenarios that would be similar to those in Airport 1977, 1978 and 1979 marks I, II and III. They seem to go on and on.

Mr Connolly: The captain of the Titanic said, "We won't hit an iceberg. We're right".

Mrs Grassby: That is typical. That is this Government - the Titanic. It is going to go down fast. His father was a cruise director on the Titanic.

MR DUBY: The scenario that you painted, as I said, leads me to believe that you have a good future as a novelist.

Mrs Grassby: Is that not right, Mr Duby?

MR SPEAKER: Order, Mrs Grassby!

Mrs Grassby: Is that not right, Mr Duby; that your father was a cruise director on the Titanic?

MR SPEAKER: Mrs Grassby, I warn you to stop the interjections, please. Keep going, Mr Duby.

MR DUBY: As I said, I welcome the support from all the members. I think I have laid to rest the questions that were raised, quite rightly, by Mr Moore. I hope he accepts those explanations. It is important to understand that a lot of people who are making these claims are not lawyers. Their expertise as foresters and firefighters is valued. I think the problem has been a lack of understanding and a refusal to listen on the part of some people.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 14, by leave, taken together, and agreed to.

Clause 15

MRS GRASSBY (11.52), by leave: I move:

Page 7, proposed new section 5P, lines 4 to 10, omit the proposed new section, substitute the following section:

Protection from liability for damage

"5P. Neither the Australian Capital Territory nor any person is liable in any way for damage caused, either directly or indirectly, by the exercise of a power or the performance of a function by a person under this Act.".

Page 7, proposed new section 5Q, lines 11 to 15, omit the proposed new section, substitute the following section:

Policies of insurance against fire

"5Q. Where damage is caused either directly or indirectly, by the exercise of a power or the performance of a function by a person under this Act, the damage shall, for the purposes of any policy of insurance against fire covering the property damaged, be deemed to be damaged by fire notwithstanding a provision to the contrary in the policy.".

Mr Speaker, in the Minister's reply he said that the volunteers were owed a debt of gratitude. If we agree not to support these proposed amendments we may have no volunteers. Farmers would not waste their time in court when they could be out working on their farms making money. Mr Connolly made the point that they could be spending days in the witness box giving evidence in relation to the fact that the ACT Government could be sued. I find it absolutely incredible that the Minister would believe that people would be prepared to give up their valuable time and be harassed, as we know they can be, by lawyers when this could easily be changed.

Mr Jensen pontificates more than anybody else in this house. Some are born great, some become great, but Mr Jensen just grates. None of them answered my or Mr Connolly's challenge to prove that New South Wales is wrong and that the ACT is right. I do not believe that the ACT is right; this is completely wrong.

As for the Minister telling me that he attended the meetings, I know that he did not attend the last meeting. A member of his staff, someone from the Law Office and a gentleman from the department attended the meeting. The Minister was not there when we brought up these things. I understand from members of the Volunteer Bush Fire Brigades Association that they tried to get the Minister's ear and explain this to him. I understand that he was passed a letter by Ms Maher; that Mrs Nolan had a copy of the letter; and that other members had copies of the letter from the Volunteer Bush Fire Brigades Association. Mrs Nolan sat in on that meeting and agreed with what was said, but she could not get it changed.

We are quite prepared to put this off until the Minister can have a meeting with the Volunteer Bush Fire Brigades Association and Mr Cheney from the CSIRO, who is an expert on bushfires. But he is not prepared to do that. He is not prepared to listen to these people. He is just going to railroad it through. It does not matter how the people feel about this. This is the Government that said, "We are going to talk to the people". The people have spoken to you, but you are not interested in listening to them.

I sent copies of the Bill to every organisation that is involved with bushfires, and I received replies. But the Minister, I understand, is not prepared to listen to any of them. As for him talking about these people being experts in other ways, I think the people who are out there fighting the fires know what it is all about, not the Minister. The only fire that he has ever fought in his life was trying to keep the party together a couple of weeks ago. I have to congratulate him because he managed to put it out. He is very good at fighting fires at home but not so good at fighting bushfires. I think he should be listening to the people who know about fighting the fires.

I would like to get this into Hansard, Mr Speaker: I understand that Mrs Nolan was writing her Christmas cards. The difference between us and the people on the other side of the house is that we are united; we all sign the same Christmas card to save paper and save the trees.

MR SPEAKER: Order! Relevance!

MRS GRASSBY: I do not think that option is open to the Government. We are all united and sign the one Christmas card and save the trees. Other members of my party will be speaking on this matter, so I will sit down and give them a chance to do so.

DR KINLOCH (11.58): In order to save a few forests, I want to say Merry Christmas and a very happy New Year to Ellnor.

MR CONNOLLY (11.58): We were not quick enough to take a point of order on relevance. Mr Speaker, having heard the statements from the Government in response to our attack, which is basically that it is very dangerous to set ourselves up for litigation, we remain unconvinced.

The New South Wales legislative provision is a very clear form of immunity. Mr Duby is correct; as no doubt the Attorney advised, the courts will tend, if possible, to read down an immunity provision. I accept that. Nonetheless, the position in New South Wales is that the legislature has consciously sought an immunity provision. We remain of the view that the position in South Australia is that the legislature has sought to provide an immunity provision. The legislation, it is true, speaks of a person. We go back to the common thread of the debate between the Attorney and me, which is that the courts are increasingly taking the view that - - -

Mr Jensen: What does the definition say, Terry?

MR CONNOLLY: There is no definition provision. I have checked the Interpretation Act of South Australia, Mr Jensen. The courts are increasingly taking the view that a statute will bind the Crown unless there is an express

intention to the contrary. My understanding of that legislation is certainly that "person" binds both bodies natural and bodies corporate, and the Crown and emanations of the Crown.

Mr Jensen: Is that the "et cetera"?

MR CONNOLLY: That is, indeed. Mr Speaker, the position remains that we say that the Government is doing a very dangerous thing. Everyone in Australia, apart from the Government, is out of step with this enthusiastic new reform that it is bringing in. Mr Speaker, we think that this reform is potentially very dangerous. Mr Duby said that I was creating fanciful circumstances; I earnestly wish that they were. We all hope that this thing will never be tested, because we all hope that we do not have a major bushfire in this Territory.

The prudent course, we say, is to adopt the same approach as is adopted in the States and for the urban fire service here. The Government, with its rhetoric, can say that that is conservative, if it likes. We say that it is prudent. We say that what the Government is doing is dangerous, for the two reasons that Mrs Grassby and I have outlined in the debate this morning. Firstly, and perhaps most importantly, it will expose the bushfire fighters to this process of litigation, in which their competence will be questioned and in which the lawyers acting for the plaintiffs, the insurance companies, will try to tear down their competence to establish negligence.

Secondly, there is an enormous potential risk for the Territory revenue. As Mrs Grassby noted, this sort of policy may have made sense for the Commonwealth because it always takes the view that it has broad shoulders and it self-insures. The Territory revenue base, as we on both sides of the chamber know and as Mr Kaine is constantly reminding us, is a fragile one. We do not think that we can risk the assumption of the enormous potential liability bill that we face.

Another point that was put in refutation is that presently bodies, even in States where a form of immunity is provided, take out a form of public risk insurance, as would any prudent person. But we should, as far as possible, put ourselves in the same position as applies in New South Wales and other States. I say again, as Mrs Grassby said, that the circumstances that we postulated this morning, in the example of a fire spreading from the ACT into New South Wales, thus creating liability, and a fire spreading from New South Wales into the ACT with no liability, have not been and cannot be answered by the Government, which is a compelling ground for accepting the thoughtful amendments put forward by Mrs Grassby.

MR STEVENSON (12.02): Many different viewpoints have been put during this debate. I thought it would be worthwhile to look at what we could agree on or what we know. We know that current legislation has existed for 50 years; there is no disagreement there. We know that the Bush Fire Council has operated as a community based organisation for some 50 years; there is no disagreement there. The council draws in various organisations - the volunteer bush fire brigades, the CSIRO Bushfire Research Unit, the conservation foundation, the national parks and wildlife services, and so on; there is no disagreement there. We know that the proposed legislation does not align with existing legislation in the States; there is no disagreement there.

We were told by Mr Jensen, I believe it was, that soon all the States could follow suit if this legislation is passed. We do not know that. We cannot say that it is something that we know. We know that the Bill will remove power from the Bush Fire Council and place it with the Minister. There is no disagreement with that either. That is exactly what it does. Something that we may know, if Mr Kaine would give an indication, Mr Speaker, is that he and the Liberal Party supported the principle of immunity some two years ago.

Mr Kaine: Indemnity.

MR STEVENSON: Indemnity, not immunity.

Mr Kaine: That was what was put to me, and that is what I agreed to.

MR STEVENSON: I was just checking. We do not know that. We know that this Bill, if passed, would accept, on behalf of the people of the ACT, a liability that could be absolutely horrendous.

Mr Duby: No, that is not true.

MR STEVENSON: It is not? We cannot tell what the liability is; no-one can put a figure on any limit to the liability, so it must be unlimited to some degree. I think we have to say that we do not know the limit.

Mr Collaery: But you have to prove negligence.

MR STEVENSON: That is all very well, but once again you cannot say that any particular limit can be placed on this. One thing which we also know and with which nobody will disagree is that the ACT Volunteer Bush Fire Brigades Association, whose president wrote to us, has serious concerns about this legislation. I think its concerns should be well heeded. Mr Duby assured the house that they had been looked at and that most of them were minor. Some of the suggestions do not seem minor at all. One of them is that the Minister should have the responsibility. That is an absolute major shift in responsibility. The

situation has worked well for many decades. Mr Duby said, "Well, we have got power in all other areas, so we should have power in this". That does not necessarily follow as a corollary. The situation has worked well.

Mr Duby: How do you know? How do you know that it has worked well?

MR STEVENSON: Have there been major problems because of the power?

Mr Duby: Yes, there have been.

MR STEVENSON: You have not said what they were.

MR SPEAKER: Mr Stevenson and Mr Duby, go through the Chair, if you do not mind.

MR STEVENSON: So, there are serious concerns about this proposed legislation. Suggestions have been put that there has not been sufficient consultation in the matter. It would certainly seem that that is the case. If we rely so heavily on the volunteer bush fire brigades, yet the association says that it is not happy with the situation, would it not be well to spend the time that is needed either for it to understand that everything is okay or for the Alliance to understand that everything is not okay? That would seem to be reasonable. Mr Lonergan, the president of that association, said that a number of changes proposed by the council have not been accepted.

Mr Duby: Yes.

MR STEVENSON: That is not disagreed with either. I think the best thing that we can do is adjourn the debate and wait until we have some consensus on this very important issue. The suggestion that what has occurred for 50 years could not see out another summer does not seem to have any validity. There is no particular problem. The Government has already said that it is prepared to accept liability, so how could that be a problem? I would like Mr Duby to answer this question, Mr Speaker: what other valid reason is there for this matter to proceed today? Why could it not be put off to allow the communication that, it has been said, has not occurred?

MR COLLAERY (Attorney-General) (12.08): Mr Speaker, these monarchists opposite, who want to recreate the Crown in its full flavour, with all of its immunity, surprise me. I thought their agenda was slightly different - more like putting the torch to the monarchy than the opposite.

Ms Follett: Hear, hear!

MR COLLAERY: "Hear, hear!", the Leader of the Opposition says. But, certainly, there is a bit of scaremongering going on. This proposed law does not alter in any way the liability of the Crown in right of the ACT. There is still

the right to bring a common law action against the Crown. Some members may recall the BP tanker driver whose vehicle rolled off the Brindabella road, because the edge gave way, a few years ago. He, Mr McDonough, successfully sued the Commonwealth, as it then ran the Territory, because of the negligent roadkeeping of the then Commonwealth authority. That was a successful action, and it related to common law, tortious misfeasance and liability. None of that is altered in any way.

We are talking about another series of legal events that can be affected by statutory immunity. Important, vital and marvellous though the volunteer fire people are, they do not necessarily speak for the entire community of this south-east region. I would like to know what the rural dwellers and the farmers feel about their being excluded from the possibility of a law suit for a negligent act.

It has been implied here today that if a fire is alight and destroys property we have to pay for it. That is not the case. There is an intermediate step and a vital hurdle to get over. You have to prove negligence by the volunteer brigade. I suggest that few courts would apply a very excessive or severe test to the volunteer fire workers when they go about their functions in most emergent situations. The test of negligence and liability, as Mr Connolly and others in this chamber may know, varies by circumstance. A decision taken in the heat and fire of the moment will be looked at in that context in terms of whether it can be negligent.

So, from a litigating point of view, it would be very difficult, in my view, in many cases to prove negligence on the part of a competently trained and directed fire worker. That worker will not have the personal liability. But if some personal liability, on the scenario that Mr Connolly put, gets back to the director of fire operations somewhere, the Crown, in right of the ACT, has broad enough shoulders to accept vicarious liability for any acts that have caused property loss and other damage. That is the modern development in the country. I will not repeat it.

Mr Connolly took a point from Mr Jensen and said that the 1989 South Australian Act - I think Mr Connolly is right in pointing out that here is a recent piece of legislation compared with the traditional, old stuff - states that a person incurs no civil or criminal liability. He put to us that through process of law, with which I will not detain the Assembly, "person" may mean the Crown in the circumstances.

An earlier section in that Act says that a person must not, among other things, give a false alarm of fire or other emergencies. I do not know whether governments or the Crown ever give false alarms. There is a penalty in the Act for doing so. But there is an inconsistency in

interpretation. I do not think this matter can be resolved on the floor of this Assembly, but there is a clear intent there to mean a person being a natural person, not the Crown.

Mr Connolly, I think, meant to refer to the Bropho case in Western Australia. The governments around Australia, as Mr Connolly well knows, are looking at the decision of the High Court, which was delivered on 20 June this year, with a great amount of interest because it is a profound decision of the Full Court and it deals very clearly with the question of whether provisions - in that case, in the Aboriginal heritage legislation, which were applied to an intended development of the Swan brewery site in Perth - created some statutory Crown immunity.

The court has held, in effect, that along the way - the vein that I think is agreed to in this chamber - courts will read down where they can. Notice is being served on governments that, if they want to purport to act commercially through statutory authorities, they ought to assume responsibilities that go beyond the ancient and traditional idea that the Crown, the Queen, has to assent to liability; otherwise it is not liable.

Mr Speaker, in the amendment moved by Mrs Grassby, to which she spoke, proposed section 5P states:

> Neither the Australian Capital Territory nor any person is liable in any way ...

Mrs Grassby is trying, quite clearly, full on, to give the shield of the Crown to our Government. Our Government has confidence in its servants and sufficient confidence in those volunteers who do this work that we are prepared to be on an equal footing with the common law liability; we stand anyway in those actions.

MR DUBY (Minister for Finance and Urban Services) (12.15): Mr Speaker, at the outset let me congratulate the Labor Party for the way in which it can hold ranks and present a unified front on any issue, and commiserate with Mr Connolly who, as an experienced lawyer, I suppose, is speaking to a brief. A lawyer, I am told, has to act for his client, and it is clear that the client in this case is Mrs Grassby. Undoubtedly, in future days when he is reading through the Hansard he will hang his head in shame and say, "My goodness gracious, when I think back on that, I know the argument was wrong but by gee I put it well". I think that is about the best that we can do.

Mrs Grassby: The way you change parties and ideas, I would rather have Mr Connolly and my other three compatriots any day.

MR DUBY: Listen to it, will you? I think that is about the best that we can say for that.

Mrs Grassby: That is about the best that you can say for anything, Mr Duby.

MR DUBY: Mrs Grassby, please! Both the Attorney-General and I have effectively demolished the arguments about immunity versus indemnity. I can even see a hint of resignation in Mr Connolly's face on this matter, so I will not labour that point.

The only other thing on which I would like to comment is the statements made by Mr Stevenson primarily about lack of consultation. I answered these questions earlier in the debate when I was answering some queries raised by Mr Moore. But I noted that Mr Stevenson was not present in the Assembly when I answered those matters. I shall be brief and to the point.

The talk of lack of consultation is nonsense. This legislation has been talked about for something like two years, Mr Stevenson. It has been discussed at every meeting of the Bush Fire Council, except one, since September 1988. Officers of the Administration have had two meetings to discuss in detail with the council the provisions of the Bill. In September 1990 the executive committee of council agreed with the Bill, including indemnity versus immunity, and in October this year the council in toto agreed to the Bill, including indemnity versus immunity.

If, of a group of 12 people, a small minority is not prepared to accept it after two years of consultation, I think we can say that we have exhausted the consensus process. Mr Speaker, the proposed amendments put up by Mrs Grassby do not warrant support, and I know that the Assembly will reject them.

MR SPEAKER: Were you wishing to speak again to this, Mrs Grassby?

Mrs Grassby: No, thank you, Mr Speaker.

Question put.

The Assembly voted -

AYES, 7	*NOES, 10*
Mr Berry	Mr Collaery
Mr Connolly	Mr Duby
Ms Follett	Mr Humphries
Mrs Grassby	Mr Jensen
Mr Moore	Mr Kaine
Mr Stevenson	Dr Kinloch
Mr Wood	Ms Maher
	Mrs Nolan
	Mr Prowse
	Mr Stefaniak

Question so resolved in the negative.

Amendments negatived.

Clause agreed to.

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

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

That the debate be now adjourned.

The Assembly voted -

AYES, 6	*NOES, 11*
Mr Berry	Mr Collaery
Mr Connolly	Mr Duby
Ms Follett	Mr Humphries
Mrs Grassby	Mr Jensen
Mr Stevenson	Mr Kaine
Mr Wood	Dr Kinloch
	Ms Maher
	Mr Moore
	Mrs Nolan
	Mr Prowse
	Mr Stefaniak

Question so resolved in the negative.

Remainder of Bill agreed to.

Bill agreed to.

TERRITORY OWNED CORPORATIONS BILL 1990

MR KAINE (Chief Minister) (12.22): Mr Speaker, I present the Territory Owned Corporations Bill 1990. I move:

That this Bill be agreed to in principle.

Mr Speaker, in the 1990-91 budget, I announced that ACT Electricity and Water, the TAB and the Mitchell Health Services Facility would become Territory owned corporations. This announcement reflected the Government's decision on a model for corporatisation of ACT Government business operations, and foreshadowed the preparation of umbrella legislation to embody the fundamental rules and principles that would govern such corporations.

I should emphasise that the model is one of corporatisation, not privatisation. In fact, this Bill, which is the umbrella legislation that will apply to all Territory owned corporations, requires all such corporations and any subsidiaries to be 100 per cent government owned. My colleagues the Attorney-General and the Minister for Finance and Urban Services will be introducing Bills relating respectively to the corporatisation of the TAB on 1 January 1991, and expanding the board of ACTEW to facilitate its transition to corporatisation on 1 July 1991. These business enterprises will be subject to the provisions of the Territory Owned Corporations Act.

In recent years the Commonwealth and State governments have embraced corporatisation as an important means of effecting micro-economic reform in government business activities. The importance of reforms of this nature was reinforced at the recent Special Premiers Conference. A need for reform in the Territory is particularly pressing in view of our tight budgetary position.

The principal objectives of the corporatisation of public sector business operations are fourfold: firstly, to effect improvements in cost structures, overall efficiencies, and the quality of services provided; secondly, to ensure appropriate improvements in performance and accountability of the business enterprises; thirdly, to make reductions in budget outlays; and, fourthly and importantly, to maximise the returns to the Government on its investment in business enterprises or, in other words, Mr Speaker, returns to the taxpayer whose money is invested in these business enterprises.

This Bill sets out key structural and accountability provisions that provide the framework for operation of the corporatised bodies. This framework closely follows the approach adopted by the New South Wales Government. In terms of structure, Territory owned corporations will be companies incorporated under the Commonwealth companies code and wholly owned by the Territory. Territory

Ministers will be the only shareholders who have voting rights. Boards of the corporations will be chosen by the voting shareholders, based on the expertise that they can bring to assisting the corporation to achieve its objectives. The accountability provisions include requirements that the memorandum and articles of association of the corporation, and any variations, be tabled in the Assembly. A statement of corporate intent, detailing the corporate and business strategies and related information of the company, will also be tabled in the Assembly.

Bearing in mind the experiences of some States with government enterprises, the Territory Auditor-General is to be the auditor for all Territory owned corporations. This will not, of course, prevent the Auditor-General from contracting out work to the private sector where necessary. Underpinning the Bill is a paper that sets out the principles and arrangements of the Government's corporatisation policy. It has not been appropriate to incorporate all of that policy in this Bill, but I encourage members to read the two documents concurrently.

Consistent with my announcement in the budget regarding consultation on the corporatisation initiative, my department is undertaking discussions with a wide range of interested parties, including the unions, business representatives and the Commonwealth. Those discussions are presently focusing on the broad principles of the corporatisation policy, as outlined in the principles and arrangements paper. Details of the Bill are set out in the explanatory memorandum. I now table the following papers:

Explanatory memorandum to the Bill.

Principles and Arrangements for Implementation of the Corporatisation Model Within the ACT Public Sector.

Mr Speaker, I commend the Bill to the Assembly.

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

POSTPONEMENT OF NOTICE

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

That notice No. 2, executive business, be postponed until a later hour this day.

Sitting suspended from 12.28 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Transitional Funding Trust Account

MS FOLLETT: My question is to Mr Kaine as Treasurer. Mr Kaine, given that one of the criteria for the release of transitional funding trust account money was that projects cannot be funded by other means, why did your letter to the Prime Minister say that proposed projects could, in fact, be funded by ACT borrowings?

MR KAINE: I think my intention was to make it clear to the Prime Minister that the alternative to releasing funds from the trust fund was borrowing. Quite clearly, the Prime Minister sees that as the best option, and that will raise the future public debt of the ACT. It will raise the repayment costs and it will add to the cost of every future budget until that money is repaid.

MS FOLLETT: I have a supplementary question, Mr Speaker. Mr Kaine, you did include $44.2m in the budget for new borrowings. Given that fact, is that not an indication that you never really expected to receive funds from the trust account because you knew that the proposals you put forward were actually outside the guidelines?

MR KAINE: On the contrary, the proposal that I put forward, as I explained yesterday, was within the guidelines; it met the guidelines and the criteria set by the Commonwealth in every respect. The reason why I included the $44m borrowing was that, if in the event the Commonwealth did refuse to provide the money out of the budget, then we had to indicate that we had made a provision in the budget to cover it. It is a simple matter of prudence. You do not produce a budget with a $28m or $10m gap in it on the off-chance that the money will come like manna from heaven, which is the way you operated when you were in government.

Street Barriers

MR STEVENSON: My question is to Mr Duby, he being in charge of road closures. Is Mr Duby aware that notwithstanding his advice that lamps should be placed at the intersection of Wakefield Avenue and Dooring Street that has not been done, and since the time I last brought the matter up those barriers have been run into at least three times? Could he also advise which government department would any motorist who has run into that barrier go to for compensation if their vehicle is damaged?

MR DUBY: I think we have finally established where Mr Stevenson is residing these days.

Mr Stevenson: Information!

MR DUBY: As I advised in my answer to Mr Stevenson yesterday, in matters like this the contractor is required to affix lamps to any structures across a public road to block them off for roadworks, et cetera. It was my understanding that the matter was being inspected by officers from my department and at last report they were satisfied that lamps were being affixed. It must be remembered, of course, that things like this are often attractive to vandals and people who like to souvenir things like roadwork lamps.

Mr Stevenson: They have not been souvenired; they have not been there.

MR DUBY: I shall again look into the matter for Mr Stevenson and ensure that the law, which is the law that these fixtures have lamps affixed to them, is adhered to. In relation to people who have run into them and who may wish to claim damages, it would appear to me that that would be a matter that they would need to take up with the contractor. Clearly, if those lamps are not being affixed, he is not meeting the terms of his tender documents.

MR SPEAKER: Mr Stevenson, when addressing the Ministers at question time please address them by their appropriate titles instead of those that you frivolously make up. I dread what you will come up with next.

Cook Primary School Board

MR STEFANIAK: My question is to the Minister for Education. Mr Humphries, what is the current position of Cook Primary School Board after a decision by the teaching staff to withdraw from all further board meetings for the remainder of the year? Is it correct that Cook Primary School teaching staff have withdrawn from all further meetings of the Cook Primary School Board?

MR HUMPHRIES: Mr Speaker, I thank Mr Stefaniak for his question. Yes, it is true that the two teachers who have served on the board of Cook Primary School have withdrawn from that board. Prior to the receipt of the Hudson report and the Government's decision on 20 November to close the Cook Primary School by the end of the year, the staff at Cook Primary School, I think it is true to say, were very supportive of the Cook community's struggle to keep its school open. Once the decision was made, however, the staff at the school accepted the decision. I do not pretend that they welcomed it, but they certainly accepted it and they proceeded to support the ministry in implementing the transition arrangements. Teachers who were finding it difficult to carry out their school closure transition duties felt compelled, due to lack of time, to withdraw from school board activities. Furthermore, the entire staff at Cook Primary School respected that decision and, in fact, I am advised - - -

Mr Moore: Last night 150 people unanimously voted against it.

MR HUMPHRIES: I am advised that no other teachers at the school will serve on the board in place of those two teachers, so the 150 you refer to obviously could not have included any teachers, Mr Moore. The Teachers Federation has also been kept well informed of their decision. I am instructed that the teachers saw the situation at Cook as a conflict of interests which was making it difficult for them to carry out their normal professional duties, given the constraints in time with little more than two weeks to the end of term.

Under these circumstances, the Cook Primary School Board will be without a quorum, thus rendering it impossible for it to perform its normal functions. For the board to operate a teacher and a parent representative must be present for a quorum to exist. I am instructed, though, that no further meetings of the Cook Primary School Board had been planned, and as such that withdrawal should not constitute a major problem in the operation of the school for the next two or three weeks.

Royal Canberra Hospital

MR BERRY: My question is directed to Mr Humphries as the Minister for Health, Education and the Arts. I refer the Minister to his answer yesterday, that he had not seen a letter from a senior physician at Royal Canberra Hospital North about the black listing of eight senior doctors by senior bureaucrats within the health department. Is the Minister aware that his office faxed a copy of that letter to the *Canberra Times* yesterday? Will the Minister now indicate whether the meeting between Messrs Bissett and Withers and members of the press was intended to discredit those doctors because of their role in trying to save Royal Canberra Hospital? Did that meeting occur with the Minister's approval, and does he support attempts by his senior bureaucrats to stifle legitimate criticism?

MR HUMPHRIES: Mr Speaker, I am certainly aware that a letter was faxed from my office to the *Canberra Times.* Although I do not know the time that that was done, I am sure it was done after Mr Berry raised the question in question time. The letter was then sought by my office and sent on to the *Canberra Times* for its own information. There cannot be any question that, to the best of my knowledge, the information has now come to my attention. It was raised by Mr Berry yesterday and that is why I took the trouble to find out what was going on.

I reject, as I rejected yesterday, the assertion that any officials of my department have been involved in any activities which could be described as heavying or pressuring or attempting to silence criticism. I have an account of the events that the doctor concerned raised in his letter. I understand that the meeting that the letter referred to took place on 8 November between a small group of senior officials from the Board of Health and some editorial staff from the *Canberra Times.* The meeting was a follow-on to a meeting held on 31 October which had been convened by the Board of Health officers in order to provide information on the hospital redevelopment program and other matters of topical interest to the *Canberra Times.*

Regular briefings of that kind are, of course, a normal part of government, and undoubtedly occurred when Mr Berry was Minister. At the meeting on 31 October the Board of Health representatives were asked for information about doctors who were publicly expressing their opposition to the Government's decision to transfer services from Royal Canberra Hospital North to Royal Canberra Hospital South and Calvary Hospital. The identity of those doctors was not in any way unknown, since their opinions had been expressed publicly on more than one occasion. Indeed, their names have been published in the *Canberra Times* on a number of occasions, as the authors of letters and articles expressing their views.

No attempt was made to discredit those doctors either individually or as a group, although it was stated that their views were not generally representative of the majority of the medical profession in Canberra. I have to say that in my view that is clearly a valid point of view to express.

I have recently received a letter from the salaried specialist that Mr Berry referred to yesterday. It refers to the issues that he raised, and I intend to respond to it along these lines in the next few days. I reject, however, the assertion - as I rejected it yesterday - that anything improper occurred in that context. It is, of course, entirely appropriate for the staff of the hospital to be briefing the *Canberra Times* and other media journalists on the events or the issues surrounding the hospital redevelopment project, and I believe in the circumstances that that has been done on all occasions with complete propriety.

MR BERRY: I have a supplementary question, Mr Speaker. Minister, when will you accept that cautioning senior nurses because of their opposition to - - -

MR SPEAKER: Order! I do not believe that that is supplementary, Mr Berry.

MR BERRY: With respect, you have not heard it yet, Mr Speaker.

MR SPEAKER: All right, please proceed; but it sounds to me as though it is not supplementary.

MR BERRY: When will the Minister accept that cautioning senior nurses, interfering with the sponsorship of the "Bureaucratic Bungle Benefit" concert and the sorts of things that have gone on with these eight senior doctors demonstrate that there is some interference with public debate on this issue?

MR SPEAKER: Mr Humphries, I will allow that.

MR HUMPHRIES: Mr Speaker, notwithstanding the irrelevance of much of that supplementary question, I have to emphasise what I think I have said before about these matters: nothing improper occurred on any of those occasions. In every situation that Mr Berry has referred to, the nub of the matter is the heat that he himself has put on those matters by misrepresenting the situation. I recall hearing him on radio this morning or yesterday saying that we were on record as saying or as proving that undue pressure was placed on KIX 106. The entire substance of Mr Berry's question depends on the slant or interpretation that he himself has placed on these events. I repeat my challenge of yesterday to him: if he considers that improper pressure has been placed on anybody, let him produce that person and say what that pressure was. Until he does so, his claims - - -

Mr Berry: Deny it!

MR HUMPHRIES: I deny it; I deny it completely. There is no such pressure; there has been no such pressure.

Mr Berry: This is a terror campaign, and you know it.

MR HUMPHRIES: I challenge Mr Berry to produce his evidence.

Recycling Innovations

MRS NOLAN: Mr Speaker, my question is to Mr Duby in his capacity as Minister for Urban Services. Can the Minister advise the Assembly of recent innovations, involving the Alliance Government, to promote recycling in the ACT?

MR DUBY: I thank Mrs Nolan for the question. I am just trying to look for the answer here. Could you repeat the gist of the question? I could not quite hear you.

MRS NOLAN: Can the Minister tell the Assembly of any recent innovations, involving the Alliance Government, to promote recycling in the ACT?

MR DUBY: I must admit that I did not quite hear what Mrs Nolan had said. Yes, there have been recent innovations

involved in recycling projects within the ACT. I was very pleased to be at the launch - last week, actually - of a new recycling campaign which we are initiating throughout the ACT to mark World Environment Day on 10 December. We felt that it was appropriate to launch that last week because it was National Wastebusters Day, which appeared to me to be a very sensible time to do it.

The response that the Government has put into recycling initiatives involves a whole range of issues, including a letterbox drop through Queanbeyan and all the Canberra suburbs advising people of what recycling initiatives the Government has taken; advising them about the location and type of recycling facilities which exist at their local shopping centres, for example, whether they be bottle banks, can recycling facilities, paper facilities or even composting facilities. We have recently established a drop-off facility for garden waste on the northside at Mitchell as part of our composting program at the west Belconnen landfill site which has been announced. The Government now has two composting facilities, one at Mugga Lane and one at west Belconnen.

This has had an enormous response from people. Part of the letterbox drop indicated that people should ring a recycling information phone number within my department, and I have been advised that that number has virtually run hot since these letterbox drops were done right throughout the whole community. People are inquiring where they can go with their waste material. That is a very welcome innovative approach that the people of Canberra have adopted. It is also pleasing to note that, as a result of the initiatives that the Government has taken, that waste material which previously used to be dumped and used as solid fill at the tip at a very large cost to the community is now being recycled. The volume that is now being recycled is substantially greater than that recycled prior to the closure of the Ainslie Transfer Station. In other words, I think it is fair to say that the people of Canberra have taken to recycling with a vengeance. Indeed, I think it is quite obvious that on a per capita basis we lead the nation in this regard.

Tuggeranong Swimming Pool

MR CONNOLLY: My question is to the Chief Minister. What action will the Chief Minister take about the allegation by the editor of the Tuggeranong Valley View on the Matthew Abraham program this morning that he was threatened and abused by a senior public servant for publishing stories critical of the Decoin swimming pool proposal?

MR KAINE: I am not aware of the events that Mr Connolly describes, and I am not sure that it is in my portfolio area of responsibility anyway; but I would think that if there is any substance to what was said it would certainly warrant some follow-up. I think the sensible thing to do would be to ask the appropriate Minister to speak to the editor. If he has a problem he might have put it to the Government instead of to the ABC. I would think that that would be the sensible way to have his problem solved. I would also invite him to call me if he thinks it is a matter that I should be involved in.

MR CONNOLLY: I have a supplementary question. We were told the other day that the Chief Minister is the relevant Minister for questions of leasing and the granting of leases. Will he take action to investigate the matter?

MR SPEAKER: I think that has already been answered, Mr Connolly.

X-Rated Videos

MS MAHER: My question is to Mr Collaery as Attorney-General. Is the Attorney-General aware of the statements made by Mr Dowd that the production of X-rated videos will be banned in New South Wales? What effect will this have on the ACT?

MR COLLAERY: I thank Ms Maher for the question. It is difficult to say what effect it could have on the ACT; but the suggestions that have been put to me today are that, if we do not ban the sale, it is hypocritical of us to ban the production. As members are well aware, this is largely a conscience vote on this side of the house. Certainly, my individual view is that I would not welcome the move of production facilities into the ACT. I do not think I am particularly excited at the prospect of seeing "Debbie Does Dickson" or anything else. I do not think that is appropriate for the national capital.

Mr Dowd's decision to do this follows some very vexed discussions that we have all had with State Attorneys-General on the simple fact that the States are basically hypocritical in their approach. Western Australia, of course, is the only State that bans even possession of them; yet if you go to Perth airport tomorrow, Mr Duby, you will be able to get What's On In Perth and the back two or three pages usually show access to X-rated videos. That is the State of high hypocrisy.

I am delighted that John Dowd, Attorney-General for New South Wales, has put New South Wales on the line. He is not prepared to allow that hypocrisy to continue. I very much welcome his decision to ban production in those places where it has been taking place. My office has assisted the New South Wales Government in identifying one or two of the

locations where this material was being filmed and produced in the near regions of New South Wales. It is a relief to see the New South Wales Attorney-General take some of the load off our shoulders by virtue of this hypocritical campaign that has been suggesting that the sole responsibility for X-rated videos rests in this Territory. I also note that Mr Dowd is going to ban unclassified or higher classified trailers being shown during children's matinees. As members will recall, we indicated our desire for that to the Federal Government some months ago.

Finally, Mr Speaker, the whole responsibility in this area rests squarely with the Commonwealth Chief Censor, who will not agree to proposals from this Government that, since we cannot ban the videos, at the very least there should be an extra category in the X category so that the more offensive hard porn that offends some sectors of the community can be restricted or banned. Similarly, and I believe that there is unanimous support for this in this house, there should be another classification in the R category so that the very violent brain-splattering - - -

Mr Berry: Have you nearly finished, Bernard?

MR COLLAERY: I know that Mr Berry would not come into that category because - - -

Mr Berry: On a point of order, Mr Speaker: I refer to standing order 117(e), which states:

> Questions shall not refer to:
> ... debates that have taken place during the calendar year ...

It seems to me that in the way that Mr Collaery is answering he is referring to the debates.

MR SPEAKER: I think he is not. Please continue, Mr Collaery, but to the point. Just be as quick as possible.

MR COLLAERY: The R category, of course, would enable the violent films, at the least, to be kept out the back and away from access by younger people.

Mr Speaker, we welcome the decision of the New South Wales Government and we note Mr Dowd's comment that the overwhelming bulk of videos sold in the ACT by mail or otherwise for transporting into New South Wales are being made in New South Wales. That is a very refreshing admission, coming at the end of a very virulent mail and correspondence campaign that we have all been copping.

Emergency Service - Disaster Plans

MR MOORE: Mr Speaker, my question is to the Chief Minister, Mr Kaine. Are legislative bases available to the ACT Emergency Service to invoke a welfare or disaster plan in the event of a local disaster, for example, in the nature of a failure of the Googong Dam? If there are no legislative bases, what procedures will be undertaken by the Alliance Government to preserve the safety of the community from such natural or, I suppose, possibly human made disasters?

MR KAINE: I think I will take that question on notice, Mr Speaker, and give a comprehensive response to it.

Doner Kebabs

MR JENSEN: Mr Speaker, my question is directed to Mr Humphries in his capacity as Minister for Health. As a subscriber to the excellent Choice magazine, I am referring to an article in the magazine of July 1990, which would suggest - - -

Mr Wood: You have the answer in front of you. What do you want to read the question for?

MR SPEAKER: Order!

MR JENSEN: Thank you, Mr Wood. It suggests that doner kebabs may be a source of food poisoning. If so, what action is being taken to protect the ACT public?

MR HUMPHRIES: I thank Mr Jensen for his very important question on this matter. I have also read the article referred to, and have sought some detailed advice from Dr Scott, the Chief Health Officer of the ACT.

Dr Scott refutes any implication that any of the doner kebab-style food is any more of a risk to consumers than any other takeaways. There is a risk of cutting too deeply into the revolving meat column and serving undercooked meat; but no more risk than a busy hamburger bar, for example, providing a hamburger patty that has not been thoroughly cooked.

When this style of rotisserie cooking first became popular in Canberra about 10 years ago there was a concern that the temperature of the meat at the inner core would encourage prolific bacterial growth. However, this does not appear to be the case. There have been no recorded cases of food poisoning implicating this style of cooking in the ACT. Like all food of this type, there is a potential for food poisoning, but it is a matter of adhering to good hygiene

principles. In Dr Scott's opinion there is as great a risk, for example, in the traditional style of cooking a large joint of meat which may be underdone and sliced for serving to customers.

I can confirm that Turkish, Lebanese and Greek food outlets selling this style of food generally have a good public health record in Canberra. One aspect that is often overlooked in comparison with Sydney is the fact that, because of the potential food contamination by flies, all food outlets in Canberra must cook behind closed doors or screens, which is not the case in Sydney.

Reading the article, it appears that only a very small sample was undertaken. Apparently only one outlet in New South Wales was sampled, and I think the results are fairly meaningless. I can assure members, however, that health surveillance of food outlets in the ACT is a continuing program which will produce a fairly good way of monitoring the situation in this regard.

Media Relations

MR WOOD: Mr Speaker, it is pretty obvious that some of these questions are hurting and they want to avoid them. I direct a question to the Chief Minister. Does the Chief Minister support calls made by the Attorney-General on 1 November for urgent attention to be directed to the issue of alleged media unfairness?

MR KAINE: I think I have stated publicly and, in fact, quite recently that I believe that generally speaking the media is not unfair. I believe that its members do the job well, and I believe that my relations with them are very good. I believe that the Government's relations with the media are very good and - - -

Mr Connolly: That is not what your Attorney-General thinks.

MR KAINE: The Attorney-General may have a different view. If you want his answer, ask him.

MR WOOD: I have a supplementary question, Mr Speaker. I was very interested to hear the Chief Minister's comments. Is what Mr Collaery is saying another part of the Government's program of media intimidation?

MR KAINE: Since I have no intention of intimidating the media because I do not believe that I have any need to, I do not know that I can answer the question any more fully.

Volunteer Bushfire Fighters

MRS GRASSBY: Mr Speaker, my question is to Mr Duby. Will the Minister assure the Assembly that, in the event of a major bushfire in the ACT during the coming bushfire season, no volunteer bushfire fighter - and I stress "volunteer" - will be sued for negligence in the course of his or her duty?

MR SPEAKER: Order! That is a hypothetical question.

Parking Inspectors

MS MAHER: Mr Speaker, my question is directed to the Minister for Finance and Urban Services. Can the Minister comment on a matter raised in a letter to the editor published in the *Canberra Times* today, concerning parking infringement notices issued to a Mr Mike Durrant of Young, New South Wales?

Mr Berry: On a point of order, Mr Speaker: they have asked for an expression of opinion. The question, I think, is out of order.

MR SPEAKER: I did not pick up the point that you raised.

MR DUBY: I have been invited to comment, Mr Speaker.

Mrs Grassby: The question is out of order.

MR DUBY: I have not been asked to express an opinion.

Mrs Grassby: But you are still expressing an opinion.

MR DUBY: Shut her up, will you, Mr Speaker?

Mrs Grassby: I beg your pardon!

MR DUBY: I said, "Shut her up".

MR SPEAKER: Order, Mr Duby, please!

Mrs Grassby: I think that is very rude, Mr Speaker. I demand a withdrawal of that. Mr Speaker, make him withdraw it. That is what I demand.

MR SPEAKER: I let you get away with it once, Mr Duby. Do not do it all the time. Saying "Shut up" across the chamber is not appropriate.

Mr Moore: On a point of order, Mr Speaker: he has already got away with it once. He actually said to me, "Shut up, fungus face".

MR SPEAKER: Mr Moore, please sit down. Mr Duby, please withdraw the "Shut up" comment to Mrs Grassby. It should have been directed to me.

MR DUBY: I withdraw it, Mr Speaker, and I withdraw it, Mrs Grassby.

MR SPEAKER: I believe that the question is valid. Please proceed.

MR DUBY: Mr Speaker, today the *Canberra Times* published a letter from Mr Durrant of Young, New South Wales. He was complaining about receiving a parking infringement notice and at the same time quoting what I thought to be a very incorrect and malicious statement saying - - -

Mrs Grassby: On a point of order, Mr Speaker: he said "what I thought to be". It is an opinion.

Mr Connolly: On a point of order, Mr Speaker: the Minister is saying "what I thought to be". We said that it was a question seeking an opinion. He is now giving his opinion.

MR SPEAKER: Order, Mr Connolly! If we are going to start on this tack we will never get any questions through. It is your question time. Mrs Grassby, you asked a hypothetical question concerning future action. Please ask your question a different way.

MR DUBY: Mr Speaker, in my view and the view of all the members of this side of the Government, parking inspectors are a hardworking and dedicated bunch of people who perform a difficult job which, in almost all circumstances, is done with commonsense, in a cordial fashion and with good grace.

I would like to read into the record some of the phrases used in this letter by Mr Durrant today. He says that he has always considered parking inspectors and their keepers some of the more abhorrent forms of life on earth, and that on a sliding "disgust" scale he would rank them alongside tapeworms, religious fundamentalists, Andrew Peacock and TV soapies. He says:

> Just watching these sad, desperate people go about their gruesome business to me says civilised humanity is simply a myth.

He finishes by referring to them as "scrounging mongrels" and by saying:

> I can only hope these rejects develop some lousy disease for the festive season: they certainly deserve it.

I am absolutely amazed, first of all, that the *Canberra Times* published a letter of that level of abuse. I think that in a lot of ways it is typical of things that appear in the Canberra Times these days.

Mr Connolly: That is not what the Chief Minister just said.

MR DUBY: You support the comments, do you, Mr Connolly? Good, let the record show that. Secondly, the basic facts upon which this letter is based have been misrepresented by the writer, and it would have taken very little effort on behalf of the *Canberra Times* to have verified those facts. In the letter he says that the parking signs to which he refers have been changed since he last used them, et cetera, and therefore he was not aware of the facts. The parking signs to which he refers, of course, have not been changed in that area for the last five years.

The intolerant tone of the letter clearly does not consider the cost of the infrastructure that is required for both the establishment and the maintenance of public parking facilities in Canberra. I regard the letter to be both intolerant and abusive towards the parking inspectors and support staff, as well as an incorrect statement of the facts. I am very pleased to say that Mr Durrant is not a Canberra resident; he comes from a place called Young in New South Wales. I am glad that he is not from around here anyway. He asks in his letter that "a sense of decency and fair play would prevail", and in my view that is the one thing that his letter is lacking.

X-Rated Videos

MR STEVENSON: My question is to the Attorney-General. Would the Attorney-General indicate what exact proposals he has made to the Federal Attorney-General with regard to having X-rated videos banned, specifically in Canberra and the Northern Territory, as they are banned everywhere else? Does Mr Collaery acknowledge that the reason that the New South Wales Attorney-General, Mr Dowd, is taking action to outlaw the production of the porn videos in New South Wales is their distribution to New South Wales from the ACT?

MR COLLAERY: I thank Mr Stevenson for the question. As I read into the record a short while ago, Mr Dowd, in fact, said that his information was that the overwhelming bulk of videos sold in the ACT by mail or otherwise for transporting into New South Wales are made in New South Wales. Clearly Mr Stevenson will rely on Mr Dowd's words selectively, but not accept what he says elsewhere.

Mr Speaker, I also have to hand a media release by Mr Stevenson, dated 29 November 1990, in which he says, amongst other things, that until his Bill to ban X-rated porn is passed the ACT Government is condoning the rape, murder and sexual abuse of children. He goes on to again identify me personally as being the person who is allowing this to occur in the Territory. I say to you, Mr Speaker, that that is a disgraceful media release. It is picked up

by susceptible minds in the community, and results in considerable personal pressures. It is a disgraceful media release. This man, who purports to come to this Assembly and talk about crimes of violence, has no idea of the violent language and violent threats that his campaign has engendered to me personally, my family, and other members of this Assembly. His behaviour is outrageous.

Mr Speaker, to answer the rest of his question, we put detailed proposals to the State Attorneys-General in June last, proposing that there be a further X category. I will not detain the house; Mr Stevenson knows the arguments. We also proposed a further R category; and that, of course, is in a motion put to this Assembly by the Leader of the Opposition as well.

Those are definite steps taken. I am not at liberty to talk about the internal workings of the meetings of State and Territory Attorneys-General, other than to say that I have found Mr Dowd, whom I have known for many years in the legal and civil liberties areas, to be very receptive to the unjust treatment of our Government by campaigners of the ilk of Mr Stevenson.

Mr Dowd is doing effectively what I have asked him to do. I have pointed out production activities in Burra and at the coast and other places, and I have indicated both to him and to the police Minister, Mr Pickering, that we do not agree with what is going on, nor do we agree with the public profile of some of the other State governments. I believe that Mr Stevenson should take his campaign off to the hill and desist here and let us get on with governing the Territory.

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

Mr Connolly: On a point of order, Mr Speaker: I claim to have been misrepresented during question time, and I would like to make a short statement.

MR SPEAKER: Please proceed.

Mr Connolly: During Mr Duby's answer to the question in relation to the intolerant letter abusing parking inspectors, he made the following comments, "Mr Connolly agrees with those remarks", or "Mr Connolly shares the views of the rather foolish letter writer". I just want to put it on record that I clearly do not, and, indeed, I agree with Mr Duby's views on that issue.

PAPERS

MR STEFANIAK: Mr Speaker, I seek leave to present an out-of-order petition.

MR SPEAKER: In what manner is it out of order, Mr Stefaniak?

MR STEFANIAK: I understand that it does not comply with the standing orders, Mr Speaker.

MR SPEAKER: All right; thank you for that enlightenment.

Leave granted.

MR STEFANIAK: Mr Speaker, I present an out-of-order petition from 2,413 regular tavern patrons, asking that gaming machines be allowed in taverns. I will hand up some of those; the rest are in a pile about three feet high. I present the following papers:

> Petitioning letters (2,413), dated October 1990, requesting that gaming machines be permitted in taverns.

DISCRIMINATION - DRAFT LEGISLATION
Paper and Ministerial Statement

MR COLLAERY (Attorney-General), by leave: Mr Speaker, I wish to table the ACT Discrimination Bill 1990. Members may think - - -

Mr Connolly: Only a couple of months after ours.

MR COLLAERY: You will get your response to that - through you, Mr Speaker.

Members may think it an unusual step to table rather than introduce legislation; however, the nature of this legislation is somewhat different from what we usually consider in this chamber. This Bill is designed to make certain kinds of discrimination unlawful, and to give people who believe they have suffered discrimination the opportunity to seek redress through the lodgment of a complaint with the ACT Human Rights Commissioner.

The Bill is an important initiative, and one in which I believe there will be strong community interest. It is this interest which has prompted me to table the Bill and invite comments on it from the people whom it will affect, rather than simply push it through the Assembly without first ascertaining public reaction. The Bill deals with sexual harassment, and will make discrimination unlawful on the basis of sex; sexuality; marital status; status as a provider; pregnancy; race; religious and political

conviction; impairment - including HIV/AIDS; and association with a person having a latent impairment, that is, discrimination encountered by relatives, carers and associates of persons with an impairment such as HIV/AIDS.

Mr Speaker, discrimination will be unlawful in the areas of work; education; access to places or vehicles; provision of goods, services and facilities; accommodation and clubs. There are, of course, exceptions to what would otherwise be unlawful discrimination in certain circumstances. Unlike the Follett Human Rights Bill, religious and political conviction are included as grounds of unlawful discrimination.

The Discrimination Bill takes into account the fact that it is not only persons with HIV/AIDS who encounter discriminatory treatment; people with asymptomatic conditions associated with the virus in the family, friends and carers of people with the virus are also discriminated against. The discrimination suffered by those people was not in the minds of those responsible for the Follett Bill as they received no protection under Ms Follett's Human Rights Bill. This Saturday is World AIDS Day. It is fitting that the ACT Discrimination Bill which is being tabled so close to that occasion offers such extensive protection to people with HIV/AIDS and their families, carers and associates.

The Bill is loosely based on Western Australian equal opportunity legislation; however, the form of the Bill is different. It has been structured so that it is relatively simple for a person to find out whether he or she has been subjected to unlawful discrimination, and how he or she can take appropriate action. I congratulate the Legislative Counsel's Office on its innovative layout of the Bill.

The Discrimination Bill provides for the creation of an office of the ACT Human Rights Commissioner. In the recent ACT budget money was allocated for establishing this office. The office of the commissioner will be responsible for the promotion of recognition and acceptance within the community of the principle of equality. The office of the commissioner will also administer and enforce the terms of the legislation in those regrettable situations where discrimination has occurred.

The office of the commissioner will be lean and cost-effective, but have sufficient human resources to perform education, legislation review, and administration functions. The Follett Human Rights Bill proposed a massive administrative structure. That Bill envisaged an office with a commissioner and staff, and a human rights tribunal with a presiding officer, deputy presiding officers, a panel of up to 12 persons and a registrar. How the ACT was to pay for the services of this cast of thousands was never explained.

Formal court hearings can be intimidating, even for those who are familiar with the process and etiquette. For this reason, inquiries and hearings by the commissioner will be conducted with the minimum of formality and this, I hope, will encourage people who think they have a real complaint to bring it forward and resolve it.

The complaint process in the Discrimination Bill will, on the whole, function without the involvement of lawyers. After a written complaint has been received by the commissioner, and he or she believes that the complaint should be further investigated, it will be the parties themselves who meet with the commissioner to explain what has happened and attempt to resolve the matter. When a complaint is investigated, the commissioner must try to resolve it by conciliation, that is, reach a solution that is acceptable to all parties.

Of course, it will not always be possible to settle complaints by conciliation. In those circumstances the commissioner has the power to give directions to the person against whom the complaint has been made and, if that person does not comply with the direction, such a breach will attract a $2,000 penalty. Directions may be to not repeat or continue the conduct complained about, or to perform an act or a series of acts to make up for the loss or damage suffered. Alternatively, the commissioner may decide that the most appropriate remedy is a direction to the party complained of to pay a specified amount of money to compensate the person who made the complaint.

The Discrimination Bill does not leave parties dissatisfied with the way a complaint has been resolved without recourse. When the commissioner makes a decision of the kind I have outlined, or if the commissioner decides a complaint should not be investigated, notice of the rights of review must also be given. In this legislation, review of the commissioner's decisions will be the responsibility of the Administrative Appeals Tribunal. The AAT has been chosen for this function because it offers a cheap and speedy review process.

Members, and particularly the Leader of the Opposition, will be pleased to note that the Discrimination Bill which I table today provides that the ACT may enter into an arrangement with the Commonwealth under the Human Rights and Equal Opportunity Commission Act 1986 for performance of functions under the Commonwealth discrimination legislation. Such an arrangement will limit the possibility for the wasteful duplication of functions. The Opposition has previously expressed concern about the lack of such an arrangement for HREOC representation in the ACT. Such an arrangement between the ACT and the Commonwealth could not be made until very recently because until last week the corresponding Commonwealth legislation did not permit it.

I have outlined what I consider to be the important parts of this legislation. Just looking at the number of pages of which the Bill is comprised indicates that there is far more in it than I have spoken about. The scope of the Bill and its impact on members of the ACT community are the reasons why I table the ACT Discrimination Bill in the Assembly today.

I commend it to the members of the Assembly and the public alike, and request that comments on any part of the Bill be referred to my officers in the Government Law Office. I present the following papers:

Discrimination Bill - Draft legislation, prepared by the Department of Justice and Community Services.
Discrimination - Draft legislation - Ministerial statement, 29 November 1990.

I move:

That the Assembly takes note of the papers.

MS FOLLETT (Leader of the Opposition) (3.15): I am genuinely pleased to know that the current Attorney-General has done at least some work on this critical issue. I take full credit for that, for having spurred him into action. Mr Speaker, the more sane members, the members on this side of the house, know that some months ago I introduced a Human Rights Bill into this Assembly - - -

Mr Jensen: On a point of order, Mr Speaker: I do not think I need to make my point of order. Ms Follett is suggesting that those of us on this side of the house are insane. I think that is inappropriate, and I request that she withdraw it.

MS FOLLETT: I think I did more than suggest it; actually, I said it.

MR SPEAKER: Order! I ask you to withdraw the imputation, please, Ms Follett.

MS FOLLETT: I withdraw it. They are of very small brain size.

Mr Collaery: On a point of order, Mr Speaker: I ask that the Leader of the Opposition withdraw that. That is an imputation that goes to personal disabilities, and it will be an offence as soon as this is law.

MR SPEAKER: Order! I do not take that point of order. Please proceed, Ms Follett.

MS FOLLETT: Mr Speaker, as I was saying, I take a great deal of the credit for the fact that the current Attorney-General has done at least a little work on this matter. As members know, I introduced a Human Rights Bill into this Assembly some months ago - - -

Mr Collaery: From the Northern Territory.

MS FOLLETT: And yours is from Western Australia, I heard you say.

Mr Speaker, there is no getting over the fact that it was members opposite who acted to gag debate on that Bill, who acted, in fact, to deny consideration of human rights issues in the ACT. It was Mr Collaery who led the charge on that. So, his own work is not only well overdue but also, in my view, lacking a certain confidence. He has, in fact, tabled the document, not introduced it - a fact which I find inexplicable, given that he has any number of Bills, all of much less importance, that he has actually introduced today.

There is a marked lack of confidence in this piece of work. I will be studying this Bill with a great deal of interest and I will certainly not be taking up Mr Collaery's invitation to provide my comments to his law officers. I will provide my comments directly to him, as I believe the matter comes within his ministerial responsibility, although he may well wish to duck that, as he does so often.

Mr Speaker, I will say that I am genuinely very pleased to see this piece of whatever it is - tabled legislation - and I am also pleased to see that Mr Collaery has totally backed down on his previous position on the Commonwealth Human Rights and Equal Opportunity Commission. I am glad to say that he has seen sense at last, and has seen the sense of a cooperative arrangement with that body. The attitude that Mr Collaery has taken to that very experienced and very conscientious body in the past has been a matter for shame in this house. It has been a matter which I believe has earned this Assembly some of the disrepute that has come upon it in recent months. He has backed down totally on that issue and I am very pleased that he has.

Mr Speaker, as I said, we will be giving a great deal of attention to this tabled Bill. I heartily wish that Mr Collaery had introduced it, not just tabled it. I do not know why he did not. I can only guess that there is, as I said, a lack of confidence in the scope of the Bill or in the drafting of it, but I do hope that it will be possible to proceed to its introduction into this Assembly as a matter of urgency because it is, indeed, an urgent matter.

MR KAINE (Chief Minister) (3.19): I must say that I am constantly astounded at the approach taken by the Leader of the Opposition. We are constantly being told by the Leader of the Opposition that we do not consult with the community. Here we have one of the most important Bills that will be debated in this house during the life of this Assembly - without question the most important Bill - and the Attorney-General takes the step of tabling it so that

we can engage in community consultation. If we had not done so, then we would have been told that we were ramming this legislation down the throat of the people.

Members interjected.

MR KAINE: You see, it is astonishing. When you have nothing constructive to say, you merely attack the author. Those are the constant tactics of these people. If you do not consult, they tell you that you are ramming it down their throats. If you do consult, you are wasting everybody's time and you should be putting the Bill on the table. Just once in a while, Ms Follett, it would be nice if you would acknowledge the work done by the Government on a very important piece of legislation which you yourself - - -

Ms Follett: I did.

MR KAINE: No, you did not.

Ms Follett: I did.

MR KAINE: You claimed it for yourself; you claimed credit for yourself. This - and I will use the words - "dog in the manger" attitude to everything that the Government does, where nothing that the Government does is acceptable, is like the kids on the block that have nothing to do but whinge all the time. Nothing that the home team does is right; it is always wrong. When we were the Opposition, when you produced legislation that was good legislation we acknowledged it and we gave due credit. But you cannot even do that. You cannot accept the fact that this was put on the table by the Attorney-General so that you and the community at large could make your views known to ensure that when it is finally tabled as a Bill it will satisfy all your requirements. No, you have not even the grace to do that. I say to you: this side of the house is determined to do the right thing. If you do not want to, let us have you on the public record so that we know exactly where you stand.

MR STEVENSON (3.22): I commend the Alliance for tabling the proposed Bill. It is something that deserves commendation. There should be time. I speak not of the Bill, but of the principle of it. It is indeed an excellent idea; it should be done more often. It does allow people to comment on something prior to the introduction of the Bill.

MR CONNOLLY (3.23): Mr Speaker, how disappointing to hear the Chief Minister's churlish attack on the Leader of the Opposition. It is abundantly clear that the Chief Minister - - -

Members interjected.

MR SPEAKER: Order! Members, order!

MR CONNOLLY: This churlish attack, this calling the Opposition the "dog in the manger", shows that he clearly did not listen. He will no doubt read *Hansard* later on and find out what actually happened. What actually happened was that Ms Follett welcomed the introduction of this Bill and congratulated the Government on it. She said, "I am genuinely pleased to see this legislation". As the Opposition, we made some comments that we would have preferred, perhaps, to have it introduced and then have a sufficient period of consultation before it is passed, but we had a genuine welcoming of progress.

We make the point that the progress, perhaps, would not have happened without the spur of the Opposition's private members' Bill, and that Bill was received in a churlish and "dog in the manger" manner by those opposite. At the time the Opposition's Bill was introduced, we said that we were doing it in the best interests of the Territory. We indicated that we would be happy to talk about possible amendments to the Bill. We indicated that we did not claim it to be the Bill in final form for passage. All we had was churlish and trite attacks, claims that the Opposition was merely copying what had been done in the Northern Territory.

In fact, there were substantial differences, particularly in relation to AIDS discrimination, which is an area that the Attorney-General has indicated is very important. He would have noted, if he had bothered to look, that the Opposition's Bill had made some significant amendments to the Northern Territory legislation in the area of AIDS discrimination.

But, as the Leader of the Opposition said, we welcome this development. We are pleased to see an anti-discrimination Bill at last, but it is unfortunate that the Chief Minister had to react in such an hysterical and, as I say, churlish fashion to the remarks of Ms Follett. As we said when first introducing our Bill - and I think the Attorney earlier made some conciliatory remarks here in relation to our Bill - we ought to have unanimity across the Assembly on the area of discrimination legislation.

In closing, I would also like to say that I am particularly pleased that this Bill does seem to have gone somewhat further than the Opposition's Bill in the area of AIDS discrimination. I am pleased that the important work of the Commonwealth Government's report on AIDS and discrimination is apparently reflected in this Bill. I should perhaps point out that I have a private interest there, as my wife was the author of that Commonwealth report.

MR HUMPHRIES (Minister for Health, Education and the Arts) (3.26): Mr Speaker, I certainly welcome this legislation and not in the disingenuous way that those opposite have pretended to welcome it. The fact is that this is an area in which the ACT needs to move, as other States have moved, and where we need to make up some ground that has been lost by inaction in previous years. I have to put on the record that my waiting and watching last year, while in opposition, for some movement by the then Government, now the Opposition, on this front was in vain. I observed nothing at all in this area - other than the occasional platitudes in question time and elsewhere - until two days after the motion of no confidence was moved in the former Government. Then there appeared some kind of discussion paper or statement of intent by those opposite that they were going to move quickly to deal with anti-discrimination legislation. It was a curious coincidence that they should come out days before the Government was to meet what it knew then to be its inevitable fate.

However, I suppose to Ms Follett's credit, she produced a Bill in due course; a Bill described as a Human Rights Bill, on which she had apparently borrowed heavily from the Northern Territory and which she triumphantly presented as the solution to the Territory's problems. It is pretty clear, Mr Speaker, by the introduction of that earlier Bill, that the Opposition were very fearful that this Government would eventually be able to intrude upon an area, which it, the Labor Party, considered to be sacred ground, namely, that some other party in this place might be producing legislation to protect human rights when everybody knows that it is the Australian Labor Party which is the champion of human rights. How dare anybody else presume to come to parliament and produce a Bill pretending to protect the human rights of citizens of the ACT.

I have sad news for them. There are other people who are very concerned and involved in matters of human rights, not the least our Attorney-General, and the Bill he has produced, I am confident, will be seen widely as a far more productive document, a far more effective weapon in the fight against discrimination than the half-baked, rather rushed document which Ms Follett tabled a few weeks ago.

I am also curious about certain discrepancies and inadequacies in the other document which this document - that is the Attorney-General's draft Bill - certainly remedies. I know that, in her statement last year about her intention to introduce anti-discrimination legislation, Ms Follett intended, she said, to introduce provisions dealing with discrimination on the basis of political or religious views, yet when her Bill was actually introduced it failed to include those grounds as grounds on which action might be taken for discrimination. That is only one of many signs in that other Bill of haste and inadequate thinking through of the issues before they were properly

put before this Assembly. That is proof again, Mr Speaker, that the Opposition is more intent on capturing the banner of being the people concerned about human rights in this Territory than actually doing something about it.

Mr Duby: Grandstanding.

MR HUMPHRIES: Grandstanding, indeed.

Mr Speaker, I welcome this document. It will be a major catalyst for debate in this area in the coming months. I look forward to that. It would be nice to think that all the people in this chamber would contribute constructively to that debate in that context, but I have my doubts. I therefore hope that there will be, on the part of the ACT community, a genuinely full debate and response to the document tabled today by the Attorney.

MR BERRY (3.30): I must say that I was somewhat surprised that the Minister for Health agreed to or supported this legislation, because it would seem to me that any legislation of this nature, which was worth anything to the people of Canberra, would prevent the sorts of occurrences which are being reported in relation to his portfolio area. I refer, in particular, to the threats against nurses in the public hospital system.

Mr Humphries: On a point of order, Mr Speaker: the relevance, I think, is obviously lacking.

MR SPEAKER: I must admit that I cannot follow your trend. Please get to the point, Mr Berry.

MR BERRY: We are talking about noting a paper which is before the house, Mr Speaker, and I am speaking in relation to it.

Mr Humphries: No, he is not. It has nothing to do with nurses.

MR SPEAKER: I believe that it is the ACT Discrimination Bill.

MR BERRY: The motion was that the paper that has been tabled be noted. And, of course, it is about human rights. It is about human rights and anti-discrimination, and what I was - - -

MR SPEAKER: I lose your track, but please proceed and make it obvious what you are talking to.

MR BERRY: What I was referring to was the threatened discrimination against nurses in the public hospital system over their opposition - - -

Mr Humphries: Mr Speaker, I have to take the point of order and I ask Mr Berry to resume his seat while I do so. Mr Speaker, there is no suggestion that anything of this kind is covered by the Bill that Mr Collaery has put forward, nor for that matter by the Bill that Ms Follett put forward. There simply cannot be any argument that discrimination is of any relevance at all to what Mr Berry is saying.

MR SPEAKER: Mr Berry, would you like to comment on the point of order?

MR BERRY: No, it is up to you.

MR SPEAKER: You have had your turn. Okay. Normally you stand and get the floor when you do that. The point is that I have not had a chance to read any of the ACT discrimination paper, so I cannot take a decision on whether it has been covered or not; but it certainly sounds to me as though what you are embarking upon is an argument that is not covered by this paper. Please make it obvious to us all if that is what you intend to do.

MR BERRY: I will certainly make it obvious to you; but I do not think I will have Mr Humphries' agreement in the end run, Mr Speaker, and we will probably have to live with a bit of brittleness over there on the issue.

Mr Kaine: On a point of order, Mr Speaker: if Mr Berry is going to continue this line, I would like him to point out, in the paper, where there is any reference to discrimination against nurses. Otherwise, it is totally irrelevant.

MR SPEAKER: I am asking the same question, Mr Berry. Please proceed.

MR BERRY: We are getting a little touchy. The fact of the matter is that the line that I took was that any legislation which purportedly set out to prevent discrimination against Territorians, if it was worth anything, would prevent the sort of discrimination which has been reported, or the threatened discrimination which has been reported, in relation to nurses within our public hospital system.

Mr Kaine: On a point of order, Mr Speaker: there is no reported discrimination of the kind and I suggest that Mr Berry confine himself to the paper in front of him. I suppose that next he will be saying that there is something in there about discrimination against people of Icelandic birth living in the ACT. That is just as remote as the kind of thing that he is talking about.

MR SPEAKER: Thank you for your observations, Chief Minister. Mr Berry, I think you are really scooting around the point.

MR BERRY: I will just point out something from the document to you. Obviously the Chief Minister has not read it. He has not read the thing. He pretends to know a little bit about these things; but if he turns to page 12 of the tabled document, under the heading "Religious or political conviction", clause 12 states:

> For the purposes of this Act, a person (in this subsection called the "discriminator") -

I did not say anything about Mr Humphries -

> discriminates against another person (in this subsection called the "aggrieved person") on the ground of religious or political conviction if, by reason of -
>
> (a) the religious or political conviction of the aggrieved person - - -

Mr Kaine: On a point of order, Mr Speaker: I again assert that there is nothing in there that talks about nurses and alleged discrimination against nurses, which Mr Berry is trying to put forward as his argument.

MR BERRY: He has got it wrong.

MR SPEAKER: Somewhere along the line we will detect what this is about, I am sure.

Mr Kaine: I doubt it.

MR BERRY: I doubt it too, because the interjections will keep coming, thick and strong, because there is, as I said a moment ago, a certain brittleness in the people opposite. I have to repeat this because it takes a little while to sink in amongst those opposite. (Quorum formed)

The point is, Mr Speaker, that under this legislation the reported threats of discrimination against nurses, as were reported to have occurred in relation to the new obstetrics wing, would have been unlawful. What I am saying to you is that I think it is quite appropriate that mention of those facts should be made in the course of this debate.

The fact of the matter is that it was a great surprise to me when the Minister jumped up and supported it so much because the sorts of things that have been reported about his administration would have been unlawful. I would have been a little bit careful about supporting something that would have put one in an embarrassing position so quickly. I would recommend to the Minister that in future, before he jumps up in support of these sorts of things, he have a little read of them. Obviously the Chief Minister has not, and the Minister for Health has not, otherwise he would have noted that protection for those nurses was provided for under the legislation. I would have been very quiet about it because it would have invited debate about what is going on in his department.

The facts of the matter are clear. The sorts of discrimination and intimidation which have been demonstrated in the last few weeks and have been reported in the *Canberra Times* are, in many ways, the sorts of issues which would be prevented under this legislation. I have to say that, from the Labor Party's point of view, we would support that sort of legislation. (Quorum formed)

Mr Humphries repeatedly says that there has been no pressure. If there has been no pressure, no black listing and no attempts to influence the media, why was it that the journalist who wrote those articles in recent editions of the Canberra Times was sacked yesterday at about the same time as the Minister sent a copy of the letter which referred to senior physicians to the Canberra Times?

Mr Humphries: On a point of order, Mr Speaker: I think he is making an allegation that I have placed some improper pressure on - - -

Mr Berry: Frivolous, absolutely frivolous.

MR SPEAKER: Mr Berry, resume your seat.

Mr Humphries: To suggest that I have put improper pressure on the Canberra Times to cause some journalist to be sacked is extremely improper, and I would ask Mr Berry to withdraw the allegation.

MR SPEAKER: I would ask you to withdraw that, please, Mr Berry.

MR BERRY: I did not make any such suggestion, so I do not need to withdraw it.

MR SPEAKER: Order, Mr Berry! I understood you to say that.

MR BERRY: You misunderstood me.

MR SPEAKER: Would you withdraw it on the premise that there has been a misunderstanding by two members of the - - -

MR BERRY: I will withdraw on the basis of the misunderstanding that you have made, Mr Speaker; but let me say, in clarification, that the way I put it was thus. I said: if there has been no pressure or black listing in the course of recent weeks when these issues have been reported - and it is well known that his departmental officials approached the *Canberra Times* - why then was this journalist sacked? That is all. I asked the question. I did not infer that Mr Humphries was directly responsible for the sacking - my apologies.

Mr Humphries: On a point of order, Mr Speaker: the point is that Mr Berry was clearly implying that the faxing of a letter from my office to the Canberra Times was connected - - -

MR SPEAKER: Mr Berry, please resume your seat.

Mr Berry: Another point of order. This is a frivolous point of order, Mr Speaker.

MR SPEAKER: Mr Berry, please resume your seat.

Mr Humphries: This is not a frivolous point of order, Mr Speaker. Mr Berry's allegation is extremely serious. He said that the faxing of a letter from my office to the Canberra Times gave - Mr Speaker, may I ask him to resume his seat while I am making my point of order?

Mr Speaker, the implication is very clear that the faxing of the letter from my office gave rise to the - - -

Ms Follett: On a point of order, Mr Speaker: I think this is a personal explanation, not a point of order.

Mr Humphries: Mr Speaker, the crystal clear implication of Mr Berry's remarks was that the faxing of a letter from my office to the *Canberra Times* gave rise to the sacking of a journalist. I think it is a clear implication that I was involved.

Mr Berry: If the cap fits, wear it.

Mr Humphries: Mr Berry has now confirmed it; he says, "If the cap fits, wear it". He is clearly saying that I was responsible for that, and I ask him to withdraw.

MR SPEAKER: Order!

Ms Follett: I was going to say that it was a personal explanation, which I think it was.

MR SPEAKER: I will point this out again. If there is a substantive point of order to be raised, you are entitled to debate the point of order from both sides and from every member on the floor, if you wish.

MR BERRY: I seek a short extension of time.

MR SPEAKER: Before we go on, I certainly believe that there was an imputation in the words that you have now explained. I would ask you to withdraw that imputation.

MR BERRY: What was the imputation, sir?

MR SPEAKER: By asking your question in the manner you did you implied that the action had come from Mr Humphries.

MR BERRY: No, sir, I did not. I think that is an inference that Mr Humphries has drawn - perhaps because he has a guilty conscience, I do not know. No such imputation could have been drawn unless one had a guilty conscience.

MR SPEAKER: I took that. Would you withdraw it, please?

MR BERRY: You have not been involved in this, sir; I would not have expected that you would have a guilty conscience.

MR SPEAKER: The words spoken are what I have to go on. Please withdraw the imputation.

MR BERRY: I withdraw any imputation that the Minister has been directly involved in the sacking of a journalist.

Mr Humphries: Mr Speaker, that is a qualified withdrawal. He is still saying that there is some indirect involvement, and it is still worthy of being - - -

MR SPEAKER: An unqualified withdrawal, I think, is appropriate because the imputation is that through Mr Humphries - - -

MR BERRY: Mr Speaker, the Minister has made it clear that he was not directly involved, nor was he knowingly involved. I accept that.

Mr Humphries: Mr Speaker, I have to insist - - -

MR BERRY: What more do you want?

Mr Humphries: Mr Berry has been asked by you to give an unqualified withdrawal and will not do so. If he will not do so, you should name him.

MR BERRY: I withdraw any imputation against Mr Humphries.

Mr Humphries: Thank you.

MR BERRY: I now seek a short extension of time.

Leave not granted.

Motion (by **Ms Follett**) put:

That Mr Berry be granted an extension of time.

The Assembly voted -

AYES, 7	*NOES, 10*
Mr Berry	Mr Collaery
Mr Connolly	Mr Duby
Ms Follett	Mr Humphries
Mrs Grassby	Mr Jensen
Mr Moore	Mr Kaine
Mr Stevenson	Dr Kinloch
Mr Wood	Ms Maher
	Mrs Nolan
	Mr Prowse
	Mr Stefaniak

Question so resolved in the negative.

MR COLLAERY (Attorney-General) (3.47), in reply: Mr Speaker, I wish to close the debate on this motion that the papers be noted. I wish to add one small part to my speech. So rattled was I by the incredibly churlish response from the Leader of the Opposition that I omitted to mention - - -

Ms Follett: You spoke before I did.

MR COLLAERY: The Leader of the Opposition was interjecting as I spoke. I omitted to mention that this Bill does not include age discrimination at this stage simply because there are some profound complexities about that, particularly in the areas of superannuation and access to services that also come from the Commonwealth. My Law Office is well advanced in preparing and dealing with that issue, and we have examined the first such novel legislation in South Australia. I believe that our provision for age discrimination will catch up with this Bill - it is my hope in that regard - and form part of the final Bill.

Question resolved in the affirmative.

WORLD A.I.D.S. DAY
Ministerial Statement

MR HUMPHRIES (Minister for Health, Education and the Arts), by leave: Mr Speaker, AIDS is an issue that has been near the top of the public agenda for a number of years. AIDS, or acquired immune deficiency syndrome, is an epidemic of international and national concern, and it is this high profile that has brought about the yearly event of World AIDS Day. World AIDS Day this year is 1 December, next Saturday. It is the international day of coordinated action against AIDS and is now recognised in most countries around the world. The day is designed to expand and strengthen the worldwide effort to limit the spread of AIDS, to highlight AIDS prevention and control activities already under way, and to forge new channels of communication about AIDS.

This year World AIDS Day will focus on women and will subsequently draw attention to the special underrecognised needs of women in the AIDS epidemic. The issue of HIV, human immunodeficiency virus, and AIDS has a profound impact on women, both as an illness and through their multiple roles in our society as mothers, wives, carers, health care providers, educators and income earners.

Recent evidence has suggested that heterosexual women may be placed at risk by traditional social roles and attitudes, and in particular women are made more vulnerable by social limitations on safe sex negotiations. Other research has indicated that women engaging in unprotected heterosexual intercourse are more likely to become affected than men, due to biological factors.

The World Health Organisation estimates that over eight million people worldwide are now infected with HIV, and a little over three million of these are women. It is expected that 500,000 people will develop AIDS during 1990-91, including 200,000 women. By the end of 1992, over 300,000 women will have developed AIDS. During this time many of these women will have died. By the turn of the century the annual number of new AIDS cases among women is expected to equal those among men.

In Australia the National Health and Medical Research Council recorded a total of 2,040 cumulative cases of AIDS in its September 1990 bulletin and, of these, 61 were women. The ACT has not been unaffected by the epidemic. The Territory has recorded 30 cases of AIDS and 20 of these people have died. Of the 10 cases of AIDS living in the ACT, one is a woman. Whilst on the surface these figures appear low in comparison with other States, we must be aware that the likely number of HIV positive people in the ACT is anywhere between 200 and 400 and, more importantly, most of these people will go on to develop and eventually die of AIDS.

Statistics indicate that, unlike the United States, the AIDS epidemic in Australia appears to be plateauing. This situation can largely be attributed to the enormous effort put into containing the disease by State, Territory and Commonwealth governments, working in close liaison with community groups, non-government agencies and concerned individuals. Resources made available by both Commonwealth and local governments to fight the spread of HIV/AIDS are multi-focused and include, more importantly, comprehensive prevention and education programs.

The ACT Government, under the AIDS matched funding program, funds a wide variety of government and non-government agencies who work together in the field of HIV/AIDS. Further, the ACT has led the way in developing some controversial but highly effective initiatives. The ACT needle exchange program is one such example. It seeks to minimise the spread of the virus amongst injecting drug users and primarily involves both the exchange and distribution of clean needles and syringes to drug users. This project links in with the installation of sharps disposal bins in ACT public toilets, and the sharps hotline, a 24-hour used needle collection and disposal service for the public. Other services and programs in the ACT include the AIDS Action Council of the ACT which, amongst many other diverse and important activities, coordinated the "Bums on Buses" poster campaign which provided support for the national HIV/AIDS and IVDU - intravenous drug users - campaign earlier this year.

This year the coordination of World AIDS Day in the ACT has been undertaken by the Health Advancement Service of the ACT Board of Health. A large number of activities have been scheduled for and around 1 December, World AIDS Day. As Minister for Health I have already been involved in the launch of a poster that is currently being displayed in prominent locations around Canberra. Also planned are information displays on HIV/AIDS in various centres such as libraries, as well as extensive print and electronic media coverage.

The official launch of World AIDS Day in the ACT will occur at 11 am on Saturday, 1 December, in Garema Place, Civic. A prominent feature of the launch will be the distribution to Canberra women of flowers which have a message about AIDS attached. The concept of flowers is intended to be a form of remembrance for those women in the world who have HIV/AIDS or who have already died from the disease.

Mr Speaker, I certainly hope that Canberrans, and in particular Canberra women, by their participation in this special day, will have their awareness raised on the particular issues surrounding HIV/AIDS, and will therefore take a more active role in helping to curb the spread of the virus in our community. Mr Speaker, I move:

> That the Assembly takes note of the paper.

MR BERRY (3.55): I must say that it is a coincidence - or is it a coincidence? - that the ministerial statement on World AIDS Day follows the tabling of an ACT Discrimination Bill which will, of course, deal with discrimination against people living with AIDS. It is a great pity that this Government has not seen fit to introduce the Bill for debate properly, but has been - - -

MR SPEAKER: Relevance, Mr Berry.

MR BERRY: It is about World AIDS Day and people living with AIDS.

Mr Humphries: It has nothing to do with World AIDS Day. You are corrupting the good work done on that.

MR BERRY: The words I heard from Mr Humphries were, "You are corrupting the good work done on this". That is an outrageous remark and I demand that it be withdrawn.

Mr Collaery: Nonsense. You are corrupting the debate, and that is a legitimate argument.

MR SPEAKER: I think that the interpretation of the word "corrupting" is valid, Mr Berry, under the circumstances.

MR BERRY: He said that I am corrupting the good work that has been done on this issue. That is an outrageous allegation. I will not accept it and I demand that it be withdrawn. There is no way that I would work against those people who are working to assist people living with AIDS. Mr Humphries suggests that I have corrupted that process, and I want it withdrawn.

Mr Collaery: He was talking about the Bill.

MR SPEAKER: He was talking about the debate before the chamber, not the actual - - -

Ms Follett: No, he was not.

MR SPEAKER: I interpreted it that way. Please proceed. I will look at the words as recorded in Hansard and get back to the Assembly.

MR BERRY: I am sure I will be vindicated. Mr Speaker, it is a great pity that this Government has not dealt with this legislation. It is a great pity too, and I think the people of the ACT recognise it, that the Government has been more occupied - in fact, preoccupied - with preventing the Labor Party from introducing and debating a Bill which set out to free the Territory of discrimination of all kinds. Now - - -

Mr Collaery: All kinds? What about religious and political? They were not in your Bill.

MR SPEAKER: Order, Mr Collaery!

Mr Connolly: What about AIDS? It was not in your Bill.

Mr Moore: It was in your Bill and was then pulled out again.

Mr Collaery: No, no such thing.

MR SPEAKER: Order, members!

MR BERRY: It is a prickly subject for the Government, and I understand that. I understand why it is so concerned about it, because it has been proved wanting in this matter. Those activists in the community who work to assist people living with AIDS are, of course, concerned that this legislation on discrimination that has been tabled today has gone no further than a tabling document. Now, if the Government's performance on delivery of legislation is - - -

Mr Collaery: I take a point of order, Mr Speaker. Mr Berry stood to talk about a ministerial statement on World AIDS Day by my colleague Mr Humphries. Instead he is addressing the Bill.

MR SPEAKER: Order! Yes, I agree, Mr Collaery. Mr Berry, please be relevant.

Mr Moore: The two are connected, inextricably connected.

MR BERRY: Of course they are connected, lunatic. I withdraw that.

MR SPEAKER: Order! Withdraw that, please, Mr Berry!

MR BERRY: I withdrew it.

Mr Jensen: He should not have said it in the first place.

MR BERRY: I should not have said that in the first place. There were a lot of other things that I should have said. It is an attractive target.

Mr Speaker, the fact of the matter is that this is a truly important day for the ACT and, of course, for the rest of the world. World AIDS Day is a welcome focus because it draws the attention of the people of the ACT and of the world to the issue of AIDS and how we might prevent the spread of it and, of course, assist those people who are living with it. I think that any focus that helps us in those two respects will be a good one, and I have to say that I welcome the Government's support for this focus and I congratulate the Minister for the efforts that he has put into assisting with the focus on this dreaded ailment.

The focus on women, of course, is an important one. Far too often we see women left behind in consideration of these matters. Often we see that women have to wait till

last, and it is unfortunate that there has to be a separate focus which, in my memory, is a fair way down the track. It seems to me that the approach to dealing with AIDS has, in some respects, been discriminatory; nevertheless, it is worthwhile that this year we have a focus on women. After all, it is the actions of the Government in dealing with people living with AIDS which will lead to some containment of the epidemic and, of course, that containment has to do with all people.

The Labor Opposition welcomes any further government actions which will assist people living with AIDS. Of course, the discrimination area is a most important one because in this Territory we have regrettably seen reports and heard reports from people who have used our health systems and made allegations about discrimination because they were living with AIDS. It happened whilst I was the Minister for Health in the ACT, and at the time I hoped that there would be no future cause for anybody to allege that there was that sort of discrimination. It seems, at least from the lack of any further reports of any allegations, that the likelihood of that occurring in our hospital system has diminished, and I would - - -

Mr Humphries: Mr Speaker, I think Mr Berry is again wandering on to the things that you ruled to be irrelevant in the previous debate. If they were irrelevant in the previous debate, then they are just as irrelevant in this debate, and I ask you to bring him into line.

MR SPEAKER: I must admit that, from what I can gather, we are talking about the topic of AIDS in hospitals.

MR BERRY: Yes, discrimination in hospitals.

Mr Humphries: He is talking about discrimination in hospitals. What has that to do with AIDS?

MR BERRY: I am talking about the people with AIDS.

MR SPEAKER: I think that is appropriate. Please proceed, Mr Berry.

MR BERRY: I welcome any efforts in the hospital system which is under your stewardship, sir, which prevent any further allegations of discrimination against people living with AIDS.

Regrettably, it occurred while I was Minister, and I understood that action was taken to remedy the situation. If the likelihood of it occurring again has diminished, you are to be congratulated. The fact of the matter - - -

Mr Humphries: There is a trick there somewhere.

MR BERRY: He is a trusting soul; is he not a beauty? We will get on to those other matters later. Of course, I have talked - - -

MR SPEAKER: I would like you to withdraw the imputation, Mr Berry!

MR BERRY: Mr Speaker, this is truly a serious matter for the people of the ACT and for all members of this Assembly - Government and Opposition - and those who see themselves as sitting on the crossbenches. We all need to put our shoulders to the wheel, as they say, and work hard to ensure that the message is loud and clear, that it is palatable and that it is effective, because it is those sorts of messages which will lead to a reduction in those people who suffer with the disease and, of course, will assist those people who have to live with it.

I would like to put on record some congratulations to the Hawke Labor Government for its efforts in the focus on AIDS in this country, because it has truly responded to the need. The sort of funding which has been provided to the States and Territories, and which this Territory enjoys, is a most welcome addition to the armoury of weapons that can be used by this Government against the further spread of AIDS. So, I repeat that I think this Assembly needs to congratulate the Hawke Government for its work in the area of the campaign against AIDS in Australia.

MR MOORE (4.05): I noted that in his speech Mr Berry congratulated the Hawke Labor Government for its response on this particular matter. I think he could have been more specific. I believe that congratulations are due particularly to the Minister at the time, Dr Neal Blewett, because Australia's record in containing this virus is significantly better than that of almost any other Western country in the world.

Whilst I think it is important for us to recognise that, it is also very important for us not to rest on our laurels as far as that goes. There is a movement within Australians; they are now saying, "Look, the whole thing was over-sensationalised and the whole reaction was unnecessary". On the contrary, the very positive reaction in Australia has helped us to achieve this, and the bipartisan approach demonstrated by my colleague Mr Humphries and by other people has made that possible. I think that that approach ought to continue.

As chair of the committee dealing with this issue, along with illegal drugs and prostitution, it has made me feel very pleased that there has been a totally open-minded and bipartisan approach on all the issues that we deal with. The particular groups that are significant, as far as this particular situation goes, are, of course, the marginalised groups. In dealing with AIDS originally we were dealing with the gay community, and now we are looking at the illicit drug users. But there are other groups that are going to come to our attention, and the next group of marginalised people that I imagine will come to our attention will be bisexual men. It is interesting that

this virus has opened the community's eyes and made discussion of these issues acceptable. A few years ago I could not imagine an open discussion on condoms or their use or public hearings that dealt with those issues in any parliament, and yet this is certainly the case now.

One of the difficulties that we have to deal with is our own biases to those marginalised groups. When we look, on Saturday, at women and AIDS, it is of great interest to look at women who are most involved with the sex industry - prostitutes. That group has been marginalised for many years, but the interesting part of the evidence within Australia is that prostitutes appear to have an even lesser rate of HIV infection than that present in the normal community. Of course, one would expect that in one sense because there are very few men within that group. On the other hand, the potential for the spread of AIDS through prostitution is incredible, and it would appear that women in the sex industry have managed to accept a role and see their own health as being important; which is only natural, of course. It is important for us to recognise the need to be able to deal with prostitution to make sure that that does not change. That is one of the issues that our committee is dealing with.

Our committee is also dealing with that other marginalised group, the intravenous drug users. They are the group that has accounted for the vast majority of infections in women within Australia. There is something in Mr Humphries' speech that I need to draw his attention to. He commented:

> By the turn of the century that annual number of new AIDS cases among women is expected to equal those among men.

While I accept that as a worldwide figure, I think it is highly unlikely to be the case in Australia. Worldwide you gave the figures as three to five million, so make it half. In Australia it is much less than that, and in the ACT in particular I think you said it is one in 10. So, I think that that is highly unlikely to be the case, but the important thing is that we do not rest on our laurels as far as this goes but continue the hard work that has been done and be prepared to take the next step.

Last Friday at public hearings we had representations from the haemophiliac group of the ACT. Some of the sad stories that I learnt of from there and from then talking to other people are of young children who, first of all, are disadvantaged anyway because they have haemophilia and, secondly, have picked up the AIDS virus through the use of contaminated blood. When we hear of those stories we are inclined to allow our hearts to go out and to say, "Yes, we need to protect those people. We need to have in place the discrimination legislation" - the sort of thing that Mr Collaery presented earlier today - "in order to protect them". But that same protection of those same rights ought to be available to the marginalised groups, and we must be

very careful that we do not have a different attitude to those marginalised groups than we do to a child who, in fact, has been infected by the same virus. With those few words, Mr Speaker, I join in a bipartisan way with Mr Humphries in seeing what we can all do in order to assist in stemming the spread of this virus.

Question resolved in the affirmative.

AUSTRALIAN CAPITAL TERRITORY GAMING AND LIQUOR AUTHORITY (REPEAL) BILL 1990

MR COLLAERY (Attorney-General) (4.12): Mr Deputy Speaker, I present the Australian Capital Territory Gaming and Liquor Authority (Repeal) Bill 1990. I move:

> That this Bill be agreed to in principle.

Mr Deputy Speaker, the Bill provides for the repeal of the Australian Capital Territory Gaming and Liquor Authority Act 1987. As a consequence of that repeal, the Australian Capital Territory Gaming and Liquor Authority, or GALA, as it is commonly known, will be abolished. The Bill includes transitional provisions consequential upon the repeal of the Act. Details of these provisions are set out in the explanatory memorandum circulated with the Bill. Separate Bills to be introduced shortly relate, firstly, to the establishment of the TAB as a company or, more precisely, a Territory owned corporation and, secondly, to the return of regulatory functions established under the Liquor Act 1975 and the Gaming Machine Act 1987 to the mainstream government service.

The abolition of the authority will give rise to savings through administrative efficiencies of $150,000 in a full year. These figures are revised from those given to the Estimates Committee. Details of the Bill are set out in the explanatory memorandum, which I present. I commend the Bill to the Assembly.

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

BETTING (TOTALIZATOR ADMINISTRATION) (AMENDMENT) BILL 1990

MR COLLAERY (Attorney-General) (4.14): I present the Betting (Totalizator Administration) (Amendment) Bill 1990. I move:

> That this Bill be agreed to in principle.

The Bill amends the Betting (Totalizator Agency) Act 1964 consequent upon the establishment of the TAB as a company or, more specifically, a Territory owned corporation. The company itself, to be known as ACTTAB Ltd, will be

incorporated under the Commonwealth Companies Act 1981, and comes under the ambit of the Territory Owned Corporations Bill 1990. The Bill also abolishes the Racecourse Development Fund Advisory Committee and provides a new mechanism for consultation on the spending of moneys held in the Racecourse Development Fund. I will explain these changes in greater detail shortly.

There is a strong deregulatory emphasis in the Bill. The TAB is to be a fully commercial company and will be expected to behave as such. Many of the statutory provisions presently governing the TAB will therefore be removed. Instead, the relationship between the punter and the TAB will be governed primarily by the law of contract, as is appropriate in a commercial arrangement between a company and its clients. Of course, some regulatory provisions are retained, such as a prohibition on the TAB accepting credit betting. In addition, recognising the monopoly that the TAB will have on certain types of betting, ACTTAB Ltd will be made subject both to the Freedom of Information Act and to the jurisdiction of the ombudsman by regulation.

The existing 6 per cent turnover tax on the TAB is retained, as is provision for the tax rate to be varied from time to time. The distribution scheme which provides for recurrent funding to recognised race clubs has also been retained. That scheme is currently the subject of a review in consultation with the race clubs, but the mechanisms included in the Bill will allow the implementation of any changes to the scheme without further legislation.

As I mentioned earlier, the Racecourse Development Fund Advisory Committee is to be abolished and replaced by a simple statutory obligation on the Minister to consult with the race clubs and with the TAB before making grants or loans from the Racecourse Development Fund, or RDF as it is known. A reform which, I am sure, will be welcomed by the race clubs is the statutory requirement that 0.75 per cent of the TAB's turnover be paid to the Racecourse Development Fund. Although it has already been government practice in recent years to pay this amount into the fund, this level of funding is now put on a statutory basis.

The Racecourse Development Fund is retained. The distribution of money from the RDF will now be more along the lines of other government funding to community groups; funding agreements will include the normal terms and conditions aimed at protecting the public interest and compliance will be monitored by the staff of my department. Details of the Bill are set out in the explanatory memorandum, which I now present. I commend the Bill to the house.

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

LIQUOR (AMENDMENT) BILL (NO. 2) 1990

MR COLLAERY (Attorney-General) (4.17): Mr Deputy Speaker, I present the Liquor (Amendment) Bill (No. 2) 1990. I move:

That this Bill be agreed to in principle.

Mr Deputy Speaker, the Bill sets up new regulatory structures under the Liquor Act 1975, following the Government's decision to abolish the Australian Capital Territory Gaming and Liquor Authority and to return regulatory functions previously performed by the authority to the mainstream Government.

This Bill provides, in particular, for the establishment of a Liquor Licensing Board and for a registrar and deputy registrar of liquor licences. It also transfers responsibility for the revenue aspects of liquor regulation to the Commissioner for ACT Revenue. Day to day administrative functions under the Liquor Act will be carried out by the registrar, deputy registrar and inspectors who will be officers of my department.

The Liquor Licensing Board will be a part-time body convened primarily to consider only the complex cases arising under the Act. The board will have the additional function of advising the Minister on matters of policy and administration as required. The board will consist of a legal practitioner of five years' standing, the registrar of liquor licensing and one other person.

It is appropriate for a legal practitioner to chair the board because, although its procedure will be flexible and often informal, there will be times when complex matters come before it justifying a full quasi-judicial procedure. It is also appropriate for the registrar to sit on the board so that he or she can provide both administrative experience and an appreciation of current government policy. Any person will be eligible to be appointed as a third member of the board, but the Government envisages appointing a person with a background in or an appreciation of the liquor industry.

More than 95 per cent of decisions currently taken under the Liquor Act are straightforward and will be taken by the registrar. The Bill includes procedures that require the registrar to make an initial assessment of a matter and then to determine it or, if it is complex, to refer it to the board. The exceptions to this procedure are suspensions and cancellations of licences and cancellations of permits, whether arising from a complaint or otherwise. Because decisions to suspend or cancel a liquor licence threaten the very livelihood of the licensee, the role of the registrar in such cases is merely to screen the evidence and dismiss matters that are not based on any evidence or grounds of substance. If the matter is substantial, the registrar must refer it to the board.

Mr Deputy Speaker, I have already referred to the procedure of the board being flexible. While justice, of course, must be done, the Government does not wish to see liquor matters dealt with under a court-like procedure unless this is justified by the complexity of the case. Under the procedures contained in the Bill, the board will be able to decide appropriate cases under an informal procedure, deciding either on the papers or after discussions with relevant parties if this is appropriate.

Finally, Mr Deputy Speaker, I would draw attention to the provisions of the Bill relating to appeals to the Administrative Appeals Tribunal. Under the Bill, the tribunal takes over, with several additions, the review jurisdiction currently vested in the Supreme Court. The tribunal is, of course, specifically set up to review discretionary administrative decisions, such as those taken under the Liquor Act. While it is envisaged that appeals would generally be taken from decisions of the board, because it handles the more complex cases, provision is also made for appeals from decisions of the registrar. This is because the registrar might conceivably overstep the mark, even though legally confined to the more straightforward decisions.

Mr Deputy Speaker, sitting fees for the Liquor Licensing Board are expected to amount to less than $10,000 per annum, a saving of $40,000 on the cost of the Gaming and Liquor Authority Board, although that board was responsible for gaming machine matters as well as liquor matters. The total savings on liquor administration will be $110,000 per annum. Mr Deputy Speaker, I present the explanatory memorandum to the Bill and commend the Bill to the Assembly.

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

GAMING MACHINE (AMENDMENT) BILL (NO. 3) 1990

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.22): Mr Deputy Speaker, acting under standing order 80 for Mr Duby, I present the Gaming Machine (Amendment) Bill (No. 3) of 1990. I move:

> That this Bill be agreed to in principle.

Mr Deputy Speaker, the Chief Minister and the Attorney-General have already introduced Bills relating to the Government's decision that the Australian Capital Territory Gaming and Liquor Authority should be abolished and the TAB established as an independent commercial body. One aspect of this decision was that regulatory functions and revenue collection currently performed by the authority under the Liquor Act 1975 and the Gaming Machine Act 1987 will be returned to the mainstream government service. The

Government has decided that taxation and administrative functions under the Gaming Machine Act should be performed by the Commissioner for ACT Revenue. This Bill gives effect to this decision.

The substantial effect of the amendments contained in the Bill is to transfer the powers of the Gaming and Liquor Authority under the Gaming Machine Act to the Commissioner for ACT Revenue. I should stress that the amendments are of an interim nature only. In the medium term, revenue arrangements in relation to gaming machines will need to be aligned much more closely with other tax laws administered by the Commissioner for ACT Revenue, and a Bill for further amendments to the Act will therefore be submitted to the Assembly in due course.

The transfer of gaming machine administration to Mr Duby's department will lead to savings in respect of this function of $40,000 in a full year. Details will be made available shortly. Details of the Bill are set out in the explanatory memorandum which has been circulated. I should foreshadow that there are several printing errors in the schedule to the Bill. These will be corrected by formal amendment when the Bill reaches the detail stage. To prevent any confusion I undertake to provide advance copies of this amendment to the Opposition and to the Standing Committee on Scrutiny of Bills and Subordinate Legislation by tomorrow at the latest. I commend the Bill to the Assembly. I present the explanatory memorandum to the Bill.

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

ELECTRICITY AND WATER (AMENDMENT) BILL 1990

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.25): Mr Deputy Speaker, again acting for Mr Duby, I present the Electricity and Water (Amendment) Bill 1990. I move:

> That this Bill be agreed to in principle.

Mr Deputy Speaker, this initiative is part of our commitment as a government to improving the effectiveness and efficiency of service delivery in the ACT. It anticipates our intention to incorporate the ACT Electricity and Water Authority as a Territory owned corporation.

The ACT Electricity and Water Act was introduced in 1988 to create an authority to provide water and electricity in the ACT. It prescribed a four-member board - the Chief Executive Officer and three other members. While this board has effectively managed the organisation under its current charter, I believe that, to meet the Government's expectations that the organisation operate as a business

along commercial lines, a larger board will be required. This board will have seven members, consisting of ACTEW's Chief Executive Officer and six other members. A larger board will enable a greater depth and breadth of relevant expertise to be brought to the organisation to assist it to meet its objectives. This is consistent with the requirements of the companies code and the Territory Owned Corporations Bill previously presented to the Assembly. Mr Deputy Speaker, I present the explanatory memorandum to the Bill.

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

INTERIM PLANNING BILL 1990

MR KAINE (Chief Minister) (4.26): Mr Deputy Speaker, I present the Interim Planning Bill 1990. I move:

> That this Bill be agreed to in principle.

Mr Deputy Speaker, in presenting this Bill to the Assembly it is important that I outline its relationship to the integrated planning and land use legislation package which was presented earlier this year and released for wider community consultation.

The Government has received many thoughtful and constructive suggestions from the community in response to the draft planning and land use Bills. It is clear from these comments that the public shares our view that this legislation is among the most important to be considered by the Assembly in its earliest years. It is essential therefore that the issues surrounding the package be fully aired before we finalise those Bills.

Accordingly, as I announced in August, the Government having completed its consideration of the community's comments, the revised legislation will be released for a further period of public consultation. It is expected that this will occur by the middle of December, with the period of public consultation extending to the end of February next year. At the same time I will invite the standing committees of the Assembly with an interest in the legislation to conclude their consideration of the package of Bills following their release in the revised form. While it is important to have the legislation in place as soon as possible, it is equally important, as I recall Mr Connolly commenting earlier this year, that we get this package of legislation right. I welcome Mr Connolly's call for this legislation to be examined in a non-partisan spirit.

Against this background I now turn to the Bill before the Assembly. The introduction of this Bill is necessary to cover the period between the end of the transition period provided for in the ACT Planning and Land Management Act and the commencement of our own planning and land use legislation.

Members will be aware that the Commonwealth is currently taking action to extend the transition period until May 1991 by amending the Planning and Land Management Act. However, it is understood that at the same time action is under way to have the National Capital Plan finalised and the end of the transition period proclaimed before the end of 1990. Once the transition period ends, the Planning and Land Management Act provides that remaining NCDC policy will form part of the Territory Plan. I undertake to release a list of those former NCDC policies for public comment.

When this Commonwealth legislation was put in place it was envisaged that the ACT's Planning Authority would have been established by the time the transition period ended, allowing for continuity in the planning processes. However, in keeping with our commitment to full community consultation on the planning legislation, draft Bills in the package will now not be finalised for introduction into the Assembly until after the second period of public consultation, due to conclude at the end of February next year. If legislation is not enacted now to establish the ACT Planning Authority there will be a gap of some months during which the Interim Territory Planning Authority will be unable to vary any of the policies of the NCDC which comprise part of the Territory Plan or to release a draft Territory Plan. The ITPA is simply not empowered to do that.

The interim legislation before the Assembly contains only those provisions of the draft Planning Bill essential to the plan-making process. Its principal features provide for the establishment of the Territory Planning Authority and the appointment of the Chief Planner and the introduction and variation of the Territory Plan. It does not include references to the other Bills in the planning and land use package or to the creation of the planning advisory committee as provided for in the Planning Bill. It is important to note that this interim legislation will not prevent adjustments to the powers and functions of the Planning Authority during the transition to the permanent planning legislation. While it will enable the preparation and release of the draft Territory Plan, the plan will not be finalised until the planning and land use package is in place.

It is important to note that the introduction of the Interim Planning Bill does not preclude the release of the planning and land use package for the further period of public consultation. While the Interim Planning Bill contains provisions to establish the Territory Planning

Authority and to enable the Territory Plan to be varied, the corresponding provisions are to remain in the Planning Bill 1990. It will be released with the package for further public comment. Any amendment made to those provisions as a result of the comments received will be incorporated into the finalised legislation.

The principles behind the development of the five Bills dealing with planning, land administration, heritage, environment and the approvals and appeals processes as an integrated legislative package will not be compromised by the passage of this Interim Planning Bill. Our intention in having this legislation quickly in place is to ensure continuity in the Territory's planning arrangements while, at the same time, ensuring that meaningful consultation in relation to the whole package can continue to take place.

Mr Deputy Speaker, I table the explanatory memorandum to the Bill.

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

ADJOURNMENT

MR DEPUTY SPEAKER: It now being past 4.30, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

INTERIM PLANNING (CONSEQUENTIAL AMENDMENTS) BILL 1990

MR KAINE (Chief Minister) (4.32): Mr Deputy Speaker, I present the Interim Planning (Consequential Amendments) Bill 1990. I move:

That this Bill be agreed to in principle.

Mr Deputy Speaker, this Bill makes necessary amendments to the following legislation as a consequence of the Interim Planning Bill which I have just tabled. The amendments cover the Building Act 1972, the Building (Design and Siting) Act 1964, the City Area Leases Act 1936, the Nature Conservation Act 1980, and the Electricity and Water Act 1988. Mr Deputy Speaker, I table the explanatory memorandum to the Bill.

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

CRIMES (AMENDMENT) BILL (NO. 3) 1990

MR COLLAERY (Attorney-General) (4.33): Mr Deputy Speaker, I present the Crimes (Amendment) Bill (No. 3) 1990. I move:

That this Bill be agreed to in principle.

Mr Deputy Speaker, the Crimes (Amendment) Bill 1990 amends the New South Wales Crimes Act 1900 in its application in the Territory to insert two new offences directed specifically at controlling unauthorised access to data on computers.

Mr Deputy Speaker, you and the members of this Assembly, are, of course, well aware of the central role computers play in today's society. Not only do they store massive banks of information in one conveniently acceptable source, but they also undertake operational functions. Some of these operational functions include administering bank transactions, automatically calculating and issuing salary cheques, and controlling airline bookings and issuing tickets.

Paper records may be kept secure under lock and key. By contrast, computer records are vulnerable to intrusion by someone exercising his or her ingenuity in overcoming technical barriers. There is no breaking and entering in the conventional sense. This vulnerability is not limited to unauthorised access. Computer information can be exposed to the risk of damage from a variety of sources within and outside the user organisation.

Mr Deputy Speaker, there are many motives for this conduct. A hacker may simply want to test his or her technical skill or impress friends. An intruder may have a malicious wish to cause disruption or damage, or it might be a prelude to a fraud. Whatever the motive, this conduct is socially undesirable and is causing widespread concern in the community. The consequences of unauthorised access can range from inconvenience to great economic loss. One need only look at reports on the damage so-called computer viruses or worms can cause. Even if a hacker gains access without doing anything, a prudent owner would still have to have the computer system checked by experts to be 100 per cent certain no damage has been done. That is an unnecessary expense. There is simply no justification for interfering with a computer belonging to someone else, and this Government is determined to discourage that behaviour by subjecting it to criminal sanctions.

The Bill adds two new offences to the Crimes Act. The proposed section 153 will prohibit a person from intentionally gaining, without lawful authority or excuse, access to data or a program stored in a computer. The maximum penalty will be two years' imprisonment or, at the discretion of the court, a fine of up to $5,000 in

accordance with section 431 of the Crimes Act. The other offence is found in proposed section 154. This makes criminal the activities of a person who intentionally, or recklessly, and without lawful authority or excuse, damages data in a computer. On the other hand, a person who accidentally or inadvertently causes damage would not commit an offence.

Existing offences in part IV of the Act which deal with malicious damage to property may already proscribe this conduct, but their application to computers is not free from doubt. To eliminate that doubt and to underline the especially serious nature of the activity, the Government has decided to create a specific offence. The maximum penalty for damaging data will be 10 years' imprisonment or, at the discretion of the court, a fine of up to $20,000 in accordance with section 431 of the Act. The maximum penalty for this offence is substantial, because the potential consequences of damaging electronic data can be catastrophic. Of course, the court retains its discretion to impose a lower penalty as the circumstances of each case dictate.

Mr Deputy Speaker, the new offences are intended to operate in conjunction with corresponding Commonwealth offences which apply to unauthorised access to computers owned or used by the Commonwealth, or to unauthorised access to any computer which is effected by means of a Commonwealth facility. The Alliance Government is committed to reforming the law where necessary. The march of technical progress means that traditional offences which evolved in the days of pen and paper and personal contact between transactors are not really suitable in an era of electronic data processing. The anti-social behaviour of those who break into computers must be curtailed. The law must adapt to changing circumstances, so the Government has moved to fill the gap in the law by creating offences specifically tailored for the special circumstances of computers.

Mr Deputy Speaker, I commend the Bill to the members of this Assembly and present the explanatory memorandum.

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

HEALTH SERVICES BILL 1990

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.39): I present the Health Services Bill 1990. I move:

> That this Bill be agreed to in principle.

On 4 July 1990, the Alliance Government announced changes in administrative arrangements consistent with its agenda for public sector reform, which is aimed at streamlining administrative structures and providing a sharper management focus for key areas of government activity. As

part of this program of reform, the departments of Health and Education were abolished, to be replaced by a Ministry of Health, Education and the Arts and an ACT Board of Health. Broad-scale policy development and planning across my portfolio has been brought together in the ministry. The intention is for this ministry to be small and efficient and to be concerned with the consistency of high level policy and planning across the human services within my portfolio.

The ACT Board of Health will take over most of the responsibilities of the old Department of Health and the now disbanded interim board of directors of the Royal Canberra Hospital. The ACT Health Services Bill has been developed to give effect to this decision, that is, the creation of a Board of Health. This Government has made a major commitment to improving the quality and standards of health services through the public hospital redevelopment program. It has also recognised through its range of policies, for example, on tobacco and aged care, the significance of public health and community based health services. This important change in the management of health services will achieve a more effective integration of hospital and community health services.

The Bill is broadly modelled on the area health board legislation of New South Wales, which has been in place and supported by successive governments since October 1986. The objectives of New South Wales area health boards include: establishing and maintaining an appropriate balance in the provision and use of resources for health protection, health promotion, health education and treatment services; achieving and maintaining adequate standards of patient care; and adapting and implementing all necessary measures, including systems of planning, management and quality control, as will best ensure the efficient and economic operation and use of its resources in the provision of health services.

The size of each of the areas in metropolitan Sydney, Newcastle and Wollongong is about the equivalent of the Australian Capital Territory. This factor is recognised as important, because it provides a large enough population base to allow appropriate flexibility in the management of resources in the most efficient way possible. This is particularly important where planning for the health care needs of the population must increasingly take into account the shifting patterns of technology and treatment practices, and the movement of clients from hospital to community based care. New South Wales is not alone in recognising the effectiveness of the model. The advantages of similar forms of administrative structure in the delivery of health services are presently under active consideration, in both Queensland and Western Australia, and legislation is currently being debated in Tasmania.

In the ACT, I am proposing that the primary objectives of the Board of Health will be: to promote, protect and improve the health of the residents of the ACT; to achieve and maintain adequate standards of care and services; to ensure the efficient and effective use of resources in the provision of health services; to ensure the equitable provision of health services; to ensure that health services are readily accessible; to improve community awareness and understanding of health issues; and to contribute to and promote the development of a healthy environment.

The functions of the board, in accordance with its primary objectives, are: to provide health services for the residents of the ACT and, as appropriate, for residents of the surrounding region; to manage health services and health facilities under its control; to provide for the planning and evaluation of health services, including services provided by the public and non-government sectors; to provide for the appropriate training and education of persons providing health services; to make available to the public reports, information and advice concerning the health of the community and the health services available.

The Board of Health will, within the broad policy directions of the Government, have the full executive powers and independence necessary to manage services effectively for the health of residents of the ACT and the surrounding region, and to plan for the development of those services. The board will be accountable to the Government in pursuit of its objectives and the exercise of those functions.

I will be outlining the very high standards of accountability in a specific direction to the board immediately following its establishment. This will be most appropriately done by way of direction, rather than legislation, so that the board and the Government can respond positively and quickly to changing circumstances as they arise. I expect that the direction will cover matters such as general accountability, reporting requirements including a corporate plan, program budgeting and evaluation of services. The board will have up to 11 members, including the chair. I have already announced the membership of the board, which comprises members of the community with strong managerial and health related experience.

In order to ensure that there are no barriers to the establishment of effective quality assurance and peer review processes, the Bill also includes a power for the board to have approved committees, which will have immunities with respect to evidentiary material and the protection of members. These committees will be established by gazettal. As well, because the area of quality assurance has been the main difficulty the hospitals have faced in achieving accreditation, all medical and other staff will be required to participate reasonably in these processes.

Staff of the Board of Health will be public servants, and normal terms and conditions will apply. The Bill includes formal financial arrangements in line with other statutory authorities, and will be covered by the ACT Audit Act in terms of financial reporting.

I have not so far outlined the relationship between Calvary Hospital and the Board of Health. I have agreed that the board at Calvary will report directly to me, and that, in developing proposals on planning the allocation of hospital resources across the Territory, the Board of Health will be asked to consult with the Calvary Hospital Board. I have asked the ministry to ensure that a performance agreement is entered into with the Calvary Hospital to cover the range of services to be provided at Calvary and other related administrative matters.

In the interests of a strong and effective health system, the Government has given the development of this legislation the highest priority. I am confident that, with the establishment of the ACT Board of Health, the health system will be well placed to manage the major issues of resource allocation and ensure effective and efficient service delivery for the people of Canberra. Mr Speaker, I present the explanatory memorandum to the Bill.

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

HEALTH SERVICES (CONSEQUENTIAL PROVISIONS) BILL 1990

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.47): Mr Speaker, I present the Health Services (Consequential Provisions) Bill 1990. I move:

> That this Bill be agreed to in principle.

The Health Services (Consequential Provisions) Bill 1990 repeals the Community and Health Service Act 1985 and provides for amendments of Acts and regulations previously reliant on this Act.

As members of the Assembly are aware, as part of the Government's overall strategy to improve and strengthen the public hospital system, the board of Calvary has agreed that its employees will become employees under the Public Service Act. This change in arrangements will assist with the ease of access and movement of employees across the public health system.

It has been agreed, as part of the discussions with Calvary's board, that the Head of Administration will delegate his powers to the chairman of Calvary Board of Management. Part III of this Bill ensures that this delegation cannot be revoked without the agreement of the delegate in writing and, when delegated, the Head of Administration cannot exercise the same powers.

The remaining part of the Bill establishes transitional arrangements which ensure continuity of legal, financial and other matters between those of the Community and Health Service and those of the ACT Board of Health. Of particular importance are the provisions relating to those employees of the former Community and Health Service who do not wish to become public service employees. We have ensured that their terms and conditions are protected for the remaining period of their employment with the Board of Health. Mr Speaker, I present the explanatory memorandum for the Bill.

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

SOCIAL POLICY - STANDING COMMITTEE
Alteration of Reporting Date

MR WOOD (4.49), by leave: I move:

> That paragraph (3) of the terms of reference of the Standing Committee on Social Policy's inquiry into fluoride be amended by omitting "by 29 November 1990" and substituting "on the first sitting day of 1991".

Members, the committee's report was delayed while we waited for a report of the US national toxicology program, just one more report among all the matters that we considered. Once that was received, we moved to complete our report and aimed to do so by today, the postponed reporting date. We have not been able to meet that target.

The reason for this new deferment is not that put by Mr Stevenson last week. It would be no surprise to members that there is a great amount of material for the committee to consider, and you would understand that there is a considerable debate within the committee about that material. Quite simply, the committee has not completed its deliberations, hence the need for this further extension. The reporting date will allow two sitting weeks before decisions have to be taken concerning the relevant Act.

Last Thursday, when Mr Stevenson proposed his motion Mr Prowse, speaking from the benches, launched an unwarranted and unfortunate attack on the National Health and Medical Research Council and Professor Douglas of the National Centre for Epidemiology and Population Health, who is a member of the NHMRC working party on fluoride.

Mr Prowse accused the NHMRC of academic fraud, lying and blatantly and purposely trying to mislead the committee - I presume he meant the Social Policy Committee. Mr Prowse's remarks were based not just on his prejudices but also on his ignorance of routine and essential scientific

procedures. He did not have the understanding that scientists, academics and all reports of any repute will present a comprehensive review of the literature and seek to consider all factors. That is not Mr Prowse's style; he would not understand it. But it is no excuse to launch the attack that he did.

Mr Prowse's problem apparently arose when he read one excellent exposition of the fluoride issue, in which Professor Douglas cited research claiming health problems arising from fluoride use. Mr Prowse did not understand that, in the enormous volume of publications on fluoride, this was not to be taken as conclusive evidence. The fraud that Mr Prowse claimed was presumably based on the fact that the NHMRC working party, after an exhaustive survey, concluded that there was no evidence of health problems from the use of fluoride. The overwhelming weight of evidence was that fluoride is safe to use.

Mr Prowse must have been surprised at a public meeting last night, when Professor Douglas said that he had drafted that section of the NHMRC report. You can see how a lack of knowledge of scientific ways led to Mr Prowse's confusion and regrettable remarks. This was explained to Mr Prowse at that meeting last night. I expect that he will now make the appropriate apologies to the NHMRC and Professor Douglas.

MR SPEAKER: I would like one of the Temporary Deputy Speakers to take the chair. I am having trouble catching the eye of one of them.

MR TEMPORARY DEPUTY SPEAKER (Mr Jensen): I call Mr Prowse.

MR PROWSE (4.54): Mr Temporary Deputy Speaker, I am amazed at the audacity of Mr Wood to come out with the statement that he has just made, because it is quite true that I was at the meeting last night at which Professor Douglas admitted that he had painted himself into a corner by the fact that he had written both reports and he had forgotten that he had included in his first report these very, very important articles.

Mr Wood: That is a reprehensible statement. That is a gross distortion of what happened last night. That is disgraceful.

MR PROWSE: So, to prove Mr Wood wrong again and to get the evidence, at the end of the meeting I went to Professor Douglas and said, "Would you put on paper the fact that you did not review in depth those two articles that are in your reference list?", and he said, "Yes, but I hope to be able to get to answer all my correspondence". The point is that I stand by my original claim. I state here and now that I was actually supported in my belief last night at that meeting wherein Professor Douglas had forgotten, I would suggest, because it seemed at the time, on the evidence presented, that he had done it deliberately. It appeared

last night that it was not deliberate, that he just had not had the time to do the job properly. I will come back with my statement, therefore, that the NHMRC stands condemned by that action, and I will repeat it ad infinitum, Mr Wood, because it has not been done correctly.

The circumstance is that this report is a fraud because it did not consider the information presented in Professor Douglas' work previously. He had presented these findings and then he ignored presenting them to the NHMRC committee, or he forgot, or he did not do the job properly, or something. But I am saying that my original statements stand. I presented my case last night and Professor Douglas backed down and said, "You are painting me into a corner" because I had him on wood. He had done the wrong thing, and he admits it.

Mr Wood: That is a nonsense.

MR PROWSE: He admits it by the fact that he could not answer the questions. He did not even remember what the reports were. Based on his lack of research into this - I will just wait until Mr Wood can hear this - he has influenced the committee of this Assembly, I would suggest, on purpose because he did not research deeply these two articles that are of absolutely immense importance to its findings because they are the only two reports that we have found that have been done in a scientific manner, reported in scientific literature or carried out over a 14-year period.

There has been no rebuttal of those findings, except that they could not find the reports. That is what the NHMRC has said. That is not okay. I would ask you to look at this with a little open-mindedness, Mr Wood. I think you have become very closed on this issue. You do not like somebody pressing the buttons that indicate to you that you have taken the wrong road. When I get from Professor Douglas the report for which I asked last night I will present it to the committee. If I find that he has researched it thoroughly I will back down on my accusation that he has not looked at the question properly, but I certainly will not back down on my estimation that he has purposely tried to influence the political decision of this Assembly.

DR KINLOCH (4.58): This is a very contentious issue. I would just like to report on last night's meeting which was very thoughtful, long, interesting and provocative, and at which were some of the main protagonists - for and against fluoride - and people trying to decide where they stand on this matter.

I would like to commend Professor Douglas for a long and thoughtful exposition to which we listened with great interest. He accepted a number of very powerful criticisms from a number of people. I thought he dealt with those in a thoughtful way, and the people who presented the

criticisms presented them in a thoughtful way. Professor Douglas gave us very careful advice which was not the kind of advice that was totally in one direction. This matter will be looked at most carefully by the committee.

MR BERRY (5.00): Mr Deputy Speaker, I move:

> At end of paragraph (3) add "and if the Standing Committee on Social Policy is unable to present a report by this date then the Committee be required to present a range of options for consideration by the Assembly to resolve these issues".

This proposed amendment is self-explanatory. It is not a criticism of the committee. It is to indicate to the committee that the Assembly wishes to resolve this issue.

Mr Stevenson: On a point of order, Mr Deputy Speaker: I cannot hear Mr Berry speak. I am interested in what he is saying.

MR DEPUTY SPEAKER: Would you speak up, Mr Berry.

MR BERRY: Mr Deputy Speaker, the proposed amendment is self-explanatory. All that it seeks to do is to remind the committee that the Assembly is keen to resolve this issue and, if the committee finds that it cannot make a considered recommendation by that time, it should produce a range of options upon which the Assembly can deliberate and make a final decision and have the matter finished with.

MS MAHER (5.01): Mr Deputy Speaker, I have problems with this in that the range of options would have to have reasons behind them, and they would have to come out of the report. I have problems with presenting those because if we have a range of options the report should be ready anyway.

Mr Moore: But you may not be able to agree on the final - - -

MS MAHER: On the final recommendation?

Mr Moore: Yes, and this allows for that.

MS MAHER: Yes, all right.

DR KINLOCH (5.02): May I speak again, Mr Deputy Speaker, on the amendment?

MR DEPUTY SPEAKER: Yes, you can speak on the amendment, but confine your remarks to the amendment, Dr Kinloch.

DR KINLOCH: I just want to point out that it is the reasonable hope of the committee that we will be finished our discussions and will have reached our conclusions before Christmas.

MR HUMPHRIES (Minister for Health, Education and the Arts) (5.02): Mr Deputy Speaker, I can indicate that I think that we can offer some support to the amendment that Mr Berry has proposed. I think we have to be acutely aware of the fact that this report will now be due to come down only a matter of days before the legislation retaining fluoride in the water is due to expire and that, without action in those couple of weeks, we will find events overtaking us and, by omission, certain things will happen.

Given my discussions with the members of the committee, I acknowledge fully that this is very unlikely to occur, but if for some reason there should be some difficulty in presenting the report by that date I would like to have the benefit of advice from our Standing Committee on Social Policy as to what to do in the circumstances and how we should proceed. Having, as it were, preliminary advice from the committee would be very valuable. Therefore I think that we should support this proposed amendment.

MR JENSEN (5.03): Mr Speaker, I just want to make a brief comment on this. It is clear now that Mr Berry has support for this proposal; but this matter has been on the notice paper now all day, and it is unfortunate that Mr Berry, who often claims to want time to consider other issues, did not bring this matter before the members of the Assembly much earlier. It is just a little comment which I would like to make in relation to Mr Berry.

Mr Berry: Point taken.

MR JENSEN: I notice that he has taken the point.

MR STEVENSON (5.04): Mr Deputy Speaker, I was going to mention a similar point, namely, that this is the first I have seen of it. The view expressed by Mr Humphries explained it to me. I was not quite sure, apart from that. I believe the idea is that if there is some reason that we do not report by our extended reporting date we would continue meanwhile giving the Assembly a range of options. I wonder whether Mr Berry could give an affirmative or otherwise to that.

Mr Berry: Affirmative or otherwise to what? It is self-explanatory.

MR STEVENSON: As I said, I take it from the amendment, which I do not find perfectly clear, that if there was any reason that we could not report by our extended reporting date we would - - -

Mr Moore: You have to report in some form.

MR STEVENSON: Yes, we would give a range of options so that the Assembly could consider them prior to the time of the Act running out and then we would continue with our report. Is that the intention?

Mr Berry: It is up to the Assembly. The Assembly would then decide.

Mr Wood: It goes to the floor of the Assembly.

Mr Moore: The Assembly would then decide whether the report goes on or not.

MR STEVENSON: Right. If there is any suggestion that the committee would not complete its report I would not find that a sensible situation. We have spent a great deal of time on what we are doing. I do not see any reason presented by Mr Berry that we should consider that the Social Policy Committee should not produce a report after its deliberations, which is what he is suggesting. If that is the case, I would vote against this situation. We have a responsibility to bring down a report.

I could not imagine for a moment why it would take longer than February. But let us look at a possible reason. Prior to February the two-month result that should have been obtained in June could be released by the National Cancer Institute, indicating that fluoride is a carcinogen. If that were released a week before our report is due that would no doubt require a rewrite of the report. As I said, I really see no reason for wording the proposed amendment in such a way that there is any possibility that the committee would not bring down a final report.

MR MOORE (5.07): This is an excellent amendment put by Mr Berry because I think there comes a point at which we can stop giving deadlines and then having them moved. I think that Mr Berry has presented an excellent option. It reaffirms the position of the committee in the light of the Assembly. It is an Assembly committee and the Assembly makes the decisions. I think that is quite appropriate, and I welcome it.

Amendment agreed to.

Motion, as amended, agreed to.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE
Report on Rhodes Place

MR JENSEN (5.08): I present the following report:

> Planning, Development and Infrastructure - Standing Committee - The Feasibility of renaming Rhodes Place, Yarralumla -
> Report No. 6, dated November 1990.
> Copies of minutes of proceedings.

I move:

> That the report be noted.

I will not speak for long on this matter. I think the report states quite clearly what the committee has identified. I think it is appropriate to read into the record the terms of reference for this inquiry:

> That the ACT Legislative Assembly ... (6) resolves to refer Mr Berry's notice of motion relating to the renaming of 'Rhodes Place' to the Standing Committee on Planning, Development and Infrastructure for a report by 29 November 1990 on the feasibility of the proposal.

I think the important word there, Mr Speaker, is "feasibility". I believe that the committee, in its deliberations, has done just that. It has received advice from the Attorney-General, the Department of the Environment, Land and Planning and the National Capital Planning Authority basically in relation to whether the ACT Government has a legal power to rename Rhodes Place, Yarralumla.

The committee, following its examination of this evidence, believes that the ACT Government does have the power to rename any street within Territory land, within which this particular site falls. However, the committee considered, I think quite rightly, only the feasibility aspect, and I think on the basis of that the report stands on its own. It says that it is feasible. The conclusions state:

> After consideration of all written evidence the Committee came to the following conclusions about the feasibility of renaming Rhodes Place:

(1) The ACT Government has the clear legal power to rename Rhodes Place, Yarralumla. This power is vested with the ACT Government by virtue of s.37 and schedule 4 of the Australian Capital Territory (Self-Government) Act 1988 (Cth).

(2) The power to rename Rhodes Place under the relevant ACT legislation - The Public Names Act 1989 (ACT) - rests with the "Minister". Under present ACT administrative arrangements this means that the Chief Minister has the power to rename Rhodes Place.

(3) It is customary for the Lands Division, within the Department of Environment, Land and Planning to advise the "Minister" on street names.

One final comment that I wish to make on this matter, Mr Speaker, is that the committee did not seek to suggest whether Rhodes Place should be renamed any other name, which we believe was outside our terms of reference. However, we did note in paragraph 1.10 that the committee

considers that if the ACT Government proposes to change the name of Rhodes Place consultation should take place with the Commonwealth Government. The reason for this, Mr Speaker, was that if you read the previous paragraph it refers to "where there is likely to be foreign policy implications advice is sought from the Commonwealth Government and particularly the Department of Foreign Affairs". That was the reason for that recommendation. I commend the report to the Assembly.

MR BERRY (5.11): I welcome the opportunity to speak on this matter. It is a welcomed conclusion that the Government now has, according to the committee, the clear power to rename Rhodes Place in accordance with the motion which I moved in private members' business some time ago and which was consequently referred to the committee.

I also would like to refer to the additional statement to the report, which is in relation to Labor Party members on committees such as this one. This has been said before, so it is not news to the Assembly; but I think that for the sake of the record it has to be said again. The Labor Opposition has always indicated that we wish to participate in the committees. We have expressed time and time again our concern at the chairpersonship of committees by Executive Deputies. In our view, the inadequate independence of the committees is the result.

It is expected that government members in a majority government might dominate committees, but in our view the independence of the committees has to be assured and the chairing of those committees by Executive Deputies, given their close links with the Executive, certainly gives the impression that the committees are not independent of government.

I think an earlier motion here and speeches in relation to it - I think Mr Moore specifically mentioned it - mentioned the fact that the committees are a tool of the Assembly, not the Executive. I think the additional statement attached to the report explains the Labor Party's view. I repeat the words of Lord Denning when he referred to the issue of independence.

Mr Kaine: Who was Lord Denning?

MR BERRY: Lord of the Rolls.

Mr Collaery: Master of the Rolls.

MR BERRY: Master of the Rolls, was it? Lord Denning said:

> The court looks at the impression which would be given to other people. Even if he was as impartial as could be, nevertheless if right minded persons would think that in circumstances, there was a real likelihood of bias on his part then he should not sit ...

I am sure the Master of the Rolls was referring to "she" as well.

Mr Kaine: We are thinking of fixing this problem for you, so do not get too excited about it.

MR BERRY: I am not getting very excited. The Chief Minister has invited me not to get too excited. I will not, and I take on board his interjection that they are thinking of fixing it.

Mr Kaine: He will not like the solution either.

MR BERRY: I am disappointed at the other interjection, that we may not like the solution. Nevertheless, if it satisfies our basic requirement that the appearance of independence of those committees is preserved, the Labor Party will participate freely in those committees.

MR COLLAERY (Attorney-General) (5.15): Just briefly, Mr Speaker, I think that if one looks at the extremely tight discipline and caucus rules of the Labor Party one sees an absolute contradiction in what Mr Berry says. No party more rigidly controls its members than the Labor Party.

Mr Connolly: On a point of order: relevance, Mr Speaker.

MR COLLAERY: I am speaking about the independence of committees.

Mr Connolly: The internal party rules of the Opposition have little or nothing to do - - -

MR COLLAERY: I am talking about control.

MR SPEAKER: Mr Connolly, Mr Berry introduced that argument.

MR COLLAERY: It is a legitimate argument, I think. Mr Berry is saying - it is arguable - that an Executive Deputy is somehow part of a process that predestines an outlook and a chairing role on the committee. I equally make the point that the Opposition caucus approach is so tight and disciplined - it is something of which it is very proud - that equally we could put the same argument at any time about putting you - - -

Mr Berry: Your eyes are going green. Old green eyes.

MR COLLAERY: We are the party of individuality. We are not marching there like clockwork - clockwork red. Mr Speaker, we could say that Mr Bill Wood should not be chairing a committee. Very few governments in the parliamentary process in this country permit the Opposition to chair such important committees. It is a great credit

to Mr Bill Wood. It is also a credit to our Government in acknowledging and accepting that Mr Bill Wood is subject to caucus control, yet we do not make these inferential allegations, that there is some - - -

Mrs Grassby: He is not a Minister; that is the difference.

MR COLLAERY: Neither is Mr Jensen a Minister.

Mrs Grassby: He is an Executive Deputy, which is the same thing. He speaks on behalf of the Minister.

MR SPEAKER: Order, Mrs Grassby, please!

MR COLLAERY: Through you, Mr Speaker: Mr Bill Wood is probably more tightly controlled than Mr Jensen, although he is well disciplined.

MR MOORE (5.17): Mr Speaker, I welcome the interjection from the Chief Minister that this problem could well be fixed shortly. I can remember a situation in the Estimates Committee when Mr Jensen clearly had had access to information that others of us had not. It had nothing to do with the Estimates Committee, let me hasten to add, and in no way do I reflect on Mr Jensen in this statement. But the point is that in his position as Executive Deputy he has access to information on behalf of the Government, particularly in his role as Executive Deputy for planning. I think that it is most important that this problem be resolved as quickly as possible, mainly because I feel that the one area in relation to which this Assembly has had very little flak and in which it has shown itself to be most responsible is that of committees. I am very keen to see that it continues that way.

The report that came down on front fences can easily be construed as a report of two Government backbenchers.

Mr Kaine: On a point of order, Mr Speaker: I thought the report that we were considering was called the "Feasibility of Renaming Rhodes Place". I think that the debate is running a bit away from the subject matter.

MR MOORE: No; part of that report, Mr Speaker, includes additional comments by Mr Berry, and they refer specifically to this matter. I think it is quite appropriate to comment on anything in the report.

MR SPEAKER: Please proceed.

MR MOORE: The front fences issue, as part of the inquiries of the Standing Committee on Planning, Development and Infrastructure, can easily be construed as a report of a couple of Government backbenchers. I for one would be delighted to criticise that report. However, one thing that has not happened at this stage - I think it is very fortunate, but I think it is only a matter of time - is the committee structure coming into disrepute through that. I

urge the Chief Minister, after that interjection, to act very quickly on this matter, certainly before our Christmas break.

MR WOOD (5.20): Mr Speaker, I was upstairs when I heard my name coming from a speaker down the corridor. Mr Collaery was making some comments about me. He is reasonably entitled to say what he wants; but I am going to use it to raise a case of some of his comments on radio about a fortnight ago when, on one of the ABC morning programs, he was saying all sorts of things about me - that Mr Wood is this, that or something else. I did not hear the program.

Mr Jensen: Relevance, Mr Speaker!

MR SPEAKER: Order! Mr Wood, would you like to make a personal explanation later?

Mr Kaine: On a point of order, Mr Speaker: I think Mr Wood has mistaken this for the adjournment debate, which it is not.

MR WOOD: Mr Speaker, I have indeed. I thought we were in the adjournment debate. So I will resume my seat for whatever short period is necessary.

Ms Follett: On a point of order, Mr Speaker: I believe that Mr Wood's comments are at least as relevant as the comments that Mr Collaery made about him, and he should be able to continue.

MR SPEAKER: I think Mr Wood has admitted that he wants to sit down.

Ms Follett: I think I am pretty right.

MR SPEAKER: I call Dr Kinloch.

Ms Follett: One rule for them and another for us.

MR SPEAKER: Order! An interjection from Ms Follett has again challenged this Chair. The point is that you get more leniency towards your side and I get flak from my side for doing it all the time. That is not a valid bloody point - valid point, excuse me. I withdraw that. The point is that it is not a valid comment, and I am sick of hearing it from you every time you do not get your own way. Please desist.

DR KINLOCH (5.22): I wish to make a very brief comment, Mr Speaker. I welcome comments about Mr Collaery, Mr Wood and Mr Berry, but the one person who has not been discussed here this afternoon is Mr Rhodes.

MR SPEAKER: That is a valid point.

MR JENSEN (5.22), in reply: I wish to very briefly take up a point that Mr Berry made. I would suggest that in his closing remarks he argued against himself because during his initial comments on this report he was quite pleased with this report. Once again, it seems that it is a bit like when Mr Berry gets a legal opinion - he is prepared to accept one half of it, but if he does not agree with the other half he is not happy with it.

Mr Berry: On a point of order: what is the relevance of the legal opinion that he is talking about?

MR SPEAKER: Mr Berry, if you do not know, what is your point of order?

Mr Berry: It is obviously not relevant to the matter that is before this place. It is the report of the Standing Committee on Planning, Development and Infrastructure.

MR SPEAKER: Order, Mr Berry! Mr Jensen, please get to the point.

Mr Berry: I think he is talking about another report. I am sure he is.

MR SPEAKER: All right, thank you. I have upheld your position, Mr Berry. Mr Jensen, please speak to the point.

MR JENSEN: I believe that I was speaking to the point, Mr Speaker, but Mr Berry was unfortunately not listening. I was referring to some comments that Mr Berry made during his statement, and I was suggesting that Mr Berry once again was trying to have two bob each way, as he has done on a number of occasions. I was supporting my argument by suggesting what other occasion that was. So I believe that it was quite appropriate for me to use that reference.

But what I was really suggesting was that once again Mr Berry is seeking to suggest that he is happy with the report; he thinks it is a great report; he agrees with it; so how could there be any bias in it? If it was different from how he thought it was going to come out, maybe he could then say that there is some sort of bias in it.

I am just suggesting, Mr Speaker, that Mr Berry is playing games, as usual, and I think it is about time he learnt to perform this operation in a much more statesmanlike way.

Question resolved in the affirmative.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE
Printing and Circulation of Report

MR JENSEN (5.24), by leave: Mr Speaker, I move:

That:

(1) If the Assembly is not sitting when the Standing Committee on Planning, Development and Infrastructure has completed its inquiry on the City Hill Billboard, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing and circulation; and

(2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Mr Speaker, very briefly, this is a practice that has been adopted in this place. The committee will no doubt complete its report after this Assembly finishes for the year. I think it is appropriate that this matter be put into the public arena prior to the Assembly resuming next year so that people know where they are going. My understanding is that no further applications for use of the billboard have been taken after February, and I think people are entitled to know where they stand at the moment.

Question resolved in the affirmative.

DAY OF NEXT MEETING

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

That the Assembly, at its rising, adjourn until Tuesday, 11 December 1990, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing of an absolute majority of Members.

ADJOURNMENT

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

That the Assembly do now adjourn.

Cook Primary School - Pupil-Free Days

MR MOORE (5.27): Mr Speaker, I can remember Mr Collaery commenting on how long it takes Mr Berry to rise to his feet. I think I had the advantage of that former knowledge.

Mr Speaker, this evening I would like to comment on a meeting that I went to last night at Cook Primary School. It was attended by approximately 150 people, and they passed a series of motions. Those motions were carried with nobody voting against them. I must say that it is disappointing to see the Chief Minister leave at this stage because the enthusiasm - - -

Mr Collaery: He has an engagement.

MR MOORE: I just said that it is disappointing.

The enthusiasm of the people to retain that school was great to behold. One of the issues that have arisen is, of course, the issue of the pupil-free days at the end of the year. It would appear that parents have been written to by the reshaping team - I think the letter was signed by the reshaping team - saying that there will be three pupil-free days at the end of the year.

As I have said publicly, and I take this opportunity to say it in this house, that is an indication to the people of the ACT of the attitude towards the last few days of school. It indicates either that we do not have an appropriate educational program or that those particular students are going to miss out, one of the two. The three pupil-free days that are being provided here are not for purposes that would normally be convincing to parents, such as professional training of staff and those matters; rather, I understand that they are to allow teachers to pack up, which is not part of their duties anyway.

The meeting voted not only to reject those pupil-free days outright but also to advise parents - and, of course, a large number of those people were parents - to send their children to school on those days. I am greatly disappointed that the Minister for Education chooses to leave now, as this is an issue that is of great importance; it is an issue that is particularly important to those parents and to all parents in the ACT. Mr Wood has had experience in teaching. In fact, we discussed this earlier today. Mr Wood, are you going to have a word yourself? Mr Wood will speak for himself.

My own experience is that, whilst programs at the end of the year are different, they have specific educational value. Teachers ought to be able to justify that particular educational value, and I would argue that most teachers in the ACT could do so. So, for the ministry to choose to pick on those particular students and say,

"Sorry, you are going to miss out on the possibility of the value of those three days' education. One of the options you have is to go and spend three days basically in the bottom of a carpark" - that is, in effect, one of the options - is simply not good enough.

At its very best it is an incredibly insensitive way to deal with people who have just been told, "You are not going to get your school; it is not going to stay open", when the only crime for that school is that it happens to have missed an arbitrary figure that Mr Hudson drew of 200, an arbitrary figure which he did not in any sense justify. Cook happens to come under that 200 figure, and what this Alliance Government needs to realise is that the people of Cook - and there was a similar meeting at Lyons earlier in the week - and the people of Lyons are not going to see this as the end of the debate. As far as they are concerned, the debate is just beginning. They have the support of the TLC and congratulations, I say, to the unions for making a stand on this.

What is going to happen is that the Alliance Government is going to realise that one of two groups is going to suffer in this debate. The people who are going to suffer most in this are not going to be the children and the parents and the citizens and residents of Cook; in fact, it is going to cause a great deal more pain to the Alliance Government than it is to them. The Government's thought that this debate is coming towards an end is absolute nonsense. The debate is just beginning, and I will continue doing what I can to assist the people of Cook and the people of Lyons, in particular.

Personal Explanation : Cook Primary School

MR WOOD (5.32): When I was upstairs a little while ago and heard my name coming across the loudspeakers, it seemed reasonable to think that that must have been during the adjournment debate. Why else would Mr Collaery be raising my name?

I want to make the point that in a radio program a little while ago - and Mr Collaery has since spoken to me about it - he made an assertion that I had voted contrary to my own wishes. I would suggest that, if Mr Collaery thinks about it, he would not want me to go on radio and say that he voted a certain way contrary to his own wishes. I would respectfully ask you, Mr Collaery, to let me make statements on the way I vote.

As to those comments a short time ago, I am a willing and active and involved participant in the ALP. I find it a party of great vigour. It is one in which people are freely able to express their views as we come to the consensus that brings about the decisions we take. The remarks you made totally lack any sort of understanding of

the political process in our party. No doubt they come from the background of your own machinations in the various groups that you move amongst, and you should not put your experiences into what happens on our side of the house.

I want to make a brief comment about Cook Primary School. The parents, of course, will continue to resist until they win their case, as they surely will. There is a problem at the end of this year, and the parents and the children should not be further penalised by facing three pupil-free days.

Mr Jensen: What about the teachers, Bill?

MR WOOD: There is a simple solution; you see, you just have to think about this a little. The ACT Government is spending hundreds upon hundreds of thousands of dollars relocating the various community groups who are having to shift from their present positions. The Government is refurbishing; it is doing all sorts of things. For the cost, at a quick estimate, of $3,000 - a pretty small cost in the overall scheme of things, would that not be the case, Mr Jensen? - the Government could provide relief staff for those three days. I think that is the way to proceed. That is, as many teachers as are needed walk into the school and take over for three days. It is not an uncommon practice in our schools. I have organised it myself in times past. For a very modest amount of money the problem is solved. I would suggest, members on the Alliance side of the house, that you take that up with Mr Humphries.

School Closures

DR KINLOCH (5.35): I am worried about the problem of equity in the school system at the moment. I believe that the basic principle should be this - and I comment at the moment on the issue that Mr Moore raised: all schools should continue full-time education until the very last day of term, and some schools should not be treated differently from other schools.

Prime Minister Thatcher

MR STEFANIAK (5.35): I think it is time we left the Territory for a little while in this adjournment debate. A significant event occurred last week. It had its culmination the night before last, our time, when the longest serving British Prime Minister in history and, indeed, Britain's first female Prime Minister, resigned and was replaced by one of her colleagues Mr Major. I think it is worthy at this time to note briefly what this remarkable woman did by way of contribution, not only to her country, but to the world.

She was born a grocer's daughter in Grantham in 1925, not an auspicious start for someone likely to lead the Conservative Party of Britain. She went into Parliament in 1959 and by 1975 she was Leader of the Opposition, again a first for a woman. In 1979 she became Britain's first female Prime Minister. She introduced into Britain a series of fairly radical measures which have ultimately put Britain on a more stable financial footing now than it was when she took over from the previous Labour Government in 1979, when it was virtually bankrupt.

She got Britain largely out of the welfare mentality which both major parties had fostered since World War II, and basically got the economy onto the basis that you cannot really spend more than you earn. I think, though, that she will probably be remembered by history for her contributions as a leader on the world stage. I think she played a significant part in the slackening of tensions between East and West. Despite the problems we now see in the Middle East, there is a considerable slackening of tension between the major superpowers who are now cooperating and reducing their arsenals, and I think she can take some credit for that.

Initially, because of the policies she pursued along with her colleague President Reagan in the United States, the West rearmed, stood up to a then very aggressive Soviet Union and effectively made it quite clear to the Soviet Union, under President Brezhnev, that aggression would not pay. This, I think, assisted Mr Gorbachev to come to power. Mrs Thatcher and Mr Gorbachev got on very well from the word go, and I think that that was significant in relation to a thawing of ties, especially between the Americans and the Soviet Union. She played a fairly central role there, perhaps as an honest broker.

Perhaps she stayed on too long as Prime Minister, perhaps not; but as a result of the leadership challenge she took the wise course for her party and resigned. I think history will certainly be very kind to Margaret Thatcher, the longest serving Prime Minister in Britain. She has turned her country around and made a significant contribution to the world. I think we should wish her well in retirement and, indeed, wish her successor well.

British Conservative Party : School Closures

MR CONNOLLY (5.38): Mr Speaker, after listening to that high speech in praise of Mrs Thatcher, perhaps it should be noted that the British Conservative Party has now done a very honest thing for a conservative party, and far more so than our pale antipodean versions of the Conservative Party, as it has elected a leader whose heritage is out of garden gnome and circus clown. What an appropriate family background for a Tory leader, Mr Speaker. At least you know that his background matches his ideas.

I did, however, want to raise in the adjournment debate tonight, as Mr Moore indicated, the fact that the schools debate is far from over. The school communities are battling on, and the school communities that are seeking to use the legal process to vindicate their claims - I think the Attorney is leaving - are, in fact, still waiting for an answer from the Attorney-General.

The Attorney-General has fled and Mr Stefaniak appears to be in flight. This is an extraordinary experience, Mr Speaker. I often look across at the Government benches and see no ideas and vacant faces. Here we are looking at the Government benches and seeing no people and vacant seats. What an extraordinary position to relish.

School Closures

MR BERRY (5.40): The reverberation from the empty chairs opposite is a little off-putting, and to have nobody to launch into about some serious matters which are often dealt with in adjournment debates is also a little off-putting. It has been brought to my attention that the level of debate has been improved because we have not one member of the Government in the chairs opposite. It is a very interesting absence.

What I want to put on the record is that I have just learnt today that the Government is preparing to move the archives from the South Curtin Primary School. They will be put into some car-parking places at the Belconnen Health Centre. That seems fairly innocuous on the surface, but what it means is that there is going to be some confrontation with the community when people begin to transfer those archives to the Belconnen Health Centre. The Government is intent on confrontation with the community over the school closures issue. It is rushing out like a bull at a gate. It intends to take the community on. It would be interesting to hear some interjections from Mr Humphries or Mr Kaine or any of the other people opposite, if any of them were here. Feel free to interject at any time, Mr Speaker, given your association with the Liberal Party.

This is a very serious matter because the communities of schools in the ACT have declared that they want to fight on and they will fight on. The 150 people at Cook Primary School last night were very angry and disturbed about the Government's approach, and the indications are very clear that they will fight on with the assistance of the biggest community organisation in the ACT, the trade union movement. That will mean, if the Government's attitude is any indication, that there are all the parts of a formula for a confrontation which will sour the community of the ACT.

It is very disturbing that it has arisen from a flawed decision by the Government to close down schools. It is a decision which has been discredited at every turn, a decision which the Government itself even discredited when it changed its mind. We have had three final outcomes from the Government on school closures. The members of the Government have all decided to run for cover now, because they do not want to hear these sorts of things. They are a little worried about hearing from the people who would have the numbers in this place if they so chose. So, the Government has cut and run and left the Assembly in a sad state. I wish the cameras were here to record it. Has somebody called them?

There is a confrontation looming over the school closures. It is a sad case, and, of course, with the pupil-free days the Government intends to move the children into other accommodation until the end of the term, at huge expense to the people - something like $15 a day, I think, was the figure, was it not, Mr Moore?

Mr Moore: Yes, $15 a day.

MR BERRY: It will cost $15 a day for each child to have them looked after in the accommodation which is to be provided by the Government, and it is, indeed, second-rate accommodation. All of this is at a time when this confrontation has developed. I think it is a sad day for the Territory, Mr Speaker. In other circumstances I am sure that we would have had some sort of response from the Minister responsible, but we have nothing but echoes from the other side of the chamber because every chair is empty. It is my pleasure to see the cowardice of this Government in the face of adversity; its members have all done a bolt and refused to face up to the music in this adjournment debate.

Conduct of the Assembly

MRS GRASSBY (5.45): Mr Speaker, talk about rats running away. This ship does not even have to be sinking; but they were really scared tonight when we ran around and found out that the Chief Minister had left, Mrs Nolan and Mr Duby had gone to Perth together, and Mr Humphries had gone off somewhere else. All of a sudden, Mr Speaker, they realised that they did not have the numbers and we could refuse the adjournment and get on to the most important things of keeping schools and hospitals open.

What did they do, Mr Speaker? They ran for their lives. They left the house. Mr Collaery ran around and worded everybody up, "Oh, my God, we are in trouble". They ran like rats, one after another out of this house, and wherever they have gone to I hope they can hear us. At

least it will be in Hansard that the Government members ran like rats and had to leave. I congratulate you, Mr Speaker. You hung in and stayed there. At least somebody held up the flag for the Government.

Mr Speaker, it is really very sad to think that, on a day when they were so worried that they had to run away, we could have discussed schools and hospitals, the most serious things that are happening in this city. This Government is changing the city that everybody likes, and people do not like the fact that it is being changed. Never mind, Mr Speaker, they will all be gone at the next election so they will not have to worry about running out. They have gone, and that is it.

Royal Canberra Hospital Bill

MR MOORE (5.47): Mr Speaker, I seek leave of the Assembly to bring on private members' business, order of the day, No. 10 on the notice paper.

I believe that the normal thing is for you to say, "Is leave granted?".

MR SPEAKER: I realise what the normal thing is. These are not normal circumstances.

Mrs Grassby: Mr Speaker, if the Government is not prepared to sit in the house, that is its problem. We grant you leave.

MR MOORE: Good to see you, Dr Kinloch.

Mrs Grassby: Dr Kinloch, we want to discuss schools and you are going to stop it being done.

MR MOORE: The hospitals Bill is the one I am bringing on, Dr Kinloch. I am sure you will be delighted to bring it on.

MR SPEAKER: Order, Mr Moore! Is leave granted? That is where I am up to.

Leave not granted.

MR MOORE: In that case, Mr Speaker, I move:

> That so much of standing and temporary orders be suspended as would prevent order of the day No. 10, private Members' business being called on forthwith.

Dr Kinloch: Mr Speaker, I was on my feet.

MR MOORE: So was I. I am still on my feet.

MR SPEAKER: Order!

Dr Kinloch: I do not care. I want to say to Mrs Grassby that Mrs Grassby accused us of being rats. I have an appointment that I intend to keep - - -

Members interjected.

MR SPEAKER: Order!

Dr Kinloch: I insist on an apology.

MR SPEAKER: Order!

Dr Kinloch: Mr Speaker, you can throw me out if you wish, but I want an apology from Mrs Grassby.

MR SPEAKER: Order!

Dr Kinloch: I am not a rat, and I did not leave the chamber as a rat.

MR SPEAKER: Order!

Mr Stefaniak: I wish to raise a point of order on that. I would ask Mrs Grassby to withdraw the term "rat" as that is unparliamentary.

MR SPEAKER: Order!

Dr Kinloch: I have an appointment at 6 o'clock and I intend to get there.

Ms Follett: You have an appointment while the Assembly is sitting.

MR SPEAKER: Order! Dr Kinloch, I understand - - -

Dr Kinloch: I now wish for that apology to be made, Mrs Grassby. I absolutely insist on it.

MR SPEAKER: Order!

Dr Kinloch: I wish that statement, that we are rats leaving the Assembly, to be withdrawn.

MR SPEAKER: Order! I interpreted - - -

Dr Kinloch: I deeply resent it.

MR SPEAKER: I am distressed that you deeply resent that, because I interpreted "rats leaving a sinking ship" as a play on words. I did not assume that you would take it personally; but, as you have: Mrs Grassby, would you withdraw the "rats" inference because it has the other connotation which is obviously how some members have interpreted it.

Ms Follett: On a point of order, Mr Speaker: you have accepted comments in this Assembly this week to the effect that people were "fungus faces", that they were hypocrites - - -

MR SPEAKER: No. Order, Ms Follett! If you would allow me to explain that circumstance - - -

Ms Follett: I think it is not an unparliamentary term, and I think that if anything is to be criticised here it is the threatening and violent way in which Dr Kinloch approached this Assembly, approached Mrs Grassby - - -

Dr Kinloch: Mr Speaker, on a point of order: I apologise for being either threatening or violent. I certainly had no intention of being so.

MR SPEAKER: Thank you for that apology. Ms Follett, the situation is that the "fungus face" comment was made light-heartedly, it was accepted light - - -

Ms Follett: So was that, for heaven's sake.

MR SPEAKER: But it was accepted light-heartedly by the recipient of the - - -

Mr Berry: If he had been in the house he would have seen that it was light-hearted. He was up there listening to the speaker, cringing in the corner.

MR SPEAKER: That is a point; but, unfortunately, under the circumstances offence has been taken. Had Mr Moore taken offence at the time I would have asked for its withdrawal, but he did not. Mrs Grassby, I would ask that the comment be withdrawn.

Mr Connolly: On a point of order, Mr Speaker: he was not here. He cannot charge in 10 minutes later and - - -

Mrs Grassby: He was not in the house. He cannot charge in and threaten me.

Mr Moore: On a point of order, Mr Speaker: to allow a precedent like that to be set would be totally unacceptable. Under standing order 202(e), I suggest that the member be named.

MR SPEAKER: What are we talking about now, Mr Moore?

Mr Moore: Mr Speaker, I am talking about Dr Kinloch walking in and around the chamber. He was threatening and he wilfully disregarded your orders at least five or six times. I request that you name the member. The precedent, Mr Speaker, is just totally unacceptable.

MR SPEAKER: Order, Mr Moore! The member has apologised for his behaviour.

Mr Moore: So the point now, Mr Speaker, is that we can all run around the Assembly, do that - - -

Mr Collaery: On a point of order, Mr Speaker: he is seeking to debate your ruling.

MR SPEAKER: Order, Mr Collaery! It is a debatable point. I am sure that it is not acceptable behaviour from any member, but under the circumstances the member has apologised, and I do not think there would be any benefit to be gained from removing him from the chamber for the next period - - -

Mr Moore: In that case, Mr Speaker, I point out to you that I have moved a motion.

MR SPEAKER: Just before we get to that, I think we are still waiting to see whether we will get an apology from Mrs Grassby.

Mrs Grassby: Mr Speaker, Dr Kinloch was not in the house when I said that and I do not think that I have to apologise for it. It was said in a colourful speech and you did not take any notice of it in the first place.

Mr Collaery: On a point of order, Mr Speaker: I wish to respond to this point of order that has been raised again. Whether a member is present in the chamber or not, words said which constitute breaches of standing orders, disorderly conduct or imputations, may be directed by you to be withdrawn. That is the clear practice of parliaments and it is the practice of the parliament on the hill. Dr Kinloch has asked for something to be withdrawn. It is within your province and power to do that, Mr Speaker, whether he was in the chamber or not at the time the words were uttered.

Mr Speaker, I draw your attention to standing order 202, which states:

> If any member has ... used offensive words, which the Member has refused to withdraw.

I ask you to ask Mrs Grassby to withdraw her words.

Mrs Grassby: They are not offensive.

MR SPEAKER: I think this is going to blow out of all proportion. I personally thought - - -

Mrs Grassby: Mr Speaker, as you said, they were only said in a colourful way.

MR SPEAKER: That is what I - - -

Ms Follett: Mr Speaker, on a point of order - - -

MR SPEAKER: Just a moment; I did not quite hear what Mrs Grassby said.

Ms Follett: Dr Kinloch was not here when the remark was made; he was not in this chamber. He is not here now, and I, for one, take the greatest exception to a member of my party being asked to withdraw and apologise in those circumstances. They have shown contempt - grave contempt - for this house by wandering off while we were still sitting and you have - - -

Mr Jensen: It is the adjournment debate.

Ms Follett: Ministers were absent long before the adjournment debate. They were absent to go interstate, and well you know it. I think it is totally inappropriate that Mrs Grassby should be asked to withdraw a remark that was made in a humorous speech, at which nobody present in the chamber took offence, including yourself. It is quite wrong that a display of ill-temper, ill-manners and outright crudity by Dr Kinloch should change that situation.

MR SPEAKER: Under the circumstances, where both sides have presented a problem to do with performance in the house, I will go back on my request to Mrs Grassby to withdraw the comment. I do believe that it was made in a frivolous manner. Sitting here, I was prepared to take action if I thought offensive statements had been made against the Government.

Mr Moore: Mr Speaker, I move that my motion be put.

MR SPEAKER: Just a moment, Mr Moore. I call Mr Collaery.

Mr Moore: Mr Speaker, I move that my motion be put. I move the gag - - -

Mr Collaery: I was on my feet as the next speaker to talk.

Mr Moore: I can move the gag at any time, Mr Speaker.

MR SPEAKER: Order! Mr Collaery was on his feet. I asked him to sit until I had made that statement.

Mr Moore: Mr Speaker, I believe that, in fact, I was on my feet when I put the motion.

MR SPEAKER: Yes; but I do not know what he is going to say until he is allowed to speak, Mr Moore.

Mr Connolly: Mr Moore was actually on his feet when Dr Kinloch stormed in and created all this kerfuffle. Mr Moore then sat and we got into a rather long debate.

MR SPEAKER: Just a moment, Mr Collaery. I must admit that my attention had been drawn from the fact that Mr Moore was on his feet first.

Mr Collaery: Mr Speaker, I was on my feet and you directed me to sit while you spoke to Mrs Grassby and you delivered an opinion, with respect, Mr Speaker, to - - -

Mr Berry: Have you a point of order?

Mr Collaery: I am making a point of order now.

Mr Speaker, you delivered an opinion to Mrs Grassby. In other words, you indicated that you were inclined to weigh both of the matters up and have regard to provocation. The fact is, Mr Speaker, that I have not made my case yet.

Mr Moore: Since when do we speak to a point of order without even naming a standing order?

MR SPEAKER: This is speaking to the point of order?

Mr Collaery: Yes, Mr Speaker.

MR SPEAKER: Please proceed.

Mr Collaery: Mr Speaker, I think it is an important precedent for the chamber when a member can, in the absence of someone from the chamber, make an imputation or say something and secure - - -

Mr Moore: Mr Speaker, he is reflecting on your ruling.

Mr Collaery: And secure - - -

MR SPEAKER: Order!

Mr Collaery: I have not finished.

MR SPEAKER: One point of order at a time.

Mrs Grassby: Because Mr Moore wishes to speak, I will withdraw.

Mr Collaery: Mr Speaker, I - - -

MR SPEAKER: Thank you.

Mr Collaery: I am still making - - -

Mrs Grassby: I have done it. It is finished, Mr Collaery.

Mr Collaery: Mr Speaker, I have not finished making my point.

Mrs Grassby: It is finished.

MR SPEAKER: Order, Mrs Grassby!

Mrs Grassby: It is finished, Mr Collaery. We have withdrawn.

Mr Moore: It is not a speech. You were supposed to be making a point of order. What is the point of order?

Mrs Grassby: I withdrew, Mr Speaker.

MR SPEAKER: Mrs Grassby, the point of order is still valid even though you have withdrawn.

Mrs Grassby: No. I withdrew, and it is not. The point of order is not.

MR SPEAKER: I will allow Mr Collaery to continue with his presentation of his point of order.

Mr Collaery: Mr Speaker, the point I wish to make is that, whether Mrs Grassby has withdrawn or not, the issue is the ruling, and the fact that Dr Kinloch was obliged to apologise when he came to the chamber and perhaps over-reacted to a statement made while he was out of the chamber. Mr Speaker, if a member is out of the chamber and wishes to come down and take - - -

Mr Berry: On a point of order, Mr Speaker: this is absolute nonsense. He is evading the issue. There is no point of order. Mrs Grassby has withdrawn.

Mrs Grassby: There is no point of order, Mr Speaker, and Mr - - -

Mr Collaery: Mr Speaker - - -

MR SPEAKER: Order! For goodness sake, let us have some sanity in the house.

Mrs Grassby: You are really making a joke of this chamber now, Mr Collaery. It is a bit rude.

MR SPEAKER: I have given Mr Collaery the opportunity to speak. Please hear him out.

Mr Collaery: Mr Speaker, the fact is that Dr Kinloch came to the chamber to defend himself and has found himself forced to apologise. Somehow there has been a precedent established in this house that one does not have leave to defend oneself against comments made when one is out of the chamber. I think that is patently wrong and it should not occur. Mrs Grassby now has uttered the words and withdrawn them, but the fact is that it was those words which - - -

Mr Moore: On a point of order, Mr Speaker: he has not even indicated the point of order. You have set the precedent, Mr Speaker, of naming the point of order when you are making it. In this case I am drawing your attention to the precedent.

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

Mr Wood: He has finished.

Mr Collaery: Thank you, Mr Speaker. I am not finished at all. I believe - - -

Mr Moore: Mr Speaker - - -

MR SPEAKER: Mr Moore, I can take only one point of order at a time. Please listen. I have also on previous occasions - I have not got the Hansard in front of me - indicated to all members that, on a substantive point of order, every member of the house can get up and speak to that point of order if they so wish. Now, please let Mr Collaery continue.

Mr Moore: Mr Speaker, I have moved the closure. If I can comment on this point of order, Mr Speaker - - -

MR SPEAKER: No, you have not got the floor - - -

Mr Moore: I moved that the question be now put - - -

MR SPEAKER: Mr Moore, one point of order is being listened to at a time.

Mr Moore: It should be put forthwith and determined without amendment or debate, whether another member is speaking or not.

MR SPEAKER: You have misread your standing orders again. That is not a valid course of action when somebody is speaking to a point of order.

Mr Moore: Mr Speaker, I would like to speak to this point of order.

MR SPEAKER: Yes, you can do so when it is your turn, Mr Moore.

Mr Collaery: On a point of order: I draw your attention to standing order 207, Mr Speaker.

Mr Moore: Mr Speaker, you have now given me the call when speaking to that point of order. That is exactly the same as you are doing to Mr Collaery. Mr Speaker, if I stomp all over this floor and then say, "Oh, I am sorry", if I jump up and down and then say, "I am sorry", what power have you got?

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

Mr Collaery: Mr Speaker, Mr Moore is now traipsing around the chamber holding up that newspaper. Mr Speaker, I quote standing order 207 and ask you to adjourn the Assembly without further ado on the basis that the Assembly is in a state of grave disorder caused by this laughing jackass across here at the pillar. I call upon you, Mr Speaker, to

adjourn this Assembly. Clearly the workings of the Assembly this evening, despite an arrangement made across the floor by Mr Humphries with Mr Berry, have fallen into disorder.

Mrs Grassby: On a point of order, Mr Speaker: it was the Government which walked out and caused that; it was not us. We stayed behind; Government members walked out. Mr Collaery went from one desk to another and then they all left. Let us get it straight right now, Mr Speaker. It was Mr Collaery who moved them all out of this house, one at a time.

Mr Collaery: Mr Speaker, you would have observed a number of Government members meeting in the chamber outside immediately after that issue. We were here on the premises, as we were all the time. This is not a chamber that has 100 or 200 members, and there are things to be done. An arrangement which was reached across the floor is clearly in danger of breaking down. Mr Moore's behaviour in running across the floor and displaying that newspaper hoarding, in my view, constitutes grave disorder.

Mr Moore: Imputation, Mr Speaker. I certainly did not run across the floor.

Mr Collaery: He dashed across the floor.

MR SPEAKER: Members, this is totally unbecoming of this house.

Mr Moore: Mr Speaker, I have put a motion. Mr Collaery clearly seeks to continue the debate so that the motion cannot be put and, in fact, I have also moved the gag, Mr Speaker. Under standing order 70 I have moved as well that the motion be put, and I ask you now, for the good workings of the Assembly, to put that motion.

Mr Connolly: There is no great disorder, Mr Collaery. We are all sitting in our places and awaiting your pearls of wisdom.

Mr Wood: Mr Collaery is the one that will not sit down and allow things to happen.

MR SPEAKER: Order, members! The time for debate on the motion that the standing and temporary orders be suspended has now come to a close, and I am obliged to put the question:

> That so much of standing and temporary orders be suspended as would prevent order of the day No. 10, private Members' business being called on forthwith.

The Assembly voted -

AYES, 7	*NOES, 6*
Mr Berry	Mr Collaery
Mr Connolly	Mr Jensen
Ms Follett	Mr Kaine
Mrs Grassby	Ms Maher
Mr Moore	Mr Prowse
Mr Stevenson	Mr Stefaniak
Mr Wood	

Question so resolved in the negative.

MR SPEAKER: The reason the question is resolved in the negative is found under standing order 272, which reads:

> In cases of necessity, any standing order or orders of the Assembly may be suspended on motion, duly moved, without notice: Provided that such motion is carried by an absolute majority of Members.

It was not carried by an absolute majority of members.

The time for the debate on the adjournment has expired.

Original question resolved in the affirmative.

Assembly adjourned at 6.11 pm until Tuesday, 11 December 1990

ANSWERS TO QUESTIONS

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Consultants - Chief Minister and Treasurer

Question Number 200

MS FOLLETT - asked the Chief Minister and Treasurer upon notice on 7 August 1990:

(1) In the period from 20 April 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; bathe duration; and (c) the cost of the consultancy.

MR KAINE - the answer to the members question is as follows:

The purpose, duration and cost of each consultancy service engaged by each Agency within my Portfolio in the period from 20 April 1990 to 6 August 1990 is provided in the table below.

There were no consultants engaged by the Chief Minister.

4893

CONSULTANTS PURPOSE DURATION COSTS

CHIEF MINISTERS DEPARTMENT

Office of Public Sector Management

Frank Small and Associates Review child-care and preschool services for Priorities Review Hoard Apr 90 - May 90 23,950

John Steatite Review post-compulsory education issues for Priorities Review Board Apr 90 - May 90 3,249

Coopers & Lybrand Develop fraud control training and communication strategy Apr 90 - Jun 90 20,000

Ernst & Young Develop fraud control methodology Apr 90 - Jun 90 19,100

Richard Upton Edit guidelines for combating fraud and corruption Apr 90 1,290

Michael Gill & Associates * Review of student administration services in the ACT Institute of TAFE Apr 90 - Jun 90 17,675

Price Waterhouse * Preparation of a business plan for the Commercial Services Burden, in the Office of Industry & Development Engaged in June 90 but commencement deferred until Sept 90 7,325

Gerry Fanning Advice on industrial relations and employment issues May 90 - Jul 90 12,432

Delete Ross Topmast * Review of operations of the Public Trustees office (stage 1) May 90 - Jul 90 9,500

CONSULTANTS	PURPOSE	DURATION	COSTS
Deloitte Ross Tohmatsu	Advice on the preparation of annual reporting guidelines for the ACTGS	May 90 - Jul 90	20,400
Coopers & Lybrand	Development of a corporate plan for the Chief Ministers Department 1990/91	Jun 90 - Sep 90	78,000
Ernst & Young *	Review of lease purpose variation processes for the Office of Industry & Development	Apr 90 - May 90	24,750
AORTA Consulting	Preparation of discussion paper on ACT Government Information Technology ,p issues	Jul 90 - Aug 90	10,000
Noble Lowndes Cullen & Dell	Review issues associated with the management of the ACT Governement Senior Executive Service	May 90	25,700
Coopers & Lybrand	These consulting groups,engaged to provide performance appraisal		17,700
Harris Van Megan	training for the ACT Government Senior Executive Service between		15,400
Dennis Madden & Associates	September 1990 March 1991		18,000

* These are projects jointly funded by the Chief Ministers Department and the host organisation specified

CONSULTANTS PURPOSE DURATION COSTS

ECONOMIC DEVELOPMENT DIVISION

Henry Fedorczyk Quarterly Surveys of Commercial &
Industrial Building Construction
Activity Jul 90 - Jul 91 12,000
Barbara Davis Retail Centres Inventory Jul 90 - Sep 90 6,600
J Morison & R Jensen Regional Input-Output Model Jul 90 - Sep 90 12,000
Mr Twiney Assess the Transportation analyses
incorporated in submissions for
the Civic Square Project May 90 - Jul 90 252

ACT TREASURY ,p.

Denis Johnston & Associates School Bus Costing Jul 90 8,300
Australian Bureau of Statistics Statistical Methodology Jul 90 1,000
Baring Brothers Burrows To provide advice on proposal to

and Partners Limited convert the Canberra Building Society to a
company and the merger of its banking
interests with the Civic Advance bank Jun 90 - Jul 90 15,000

ACT INSTITUTE OF TECHNICAL AND FURTHER EDUCATION

Mr and Mrs Killen Reflective Teaching Workshop May 90 612

CONSULTANTS PURPOSE

ECONOMIC DEVELOPMENT DIVISION

Local Government Training Council (Inc) (S ALBIN)	Review of the Employment and Training Grants Program of the Community Development Fund	Apr 90 - May 90	4,000
ACT Institute of TAFE (B CLAYTON)	Review of Workers Compensation Rebate Scheme	Apr 90 - Jun 90	5,040
John Martin and Associates (J MARTIN)	Facilitation and Editing of Report of Ministerial Advisory Council on Employment	May 90 - Jul 90	3,600
CONTACT (D SWANSON)	Implement Quality Apprenticeship Scheme	Apr 90 - Jul 90	18,667
IC Bartlett	Set up Skill Recognition Facility	Apr 90 - May 90	11,798
Asian Pacific Business Consultants (R ACCURST)	Training Needs Analysis Project	Apr 90 - Jul 90	13,750
Techway Solutions (P EVANS)	Report on computer requirements for Quality Apprenticeship Scheme	May 90 - Jun 90	10,693
consult (D COTERIE)	Study of ACT Training Advisory Arrangements	Apr 90 - Jun 90	5,132

CONSULTANTS PURPOSE DURATION COSTS

DEPARTMENT OF THE ENVIRONMENT, LAND AND PLANNING

Interim Territory Planning Authority

Lincoln Sharpe	(a) Installation & Maintenance of Software & Hardware	May - June 90	1,961
	(b) Installation & Maintenance of PC Software & Hardware	July - Aug 90	1,936
Dwyer Leslie Pty Ltd	Draft Territory Plan: Specific Land Use Criteria	May - Aug 90	13,008
The Expert Client Pty Ltd	Draft Territory Plan: Preparation of Residential Design & Siting ,o Criteria	May - Aug 90	12,500
Graham Sanson Pty Ltd	Draft Territory Plan: Planning Report	May - Aug 90	8,425
David Hogg Pty Ltd	(a) Use of Rural Land in the ACT	May - June 90	3,500
	(b) Environmental Assessment Criteria	May - June 90	5,000
Stephanie White	Analysis of Draft Territory Legislation	May - June 90	16,200
Willing & Partners Pty Ltd	Review-of Gross Pollutant Trap Guidelines	May - Aug 90	12,000
Accoustics & Vibration Centre ALFA	(a) Review of Noise Guidelines	May - June 90	3,000
	(b) Assessment of Noise Pollution Standards Relevant to the ACT	May - June 90	4,000

CONSULTANTS	PURPOSE	DURATION	COSTS
Scott & Furphy Pty Ltd	Draft Territory Plan: Infrastructure Criteria	May - June 90	3,000
Dataprofile	Draft Territory Plan: Social Indicators	May - June 90	3,700
Kayel Computing Services & Venture Desktop Publishing	Computer Training - Wordperfect	May - June 90	4,900
H Davis Consultants	Community Facilities: Report on existing Facilities	May - June 90	800
Purdon Associates Pty Ltd	Draft Territory Plan: Consultation	June 1990	10,000

Land Division

Turnbull Fox Phillips	Design and Production of the ACT Land Information Product Catalogue	June 1990 (until completion)	22,665
Australian Technology Resources (ACT) Pty Ltd	Consultancy on Stage 1 of the Development Approvals Register and Tracking System (DARTS)	August 1990 (until completion)	47,610
Leonie Roberts	Review of LANDACT, LMT and GEODES	1 Aug - 6 Aug 90	1,838
Gerald Crawford (Technical Pty Ltd)	Provision of cartographic drafting services	June - Aug 90	2,200
Helena Plumb (Technical Pty Ltd)	Provision of printing assistance	July - Aug 90	3,150

CONSULTANTS	PURPOSE	DURATION	COSTS
Margaret Hoare (Technical Pty Ltd)	Provision of printing assistance	July - Aug 90	2,241
Barbara Mau	Graphic Arts on 2 projects on demand		1,140
Grassroots Graphics	Graphic Arts on 2 projects on demand		2,720
Cangraphics Pty Ltd	Cartographic Service CRT on demand (Cycleway Map)		2,500
Artgraphic Pty Ltd	Photographic/reproduction services on demand		627
Karen Bosman (Cangraphics Pty Ltd)	Entering Data and Maintaining a LIS	May - Aug 90	8,840
Ric Radulovich (Cangraphics Data Systems Pty Ltd)	Compilation and drawing of base maps using CADS techniques	May - Aug 90	12,768
ARC CADCENTRE	Advice on linking graphic databases to textual databases and establishing system security	May - July 90	10,768
KPGM Peat Marwick	Valuation - Assess site and	April - June 90	8,000
flungerfords	Feasibility Resort in the ACT		
Fearon Brennan	(a) Valuation - Section 16 Greenway	June 1990	6,000
	(b) Financial Management Advice (until completion)	July 1990	28,000
Kinhill Engineers Pty Ltd	Preparation of Deed of Agreement	June - Aug 90	7,000

CONSULTANTS	PURPOSE	DURATION	COSTS
Willing & Partners	(a) Gordon 8 & 10 Banks Engineering Estimates	2 & 3 June 1990	8,600
	(b) Spoil Management - North Lanyon (until completion)	June 199P	28,500
Scott & Furphy	Ginninderra Creek - catchment study (until completion)	June 1990	40,000
Harris Van Meegan	Staff Selection Review	June 1990	1,045
Department of Industry & Technology	Joint Commonwealth States Study of Approved Systems for Major Projects	June 1990	2,500
Bill Guy & Partners Pty Ltd	Engineering advice on site servicing (until completion)	June 1990	20,000
Janice Stanford	Planning assistance (until completion)	August 1990	11,000
Ova Atop and Partners	Planning advice on Gungahlin Development (until completion)	July 1990	11,300
Donald flare	Engineering Assistance (until completion)	July 1990	35,000
Corporate Services			
Peter Leonard	(a) Basic Effective Writing Course	July 1990	2,000
	(b) Ministerial Speeches Course	July 1990	2,000
Angela Sands	Pace without Strain Course	July 1990	1,950
Tony DArcy	How to Lead a Winning Team Course	July 1990	2,000

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question Number 203

Consultancies - Chief Minister and Treasurer

MS FOLLETT - asked the Chief Minister and Treasurer upon notice on 7 August 1990:

What amount was expended on consultancies in the 1989-90 financial year by each agency in the Ministers portfolio?

MR KAINE - the answer to the Members question is as follows:

Expenditure for the 1989-90 financial year in each agency is as follows:

Chief Ministers Department

$1,651,024

ACT Institute of Technical and Further Education

$365,500

ACT Treasury

$183,340

Department of the Environment. Land and Planning

$2,770,207

This information is based on the current organisational structure of the portfolio.

4902

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 282

Ambulance Service

MR BERRY - asked the Minister for Health, Education and the Arts on notice on 16 October 1990:

Will the Minister provide a shift by shift summary of the shifts on which there have been less than four fully staffed ambulances available in the ACT Ambulance Service over the last six months.

MR HUMPHRIES - the answer to Mr Berrys question is:

A shift by shift summary, denoting times when less than four fully staffed ambulances were available during the six month period (1 May 1990 - 22 October 1990), is attached.

During this period, the ACT Ambulance Service operated 350 shifts, of which 212 shifts (60.6) operated with all four ambulances available, one at each station. There were 136 occasions (38.9) where three of the four stations were open, and only two shifts where two of the four stations were closed.

While the Service has been under pressure, it has been able to meet the demands placed upon it. The ACT Ambulance Service uses a number of procedural protocols to ensure ambulances are always available to meet the emergency calls received.

4903

Register of times when ambulance stations have been closed.

Mon, 22 ill 1990 8-6 CLOSED OPEN OPEN OPEN
Sun, 21 Oct 1990 6-8 OPEN CLOSED OPEN OPEN,
Sun, 21 Oct 1990 8-6 OPEN CLOSED OPEN OPEN
Sat, 20 ill 1990 8-6 CLOSED OPEN OPEN OPEN
Fri, 19 Oct 1990 6-8 OPEN OPEN OPEN CLOSED
Thu, 18 Owl 1990 6-8 CLOSED OPEN OPEN OPEN
Wed. 17 Oct 1990 6-8 CLOSED OPEN OPEN OPEN
Wed, 17 Oct 1990 8-6 OPEN OPEN OPEN CLOSED
Tv 16 Oct 1990 6-B CLOSED OPEN OPEN OPEN
us, Oct 1990 8-6 OPEN OPEN OPEN CLOSED
Mon, 1 5 Oct 1990 6-8 OPEN CLOSED OPEN OPEN
Mon. 15 Oct 1990 8-6 OPEN OPEN OPEN CLOSED
Sun, 14 Oct 1990 8-6 OPEN OPEN OPEN CLOSED
Set, 13 Oct 1990 6-8 OPEN OPEN "PEN CLOSED
Set, 13 Oct 1990 8-6 OPEN OPEN OPEN CLOSED
Fri, 12 Oct 1990 8-6 OPEN OPEN "OPEN CLOSED
Thu, l l Oct 1990 6-8 OPEN OPEN OPEN CLOSED
Tue, 9 Oct 1990 6-8 OPEN OPEN OPEN CLOSED
Tue. 9 Out 1990 8-6 OPEN CLOSED OPEN OPEN
Mon, 8 Oct 1990 8-6 OPEN OPEN OPEN CLOSED
Sun, 7 Out 1990 6-8 OPEN CLOSED OPEN OPEN
Sun, 7 Out 1990 8-6 OPEN OPEN. OPEN CLOSED
Sot, 6 = 1990. 6-8 OPEN CLOSED OPEN OPEN
Sat, 6 Oct 1990 8-6 OPEN OPEN OPEN CLOSED
Fri, S Oct 1990 8-6 OPEN OPEN CLOSED OPEN
Thu, 4 OGt 1990 8-6 OPEN OPEN CLOSED OPEN
Wed, 3 Oct 1990 6-8 CLOSED OPEN OPEN OPEN
Set, 29 Sep 1990 6-8 OPEN CLOSED OPEN OPEN
Sat, 29 Sep 1990 8-6 OPEN OPEN OPEN CLOSED
Fri, 26 Sep 1990 E-6 OPEN OPEN OPEN CLOSED
Wed, 26 Sep 1990 0-6 OPEN OPEN CLOSED OPEN
Tue, 25 Sep 1990 8-6 OPEN CLOSED OPEN OPEN
M on, 24 SOD 1990 8-6 OPEN CLOSED OPEN OPEN
.Sun, 23 Sep 1990 6-8 OPEN OPEN OPEN CLOSED
Sun, 23 Sep 1990 8-6 CLOSED OPEN OPEN OPEN
Set, 22 Sop 1990 6-8 OPEN OPEN 1 OPEN CLOSED
Set, 22 Sep 1990 8-6 OPEN CLOSED OPEN OPEN
Fri, 21 Sep 1990 6-8 OPEN OPEN OPEN CLOSED
Fri, 21 5ep 1990 8-6 OPEN OPEN OPEN CLOSED
Thu, 20 Sep 1990 8-6 CLOSED OPEN OPEN OPEN
Wed, 19 $OD 1990 6-8 OPEN OPEN OPEN CLOSED
I 18 Sep 1990 8-6 OPEN OPEN OPEN CLOSED
Mon, 1 7 Sep 1990 6-8 OPEN OPEN CLOSED OPEN
Mon, 17 Sop 1990 8-6 OPEN CLOSED OPEN OPEN
Sun, 16 Sep 1990 8-6 OPEN CLOSED OPEN OPEN
Sat, IS Sep 1990 8-6 OPEN OPEN OPEN CLOSED
Fri, 14 Sep 1990 6-8 OPEN OPEN OPEN CLOSED
Fri, tA Sep 1990 8-6 OPEN OPEN OPEN CLOSED.
Thu, 13 58p 1990 6--8 OPEN OPEN CLOSED OPEN

Register of times when ambulance stations have been closed.

Thu, 13 Sea 1990 8-6 CL IE OPEN OPEN OPEN
Wed, 12 Sep 1990 8-6 OPEN OPEN CLOSED OPEN
T us, 1 1 Sep 1990 6-8 OPEN OPEN OPEN CLOSED
Sun, 9 Sep 1940 6-8 OPEN CLOSED OPEN OPEN
Sat, 8 Sep 19G^ 6-8 OPEN CLOSED OPEN OPEN
Set, 8 Sep 1990 8-6 OP I CLOSED OPEN OPEN
Thu, 6 op 1990 8-6 OPEN CLOSED OPEN OPEN
Wed. $ Sep 1990 6- 8 OPEN CLOSED OPEN OPEN
Too, 28 Aug 1990 8-6 OPEN CLOSED OPEN OPEN
Mon. 27 Aug 1990 8-6 OPEN OPEN OPEN CLOSED
Sun, 26 Aug 1990 8-6 OPEC CL05EC OPEN OPEN
Sat, 25 Aug 1990 e-6 OPEN OPEN OPEN CLOSED
Fri, 25Aug 1990 8-6 CLOSED OPEN OPEN OPEN
Thu, 23 Aug 1990 6-8 OPEN CLOSED OPEN OPEN
Wee, 22Aug 1990 6-8 OPEN CLOSED OPEN OPEN
Wed, 22 Aug 1990 8 E OPEN OPEN OPEN CLOSED
a 21 Aug 1 990 8-6 OPEN OPEN OPEN CLOSED
Mon. 20Aug 1990 8-6 OPEN CLOSED OPEN OPEN
Sun, 19 Aug 1990 6-8 OPEN CLOSED OPEN OPEN
Sun, 19 Aug 1990 8-6 OPEN CLOSED OPEN CLOSED
Fri, 17 Aug 1990 6-8 CLOSED OPEN OPEN OPEN
Fri, 17Aug 1990 8-6 OPEN CLOSED OPEN OPEN
Thu, 16 Aug 1990 6-8 OPEN OPEN CLOSED OPEN
Thu, 16 Aug 1990 8-6 CLOSED OPEN OPEN OPEN
Wed, I$ Auk 199;. 8-6 CLOSED OPEN OPEN OPEN
T us, 14Aug 1990 6-9 OPEN OPEN OPEN CLOSED
Mon, 13Aug 1990 6-8 OPEN OPEN OPEN CLOSED
Mon, 13 Aug 1990 8-6 OPEN OPEN CLOSED OPEN
Sun, 12Aug1990 8-6 OPEN OPEN OPEN CLOSED
Set, 11 Aug 1990 6-8 OPEN CLOSED OPEN OPEN
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Fr 1, l0Aug 1990 6-8 CLOSED OPEN OPEN Or[N
Thu, 9Aug 1990 8-6 OPENS CLOSED OPEN OPEN
Wed, 8 Aug 1990 6-8 OPEN CLOSED OPEN OPEN
Two, 7 Aug 1990 6-8 OPEN CLOSED OPEN OPEN
a 7 Aug 1990 8-6 CLOSED OPEN OPEN OPEN
Sun, S Aug 1990 8-6 CLOSED OPEN OPEN OPEN
Fri, 3 Aug 1990 8-6 OPEN CLOSED OPEN OPEN
Thu, 2Aug 1990 8-6 OPEN OPEN OPEN CLOSED
Wed, i Aug 1990 8-6 OPEN OPEN CLOSED OPEN
Sun, 29jul 1990 6-8 OPEN OPEN OPEN CLOSED
Fri. 27 Jut 1990 8-6 CLOSED OPEN OPEN OPEN
Thu, 26Jul 1990 6-8 OPEN CLOSED OPEN OPEN
a 24 Jug 1990 6-8 OPEN OPEN OPEN. CLOSED
Sat, 21 Jul 1990 6-8 CLOSED OPEN OPEN OPEN
Fri, 20 Jul 1990 6-8 CLOSED OPEN OPEN OPEN
a 17 Jul 1990 6-8 OPEN OPEN OPEN CLOSED
Sun, I S Jul 1990 6-8 OPEN CLOSED OPEN OPEN
Sun, 15Ju 1990 8-6 CLOSED OPEN OPEN OPEN

Register of times when ambulance stations have been closed.

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Sot, 14 Jut 1990 8-6 CLOSED OPEN OPEN OPEN
Fri, 13 Jul 1990 6-8 CLOSED OPEN OPEN OPEN
I 12 Jul 1990 8-6 OPEN OPEN OPEN CLOSED
Tile, 10 Jug 1990 8-6 I OPEN OPEN OPEN
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Sun, 8 Jul 1990 8-6 OPEN CLOSED OPEN OPEN
Set, 7 Jul 1990 6-8 OPEN OPEN OPEN CLOSED
Sat, 7 Jut 1990 8-6 OPEN OPEN OPEN CLOSED
Thu, Soul 1990 8-6 CLOSED OPEN OPEN OPEN
Sun, I Jut 1990 6-8 OPEN OPEN OPEN CLOSED
Wed, 27 Jun 1990 6-8 OPEN OPEN OPEN CLOSED
I 26 Jun 1990 6-8 CLOSED OPEN OPEN OPEN
I 26 Jun 1990 8-6 OPEN OPEN OPEN CLOSED
mi, 22 Jun 1990 6-8 OPEN OPEN OPEN CLOSED
Thu, 14 Jun 1990 8-6 OPEN CLOSED OPEN OPEN
Too, 12 Jun 1990 8-6 OPEN OPEN OPEN CLOSED
Sun, 10 Jun 1990 6-8 OPEN OPEN OPEN CLOSED
Sun, f O Jun 1990 8-6 OPEN OPEN CL 0.SED OPEN
Sot, 9 Jun 1990 6-8 OPEN CLOSED OPEN OPEN
Thu, 7 Jun 1990 8-6 OPEN CLOSED OPEN OPEN
Wed, Jun 1990 8-6 CLOSED OPEN OPEN OPEN
Fri. I Jun 1990. 6-a OPEN CLOSED OPEN CLOSED
Fri, 1 Jun 1990 8-6 OPEN OPEN CLOSED OPEN
Thu, 31 May 1990 8-6 OPEN CLOSED OPEN OPEN
Wed, 30 May 1990 6-8 OPEN CLOSED OPEN OPEN
Tub 29 May 1990 a-6 OPEN OPEN CLOSED OPEN
Sun, 27 May 1990 8-6 OPEN CLOSED OPEN OPEN
Set, 26 May 1990 6-8 OPEN CLOSED OPEN OPEN
Fri, 26 May 1990 8-6 OPEN CLOSED OPEN OPEN
Thu, 24 May 1990 8-6 OPEN OPEN OPEN CLOSED
Wed, 23 May 1990 8-6 OPEN OPEN OPEN CLOSED
Fri, 18 May 1990 6-8 OPEN OPEN N CLOSED
Tub, 15 May 1990 6-8 OPEN OPEN CLOSED OPEN
Mon. 7 May 1990 8-6 CLOSED OPEN OPEN OPEN
Sot, 5 May 1990 6-8 OPEN CLOSED OPEN OPEN
Sot, $ May 1990 8-6 OPEN OPEN OPEN CLOSED
Fri, 4 May 1990 8-6 OPEN CLOSED OPEN OPEN
Thu, 3 May 1990 8-6 OPEN CLOSED . OPEN OPEN
Wed, 2 May 1990 6-8 OPEN OPEN CLOSED OPEN
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