



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

12 December 1990

Wednesday, 12 December 1990

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

PUBLICATIONS CONTROL (AMENDMENT) BILL (NO. 2) 1990

MR STEVENSON (10.30): Mr Speaker, I present the Publications Control (Amendment) Bill (No. 2) 1990.

MR SPEAKER: Mr Stevenson, before you present your Bill I would just advise you again that if this Bill is not substantially different to those presented earlier in this sitting period it will be rejected. Please proceed.

MR STEVENSON: Indeed it is, Mr Speaker. Mr Speaker, I move:

That this Bill be agreed to in principle.

Mr Speaker, with the introduction of this Bill to ban computer generated pornography as well as pornographic videos, members of the ACT Legislative Assembly have the opportunity to take action in the fight against rape, child abuse and sexual murder. Without doubt some people in our society are unbalanced and are driven by pornographic video images to commit crimes of violence and sexual assault, even murder. In Queensland in 1950 there were 12 cases of rape. From July 1988 to June 1989 there were 366 reported rapes. There were 1,407 sex assaults on women, 395 reports of indecent treatment of boys under 17 and 1,265 other sexual assaults.

In this Assembly we have the power to make sure that women will not have to suffer the terror of rape. By passing this Bill we can save the lives of some who will become the future victims of pornography. It will not stop all child molestations. It will not stop all rapes. It will not save every life that is taken as a result of the violence caused by pornography. What it will do is make an appreciable and beneficial difference in the trauma and violence that can result from X-rated videos and computer pornography.

Computers are now being used to generate, copy and spread pornography. In Canberra, simply with a computer and a modem - a device that lets one computer "talk" with another computer over a telephone line - one can gain access to pornography. Such pornography is usually held on what are called bulletin boards. This is simply a name for information held in a computer's memory. With a computer, modem and usually a password, one can gain access to

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another computer's information and load it into one's own computer. In these days of computer literacy of children it is very easy for children to gain access to pornography via computers and also via computer games. Indeed, I have had concerned citizens in Canberra who have said that this has happened.

Millions of dollars are made by promoting and distributing pornographic videos by mail order throughout Australia from the ACT. It is well known that illegal State distributors are circumventing their local laws by using an ACT mailing address and distributing the videos via Canberra. Only yesterday I received another brochure advertising illegal X-rated pornographic videos. Though it had an ACT mail address it is probable that mail received at the PO box is simply redirected to a PO box in another State. Until we approve this Bill it is we who allow all State laws in Australia to be bypassed.

My motivation in introducing the Bill is to represent the majority will of the electorate. Our survey showed that the majority of people in Canberra want pornographic X-rated videos banned. Some people oppose a ban on pornographic videos because they are genuinely concerned about censorship. Let me clear up a major misconception. To pass the Bill will certainly be an act of censorship, but let me make the point that every member in this Assembly agrees with censorship and the censorship of videos. It would be a rare person indeed who does not agree that there should be video censorship. Who would suggest that bestiality should not be banned, or child pornography, or films showing people being tortured? Who would allow videos showing a foolproof way to murder your schoolteacher or local politician? Perhaps the latter is not a good example. Every society has censorship. Whether that society be dictatorial, libertarian or democratic, all have restrictions on what can be said or printed.

The real question then is not, "Should we have censorship?"; it is, "What do we censor?". This question is answered, firstly, by deciding what type of community we want to live in, and the people of the community should have a major role in making this decision. Secondly, the question we should ask is, "What effect does the thing we are considering censoring have on our community?".

Mr Speaker, the availability of pornography has greatly increased in Australia during recent decades. In the 10-year period from 1964 to 1974 rape in Australia rose by over 130 per cent. In that same time pornography increased greatly. History shows us that, as society becomes less interested in the family as the basic unit and more interested in sexual debauchery, such a society is decaying, not growing. Past great civilisations have fallen because of excesses in the community and declining moral values. Consequently, governments have a responsibility to provide moral leadership, especially for the young.

Few people understand what is actually contained on X-rated videos. These are videos that are legally classified and readily available in Canberra. The videos encourage incest with such titles as *Sister Dearest* and *China Sisters*. They encourage child molestation with such titles as *First Time at Cherry High*, *Daddy's Little Girl*, *Private School Girls*, et cetera. They encourage sex with many partners and casual sex and adultery. They encourage male and female homosexuality, voyeurism and the use of women as sex objects in videos with titles such as *Girl Toys*. They encourage slavery and violence.

Many of these videos are allowed under the X-rated classification under "mild fetishes". All the videos are readily available through mail orders and those sex shops that are allowed to push X-rated videos in Canberra. With the concern in our society about AIDS and the untold millions of dollars that governments in Australia are spending on it, it seems extraordinary that the Government supports homosexuality and casual sex when these are acknowledged as the two major reasons for the onset of AIDS.

Many women are greatly concerned with the violence and rape which results from pornography. Robin Morgan coined the phrase "Theory and practice, pornography and rape" in 1974. In calling pornography anti-female propaganda, Susan Brownmiller made the same link in her book on rape, *Against our Will*. Recently in Canberra and Queensland women held public protests and marches to "reclaim the night". They have felt that increasingly women are not safe walking the streets at night-time.

The argument is also made that a ban will drive the videos underground. The suggestion that there would be a widespread distribution of pornographic videos once they were banned is baseless. Where would they be advertised? Once they were illegal throughout Australia such advertising in magazines and newspapers would not be accepted. If it was, it would only identify the offenders to the police.

While they may not be totally eradicated, their distribution will be dramatically decreased. The suggestion from those who profit from pornography, that they will move to the Northern Territory, should not deter this Assembly. The Northern Territory Government has clearly indicated that if there is a nationwide ban it would not go it alone. Should they try to go offshore, there would be even greater problems of higher costs, delivery delays and laws prohibiting them in other countries. They also would not be able to advertise in the media in Australia.

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Worldwide research shows that an increase in pornography increases violence and sexual attacks against women and children. In 1970 in South Australia, with reported rapes less than three per 100,000, laws restricting pornography were modified. By 1984-85 rape had increased ninefold to over 25 per 100,000. During that same period the Queensland statistic, which began at just over three per 100,000, rose to only 5.3 per 100,000.

In 1974 in Hawaii, after the availability of pornography was restricted, reported rapes fell by over 20 per cent in two years. They did not increase because of prohibition. After two years of substantial reductions in rape the restrictions were removed. The result is that rape in Hawaii has been increasing ever since. Three major inquiries into the effects of pornography - the 1970 UK Longford report; the 1986 US Attorney-General's commission into pornography, named the Meese report; and our own 1988 joint select committee into video materials - each found that pornography, equivalent to that found on the X-rated videos which are freely available in Canberra, causes some people to resort to violence.

In over 300 hours of research into studies on the effects of pornography throughout the world, I have not seen a single case where an increase in pornography did not lead to an increase in reported rape, or conversely, where a decrease in pornography did not lead to a decrease in rape. The evidence fully supports what commonsense tells us - what we see influences what we do. All that remains is that we use our power on behalf of the people in the ACT and throughout Australia - whose support we have - to ban X-rated videos and computer generated pornography. I commend this Bill to the Assembly.

Mr Collaery: Mr Speaker, I take a point of order at this stage under standing order 136. The grounds are substantially the same as those I have made earlier in relation to another Bill introduced by Mr Stevenson, and that is that within the proscribed time period Mr Stevenson has introduced a Bill which, in effect, is substantially the same as that which has already been resolved by virtue of a vote in this Assembly. On my submission and on the advice of my Law Office, Mr Stevenson has included in the definition of film, in the extant Publications Control Act, computer generated visual images. He has simply made a definitional change without altering the type of legislative structure he proposes to set up to ban the product.

Mr Speaker, on my advice an X-rated video also falls within the definition of a film as an X-film; therefore substantially the same subject matter is being covered as in the previous Bill. On its appearance the Bill is much the same, as all that Mr Stevenson has done is to describe a form of publication - that is, a facsimile or computer generated visual image which, in any event, falls within the existing definition in the principal Act. In other

words, Mr Speaker, on the advice of my Law Office - and I must say that this is hurried advice, but it is informed advice - all that the new Bill does is to add a new description. It proposes the same structure. So, I take that point of order, Mr Speaker; but I do not propose to adjourn this debate. I am not sure whether you want to rule on this now or take the matter on notice. I would like to address my point of order further, depending on how you respond.

MR SPEAKER: Mr Collaery, as you have advised the Assembly in your points just raised, the legal opinion you have obtained is made in an informed manner but not in a conclusive manner. I have not had the opportunity to take advice on this matter; therefore at this stage I am not prepared to uphold the point of order. I intend to report back to the Assembly on this matter. Under the provisions of standing order 171, the debate stands adjourned.

Debate adjourned.

LAKES (AMENDMENT) BILL 1990

Debate resumed from 12 September 1990, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

MR COLLAERY (Attorney-General) (10.46): Mr Speaker, I have received a detailed legal opinion on this matter. Simply put, I believe that the Opposition should have approached the Government. We would certainly have given them credit for the amendment; but, on my legal advice, an approach to the Commonwealth Government is required so that a legal decision on this Bill can be made "within power" in some respects.

Mr Speaker, I will read from the opinion that I have been provided with. Mr Speaker, when the Legislative Counsel settles a draft Bill, he does two important things. He ensures that the Bill is prepared in accordance with the instructions to his office, and he ensures that the Bill is within the legislative power of the Assembly and that it would be legally effective.

Mr Speaker, when private members get Bills drafted by someone outside the Legislative Counsel's Office, even where that person is a careful draftsman, the Assembly loses the benefit of those very important protections, and I note that this Lakes (Amendment) Bill was not drafted within the arrangements made. The Assembly loses the benefit of those two important protections that I have mentioned, and we should be very wary about accepting Bills drafted outside the parliamentary counsel process.

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Ms Follett: That is why we have the Scrutiny of Bills Committee.

MR COLLAERY: I am coming to that. These Bills can be fraught with error and they can be outside the legislative power of the Assembly. Mr Speaker, the Lakes (Amendment) Bill is a cautionary tale. It is a cautionary tale of which all members should take heed. Mr Speaker, here we have an Opposition that has put down cosmetic Bills to embarrass our human rights machinery and to embarrass hardworking law officers with the implication that they also were as slow as the Government, and here is a lesson - - -

Members interjected.

MR COLLAERY: It is, Mr Speaker, a cautionary tale. I remind members that when the Leader of the Opposition introduced the Bill she said that she did it at the request of the Canberra Yacht Club. The Bill had the very best of motives, and I want to make that clear for the record. It was intended to fix up the collision rules applicable to sailing boats on the lake. If the Leader of the Opposition had had the Legislative Counsel draft the Bill, he would have told her that her proposed Bill could not achieve her desired ends. It would have taken five minutes - and even my colleague Mr Jensen picked it immediately - to tell her that, unfortunately, the Bill does not apply to the national land areas on Lake Burley Griffin.

Mr Speaker, at the conclusion of my address I will table an opinion prepared by my Law Office which considered the efficacy of the Lakes (Amendment) Bill. I do not run a quarantined Law Office. I am quite prepared to give briefings to members of the Opposition, which is more than they did when they were in government and other members and I were on the other side of the house. Be that as it may; I am quite prepared to do it, but this Opposition wants to play trick Bills on us to embarrass us. It has done it. It has not proceeded with some of those trick Bills, but it went and got the limelight for them and issued documentation in the community effectively to mislead the media.

Mr Speaker, that opinion that I am referring to indicates that the Bill does not make changes to the law in respect of Lake Burley Griffin, and if the Bill were to proceed different legal regimes would come into existence on different lakes in the Territory. It may not be possible to apply the changes proposed in the Bill to Lake Burley Griffin by Territory legislation. Instead of fixing the rules on the lake, Ms Follett's Bill would confound what rules already exist.

Mr Connolly: Nonsense! We have territorial jurisdiction throughout the ACT. This is bizarre.

MR COLLAERY: Mr Connolly says that this is bizarre. I assume he says that he got advice, or was it his own advice?

Mr Speaker, the Government will pursue this matter effectively to ensure that the community based request from the Canberra Yacht Club is met. We will, as a government, seek Commonwealth agreement to joint ACT and Commonwealth legislation to remedy the appalling legislative mess we have inherited from the Commonwealth in relation to the collision rules for boats on the lake.

Mr Speaker, I am mindful that the Leader of the Opposition has made a letter available. I presume that it came to the Leader of the Opposition from Mr John White, Rear Commodore, Operations, Canberra Yacht Club. I endorse the worthwhile aims that the rear commodore seeks and I commit the Government to attending to those anomalies. But this again is an example of an Opposition that forgets that it is not in government and wants to assume, in a presumptive manner, that it knows best and that it does not have to consult with the Government because, Mr Speaker, their - - -

Ms Follett: Mr Speaker, this is bizarre. We tried; we have been trying for weeks.

MR COLLAERY: Look, Mr Speaker; their heads are moving like that well-known shide show attraction.

Ms Follett: Shide show?

MR COLLAERY: Yes, all we need is a few white balls; we will drop them in and we will have won a prize.

Mr Speaker, the Opposition members are shocked and surprised, but this is truly a sad day for the Opposition when it brings a Bill in to provide some navigational rules and it cannot get its lakes straight.

Ms Follett: Professor Whalan got it wrong too.

MR COLLAERY: Mr Speaker, the Leader of the Opposition now attacks a former member of the Assembly, Mr Whalan, in his absence. I think that is - - -

MR SPEAKER: Order!

Mr Connolly: Professor Whalan, actually; a different person.

MR COLLAERY: I mean, Professor Whalan.

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Mr Speaker, I make available to the Assembly and I table an opinion dated 19 September 1990 by a principal legal officer in my Law Office, namely:

Lakes (Amendment) Bill 1990 - Opinion by Government Law Office, dated 19 September 1990.

Mr Speaker, this Opposition has decided to press along without any cooperative work with our Government. That has typified its role over the last 12 months in opposition. Its members believe that since they are born to rule in this town they do not have to behave like an opposition.

Mr Speaker, my current advice is that officer to officer level contact with DASETT suggests that the Commonwealth may be considering making legislation which complements a proposed Lakes Bill. Such complementary legislation would remove a number of the legal objections that have been made in the opinion that I have just circulated. But notwithstanding this, the Leader of the Opposition made it clear in her introductory speech that she thought this Bill would apply to Lake Burley Griffin. They were the words she used. In fact, Mr Speaker, her words were, quoting from *Hansard*:

The need for this Bill is highlighted by the increasing number of sailing vessels on Lake Burley Griffin at night.

There is a worthwhile motive here, although it was done and drafted outside the processes made available, and printing has been done at a cost to the ACT revenue. A few words of consultation with me or the Law Office would have prevented this anomaly and this mistake which would be laughable if it was not sad. It has effectively delayed an amendment that we could have agreed on last September.

Mr Speaker, even if the Commonwealth were to make legislation it should be complementary to legislation which the ACT Government makes. Certainly, we need to note that, if the Opposition wants to amend its Bill in the light of the legal advice that I have made available, it needs to consider my remarks to ensure that it properly reflects the appropriate rules on collision as well. I will not go into that; it will detain the house.

MR CONNOLLY (10.56): Mr Speaker, the Government's bad faith in this matter is breathtaking. If this Government was not already held in contempt by the community, this would show how this Government regards this house as laughable. The community holds you in the same view.

Private members' business may be regarded by commentators as perhaps falling into two categories - the political issues where there is a partisan difference across the floor of the Assembly, and the non-political issues of concern to the community where no partisan political point is sought to be taken or gained and where members bring a

matter of significant importance in good faith before this house. That is precisely why this Lakes (Amendment) Bill was introduced by Ms Follett in September. It was a measure in response to a community concern and it was introduced in good faith into this Assembly and presented to the Government for its consideration with statements by the Leader of the Opposition that we were happy to consult, we wished to consult on the matter, and we hoped that the Government would take up this legislative initiative. Since September of this year Ms Follett's office has, time and time again, sought to contact the relevant Minister to discuss this matter in a non-partisan spirit and in good faith, to try to get this necessary measure introduced.

The Attorney-General smugly, thinking he is clever, gets up today and says that there is a legal difficulty with this Bill. I have not read this opinion, and he may well be correct. It is based on Law Office advice, and as always we would look very carefully at the Law Office advice because we have respect for the advice of the Law Office. What it says in this advice may well be right; but the important point of this advice, Mr Speaker, is that it is dated 19 September. So, for nearly three months this Government has sat on this advice and has knocked back every effort by the Leader of the Opposition's office to consult in good faith on this matter, in order to give the Attorney his little moment in the sun where he jumps up and smugly and cleverly tries to score some political points off the Opposition. I suggest, Mr Speaker, that the opprobrium of the community will be directed at Mr Collaery, not at the Opposition.

The Opposition has, in good faith, introduced a necessary and desirable reform. It has repeatedly attempted to discuss this matter with the Government, and it is clearly not a partisan political issue. It is clearly not an issue with any ideological content. It is hardly likely that we are going to be fighting the next election on the issue of lights on sailing boats on Lake Burley Griffin or such other lakes as may or may not be covered by the legislation.

We have tried to do the right thing. The Leader of the Opposition's staff has repeatedly tried to do the right thing, dealing through the office of the relevant Minister, Mr DUBY. Instead of consultation in good faith as the Attorney says, and based - and I am not canvassing the validity of this advice - on the advice of the Law Office, there appears to be a problem. If, after 19 September when he was in receipt of this advice, the Attorney-General had passed the message on to the Leader of the Opposition's staff, "Look, we think there is a problem here. We understand what you are trying to do. We think there is a problem. Let us talk about it", as the Attorney says, it could have been sorted out in five minutes; but no, the Government is not prepared to discuss the matter in good faith. It is not prepared to seek a sensible solution to this problem. On receipt of this advice from the Law

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Office, rather than making it available to the Opposition and discussing the matter, the Attorney-General sat on it so that he could smugly and cleverly jump up in this Assembly and score some cheap, partisan, political points. Mr Speaker, he brings himself and his Government and their processes into contempt.

I hope we can resolve this point in the new year. We will look very carefully at what the Law Office has said. We are not out to score points on this legislation. We are out to respond to the community concern and if, as the Attorney himself said, we had talked about this matter, it could have been resolved. The office of the Leader of the Opposition tried to talk about this measure on repeated occasions; the Government was not interested. It did not even have the grace to tell us what its concern was. It did not have the courtesy, the simple courtesy, to say what its problem was. Rather, it sat pat for three months in order to produce this legal opinion in an attempt to make some cheap political point and show up the Opposition in some way. Mr Speaker, it is a grubby little tactic and it brings the Government into the ridicule that it properly deserves.

The Opposition is trying to do the right thing on this amendment. We would be happy, as the Leader of the Opposition said on its introduction, to talk to the Government about this Bill. We do not want to score political points; we want to get a reform in place. Instead of addressing the matter in that spirit, discussing it with the Leader of the Opposition's office and advising us of this potential difficulty that the Law Office has indicated - which would have resulted, no doubt, in the Opposition perhaps making some amendments and being in a position to acknowledge the cooperation of the Government and to acknowledge the fact that on this measure both sides of the Assembly could have got together to try to solve a problem for the community - there was nothing; no consultation, no consideration, not even the courtesy of telling the office of the Leader of the Opposition what the problem was. Mr Collaery just wanted five minutes of smugness to jump up in private members' business this morning and appear to be terribly clever. Mr Speaker, nobody thinks the Attorney was terribly clever over this tactic. It was a grubby little tactic and it brings this Assembly further into disrepute, if it is possible for this Government to bring it any further into disrepute.

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

POSTPONEMENT OF BUSINESS

MR BERRY (11.03): Mr Speaker, I move:

That notices Nos 2 to 20, private Members' business, and orders of the day Nos 2 to 6, private Members' business, be postponed until a later hour this day.

Mr Speaker, the reason for this postponement is to enable the Assembly to consider the Sexually Transmitted Diseases (Amendment) Bill which was to have come before this place as a matter of private members' business. It has been discussed with Government members, and I expect no resistance to this proposal.

Question resolved in the affirmative.

SEXUALLY TRANSMITTED DISEASES (AMENDMENT) BILL 1990

Debate resumed from 28 November 1990, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

MR BERRY (11.04): Mr Speaker, this Bill merely sets out to change the title of the Venereal Diseases Act 1956 and, wherever that title appears throughout related legislation, it also seeks to change it to read "sexually transmitted diseases". It is a quite simple Bill, Mr Speaker. I will also be moving an amendment to the Sexually Transmitted Diseases (Amendment) Bill which - - -

Mr Jensen: On a point of order, Mr Speaker: I just draw the Assembly's attention to the fact that I believe that Mr Berry initiated this Bill and has already spoken and I believe that Mr Humphries, in fact, was due to speak next on this matter.

Mr Connolly: He sought leave and it was granted.

Mr Jensen: Yes, to bring it back on, not to speak to the Bill.

MR SPEAKER: I will just take advice on that. I could not remember who had spoken on that.

There is a valid point there that you, Mr Berry, having initiated this Bill, would be closing the debate. I would suggest, therefore, that you seek leave to address this question at this time.

MR BERRY: I seek leave accordingly.

Leave granted.

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MR BERRY: As I was saying, Mr Speaker, I will also move to further amend the Sexually Transmitted Diseases (Amendment) Bill to include a proposed new clause 5A, headed "Repeal", which is to repeal section 6B of the principal Act. That amendment has been circulated in my name and, if it is appropriate, I will formally move that now. It is not appropriate? I will not do that then.

Mr Speaker, I have nothing more to say on the proposed Bill, other than to repeat what I have already said. It is a simple name change and it seeks to do no more than that.

Ms Follett: Here we go again.

MR COLLAERY (Attorney-General) (11.07): Mr Speaker, the Leader of the Opposition makes a snide comment, "Here we go again". I am pleased that the members of the media are here to see Ms Follett in her other image, because we see it a lot in the other hours of this Assembly. It is pretty snide these days, Mr Speaker, and we sit here, facing that.

Mr Speaker, the Bill before the Assembly results from positive and effective consultation between Mr Berry and my colleague Mr Humphries. It is consultation that works, that proves the fatuousness and stupidity of the comments that Mr Connolly just made. You could not believe how inept this Opposition is. Mr Speaker, the Opposition altered the business paper to bring down an admission that defeats the submission that it made a few moments before. I would worry about being defended on a parking fine by this crowd opposite.

Mr Speaker, this Bill before the Assembly results from effective consultation between the Government and the Opposition - most effective consultation. It was suggested that on numerous or many occasions Ms Follett's office had contacted the relevant Minister's office - in this case, Mr DUBY's office, because it cannot be my office - - -

Mr Berry: On a point of order, Mr Speaker: I would just like the member opposite to contain his comments to the Sexually Transmitted Diseases (Amendment) Bill.

MR SPEAKER: Please remain relevant, Mr Collaery.

MR COLLAERY: Mr Speaker, bearing in mind the subject, I will maintain a proper distance from the Opposition.

The fact is that this Opposition has the advantage of having a Bill on its record. In effect, Mr Humphries put forward a Venereal Diseases (Amendment) Bill which is going to be subsumed by the Sexually Transmitted Diseases (Amendment) Bill 1990. That is the language the Opposition has chosen. In effect, Mr Speaker - - -

MR SPEAKER: Mr Collaery, before you proceed, I am sure there was an imputation back there on your distance from members, and I would ask you to withdraw that.

MR COLLAERY: I withdraw any imputation about - - -

MR SPEAKER: I understood that you were suggesting that there was some problem with sexually transmitted diseases and distance from the members of the Opposition.

MR COLLAERY: Mr Speaker, I withdraw that imputation. Mr Speaker, this Bill and the manner in which Mr Humphries has allowed his Bill schedule to be transferred to Mr Berry - in effect, to give the Opposition members a much needed piece of legislation, considering how a few minutes ago they were sunk six fathoms deep in the lake - indicate the total nonsensicalness of Mr Connolly's high-sounding, high morality, unctuous speech in which he made some personal attacks on me prior to this speech. Mr Speaker, this Bill demonstrates effective liaison on the floor, and it demonstrates the fact that, when the Opposition is willing to speak to the other side, things get done.

Mr Duby's advice is that until the last 24 hours he was never approached about the lakes Bill. So, where is the evidence, Mr Speaker, that on many occasions the Leader of the Opposition spoke to the Government about the lakes Bill? We want that put on the table. We have inquired from our personal staff and to the best of our knowledge we can find no record.

Mr Berry: I think a point of order is relevant. Can he just stick to the point? This is really not about Mr Collaery's failure to be able to cope with such important legislation as the Lakes (Amendment) Bill. It is really about trying to tidy up the issue of the Sexually Transmitted Diseases (Amendment) Bill - no more than that.

MR SPEAKER: Your point is upheld, Mr Berry. Please remain relevant, Mr Collaery.

MR COLLAERY: Yes, Mr Speaker. I, perhaps, would not have gone this far if the Opposition had not used the tactic of adjourning the lakes Bill without Mr Duby, who had the allegation thrown at him, having the right of response. Members would have picked that up and seen those tactics. My final words are that this is another boomerang from an inept Opposition which is getting into deeper disarray every day in this house.

Mr Berry: You need to do to him what you did to Mr Moore last night. That was a point of order.

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

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MR HUMPHRIES (Minister for Health, Education and the Arts) (11.12): There is not a great deal to say about this matter. The change of the name of the Bill to Sexually Transmitted Diseases (Amendment) Bill is an appropriate move in light of the evolution of this area of science, if you like. I have taken advice from my department. There seems to be no problem with that change of name and I am quite happy to support that. It also seems appropriate, given that a Bill is to be moved and that a Bill was to have been debated tomorrow on the same subject, that the two matters be brought together. I am not sure whether it is a sensible precedent to incorporate Government business into private members' business, but those opposite are happy and I am not unhappy in those circumstances.

The change of name is an important recognition of the evolution of this area. I think that we should support the more accurate reflection of the nature of the problem by the use of this new title. Mr Speaker, the matters which I raised in the debate on the Venereal Diseases (Amendment) Bill previously are therefore apposite in this. I will not repeat those comments. I commend the Opposition for allowing us to dispose of a matter which would otherwise have consumed time tomorrow.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 5, by leave, taken together, and agreed to.

New clause 5A

MR BERRY (11.14): I move:

That the following new clause be inserted after clause 5:

Repeal

"5A. Section 6B of the Principal Act is repealed."

Mr Speaker, this amendment seeks to incorporate the action which was initiated by the Government. It is merely an efficient way of dealing with the legislation which has been proposed by the Government. It is merely a question of timing and sweeping the issue aside as quickly as possible.

Amendment agreed to.

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

Bill, as amended, agreed to.

SUMMERNATS

MS FOLLETT (Leader of the Opposition) (11.16): I move:

That -

- (1) it is the concern of this Assembly that proper and co-ordinated planning for this year's Summernats has not yet been concluded; and
- (2) this Assembly calls on the Government to provide an unqualified assurance that the previous commitment made by the Government will be honoured and that, in particular, proper policing will be provided for this year's Summernats.

My reason for moving this motion at this time of the year is that the issue of the Summernats will be upon us very shortly. Earlier this year I drew attention to this function and to the difficulties that were experienced on account of the function by people in the north Canberra area. Those difficulties, I am sure members will recall, related to things like car racing in the streets, dangerous driving, incidents of people camping in public areas where camping is not actually allowed, incidents of damage to private property and offensive behaviour. There was a significant amount of noise pollution; there were significant amounts of rubbish to be removed. All in all, for a lot of the people in the north Canberra area it was not a happy event at all.

When I raised it previously I said that I am not opposed to the Summernats; I think it should go ahead. But, if the degree of discomfort and nuisance and worry to the people in the area is such that they do not feel they can live with it, then I think that something has to be done about the event. I raised the issue of the Summernats last year in the hope of getting some effective response from the Government and indeed, at that time, we had any number of assurances from Mr DUBY that everything was all right, it had all been taken in hand and he had the matter totally under control.

I raise it again this year because I really do not think that that is the case. I have been made aware from a couple of sources that people remain very concerned about the Summernats, and some of them, in fact, are dreading the recurrence this year of the events of last year. I know that local residents have mentioned it to me. I know that the newly formed Watson Community Association and the Neighbourhood Watch in the area have expressed grave concern, and I must say, Mr Speaker, that officers of the Australian Federal Police at a senior level have mentioned informally to me that they are not very happy with the arrangements that are in place either.

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So, I have called upon Mr DUBY to give us some assurances in this place. I do so, Mr Speaker, in the knowledge that the last time the matter was raised, a number of undertakings were given by the Government, and I do not believe that we have any reason to have confidence in those undertakings, because the fact is that some of the undertakings made have simply not been kept. I refer in particular to Mr Collaery's comments in that debate where he expressed an interest in response to Mr Moore's comments about the use of the move-on powers in relation to the Summernats. In his speech Mr Collaery said:

I undertake to inform the house as to whether that move-on power was used or contemplated or was or was not useful, in relation to the problems that the Leader of the Opposition has alluded to.

Those problems, of course, were problems in relation to the Summernats. Now, as far as I am aware, there has been no report by Mr Collaery on that aspect of the Summernats. It was an undertaking that he gave on 15 February 1990. It is an undertaking that should have been kept well before now.

Mr Speaker, I do have a genuine interest in whether the move-on powers were used and whether they will be used again. In his comments there Mr Collaery indicated that he felt that the move-on powers were of use only where a situation might become violent. I think that what we are seeing in relation to the Summernats is more of a public nuisance and a public offence rather than violence, and I would very much like him to report this morning. He has been very fulsome in his reports to us on any number of other issues. Is he prepared to meet his undertaking of 15 February and report to us on the use of move-on powers in relation to the Summernats?

I would also like an unqualified assurance from the Government that all of the incidents that took place last year will not be repeated. What action, for instance, have they taken in relation to camping in inappropriate areas? What will be the controls on that at this year's event? What action will they take to enforce all of the traffic laws in the area where the Summernats occurs? That was one of the greatest causes of offence and of concern to the residents. There was racing in the streets and quite clear breaches of traffic laws which, on the last occasion, appeared not to be controlled. What action has the Government taken in relation to that?

I would also ask the Government to inform the Assembly what policing arrangements have been made with the Australian Federal Police in relation to the Summernats? They have expressed some concern to me. I wish to know - - -

Mr Jensen: Who is "they"?

MS FOLLETT: The Australian Federal Police. You must pay attention. I would like to know how many police will be on duty in that area, what will be the cost of the Australian Federal Police work in the Summernats period, and who will be paying that cost. I do not believe that they are unreasonable questions to ask, given the extreme concern that was expressed over the event last year.

I have received any number of letters from residents expressing their grave worry. I have one here that goes through all of the issues that I have discussed and the writer, who is a man of mature years, concludes in his letter, "We are disturbed and frightened". Mr Speaker, as someone who also experienced that event last year, I can understand his feelings. The fact is that the residents were subject to constant harassment, whether by way of noise or by way of offensive behaviour and mess in the streets, and they are not prepared to go through that again. I do not think they ought to. I would call upon the Government to respond to the motion that I am moving today, if it is able to, to reassure us on all of those points.

In particular, Mr Speaker, I think the issue of policing is an important one. Mr Collaery has not yet responded to the issues that were raised on 15 February, but I believe that it is quite clearly a matter where community policing will be put to the test. This is a community issue; the residents of Watson, Downer, Hackett, and, in fact, all along Northbourne Avenue and out to Giralang have expressed grave concern about their welfare and their safety during this period. So, it is a community policing issue. Mr Collaery did undertake to report to us on some aspects of that community policing role. He has not yet done so. So, we have to ask whether the Government has, in fact, done anything in relation to the policing of the Summernats event. If so, what is it, what will it cost, and who will pay for it? I hope that Mr DUBY is able to answer those questions.

What does concern me as well is that there does not appear to have been a great deal of community consultation on the part of the Government over this issue. If there has been, I would very much like to hear about it. I know that Mr DUBY, in speaking to the matter last time, said that he had had discussions with the Australian Federal Police and with Natex. But the concerns are amongst the people in the suburbs, and I do not think that you can take it that any assurances given by other groups with a particular interest in this function will meet the concerns of the community. I would like to hear from Mr DUBY, also, on what consultation he has undertaken, given that I have been trying to consult with Mr DUBY for well over a week and have not had the courtesy of an appointment.

Mr DUBY: That is not true.

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MS FOLLETT: That is true. Mr Speaker, I believe that this is a very real issue for the people in the north Canberra area. It is an issue that is of great concern to them, and I think it is up to the Government to respond to that concern. I have seen nothing from it on the issue. In particular, its members have not followed up the undertakings that they gave on 15 February. Today I am giving them an opportunity to do so. I hope that they will be able to address all of those issues that I have raised.

If people are able to be reassured, if those guarantees are able to be given, I will be only too happy to let people know. But in the absence of any information, and particularly in the absence of the information that was promised in February, I think people are quite rightly concerned, and they are now expressing that concern.

MR STEFANIAK (11.25): Mr Speaker, I think that after Ms Follett hears from the Government speakers - myself, Mr DUBY and Mr COLLAERY - in relation to this matter, any fears she has should certainly be allayed, because the Government has been very actively looking at this matter for close on twelve months.

I must say that I am somewhat heartened to see Ms Follett actually take an interest in the Summernats, and take an interest in behavioural problems and some law and order problems here. This might be a sign of things to come. I certainly hope so. I listened with interest to a number of matters she raised. I know that she has had a concern about this for some time, although I do not think she was the first member in the Assembly to express concern in relation to the Summernats.

Ms Follett: Yes, I was.

MR STEFANIAK: I do not think you were, Ms Follett. At the invitation of the Australian Federal Police I went out there on 30 and 31 December last year. That was a Saturday night. I went out from about 7.00 pm through to about 2 or 3 o'clock the following morning. I had a good look around the entire area. I went out with a few police foot patrols, a few police mobile patrols. I observed the carnival. I observed some of the problems, and even observed the aftermath of some of the people who were arrested and taken back being charged at the City Police Station.

A number of valid points were raised in relation to behavioural problems, both by the police and by residents. I would refer Ms Follett to, I think, a Canberra Times article on 1 January, where I expressed a number of concerns I had. I do not think I heard from Ms Follett expressing any concerns until some time into January, at least.

In relation to the Summernats this year, I took those concerns up with Mr Collaery and Mr DUBY, as did other members of the Government. I am well aware, because I was involved in a number of meetings with both of those Ministers and consultation not only with the relevant official bodies but also with certain members of the community who had concerns. So, certainly from my personal experience, the Government has been consulting quite considerably on this and addressing the problem. I think Ms Follett referred to a statement made by Mr DUBY on 15 December.

Mr Speaker, the Summer Street Car Nationals are held annually in Canberra, and this year's event will be held between 27 and 30 December 1990. The event is recognised as being important as an entertainment and tourist attraction, and indeed I think that has been acknowledged by the Assembly's Standing Committee on Social Policy. A lot of people come to Canberra. I think we are estimating that about 80,000 people will be watching this event, many of them coming to Canberra. The vast majority of those 80,000 participants are law-abiding people who cause no problems. Indeed, a lot of the element that caused problems last year was, in fact, locals, rather than interstate attenders at the carnival.

I talked to a large number of police out there last year, Mr Speaker - senior officers and junior officers - and very few of them wanted to see the event cancelled. Most of them regarded it, despite the problems, as being a very important event for Canberra. It brought a bit of life into the city and it brought a bit of business into the city at a relevant period of time, when Canberra is pretty quiet. There certainly are behavioural problems. It is interesting and, I think, somewhat hypocritical - which I will come to later - for the Labor Party to start trying to cast stones in relation to trouble in the suburbs, because I think its members have done precious little in relation to law and order over the last few years. Perhaps I will say a little bit more on that later. Unsocial behaviour did emanate from a minority of those attending, and I do not believe that that small number should be allowed to spoil the event for the very vast majority who go there and behave themselves and contribute to the event in a law-abiding way.

A number of measures which will be elaborated on by other Government speakers have been taken by this Government. In line with the recommendations of your Social Policy Committee, Mr Wood, "No camping" signs have been placed along Northbourne Avenue adjacent to Watson and Downer. During the event "No parking" signs and temporary fencing will also be placed along Northbourne Avenue adjacent to Natex, and those measures will be enforced by the Australian Federal Police, by the Parks and Conservation rangers and by the parking inspectors.

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The Government has been involved in a series of negotiations with the organisers about how this event is to be conducted, and there will be police patrols. The organisers have been very cooperative with the Government to ensure that there is a minimum of disturbance and a minimum of danger or harm to people or property in the area. With the fencing, with the patrols and with the measures taken by the Government and by the authorities to ensure that some of the events of last year do not occur, I think we will see a great decrease in anti-social behaviour, especially some of the very worrying aspects of property damage, such as people ripping down fence palings and burning them, that occurred along Northbourne Avenue last year.

With the measures the Government will be taking to ensure that the relevant signs are put up and the relevant fencing is put up to stop people parking there and camping there, and with the measures to be taken within Natex itself by the organisers, and the measures that will be taken to enforce these measures not only by the rangers and the parking inspectors but also by the AFP, this year's event should be considerably different, and a large number of the problems simply will not be there to the same extent as they have been in previous years. The actions to be taken by the Government and which have been taken by the Government are totally consistent with the recommendations made, Mr Wood, by your Social Policy Committee.

One of the problems last year was that a lot of people who come to this event - all right, let us call it the hoon element - come here and budget on paying about \$500 in fines. A lot of traffic infringement notices were issued by police last year and a number of people were charged as well for driving in a dangerous manner and negligent driving - more serious matters than what you might get with a traffic infringement notice. But a lot of people laughed at the traffic infringement notices because then they were very low, \$80 being the maximum. This year the Government has acted on the concerns expressed by the police. Those infringement notices have been increased to \$130 and, as I said in this house when Mr Duby introduced those measures, I was very pleased to hear him say that the upper limit will also be looked at to see whether it should not be increased further. Certainly, I believe that it should be increased further than that; perhaps even \$130 is a little bit on the low side. That is why I was very pleased to see him indicate that that will be looked at, and they will be increased further if need be. So, that request by the police to provide a little bit more of a deterrent for some of these would-be traffic offenders has been actioned by the Government, and if need be the Government will increase those further in the new year.

Ms Follett mentioned use of the move-on powers. I am not certain whether it was in one of those reports produced by Assistant Commissioner Bates for this Assembly, or whether it was from some other document or from something I was

told by police officers, but I do recall the move-on powers being used at least once during the Summernats last year. That was thanks to this Government and no thanks to the Opposition, which seeks to have those very useful crime preventive tools removed from the rather limited arsenal the police have to combat crime in Canberra. Due to the actions of this Government, the attempt by the Labor Party to knock those essential powers out was defeated, and they will again be available to the police to be used at Natex should the need arise.

Mr Berry: Were they used there last time?

MR STEFANIAK: My understanding, Mr Berry, is yes, they were. I cannot tell you off the top of my head whether that was from a document which is before the Assembly or from some other source, but certainly I recall seeing something or being told that they were used, and no doubt if need be they will be used again. Indeed, it is amazing to see the Opposition cry about problems that occur at Natex when it has an absolute paranoia about giving the police any additional powers that the police reasonably need to do their job properly.

Mr Berry: Rubbish!

MR STEFANIAK: That is not rubbish, Mr Berry; that is because of your stupid left wing hang-up which you have in the Labor Party and which you have had for a number of years. Wake up to yourselves, realise that there is a problem and realise that maybe the police do need some additional powers to do their job properly, because you are really blowing into a gale, into the wind, by having a great whinge.

Mr Berry: They did not use the move-on powers. They could not be bothered arresting people.

MR STEFANIAK: Mr Berry, on that Saturday night I was there I saw about 60 people who had been arrested for various offences, so it is hardly a case of the police not being prepared to arrest people. The police there did an excellent job.

Mr Wood: There you are; they had the powers. They used the powers. That is all they need to do.

MR STEFANIAK: They used a number of powers, Mr Wood. If you lot had your way, you would be reducing police powers even further. You made a great attempt to knock out the move-on powers, did you not?

MR SPEAKER: Order! Relevance please, Mr Stefaniak.

MR STEFANIAK: I think it is highly relevant, Mr Speaker. So, what a bunch of hypocrites you are, really. Wake up to yourselves.

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Mr Wood: We want the police to be there and to use their powers.

MR STEFANIAK: The police will be there, and the Attorney-General will be addressing that further. He will be going into more detail in relation to police arrangements. Police have always been at Natex to control this event.

Mr Berry: Another Alliance disaster.

MR STEFANIAK: Mr Berry, what do you mean by "another Alliance disaster"? It would be even more of a disaster if you knocked out the move-on powers, mate; that is for sure. If you lot were running it this year, it would be an absolute shemozzle.

MR SPEAKER: Order! Mr Stefaniak, address your comments through the Chair.

MR STEFANIAK: Yes, Mr Speaker, I will. With the measures that this Government has set in place for the Summernats after lengthy consultations with the Australian Federal Police, the Summernats people themselves, the relevant people in Mr DUBY's office and other persons in the general community who have spoken to the Government over the last 12 months about problems in relation to the Summernats, we should see a very good event this year. It should bring a lot of people to Canberra and it should have a lot less of the very disturbing problems which were caused by a very small minority and which spoilt the enjoyment of the vast majority of participants last year, and also disturbed the rightful peace and quiet that people in the surrounding suburbs are entitled to and should be entitled to. This Government has set in train a large number of actions that will counter many of the problems that have been experienced in recent years. I look forward to seeing a much more peaceful but very enjoyable Summernats this year.

MR STEVENSON (11.37): Mr Speaker, there have certainly been warranted concerns about activities associated with the Summernats. I can well understand why the Labor leader brought the matter up. Indeed, I had some concerns about the current planning that was in progress for handling the problems of the Summernats. I thank Mr Stefaniak for allaying those concerns. He covered the matter very well indeed and it would seem that all that can be done has been done.

The major problem, perhaps, has been the one of camping, and that looks like not being a problem in this year's Summernats. Perhaps the second most important problem was the parade of vehicles along Northbourne Avenue. There is no doubt that the difficulties that have been encountered with that parade can be handled without the cancellation of the parade. I think it would be a great shame if the parade were cancelled. It does give the community in Canberra the opportunity to look at the vehicles without having to go to the actual Summernats exhibition. The

community policing that has been spoken about is certainly the answer to the problems that the police have in Canberra. In this case they have been given support by the Assembly with the move-on powers. I can well understand that they would be something that would be an effective deterrent to potential problems at the Summernats this year.

I think it would be beyond reason to consider that there will be absolutely no problems at the Summernats. When people drink alcohol, when some people get together without perhaps the respect for the law that they should have, there are bound to be some problems. But I believe that, by working together with the police, with the members of this Assembly and with the members of the public who quite rightly bring their concerns along to us, we can make this Summernats perhaps the best that there has ever been. What is the Summernats but a place where people can go to enjoy the activities, and that is what it should be. I would see this as perhaps being the best that there has been, and, if further problems arise, we can ensure that they do not happen for the following year as well.

MRS GRASSBY (11.40): Mr Speaker, without a doubt the residents of Canberra wish to see the organisation surrounding the Summernats improved. I support those people. The fact is that Mr Stefaniak does not live right near where it all happens; therefore it does not affect him. But if you live in that area it does. I have here a file full of letters from people who wrote to me complaining. Some of the things were noise harassment, driving in a manner dangerous to the public, continuously breaking the law, the filthy state of the roadside in the vicinity of the Summernats, excessive drinking, camping on public property, damage to private property and traffic hazards. I can go on for page after page with what they had to say. I cannot tell you really how many letters there are here, but I understand that there are even more in other peoples' files. Other members of the Assembly and I have also received telephone complaints on those matters. It is clear that the Summernats is an important issue to the Canberra community, especially for those living near the National Exhibition Centre.

As I said, if you are living near there or the northern end of Northbourne Avenue you are the ones that have to suffer. While some would like to see the event stopped completely, I believe that to be an unrealistic position. The event is economically good for Canberra and it provides a focus to those many car enthusiasts in the community. And I must say, Mr Speaker, that most who participate in the event are responsible people. Many involved in car clubs in the Canberra region are family types who enjoy motoring rather than speed and alcohol. I speak for those sorts of people who do. They are not all what we are discussing here. What is needed is for the current Government to ensure that

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the event goes smoothly by guaranteeing adequate policing and other logistical requirements. As I say, they are not for people who do not live near it; they are for all the people who live near it and who have to put up with it.

I would like to quote a few things here from a few of the members. On 1 January the *Canberra Times* stated:

Residents Rally MLA Hector Kinloch said he was appalled by the violence and that the stoning of police could not be tolerated.

Some business went on apparently at the Dickson pool. Visitors caused lots of problems there.

I would also like to quote something by Mr Stefaniak that is very important. This was in the *Canberra Times* on 2 January:

Mr Stefaniak's solution is to change the law to make the spilling of oil on roads and the performance of burnouts illegal. In other words, to introduce a law to cope with a problem which lasts for less than 48 hours each year. An alternative solution is to accept that such activities are going to take place and set aside some space where hot-headed drivers can shred expensive tyres and let off steam to their hearts' content. It should not be in or near a residential area and it does not have to be Canberra's main drag. All it has to be is a few blocks - perhaps in Mitchell ...

I disagree with that too, Mr Stefaniak. I do not think it should be in any streets in Canberra where people live. I think it is wrong if you are going to allow people to do this sort of thing.

Mr Speaker, we are happy to accept the revenue that this event raises, but the Alliance Government has to take the responsibility for ensuring that it does not become chaotic. We have been waiting for a report from Mr Collaery. Mr Collaery seems to be able to get up on his feet very quickly in this house and damn the Opposition for Bills it is trying to bring into the house; but he cannot even bring down a report, and our leader cannot even get an appointment to see him. This is pathetic, yet he stands there and condemns us on the fact that we are trying to bring into this house Bills that are necessary for this area.

There is a major inflow of people and cars to Canberra during the staging of this event. We do not want to take away this revenue, but these people have to learn to be controlled. People have been camping on the side of the road and in suburban green spaces, and others believe that they have the right to participate in drag racing along suburban roads. This is out, Mr Speaker; this cannot

happen. Some of them apparently decide that they have the right to use a toilet whenever and wherever they wish. This is another thing that is not acceptable to people in Canberra. It distresses people living in that area of Watson and Downer. People complained that their paling fences were pulled off and burned down. Another lady complained to me that all the rubbish from her bins was emptied over the road. The Government has to take this on. It cannot pass the buck. It has to clean it up. It has to see that something is done.

For 12 months we have waited for this report; we still have not seen it. But then, after the antics and the way Mr Collaery went on in the house, I am not surprised that we have not seen this report. We all know what Mickey Mouse is getting for Christmas. He is getting a Bernard Collaery watch. I do not honestly think it is really funny, Mr Speaker; I think it is sad the way Mr Collaery went on in this house today and I, as a member of the Opposition, am very sorry to see it.

I do not blame all the members of the Government for this; I blame them for the fact that they have Mr Collaery on their benches. I am very sorry for the Chief Minister that he has to put up with it. Obviously, Mr Collaery cannot organise his own office, his own Law Office, and he cannot organise for us to get a report on the Summernats. But, maybe, after this we might get it. I feel very sorry for the rest of the Government which has to put up with him, Mr Speaker.

MR DUBY (Minister for Finance and Urban Services) (11.46): I move the following amendment:

Omit paragraph (1).

Mr Speaker, I am rising to speak to an amendment that I am making to the motion put by Ms Follett. I believe that it is currently being circulated. The reason for the amendment is that the paragraph in the original motion says:

- (1) it is the concern of this Assembly that proper and co-ordinated planning for this year's Summernats has not yet been concluded;

It has been demonstrated, and will be demonstrated by me, that that is simply factually not correct. Extensive and coordinated planning has occurred on a whole range of issues connected with this year's Summernats. As said by Mr Stefaniak, the Summernats are held annually. There is no doubt that the 1989 event was of concern to the ACT Government, to the AFP and, of course, to the ACT community at large, and undoubtedly it is for that very reason that Ms Follett has raised this motion.

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The matter has also, of course, been addressed through the year by the Standing Committee on Social Policy, during its inquiry into public behaviour, and quite rightly so. There is no doubt that significant crowds do attend the Summernats. It is a very popular event - something which brings a large number of visitors to the community and something which puts money into the ACT community over what is generally considered to be a slow period within the hospitality industry, around Christmas-New Year. It is generally considered that a quite substantial amount of money comes into the community through the Summernats, and for that very reason I think it is fair to say that all sides of politics in this Assembly support the continuation of the Summernats. However, of course, it needs to be properly managed and controlled so that it does not get out of hand as it has in previous years.

There is no doubt that the majority of the participants and of the crowd are quite law-abiding and cause no problems. However, as with any large crowd, an event like this certainly does attract a certain hoodlum element who have caused problems when, on occasions, they have overflowed to the neighbouring suburbs, the suburbs of the inner north. The residents there are often people who have been in the area for quite some time. They are people who are certainly not young people; there may be middle-aged and elderly folk who often feel threatened by the presence of the sort of person who would attend a Summernats event.

It is fair to say that some of the past criticisms of the events in both 1988 and 1989 may well have been avoided if the event had been better planned and managed, and I think that is the very basis of the motion that Ms Follett has put up. For that reason an extensive amount of planning and management for this year's event has occurred. There have been ongoing meetings between members of the AFP, my Department of Urban Services, the National Exhibition Centre Trust and Street Machine Services Pty Ltd, which is the organisation which controls this particular meeting. They have canvassed a number of proposals to reduce the inconvenience caused to residents, and those included the banning of camping and parking on Northbourne Avenue.

I think the nature of the event demands that coordinated planning be ongoing to cater for contingencies as they arise. As I said, the planning group, comprising representatives of all those organisations, has been coordinating measures to ensure that parking and camping will be prohibited along Northbourne Avenue between Stirling Avenue and the Barton Highway. That is one example of some of the measures that we have taken this year. My department is arranging for temporary fencing to be erected along both sides of Northbourne Avenue in the vicinity of the National Exhibition Centre, to prevent parking and camping on the verges and the median strips. In order to minimise the impact of traffic congestion, signposts prohibiting parking and U-turns will be erected along Northbourne Avenue between Stirling Avenue and the

Barton Highway. In the same area a number of enlarged "No camping" signs will be installed. Camping inspectors from my department will patrol Northbourne Avenue and the adjoining suburbs of Watson and Downer to prevent unauthorised camping in those areas, not only along the highway but also in the areas of the schools and ovals, et cetera, in those particular suburbs. I think the residents can be quite satisfied that unauthorised camping will not occur.

Mr Wood: How many inspectors?

MR DUBY: Two inspectors will be available on each of the four days from Thursday, 27 December, through to Sunday, 30 December. Those camping inspector patrols will operate until the early hours of each morning. Special traffic signs will be erected on the northern and southern approaches to that particular section of Northbourne Avenue, advising motorists of alternative routes to be taken to avoid delays.

When you look at all the measures that we are taking, namely, the measures of fencing, additional signposting and additional enforcement comprising coordination with the police, I am sure that the satisfactory management of Northbourne Avenue during this year's Summer National event will be well maintained. In addition, AFP members will be policing the event and they will be exercising discretion in relation to the laws that they enforce. To a large extent those decisions by the AFP officers will be based on their assessment of the situation at hand. The police will focus on actions which cannot be ignored, particularly because of their seriousness or their potential to cause real harm or physical danger to persons or property.

As I said earlier, the greater percentage of that sort of action is caused by, I guess you could say, a hoodlum element. They are attracted to that event and they often overindulge in alcohol. The police will be maintaining a high visible presence through the use of numerous officers - I do not have the numbers in front of me - on foot, mingling with the crowd, in addition to mobile traffic patrols. Police will thereby be generally managing the crowds so as to avoid large-scale incidents of unlawful behaviour. I believe that that selective enforcement, combined with the appropriate level of planning as demonstrated in my speech, is the most effective means of handling this sort of event.

People have also mentioned the "super drive", or whatever the phrase may be. Under AFP direction the organisers of the event have agreed to restrict activities to the Natex ground, with the exception of, of course, that police controlled cruise down Northbourne Avenue. The organisers and the police have come to a common figure in that the number of participants in that cruise is to be restricted

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to 150 vehicles. So, all in all I think I have demonstrated quite ably that just about all the contingencies that could be thought of have been taken care of.

Ms Follett raised the issue of community consultation. Whilst it is true that direct contact with individuals from community groups who live in that area and with individuals who live in the adjoining suburbs has not been made, all concerns expressed directly to my office have been acknowledged and have been taken into account. Those concerns expressed by individuals have been dealt with in the planning of this year's event and in the coordination of arrangements between my Department of Urban Services, the AFP, Natex and the organisers from Street Machine Services Pty Ltd. I am very confident, Mr Speaker, that this year those legitimate concerns that have been expressed will be met by the Government.

Accordingly, as I said, to Ms Follett's motion I have moved an amendment that paragraph (1), namely, "that proper and co-ordinated planning for this year's Summernats has not yet been concluded", be deleted, because it is my opinion - and I think it is fairly obvious to those opposite - that proper and coordinated planning for this year's event has occurred.

MR WOOD (11.56): Mr Speaker, in its rather miserable year of office the Alliance Government has not demonstrated much concern for the residents of north Canberra. We have only to look back and see its actions over the Ainslie tip to see clear evidence of that. I think also, of course, of Hackett Primary School which closed yesterday; and, if we are talking about roads, we can think about the Wakefield Avenue intersection that was closed for so long. So, the residents of north Canberra do not have much to thank this Government for, and they are looking for the protection that only this Government can give from the unnecessary noise, distraction, pollution and rowdyism that may emanate from this long party.

A great number of problems have arisen - last year, in particular - from the Summernats. We noted the extent of those problems in the Social Policy Committee as we read the report of the major problems and of the number of arrests that were made that was given to us by the Australian Federal Police. I would think, also, that that number of arrests indicates only the surface of the problem. Had there been a larger number of police employed and had every infringement been booked, the arrests would have gone into the thousands. So, the residents want to see that there is no repetition of the problems of previous years. I am not reassured by what Mr Duby says, even though, as he and Mr Stefaniak indicate, they have picked up some of the recommendations from the Social Policy Committee.

For a preview of this year's event I went to the magazines that promote it. I have an official program of the street machine Summernats and a magazine, Street Machine, that heavily promotes it. It is true that they acknowledge problems from last year. They point out:

At one stage there was some problem with the undesirable element last year, but Chick and his team have put a lot of work into that, including discussions with the local authorities. Indications are that there will not be cause for local complaint this year.

I hope that is the case. I am not sure, however, that it is the case. The Australian Federal Police reported that there were something like 80,000 participants last year. I would think that that was in total over the three or four days. I do not think it attracted that number on any one day.

It has been claimed that there is some considerable financial benefit to the ACT as a result of the Summernats. I am one who says, "Look, let us have it here. It is desirable if it can be conducted properly". But I dispute that there is a great deal of money to the ACT as a result of it. Certainly, a lot of alcohol is sold. There is not much spent on accommodation. They tend to camp on the roads, maybe this year in the exhibition centre itself; but there is not a great deal of money for the ACT. Natex benefits. Spectators spend a lot of money; but that money is spent internally in the showgrounds, with the various stalls that bring specialist gear to the ACT. I do not think that very much of that feeds out to traders in the ACT. So, I would not want to say at any time that this is of such enormous benefit to the ACT that we simply have to have it.

The problems that arise relate to abuse of alcohol - and how often do we say that? They relate to the behaviour of people resulting from the abuse of alcohol, and to the cruising that seems to be an essential part of any program. I would believe that, again this year, even the well-behaved people who bring their hotted up machines to this event will be breaking laws. Did Mr Duby say or will Mr Collaery say that if oil is poured on the road in the town area of Canberra people will be charged? I am not sure that that will happen.

Even by driving their machines down the street I suspect that every car owner will be breaking laws relating to noise. By their nature laws will be broken, and I do not know how much tolerance the community should have. Certainly, we will be showing some tolerance by allowing the cars to drive down. I do not know whether Mr Duby is going to have health inspectors or other inspectors to check noise pollution and check every car. I do not expect that is going to happen; but it is a problem, of course, for those people in north Canberra.

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The organisers point out in their magazine - and I am pleased to note that they do - that there is to be no camping along Northbourne Avenue. I would wish they gave it higher priority. I have noticed a TV advertisement where the same message flashes at the bottom of the screen. They have not really promoted it. The official program does not make any mention of it and it receives a paragraph in the whole of one magazine. So, it is not really heavily promoted. I would have preferred one or two full page advertisements advising these people what they can and cannot do when in Canberra. I would have hoped that the organisers could have pushed this matter rather harder than they have done. Let us acknowledge what they have done.

Let me point to the problem that may emerge this year. Ms Follett, you may not be happy to know that you are going to be blasted by sound. This year the organisers are talking about Australia's first major street machine "sound-off". It is the big new thing this year. That sound-off is a competition to see who has the loudest sound system in their car and who can make the most decibels. That is something for the residents of north Canberra to look forward to.

As these cars, 150 in number - that is the limit - drive down Northbourne Avenue in their major parade, they aim to turn to a specific radio station that is set up for the occasion. I forget what it is called, Radionats or something of that nature. The 150 cars will turn to that radio station and they will turn their sound machines to maximum volume. I wonder, Mr Duby and Mr Collaery, whether that is going to be part of your supervision. It is going to make some sort of sound.

Mr Duby: Boys will be boys.

MR WOOD: Boys will be boys. Well, I do not know. Do we have to go through the experience first and adjust next year? This is some sort of preview of what will be happening this year. Let us not forget that these people spend a lot of money and time on their cars and they derive their major pleasure from simply driving around. The major problem last year, I suppose, after the camping in Northbourne Avenue, was that they drove through nearby suburbs simply to make the noise that they designed their cars to make.

I do not know how widespread the policing will be to give some protection to neighbouring suburbs. I expect that people in Canberra will give some tolerance to these machines. I would. If they come past my place, I would be quite interested to see them. But there is a limit, and I wonder whether Mr Collaery can tell us how that limit will be policed. When will someone make approaches to the organisers and to the drivers and say, "Okay, that is enough; out you go; get back into Natex and go to bed for the night"? What can you do? I think people's tolerance can go only so far.

I think it is important that the Government have its police and its inspectors act early. To me, this is the key. Once the first person establishes a camp there, the battle perhaps will be lost. That is why the Social Policy Committee was so concerned for a close watch to be kept on camping. It is very important that the relevant officers be out all night. (Extension of time granted) They need to be out very early in the piece and out all night and they need to have sufficient authority and force to be able to make the relevant charges against people who are trying to break the system. Once you get a few campers along that strip, once cars go beyond excess in the suburbs, then it will be very hard to pull them all back into line. These are the thoughts I give, and I seek your response to those particular anxieties, Mr Collaery, as you rise in the debate.

MR COLLAERY (Attorney-General) (12.07): I thank Mr Wood for his very reasonable comments and his quite proper proposals for further action on surveillance matters. I will come back to them and I will answer them in detail. But first, Mr Speaker, I will deal with the comments made by the Chief Minister who, I thought, was less charitable on this issue. Mr Speaker, the Summernats - - -

Mr Berry: The Chief Minister?

MR COLLAERY: I am sorry. Did I say that? I meant the Leader of the Opposition.

Mr Kaine: Have I a problem you are not telling me about?

MR COLLAERY: Is this a Freudian lapse, or just the problem of late nights?

Mr Speaker, the Leader of the Opposition put about the fact that we were not sufficiently concerned with the matter. The Summernats were last held three weeks after this Government came to power. Clearly, there was insufficient time for us to coordinate all those issues. Since that time, Mr Wood - through you, Mr Speaker - we have provided a significant report to the Social Policy Committee of this Assembly which Mr Wood chairs.

That lengthy report from the Australian Federal Police provides a number of details, which I will not repeat; but it gives, for example, in statistical terms the following result: 163 arrests; 217 charges - and that would cover other matters that go by summons; a total traffic brief of TIN, as they are called, of 825; 2,916 hours of overtime for the police; \$87,495 for the cost of overtime, and that might be balanced, to some extent, by the estimate that we might bring in \$23,000, or thereabouts, in revenue from the penalties to be imposed for those offences.

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The estimated crowd size was 15,000 to 20,000 daily. We acknowledge that we are missing a close economic analysis of what the other return is to the Territory in terms of expenditure, tourism and the rest, and I will come back to that again in a moment. But that full report was made available to the Assembly committee and I believe that it was responsible of the Government to authorise the police to provide that full brief.

Mr Speaker, the Leader of the Opposition mentioned move-on powers. With a crowd of 15,000 to 20,000 daily, I am advised by the AFP that the use of the move-on powers was not considered to be viable in such circumstances from a policing aspect. The use of move-on powers at the Summernats would have been appropriate only to disperse small isolated pockets of troublemakers in the crowd. I am advised that the move-on powers were used in connection with an incident at Dickson where a person who attempted to obstruct a police officer inquiring into a motor vehicle incident was asked to move on. I have said before in this house that I am more than happy when a hothead who wants to interfere when the police are questioning an offender is asked to move on, rather than be charged with insulting language, offensive behaviour or the like. My colleague, Mr Stefaniak, is correct when he refers to his recollection of there being only one use of the move-on powers.

I remind members that, since that time, Magistrate Dingwall in the Magistrates Court has found that, from his point of view - it is not a court of record, and I say that with respect to Magistrate Dingwall - the move-on power must be used per person and not directed towards a group. So, there again - through you, Mr Speaker - is a limitation in the terms of that magistrate's finding on the current use of the move-on power; that is, that it had to be directed individual by individual. So it is my respectful assessment that I doubt that the move-on power, itself, is a suitable device with which to control a crowd of that nature.

Mr Speaker, in that respect, I am advised that the police will be rostering approximately 160 police over those four days. My department will also be rostering two liquor inspectors to deal with liquor, particularly under-age issues which concern us all in this Assembly, I am sure. As well, Mr Duby's department is rostering - in other words, bringing from existing duties on those days - 10 parking inspectors, together with two extras. They will be there 24 hours a day and will have powers to curb the camping intrusions that the Leader of the Opposition, quite rightly, submits are not acceptable.

Mr Speaker, that is a very large contingent that the Territory is putting forward to deal with this issue. At the same time, I was pleased that Commander Dau from the AFP came over to hear the submissions put by the Opposition today. He has made a note of them and already discussions are being held as to how we will do a very clear post-

Summernats evaluation of all those issues this year. I will stress that I believe that the economic equation needs to be included in that. I am sure that members of the Opposition will support the proposition that we look more analytically at whether we are getting value from the tourism point of view from this event. Mr Speaker, I trust that at Christmas we will be in a position to make those informed assessments. Although it is early days, I would be quite happy to include members opposite in any arrangement that looks jointly at where we are going on this.

In terms of police control, I can further advise that the police strategy will be an emphasis on community policing. The emphasis will be to encourage officers to exercise discretion. Police will be uniformed, of course. They will maintain a high visible presence through the use of numerous officers on foot mingling with the crowd, and through the use of mobile traffic patrols which in the past have generally managed the crowds so as to avoid large-scale incidents of unlawful behaviour.

As well, the AFP will focus on actions which cannot be ignored because of their seriousness or their potential to cause real harm or physical damage to persons or property. In that respect - through you, Mr Speaker, to Mr Wood - this practice of throwing buckets of oil on the road cannot be condoned. It is a matter that has been discussed between the police and Mr Duby's department which administers, to start with, the water pollution and other laws of the Territory, and normal laws to deal with the throwing of litter and the causing of dangerous nuisances and the rest. People who are inclined to do that are on notice that the mood of this Government and of this Assembly - if I interpret it correctly - is that we will not countenance that behaviour.

Mr Speaker, there have been joint meetings both interdepartmental and also with the organisers, and my colleague Mr Duby has outlined those in detail. The organisers have agreed to restrict the activities to the Natex ground, with the exception of the police controlled cruise down Northbourne Avenue. As members will recall, the problem in the past has been with unauthorised people tagging on to the procession. The AFP have previously requested that increased on-the-spot fines be introduced prior to the next Summernats, to provide a greater deterrent to would-be offenders. As you would be aware, this has been done, and I would envisage that the level of fines would also be an effective deterrent to would-be offenders, and at the least will return to us some of the costs of policing this event.

Mr Speaker, it is fair to say that some of the past criticism may have been avoided if the event had been better planned and managed. I will say that quite frankly to the Assembly. I am very pleased, then, to advise that those ongoing meetings between the AFP, Mr Duby's services,

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the National Exhibition Centre Trust and Street Machine Services Pty Ltd have all been canvassing proposals to reduce inconvenience to residents, to ban camping and parking, and all those other issues raised by the Leader of the Opposition.

Mr Speaker, I believe that we are doing a lot about this matter. The real question, and I signal it to the house, is whether we are not doing too much and whether we need to make sure that we have a proper economic tourist analysis of this event to see whether it meets the expectations of the members of the community at large.

MR MOORE (12.17): Mr Speaker, it seems to me that a relatively bipartisan approach on this issue has been reached. I think that is a very positive thing as it is an important issue that the Leader of the Opposition has raised and brought into private members' business at the appropriate time. Like all of us, I have had a number of approaches about the inconvenience caused by street machines.

Having had some background in the area myself in my younger days, having worked with vehicles and being aware of some of the reasons why people enjoy working on cars and making them perform in a manner that is different from their original design, I certainly see the reasons why those people wish to come together and wish to show pride in the work that they have put into their machines. I suppose my philosophy at the time was that I wondered just what some of these people would have been doing if they were not putting so much of their time into their machines. I think there are some positive aspects to this, and there are some positive tourist advantages. Mr Collaery has rightly pointed out that those positive advantages need to be weighed up against the negatives, and those negatives have certainly been presented to us all.

I think that what we are really talking about is the quiet enjoyment of our own area for living, particularly those people who live near the National Exhibition Centre. The quiet enjoyment of their neighbourhood amenities, of course, is normally a part of the lease agreement that they have. They should be entitled to that, and it is incumbent upon us and particularly upon the Government to ensure that such an enjoyment is part and parcel of living in that area at the time.

I noticed in the Street Machine magazine for Summernats an advertisement where people emphasised the full range of the advantages, as they might see them, of the Summernats. The advertisement reads, "Blowers, burnouts and boobs", and there is a picture of a young woman semi-clad. I notice that you can also see her bellybutton. They have not mentioned bellybuttons, and I am surprised that it is not, "Blowers, burnouts, boobs and bellybuttons". Had that been the case, I am sure we would have heard further speeches from other members of the Assembly on this particular

matter. Personally, I have nothing against either boobs or bellybuttons. I do not find them a problem. However, one does recognise the sort of sexist nature that goes with such advertising and it seems to me that these are some of the areas in which we could encourage what I would perceive as a better approach.

The other issue that I think is most important and one that I am sure the Australian Federal Police are working hard to deal with is that a number of people have genuine fears about their own safety. I think we have to ensure their safety through proper planning. No doubt there will be incidents, and we must not jump to conclusions if one or two incidents occur, but with proper planning we should be able to allay the fears in terms of public safety. I believe that quite a lot of effort has gone into that, and it will be very interesting for us to analyse that and see whether it has been successful following this year's Summernats.

What I am looking forward to is the fact that the people who are involved with their motor vehicles and with what they perceive as fun will, in fact, have a good time, and that they will be able to have a good time and boost the tourist industry here, but at the same time have a good time without inflicting an uncomfortable time or a bad time on other people. That is the balance that we have to find and that is what appropriate planning must provide, to allow people to work side by side and live side by side, happily getting the advantages of what they are all entitled to enjoy.

MS FOLLETT (Leader of the Opposition) (12.22): Mr Speaker, I thank all members for their contributions to the debate on the Summernats this morning. I particularly thank Government members for the information that they have at last made available to us, which I must say has gone some way towards allaying my concerns about the event this year. I think there are certain principles that we have to look at in relation to this event: first of all, is there equality of rights? As Mr Moore has pointed out, the residents in that area have the right to the amenity of their area. They are paying for it; they have every right to enjoy it. They also have the right to feel secure and unthreatened in their community, and I think we have to make every effort to ensure that that right is met.

We are also talking about the rights of equality before the law. I think that one of the most offensive things about the Summernats is that all of us in the area saw people breaking the law and getting away with it on a regular basis. Mr Speaker, if I were to dump oil on the road I would be charged. It happens regularly with this event and people appear to get away with it. If I were to drive around this Assembly at breakneck speed, with no muffler on my car, something would be done; and yet that happened in suburban streets last year during the Summernats and nothing appeared to be done.

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Mr Wood: Bare bottoms, too.

MS FOLLETT: Yes, exactly, though I am not going to go into that aspect of it, Mr Wood. Mr Wood has drawn attention to the offensive behaviour. I think that it is absolutely true to say that if the vast majority of the population were to engage in offensive behaviour, whether it be by way of nudity or other actions, something would usually be done. We have seen it done at the cricket on a regular basis. But at the Summernats they get away with it. It is the question of equality before the law that is offensive.

There is also, of course, the question of how the law is implemented, and I was particularly appalled to hear Mr Wood's preview of the "sound-off". To have 150 vehicles with their radios turned to maximum on the same station surely seems to me to be an open invitation to contravene the Noise Control Act. I hope it will be treated as such. Mr Speaker, it is that equality of application of the law that I think people find at least as offensive as the nuisance value of the whole thing.

I also believe that, now that we have some details on the kinds of resources that the Government must put in to police and control this event, we will indeed need to take a pretty hard look at the economic balance. It seems to me that 160 police rostered on for four days, a couple of liquor inspectors, and any number of parking inspectors and national parks people, are an almighty resource for the community to put in so that the Summernats participants can enjoy their event without wrecking the rest of the community.

Mr Wood: And a limited return, I think.

MS FOLLETT: I believe that the economic return to our community is very limited. In fact, some of the business people that I have spoken to in the area said that they would rather do without that business because it drives away their regulars. They will not walk to the local shops if they think there is going to be a mob of drunks there harassing them. There have been incidents like that. So, I think the economic return does, again, have to be looked at very hard.

Mr Speaker, I welcome Mr Collaery's assurance that some post-Summernats evaluation will be carried out, and I also welcome his invitation for the Opposition to be involved in that. I would certainly like to be involved in it, as I have a particular interest in the event, particularly while it occurs in the area where I live and where I take a special interest in the concerns of residents. It is a fact that we hear every event from the racecourse and Natex. We regularly enjoy blow by blow descriptions of every show, every fireworks display and every race meeting. I do not mind; I do not think most people mind. It is a happy noise. It is usually over shortly after dark, and it is part of the charm of living near those facilities.

The Summernats is different. The level of noise, the continuation of it all night and the disturbing nature of some of that noise, combined with the other behavioural aspects, and the quite clear-cut flouting of the law by some of the people involved, change the whole nature of that function. So I welcome the Government's apparent attempts to keep it under control. Whether it is worthwhile the community putting those kinds of resources into it, I think, is a matter we need to weigh up and, as I say, I would welcome the opportunity to be involved in that.

Amendment agreed to.

Motion, as amended, agreed to.

PERSONAL EXPLANATION

MR COLLAERY (Attorney-General): Mr Speaker, pursuant to standing order 47, I seek leave to make a very brief personal statement.

MR SPEAKER: Personal statements are under standing order 46, I believe. Please proceed.

MR COLLAERY: Standing order 46 then, Mr Speaker. Mr Speaker, earlier in debate I - - -

Mr Stevenson: Mr Speaker, on a point of order: did Mr Collaery get leave from the Assembly?

MR SPEAKER: He got leave from me. Please proceed, Mr Collaery.

MR COLLAERY: Mr Speaker, briefly, earlier in debate I said that the Leader of the Opposition had not approached my office or, to the best of my knowledge, other offices of the Government, except during the past 24 hours. Whilst I am correct in relation to my office, inquiries of our personal staff elsewhere on the fifth floor reveal that some two weeks ago there was a contact from a staffer, whom I presume to be on Ms Follett's staff, to staff of Mr Duby's office. That contact was, of course, in relation to the Lakes (Amendment) Bill. It was probably not known to the Leader of the Opposition that as Attorney I was speaking on and handling the issue, due to the legal problems.

Mr Speaker, firstly, I say that I have been misrepresented, as there were not numerous approaches to me. Secondly, I apologise to the house to the extent that I indicated that Ms Follett had not approached this Government, except within the last 24 hours. I now acknowledge that two weeks ago there was an approach by Michael Deegan to a member of Mr Duby's staff.

Sitting suspended from 12.30 to 2.30 pm

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LEAVE OF ABSENCE TO MEMBER

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

That leave of absence for this sitting be given to Ms Maher.

QUESTIONS WITHOUT NOTICE

Alliance Government

MS FOLLETT: My question is addressed to Mr Kaine. What action will the Chief Minister be taking in relation to the open attack on his deputy, Mr Collaery, by Mr Humphries on Matt Abraham's radio program this morning?

MR KAINE: I did not hear the Matt Abraham show this morning; so I do not quite know what Ms Follett is alluding to. I did see a rather curious article on the front page of the Canberra Times this morning; but I am quite sure that, if there are any differences of opinion between any two members of this strong Alliance Government of 10, we can sort it out in house and I will be - - -

Mr Wood: It came out of house, didn't it?

MR KAINE: I do not know, Mr Wood.

Mr Wood: It was in the paper.

MR KAINE: As I said, I read a curious article on the front page of the Canberra Times this morning. I do not know how authoritative it is; but, as to the Matt Abraham show this morning, I did not hear it, so I do not know what Ms Follett is referring to. But I have said many times before that, within an Alliance Government of 10 members coming from three political parties, there are from time to time differences of view, differences of emphasis, differences of opinion. That is healthy. It is not like the Labor Party Caucus where everybody toes the line or gets thrown out. We do have differences of opinion. We talk our problems through.

Mrs Grassby: I am sorry for you, Trevor; but you are stuck with them.

MR KAINE: You are stuck with your mates in the Labor Caucus too, and I do not think you people on your side of the house have anything to crow about when it comes to matters that take place within the Caucus. Our joint party room, as I have said, is a place where opinions are freely

expressed. Of course there are differences of opinion. It could hardly be assumed that 10 people from three political party groupings would have the same opinion on everything. We do not.

The thing that really amuses me is that when any two members of the Government have a difference of opinion it seems to be a matter for the front page of the Canberra Times and the Labor Party thinks it is something to chortle about. Well, you are wrong. These differences in no way weaken the strength of the Alliance. In fact, if anything, they make us stronger. We will still be there at the next election and we will do you lot like a dinner.

MS FOLLETT: I ask a supplementary question, Mr Speaker. If Mr Kaine is not taking any action against Mr Humphries we presume that he agrees with his approach. So, what action will you be taking against Mr Collaery in this matter?

MR KAINE: I did not say that I agree with anybody's approach. I said that there were differences of view, and so there are. I respect the differences of view and I am quite sure that there will continue to be differences of view; but in the end, as I said, we will do you lot like a dinner when the next election comes - so don't you worry about that.

United Nations Convention on the Rights of the Child

MR STEVENSON: My question is to the Chief Minister and Liberal leader, Trevor Kaine. Mr Kaine may be aware of the decision by the Federal Council of the Liberal Party to vote to oppose ratification of the UN Convention on the Rights of the Child on 25 October. My question is: in the light of perhaps better knowledge of certain concerns with the UN convention, does the Chief Minister support the widespread and growing opposition to the ratification of that UN convention?

MR KAINE: As is very often the case in this house, Mr Speaker, the question is predicated on a wrong assumption. I do not know that there is widespread dissatisfaction or discontent with that document at all.

Mr Stevenson: The Federal Council of the Liberal Party.

MR KAINE: I am not a member of the Federal Council of the Liberal Party. I did not attend the last Federal Council meeting of the Liberal Party. I am not party to the decisions that they make.

Mr Stevenson: Are you suggesting that their decisions are not widespread?

MR SPEAKER: Order, Mr Stevenson, please!

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MR KAINE: Am I entering into a debate or answering a question, Mr Speaker?

MR SPEAKER: Please desist, Mr Stevenson.

Mr Stevenson: I am sorry, Mr Speaker.

MR KAINE: I would suggest that the discussions that take place at the Federal Council level of the Liberal Party may be quite different to the ones that take place at the Divisional Headquarters level in the ACT. There are differences of view within the Liberal Party. I am not accountable for all of those views and I do not intend to express a view on that matter one way or the other.

Erindale Centre Library

MRS NOLAN: My question is to Mr DUBY in his capacity as Minister for Finance and Urban Services. Can the Minister tell the Assembly what the evening opening hours will be for the Erindale Centre Library next year?

MR DUBY: I thank Mrs Nolan for the question. Indeed, there has been quite a deal of community concern over the opening hours of the Erindale Centre Library, and I am pleased to advise Mrs Nolan that the current hours of opening for the Erindale Centre Library will continue for the time being; that is, the Erindale Centre Library will operate six days per week, Monday to Saturday, with evening hours until 8.00 pm on Tuesday and Wednesday during school term time. It must be pointed out that the use of both the Erindale Centre Library and the Tuggeranong Town Centre Library will continue to be monitored, of course, to ensure that the residents of Tuggeranong receive a good library service in a most cost-effective manner. But, as I said, the situation is that the current hours of opening at the Erindale Centre Library shall continue.

Hospital Redevelopment

MR BERRY: My question is directed to the Minister for Health, Education and the Arts, Mr Humphries. Has there been any correspondence, or have there been records of conversation, between the Minister's office or officers of the department of health and the media on matters related to the hospital redevelopment? Will the Minister table any such documents?

MR HUMPHRIES: I think this is "The Government Heavying its Critics, Part 12", or whatever it might be.

Mr Kaine: He is doing a bit of fishing.

MR HUMPHRIES: "Fishing" is the best word for this sort of question. It is an extraordinarily broad fish. I think he is deep sea driftnet fishing, Mr Chief Minister; that is what it is best described as. The question is extraordinarily wide. I have certainly discussed already in this house, in answer to Mr Berry's questions, some of the correspondence between me and - - -

Mr Berry: That was when you misled the house.

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

Mr Wood: You allowed it yesterday.

MR SPEAKER: I did not allow that yesterday, Mr Wood.

Mr Berry: By the Minister's own admission; I am sorry, Mr Speaker. He admitted that he misled the house - however inadvertently he may have described his action.

MR SPEAKER: You did not withdraw the original comment, Mr Berry.

Mr Wood: He qualified it with "inadvertently".

MR SPEAKER: I know that it was qualified, and a qualified withdrawal is not acceptable.

Mr Berry: I withdraw the word "inadvertently" and I say, Mr Speaker, that he provided wrongful information to the Assembly which misled it.

MR SPEAKER: In fact, you have withdrawn the word "inadvertently", which in fact was not the word that we were looking to have withdrawn. The word to be withdrawn was "misled". So, would you withdraw the word "misled".

Mr Berry: I had done that, I thought.

MR SPEAKER No, you have not.

Mr Berry: Well, I do and - - -

MR SPEAKER: Please rise. I know that it is difficult.

Mr Berry: Yes, it is a long way, sir.

MR HUMPHRIES: The question of correspondence between me and the department and the department and the media and me and the media would cover a great many pages and I do not know what the extent of it might be. I am certainly not prepared to stand up in this place and table all that correspondence. It could be on a whole range of things of no interest or relevance to Mr Berry. He might as well ask me to table my diary and my innermost thoughts. It would certainly be more interesting than Mr Berry's questions in this house. I am not prepared to table everything ad

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nauseam. If Mr Berry cares to draw out particular correspondence or particular discussions I have had with any particular party, I am very happy to table that particular correspondence.

Hospital Employees Federation

DR KINLOCH: My question is to Mr Humphries and it is in the spirit of Christmas. We are intrigued by the stories on the front page of the Canberra Times. Would the Minister comment on the report in today's Canberra Times suggesting that his department played a role in the resignation of the two HEF elected officials, Hedley Rowe and Bruce Tunks?

MR HUMPHRIES: I thank Dr Kinloch for that question. I am pleased that, following discussions between senior management of the ministry and the Trades and Labour Council and the Federal Secretary of the Hospital Employees Federation, pickets outside the Royal Canberra Hospital South have been removed. I also understand that those members still on strike voted this morning to return to work on the first shift after midnight tonight. I think we can all be grateful that that has occurred.

I am also aware that Mr Hedley Rowe and Mr Bruce Tunks have chosen to resign from their positions in the Hospital Employees Federation effective from this Friday. The resignations are a matter between the union and themselves and I will not comment further on that. I will say, however, that I trust that the change in elected HEF officials will herald an era of a positive working relationship with that particular union - such a relationship having not always existed in the past. I am sure some opposite would agree with that. Like other unions, the HEF has an important role to play in contributing towards an improved health care system for the people of the ACT, and I look forward to letting them play that full role in the future.

Asbestos Testing

MRS GRASSBY: My question is addressed to Mr Duby as the Minister for Urban Services. The Minister is aware that the Asbestos Branch has its own laboratory for conducting air monitoring and analysing. My question is: Once a sample has been taken to the laboratory, how long does the first testing according to the strict NATA standards take?

MR DUBY: I think this matter has been raised with Mrs Grassby in the past; I refer to the asking of incredibly technical questions relating to matters which no person who is not directly involved in the area could have the slightest idea of off the top of their head. If Mrs Grassby seeks information of this kind, she knows that the

logical thing to do would be to advise in the first place. Alternatively, as is always the case when she wants information, my door is always open to her. She should have no difficulty whatsoever in contacting my office. Clearly I do not know that information and it is not even something that the most gifted bureaucrat or politician could possibly anticipate as a question without notice. Accordingly, I shall undertake to get that information to Mrs Grassby when available.

MRS GRASSBY: Mr Speaker, I have a supplementary question; so, if the Minister is going to get back to me, I would like him to get back to me with the rest of it. How often do these tests get checked by an independent laboratory to test the Asbestos Branch results and thereby guarantee proper standards? If he could also get back on that, I would appreciate it.

MR DUBY: I repeat: it would be a lot easier, I am sure, if Mrs Grassby simply sent me a letter; but I shall endeavour to obtain that information at the same time.

Censorship Classifications

MR STEFANIAK: My question is directed to the Attorney-General. What action has he or his department taken in relation to complaints about the advertising material associated with the Guns 'n Roses record album Appetite for Destruction?

MR COLLAERY: I thank Mr Stefaniak for the question. This matter was specifically brought to the attention of the Assembly by Ms Maher following a formal complaint by the Canberra Rape Crisis Centre to the Commonwealth Chief Censor. The complaint was also drawn to my attention and I asked my officers to examine the matter. The Commonwealth Chief Censor has indicated to the Canberra Rape Crisis Centre that "the issue should be handled by local authorities". I expressed my concerns about the T-shirt and the record cover insert to the national meeting of Ministers concerned with censorship matters in late June. The other Ministers were not of a mind to act on the matter.

At the same time, my officers formally sought classification of both the T-shirt and the record cover insert under the Classification of Publications Ordinance 1983, a Commonwealth law. The Commonwealth Chief Censor declined to classify the T-shirt because it was said not to be a publication within the meaning of the ordinance. The printed insert was a publication and the Commonwealth Censor said that it was unrestricted. My officers appealed to the Commonwealth Film and Literature Board of Review against that classification and that board found in November in favour of the ACT. The board overruled the Chief Censor's classification of the record cover insert

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and classified the publication as "Restricted category 1". This means that the printed insert must be placed in a sealed wrapper and must not be sold to persons under the age of 18. The Board of Review declined to hear argument on the T-shirt.

I applaud the public spirited action of the Canberra Rape Crisis Centre and Carmel Maher. Their concerns about this issue were well founded. Partly because of the mess that the Commonwealth has made in splitting the functions of censorship and classification, we now have a classification for the record cover insert as "Restricted", but the T-shirt, which I have here, Mr Speaker, remains unclassified. Wearing the T-shirt may render the person liable under our local laws; but that is, of course, a matter for the courts. And, members, particularly Mr Stevenson, that remains available due to the absolutely disgraceful state of Commonwealth censorship laws.

Murrumbidgee River - Sand Mining

MR MOORE: Mr Speaker, my question is directed to the Chief Minister. Chief Minister, I am sure you are aware of the New South Wales Ombudsman's report about mining in the Murrumbidgee River which reveals, as Mr Langmore put it during the adjournment debate in the House of Representatives on 5 December this year:

... singularly unacceptable behaviour by the Yass Shire Council, the New South Wales Department of Water Resources and a company known as Tharwa Sands Pty Ltd, whose complicity has meant 15 years of sheer vandalism along the Murrumbidgee.

I ask the Chief Minister to tell me what measures are being taken to ensure the enforcement of point 3.6 of the Alliance Government's own environment policy, which states:

Alliance Government authorities and departments will not be permitted to use sand and gravel extracted from the Murrumbidgee River in NSW.

Is that being enforced?

MR KAINE: Mr Speaker, I know that some unusual allegations were made within the House of Representatives recently by one of our local members. It is also my understanding that the Yass Shire Council, for example, has refuted the allegations. I understand that the person against whom the allegations were made has also refuted them. I understand that whatever is being done on the Murrumbidgee is being done under the full control of the New South Wales pollution control authorities and I am not satisfied that there is the problem that Mr Langmore has asserted there is.

MR MOORE: I ask a supplementary question, Mr Speaker. It refers to a report in yesterday's Canberra Times where Mr John Hyles Sr is quoted as saying:

... the company had stopped selling sand to the ACT Administration for only a short time.

So, is the Alliance Government sticking to point 3.6 of its policy, of ensuring that no sand and gravel extracted from the Murrumbidgee River in New South Wales is being used here, or is it not?

MR KAINE: I cannot answer that question offhand, Mr Speaker. I will take it on notice.

Forests

MR JENSEN: Mr Speaker, my question is directed to the Minister for Finance and Urban Services. I refer the Minister to recent statements by the Australian Timberworkers Union and the Conservation Council for Canberra and South-East Region expressing some concern about the corporatisation of the ACT forests and the proposals to work together in relation to the development of the forests in the ACT. Can the Minister provide the Assembly with any information on that matter?

MR DUBY: I thank Mr Jensen for the question. Indeed, I welcome the concern by both the Australian Timberworkers Union and the Conservation Council about the future of the forests of the ACT. Certainly this Government is not about to corporatise ACT forests for the sake of that very concern. The forest industry is important to the local economy and I have already expressed my concern over the loss of jobs in the industry and the downturn due to the current economic situation, particularly in the milling trade.

The Government's intention is clearly not to take precipitate action. Forestry works closely with local industry to ensure the full cooperation of all parties and is always sensitive to environmental and economic issues. We will undertake a full assessment of ACT forests in the new year to determine the best ways to manage this very important resource which is also, I might add, a significant investment by the Government and the people of the ACT.

Corporatisation is an option that will definitely be looked at, but before we make a decision we will need a map of the future and a clearer understanding of the opportunities for the forest industry not only here in the ACT but nationally. I will welcome the ideas of the Conservation Council and the Timberworkers Union during this process. Thank you for the question, Mr Jensen.

International Union for the Conservation of Natural Resources

MR CONNOLLY: My question is addressed to the Minister for Urban Services. Minister, at the General Assembly of the International Union for the Conservation of Natural Resources which you recently attended at considerable expense in Perth, the question of the admission of businesses and State or Territory governments to the IUCNR was, I understand, debated. Could the Minister inform the Assembly of the outcome of the conference on that matter?

MR DUBY: I thank Mr Connolly for the question. A number of issues were raised at the IUCNR conference in Perth. One of the issues that got particular interest was, of course, the application by the forest industry of Tasmania to become a full member of the IUCNR, an organisation which of course has a large number of members - I do not know the exact number, but I believe that it is well into the high 70s or 80s, if not higher - and that particular matter was debated and their application was rejected.

School Closures - Pupil-Free Days

MR WOOD: Mr Speaker, I direct a question to the Minister for Education. On the basis that students and parents should not be further disadvantaged as a result of any closure of Cook school and other schools, why could you not agree to provide qualified teaching relief staff during the three pupil-free days?

MR HUMPHRIES: The answer to Mr Wood's question is that providing such resources would have been counterproductive in a number of ways. First of all, it would have been expensive, and Mr Wood, among others, is very keen to impress on the Government the need to justify the money that is being spent on the reshaping project.

Mr Wood: What, with millions of dollars of reshaping funds?

MR HUMPHRIES: My advice is that it would have cost something in excess of \$20,000 to provide relief teachers at the schools concerned. We are talking about not just closing schools but also receiving schools. It would have cost \$20,000 in total to have provided relief teachers on those days at those schools. That alone made it very difficult to accept that proposition. The second problem of course is that, with children still present in classrooms, it is very difficult for teachers to actively be packing up and otherwise rearranging things in those classrooms, and I would not like to be those teachers expected to carry out that very difficult job in a short period of time and having to work with and around students.

We also have to ask, I think, how it is that students can stay in the classrooms while the things in that classroom that presumably make their education viable, for example, books and other equipment, are being removed. For all those reasons, I have to say that the Government, after very careful consideration, decided that the best approach was the same approach as was taken on previous occasions where school closures have occurred, and that is that there should be pupil-free days to provide the necessary breathing space for teachers to properly complete their jobs at those schools.

MR WOOD: Mr Speaker, I ask a supplementary question. If you have not paid for whatever staff would be required, how can you justify the severe financial imposition on parents for those three days? In the case of one family that has been brought to my attention, with four children, the cost was \$180 over three days. Why could you not have paid even the child-care costs?

MR HUMPHRIES: Mr Speaker, I am certainly aware of the burden that pupil-free days - - -

Mr Wood: Well, what have you done about it?

MR HUMPHRIES: I am certainly aware of the burden that pupil-free days impose on parents, and I have done something about it, as Mr Wood well knows. The Government has made it perfectly clear that parents who are unable to provide that money - - -

Mr Wood: That is just lovely.

MR HUMPHRIES: Well, I do not know what Mr Wood wants.

Mr Wood: Do you think parents like to come up and say "I cannot afford it"? It is disgraceful.

MR HUMPHRIES: Mr Speaker, Mr Wood may not be aware that principals in our primary and secondary schools already deal with a number of cases of financial hardship regularly in those schools. The arrangements are that parents approach the principal - not the Department of Education, not the Minister for Education, but the principal of the school - and say that they would like to receive assistance, and I am advised that on those occasions a very tolerant attitude is taken and parents are not asked to justify the basis on which they seek that assistance. It is generally granted more or less on a "no questions asked" basis.

That is the case here. Parents who approach the principal of any school, I am sure, will receive assistance as required. I reject the assertion that this poses an intolerable burden on parents. In fact, I am assured that the majority of parents have made their own arrangements, anyway, for the safe care of their children.

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Mr Wood: At quite a cost.

MR HUMPHRIES: Not necessarily at a cost, but certainly in a way which satisfies those parents.

Recycling

MR STEVENSON: My question is directed to Mr Duby. It concerns the recycling of glass, plastic and other materials, particularly during the Christmas and New Year period. Firstly, it is pleasing to note that the recycling centre near the Dickson shopping centre is being well used and some of the metal tubs were nearly full to overflowing. First of all, who is responsible for emptying those receptacles? How is the decision taken to empty those; in other words, when? Also, are any special arrangements being made for what could be expected to be a very large influx of recyclable materials during the Christmas period - not only for that area but also for some of the functions that will be held around Canberra?

MR DUBY: I thank Mr Stevenson for the question. Indeed, it is a topical question, given the fact that glass recycling is becoming so popular with the populace of the ACT. I believe that a new style of bottle bank has now been introduced through suburban shopping centres, and 59 of these new style bottle banks are now in place in suburban shopping centres around Canberra, in addition to the older style igloo type of glass receptacle which, of course, as Mr Stevenson has well pointed out, often used to become overly full, leading to overflow.

The glass collection from those recycling areas is done on a contract basis by a firm in Canberra, the name of which I am frankly not familiar with; it may even be ACI. Generally speaking, the management of frequency of pick-up, et cetera, is left in their hands because it is in their financial interest to make the collections. Clearly, they make money out of collecting glass and they do not want to have receptacles which are full and which people cannot add to.

Basically, though, the situation is also monitored by officers from my department to make sure that that very situation I mentioned does not occur. Frankly, in relation to the coming Christmas period, I imagine that commercial responsibilities and commercial pressures will lead the firm that is currently responsible for the collection of glass to either update or improve their collection techniques, or not.

I am very pleased to announce that there is a new style of glass collection, which I believe was launched by Mr Jensen last week, and it is the first in Australia. I refer to a multiple collection system using these bottle banks. There

are eight supposedly big bin type of glass receptacles and they are all linked up to the one machine, all hooked up and then tipped into the truck into the respective brown, green and clear glass areas. That is proving to be a very time-efficient and cost-effective method of glass collection. But, if Mr Stevenson knows of any problems in that area, I would appreciate it if he would let me know.

Security Arrangements

MS FOLLETT: Mr Speaker, my question is addressed to Mr Kaine as the Treasurer. I refer him to the Speaker's answer yesterday to a question about the security arrangements, in particular, where the Speaker said that the Government would be paying for the new security measures in the building. What is the cost of these measures, was that cost included in the budget and from what appropriation item will the funds be drawn?

MR KAINE: The best advice I have is that the security arrangements that are being put in place - which are quite minimal and compare favourably with those that you will find in any public building in Canberra - will cost something of the order of \$60,000 a year, as the annual recurrent cost. It will come out of my Executive budget and I will adjust my budgeting accordingly.

Firefighters - Retirement Benefits

MR STEFANIAK: My question is addressed to the Minister for Finance and Urban Services. Would the Minister tell the Assembly what the Government is doing to address the matter of retirement benefits for ACT firefighters required to retire at the age of 60?

MR DUBY: I thank Mr Stefaniak for the question relating to retirement benefits for firefighters who are required to retire at the age of 60. I am pleased to advise that the Government has agreed to amend the Fire Brigade (Administration) Act to provide that the Commonwealth provisions relating to the payment of cessation benefits will apply to ACT Fire Brigade members who elect to remain in the current Commonwealth superannuation scheme. That piece of legislation will be coming before the Assembly next year, and as a result the needs and claims of the current firefighters who fall into that particular category will be met. I believe that the union, which was previously the FFU, is very satisfied with the negotiations that they have completed with the Government.

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

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PERSONAL EXPLANATION

MS FOLLETT (Leader of the Opposition): Under standing order 46, I would ask leave to make a short personal statement.

MR SPEAKER: Please proceed.

MS FOLLETT: In the course of question time, and in fact in the course of some interjections between me and Mr Duby over my unsuccessful attempts to get a meeting with him, Mr Kaine interjected that I should have tried myself and not sent a stooge. I asked my administrative assistant, Ms Heather Ferme, to make the appointment with Mr Duby for me. She has tried on any number of days and has not so far been successful. The issue has now died. However, I do object to having Ms Ferme referred to as a stooge. I would ask Mr Kaine to withdraw that and to apologise.

Mr Kaine: I do withdraw it; but I would have thought that if it was so important the Leader of the Opposition would have made a phone call herself.

PAPERS

MR COLLAERY (Deputy Chief Minister): Pursuant to subsection 21(4) of the Audit Act 1989, I table for the information of members the following paper:

Ombudsman Act - Australian Capital Territory Ombudsman - Report for period 11 May 1989 to 30 June 1990.

Also, pursuant to section 17 subsection (2) of the Interim Territory Planning Act 1988, I table for the information of members the following papers:

Interim Territory Planning Act - Interim Territory Planning Authority - Report and freedom of information statements for 1989-90.

Further, pursuant to subsection 79(6) of the ACT Freedom of Information Act 1989, I table for the information of members the following report:

Freedom of Information Act - Report for period 11 May 1989 to 30 June 1990.

Finally, I table for the information of members the following papers:

Fire Brigade (Administration) Act - Australian Capital Territory Fire Brigade - Report and freedom of information statement for period 11 May 1989 to 30 June 1990.

**ACT GAMING AND LIQUOR AUTHORITY
Paper and Ministerial Statement**

MR COLLAERY (Attorney-General): Pursuant to subsection 93(3) of the Audit Act 1989, I table for the information of members the following paper:

Audit Act - ACT Gaming and Liquor Authority - Report and financial statements including the Auditor-General's report for 1989-90.

I seek leave to make a short statement.

Leave granted.

MR COLLAERY: This is the last full year annual report of the ACT Gaming and Liquor Authority which will be tabled in the ACT Legislative Assembly. As you are aware, the authority is to be abolished on 1 January 1991. I believe that this is an appropriate time to publicly express our appreciation to all those who have been associated with the authority and contributed to the creditable performance of its functions over the years.

I particularly wish to thank all those who have held positions as members of the authority and who have dedicated their time and energy to ensure that the authority's functions have been successfully conducted. I wish to stress that the Government's decision to restructure the operations of the authority was not born out of any failing of the authority or its staff. Rather, it is designed to place the functions in a more appropriate framework and in particular to facilitate the establishment of an ACTTAB as a Territory owned corporation.

**DEPARTMENT OF JUSTICE AND COMMUNITY SERVICES
Paper and Ministerial Statement**

MR COLLAERY (Attorney-General): I table for the information of members the following paper:

Department of Justice and Community Services - Report and financial statements including the Auditor-General's report together with the reports for the ACT Consumer Affairs Bureau, Parole Board of the ACT, Bookmakers Licensing Committee and ACT Racecourse Development Fund Advisory Committee for period 11 May 1989 and 30 June 1990.

I seek leave to make a short statement.

Leave granted.

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MR COLLAERY: I have great pleasure in tabling the annual report of the Department of Justice and Community Services for 1989-90. In so doing, I would like to take this opportunity to remind members of the historic nature of this document. This is the first annual report of the Department of Justice and Community Services and it incorporates the first annual report of the ACT Government Law Office and the first annual report of the Housing and Community Services Bureau. The report provides clear evidence of the progress that has been made by both the ACT Government Law Office and the Housing and Community Services Bureau since self-government.

I congratulate the staff of the department who have worked so hard during the year and contributed to the range of achievements detailed in the report. Clearly they have made a substantial contribution in this important period in the history of the ACT, and they have been well led by the senior bureaucrats who assist me in the management of my department. I look forward with pleasure to being able to table the department's 1990-91 annual report, which I am sure will show even greater progress and further enhance the standing of the department in the community.

Ms Follett: Where is your EEO plan?

MR COLLAERY: I have an answer for that. I challenge you to ask me that tomorrow in question time.

LEGISLATIVE PROCESS **Discussion of Matter of Public Importance**

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

The recurring problem of the passage of Bills through the Assembly in such short time as to limit or prevent fair and adequate:

1. consultation with affected groups and individuals;
2. time for such groups to liaise with their members, MLAs and MPs and to arrange any meetings as may be considered necessary;
3. consideration of the full effects of, and alternatives to, the proposed legislation;
4. research and balanced reporting by the media;
5. time for the research, consideration and debate of bills by all MLAs, and particularly those who are not Government Members and therefore do not have early notification of the presentation of Bills;
6. time for assessment of the proposed legislation by the Scrutiny of Bills and Subordinate Legislation Committee;

7. time for research, drafting and discussion of amendments;

particularly considering the fact that the ACT does not have the safeguard of the Upper House review.

MR STEVENSON (3.07): Mr Speaker, I rise to my feet quickly, lest Mr Collaery jump to his feet and suggest that this matter of public importance is largely the same as an earlier matter of public importance I raised in this Assembly in August. Before he does that, I wish to say that indeed it is. It is practically identical. The reason it is practically identical is that we have a practically identical problem - the Alliance not giving the people of Canberra or other members in this parliament the opportunity for full and open debate of laws that are being introduced into the ACT.

I think it is a sad situation that the vast majority of people in Canberra have not the slightest knowledge of the vast majority of laws that pass through this, their Assembly.

Mr Humphries: Who ever does know what goes through the parliament - anywhere in the world?

MR STEVENSON: Mr Humphries says, "Who ever does anywhere in the world?". If that is not a condemnation of people who are supposedly servants of the people, I do not know what is, and I certainly could not have put it better myself. I agree that people do not know. Is it not our obligation and responsibility to work towards a situation where in fact people - our employers - do know what on earth is happening to their lives and their money, particularly their money?

Last night many Bills were pushed through this house. It cannot be said that the Bills were minor or unanimously agreed upon in this Assembly. They were not. When considering time for the introduction of Bills, it would be far better to err on the side of taking too long and allowing people more time to talk about the matters and discuss these laws than to rush them through and allow insufficient time.

I think it would be fair to say that this year and last year the majority of people's concerns were with Canberra legislation that is being introduced by this Assembly that they do not feel they had fair and open consultation upon. We should perhaps take a lead from the North Sydney Municipal Council. The council in North Sydney is perhaps a rarity in Australia. It would tend to be the exception to the notion put by Mr Humphries of "Where in the world do the people know what is going on?". I would suggest that North Sydney could well be one of the few such places in the world - and there are definite reasons for that.

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The reasons are that the local representatives see themselves perhaps not as politicians, perhaps not as masters of the people, but as servants of the people. One can go through North Sydney and count 45 notice boards throughout the Municipal Council where there are listed council agenda and other matters of interest to the people of that particular municipality. Indeed, people in local community groups have the opportunity and the right to display on those notice boards information that they feel people should know about. What a wonderful idea that is. In addition, all agendas are available and displayed three days prior to any meeting, as are reports that are going to be tabled. Is not that a marvellous thing? In this Assembly, not even members of the Assembly - I might add, not even Government members of the Assembly - get reports that far in advance of sittings.

The situation in North Sydney allows 24 different precincts. The municipality is broken up into 24 areas. They are called precincts. There are citizens council groups, if you like, formed in those areas, and they are given information by the government on what the government is thinking of doing. They are also asked what they would like the government to do. Is this too much to ask of the ACT Legislative Assembly? Is it beyond our capability to perhaps inform the people in Canberra of what we are doing, what we intend to do or even what we have done? I would suggest that we should take out regular space in the paper and at that time include those things that people would like to know about. If we cannot determine what they would like to know about, we could perhaps ask them in a survey. But I think they would like to know what Bills are going to be proposed, if the Government knows they are going to propose them, some long time in advance, even before the Bill is tabled.

Certainly once the Bill is tabled they could be told what the Bill is about, in simple terms - and all that it is about. They could also be told in advance when the Bill is scheduled for debate in this Assembly, specifically and particularly those Bills that greatly concern people in Canberra. I think many people, if they knew, would like the opportunity to come along to this Assembly and hear their members debate both sides, or more, of various issues. The situation we have is that again and again in this Assembly Bills are introduced and passed without there being sufficient time for public consultation.

The Labor Party has mentioned publicly recently that the Alliance Government has not allowed time and is forcing Bills through. Well, I do not think many of us would disagree with that. What the Labor Party did not mention at the time is that when they had the power they did exactly the same thing; they passed Bills in one day, two days, five days, a week, and so on. It seems that it is perfectly okay to do something when you have the power to do it, but when in opposition one takes an entirely different stated viewpoint and condemns that which one has

previously done oneself. I think the blinding hypocrisy of some of the things that are targeted in this Assembly is incredible.

I think that most people in the Assembly would understand that a lot of the problems come from lack of discussion with the public. It is a simple matter to let them know what we are doing. Let us look forward to 1991 and introduce some simple methods that would in most cases see that happen. One I would recommend is that no Bill should pass through this Assembly in less than 30 days. That is not an extreme requirement. It is very reasonable indeed. A lot of people may say that it should be two months or three months. I do not think too many members of the community have been harmed by legislation taking too long. I think there are many cases where they have been harmed by legislation taking too little time.

Mr Collaery: Except for last night.

MR STEVENSON: Mr Collaery says, "Except for last night". Well, that is actually not true. If there was a Bill that was urgent, by all means it should not be prevented. But I do not mean one out of two. I mean one in a hundred that is genuinely urgent. There certainly should be an allowance for an urgent Bill. I think Mr Kaine mentioned it during the debate last night. He said, "You want to see urgency?", or words to that effect, "We will have it passed in 10 minutes", I think it was.

Mr Kaine: I would always give you plenty of time, Dennis.

MR STEVENSON: Thank you, Chief Minister. So I think that we should allow 30 days. It is a matter that I will bring up. During that 30 days there should be more time to discuss the Bill in parliament. Rather than having something mentioned one time, a tabling speech the next, and then the next time the whole thing is passed, would it not be a better idea if there were at least two times when the matter could be debated by different members of the Assembly?

After all, we could suggest to people that this place is actually a place of debate where people can actually learn something; that people come along to this house and are prepared to listen to viewpoints of the Opposition and - - -

Mr Stefaniak: Be serious, Dennis.

MR STEVENSON: I know that it is an extreme viewpoint, Mr Stefaniak, to suggest that anybody comes into this Assembly to listen to other arguments being put. It is a sad situation that people already have their minds made up and could not care less about what anybody else says, even if they listened - and it is often the case that they do not.

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So let us work towards the simple practices and principles that would allow people in the ACT, firstly, to know what legislation we are going to introduce; to let them know when we are going to introduce it; to let them know in simple terms what it is about and how it will affect them - in terms of both rights and monetary implications; and then allow a minimum of 30 days for the passage of such legislation. Let us hope the Bills that have been rushed through in this Assembly this week are the last to be dealt with in that way in the ACT.

MR COLLAERY (Attorney-General) (3.20): Mr Speaker, I listened to Mr Stevenson's well modulated speech and it took me back to my youth. "I know that voice", I thought, and it is somewhere between the voices of Smokey Dawson - I am showing my age now - Biggles and Hop Harrigan, although my colleague Norm Jensen says that I should think about Greenbottle. Either way, it is somewhere there before the *Caltex Hour*. That does date me; but congratulations, Mr Stevenson, on a sort of well modulated show, because, of course, it was just a show.

I will now refute Mr Stevenson's claims that the Assembly has had legislation passed through it in such a short time that consultation, consideration or reporting of the issues has been compromised. On the basis of the research that has been conducted for me, Alliance Government Bills have averaged 21 days each between introduction and the date of passage.

Mr Stevenson: Ha, ha!

MR COLLAERY: Yes, it is Greenbottle, Mr Speaker.

Mr Stevenson: Averaged! There are lies, damned lies and averages. What an appalling thing to say in this Assembly. It is absolutely disgusting.

MR SPEAKER: Order! Order, Mr Stevenson, please!

MR COLLAERY: Mr Speaker, none of these Bills commenced with "Good morning, sir".

Of the 57 Alliance Government Bills passed so far this year, only two - the Statutory Authorities (Audit Arrangements) Bill and the Gaming Machine (Amendment) Bill 1990 - have been introduced and passed in the same sitting week, and all members at the time appreciated the need for those finance Bills to have pride of place in terms of time. But by the end of this week, Mr Speaker, another two will be in this category. And they are, of course, with the cooperation of my colleagues on the opposite side of the chamber - - -

Mr Stevenson: I raise a point of order, Mr Speaker. Cooperation of colleagues? Have we been asked, Michael?

MR COLLAERY: I should not expect Mr Stevenson, then, I take it, to support the keep-the-peace Bill or the .05 reduction Bill. But that is only four such Bills in the time of our Government, in the past year, and that is not unusual by any standard in Australian parliaments. I remind members of the example set by the Federal Government during one sitting week in November this year, when 39 Bills were passed with approximately 40 minutes of debate being allowed on each Bill that affected our nation.

Also, during the nine-day sitting following the 24 March Federal election, the Federal Government guillotined 34 of 57 Bills introduced, which saw them passed in just two days. No-one can say that we have been unfair in pushing through much needed legislation. We have not used the guillotine - yet - nor have we gagged debate, or in any way sought to - - -

Mr Connolly: Big, tough leader of the house.

MR COLLAERY: You might be over here one day, Mr Connolly, and we will watch your voice change - because it will, when we get you.

Neither have we gagged debate or in any way sought to use our numerical advantage in this Assembly to abuse the parliamentary process. Our numbers are purely an accident of democratic process, and, if that seems to worry the Opposition, then I suggest that none of them understands simple mathematics. On the few occasions when legislation has needed to be passed in less than a week for an important reason, the Government has offered members briefings - and some of them comprehensive briefings - and given advance notice where this can be done; and I am speaking about only those four Bills.

Mr Speaker, let me assure members that the Alliance Government does not derive pleasure from seeing Bills passed in a hasty fashion. On the contrary, our Government is committed to meaningful consultation on all aspects of its public policy agenda. I point to the planning legislation package as a perfect example. This very important package of legislation, despite the Opposition's bleatings - particularly last night from Mr Moore - has been prepared over a very reasonable period of time, about 12 months now in fact. A number of us in this chamber are authors - and I do not exclude Mr Moore from this - if not of the words, then at least of the ideas in that very large package, a package of Bills unprecedented in this country. We have seen in the preparation of this legislation a most extensive program of public consultation - a consultative process that has been endorsed but at the same time impliedly criticised by some members of the Assembly.

We all know that the issues involved in that package are very complex and are such that many people in the community have a strongly held view on them. Time is needed to distil this all the way down through the community, and the

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Chief Minister has indicated that the package will be reissued for further public consultations through to February so that we can make sure that we have the very best assemblage of all of the consultative comments to date. That is a very exact and very important example of the consultative process that we tend to use with our legislation.

The criminal law amendments I introduce have invariably gone through the Criminal Law Consultative Committee; they have certainly been referred to the arms of the legal profession; they have been mentioned and debated publicly; and, as Mr Stevenson knows, my style often is to float the ideas about these amendments well in advance to test the winds and to gauge public reaction. That is a device that governments use generally, and it is a device that I would suggest that anyone sitting opposite, were they in government, would also use in appropriate cases.

I think Mr Stevenson's submission today is very righteous. It comes from the comfort of knowing that he will never really have to bite the bullet and sit over on this side of the house. That is important in itself because Mr Stevenson knows that the discrimination Bill which I tabled recently in this Assembly is another classic example of our willingness to cop the political flak - because I suppose it is fair game for an opposition to fire shots when you do not bring in straightaway a Bill that is perceived to be important. But I am willing sometimes to stand back and take the flak, as the rest of the Government is, to make sure that the consultative process is proper. Mr Stevenson gave the Government no credit for those and other Bills on which we have consulted widely.

Mr Stevenson: That is not true. I did at the time, and you should well know it.

MR SPEAKER: Order, Mr Stevenson, please!

MR COLLAERY: Well, Mr Speaker, through you, Mr Stevenson did not give us the credit now. He did not remind the house.

Mr Stevenson: Ha, ha!

MR COLLAERY: There are other examples; but clearly I am not getting through to Mr Stevenson and I will not delay the debate. If the Government is to be flexible to external pressures and quick and decisive where it needs to be, then, of course, there will be occasions where, regrettably, legislation needs to be passed quickly. That is particularly so in finance situations or situations where legislation has produced unintended results.

I am sure members of the Opposition would agree with me on these points. After all, their Government was guilty of the most hasty passage of Bills not declared urgent. This occurred on 28 September 1989 when this Assembly passed a

Gaming Machine (Amendment) Bill introduced only the day before. No doubt the Opposition would argue that they had good reason for such hasty treatment and, as I recall it, the then Opposition understood those imperatives.

This Government is strong and it is decisive. By being so, it is criticised for using its numbers when it believes that in the public interest steps should be taken to introduce legislation and to process it. I do not believe that we will shy away from the responsibilities that have been placed upon us. I do concede that we can always improve consultation - and Mr Stevenson can be assured that our Government will never seek hasty passage of legislation without a very good reason. I can also assure members that this Government will continue on its hardworking way and build on the 57 Bills it has introduced and had passed so far this year.

The suggestion that we are somehow making the task too difficult for the Scrutiny of Bills and Subordinate Legislation Committee should be commented upon. I am attempting to follow a thin line between being presumptive of the committee and being supportive of it. Having been given the honour of going over to the Federal Parliament and being allowed to sit in on its Bills committee processes during the early days of this Assembly, I learnt that Bills committees and subordinate legislation committees invariably operate under the tightest deadlines, under ultimate pressure, and the quality of the reports coming from that committee is simply astounding. They greatly impress my Law Office. I believe that they are responding to the situation as this Assembly evolves and matures in its processes.

We have seen that committee, with the capable assistance of Professor Whalan, able to present at times quite hard-hitting reports that have required us, indeed, to move amendments on the floor very quickly. Members will be aware that, without exception - I may stand corrected - we have responded to the requests of the Bills committee for amendments. There was only one matter, I believe, on which we gave an undertaking instead of making an amendment, and that related to a possible retrospective operation.

Mr Stevenson refers to the time for research, drafting and discussion of amendments and to time for the media to do the research and balanced reporting. We all know that we have probably the most difficult parliament in this country. It is very difficult because there are so few of us and we all share a vast, varied and informed constituency. As well, your Government members hold multi-portfolios which place enormous pressure on your Ministers, for better or worse. This is a very high pressure parliament, and I am sure that very few parliamentarians in the Westminster system work, from both the opposition point of view and the government point of view, such enormously long constituent hours and service hours in this Assembly.

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Finally, Mr Stevenson mentioned that we do not have the safeguard of an upper house review. I am not sure whether Mr Stevenson is departing from and resiling from his own platform of abolition and detuning of the parliamentary process. If he is suggesting that upper houses perform an effective process, then that brings into question Mr Stevenson's own commitment to keeping government at the lowest possible level in terms of costs and impact for the taxpayer.

Mr Stevenson has raised a matter which may have been designed to draw out the Opposition and to start an activity against us. I am sure that Opposition members understand, for better or worse, politics and ideology aside, that our roles in this Assembly, jointly or separately and hopefully more consultatively, are extremely high pressured and very difficult.

Mr Stevenson: Mr Speaker, I have heard no better example of a need for a right of reply to MPIs than Mr Collaery's words.

MR SPEAKER: Thank you. You did not have the floor then. Your behaviour today has been extraordinarily bad, Mr Stevenson. Please desist.

Mr Stevenson: I would not say "extraordinarily bad".

MR SPEAKER: For you, it is.

Mr Stevenson: Thank you. I agree with that.

MR MOORE (3.33): Mr Speaker, it seems to me that we have heard some hypocrisy just in Mr Collaery's last sentence. In fact, he made quite a number of good points in his speech, but some I have a little more difficulty with. For example, in his last sentence he talked about how the Alliance Government is consultative and would do its very best to be so - after last night's efforts when I sought to have just the Interim Planning Bill discussed. I was quite happy to allow it to be brought on today. I pointed out that, with just a bit of discussion, I was sure the Bill could have been handled in 10 or 15 minutes, and I still believe that that would have been the case. However, instead of that, the Alliance Government decided to push on in the way they did and dealt with it on anything but a consultative basis.

I think it was interesting to note the point on which Mr Collaery attacked my colleague Mr Stevenson - my colleague of the crossbenches - namely, that an upper house is an inappropriate safeguard. Of course, it was interesting in that Mr Collaery, having no logical and rational argument to deal with it, decided instead to attack Mr Stevenson. I have certainly never stood on any platform of abolishing self-government and I believe that we do have a problem with this Assembly insofar as we do not have an upper house. I do not believe that the solution is to provide an upper house; it is not. But - - -

Mr Connolly: A house of lords is what we need - an hereditary upper house.

MR MOORE: A house of lords? I do not believe that that is the solution; but, because there is not a review, it is appropriate for us to take particular care with our Bills. I personally think that we saw the best solution operating with a minority government because, in passing Bills, minority governments can be forced to deal with the issues in the public sphere, instead of - - -

Mr Kaine: To pussyfoot around the issues.

MR MOORE: I hear the Chief Minister interjecting, "To pussyfoot around the issues". The Alliance Government's attitude of not pussyfooting around the issues, to use the Chief Minister's own words, and not doing the consultation, just verifies the need for this discussion of a matter of public importance that Mr Stevenson has raised - and a very good matter of public importance it is.

Mr Stevenson suggested that 30 days would be an appropriate time for all Bills. I think there certainly is a very good argument - and Mr Collaery put it - for some urgent legislation and some legislation that we would not declare urgent, to be done in a hurry, and the Interim Planning Bill was a good example of that. All members had agreed that it ought to go through this week, and still the Government flexed its muscles and used its numbers to push it through. However, the point I am making is that there is legislation that might fit into that category of having to go through in a relatively short time; but it is a very rare example, and it should be a rare example. What we should have is the vast majority of Bills going through in the sort of time that Mr Stevenson is talking about - about 30 days - which gives enough time for the Government to consult with people. Certainly, with the vast majority of Bills that I get, I ask people to look through them for me and to draw attention to any problems as they see them - and I go through quite a long process.

With the Interim Planning Bill it was particularly difficult because of the time and because of the fact that the people who are doing that for me do so without any remuneration and in the public interest, and it is very difficult to demand of them that they do that so quickly. So I think that it is most important that we have this time. Mr Collaery used that argument about averages, and I think he himself was aware when he did so that it held very little water because, of course, if one Bill sits on the table all year, that changes the averages no end. So I think that really did damage to his argument rather than giving an advantage.

Mr Collaery: I will give you a break-up.

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MR MOORE: I think a break-up would be important, although, Mr Collaery, I would hate to see you or your staff waste the time on it, because I think that by and large we are aware that the majority of Bills are taking an appropriate amount of time. But there are too many - and I think this is Mr Stevenson's point - that are going through just that bit too quickly. That is really what we are talking about, and I think that we should have a general principle to follow to make sure that they do have the exposure.

Mr Stevenson also mentioned making known to the public which Bills are being dealt with, and there may be some sense in attempting to ensure that. In the vast majority of cases, I understand that, as Bills are tabled, a press release goes out with them and in fact the public's attention is drawn to those. I think that is an appropriate way to deal with it. With reference to the Scrutiny of Bills Committee, one of the things that I have found difficult - and I do not blame the Scrutiny of Bills Committee for this - is that often we get the report of the Scrutiny of Bills Committee very shortly before we are due to deal with the actual legislation. That, of course, reflects the pressure on that committee, and I in no way negative the very good reports we get from that committee. I know the pressure that is on them as well. The problem is in how we are trying to push through those Bills.

The quality of the reports of the Scrutiny of Bills Committee is certainly of a very high standard and I find them extremely helpful in my own reading of the Bills. I congratulate each member of that Scrutiny of Bills Committee. Unfortunately Ms Maher is not here today to hear that, but no doubt she will read it in the Hansard.

Mr Duby: I will make sure of that.

MR MOORE: I thank Mr Duby, who will make sure of that for me. The principle that we are dealing with is quite clear. We have a problem in that we must ensure that these Bills do have adequate consultation, and adequate time for research, drafting and discussion of the amendments, so that when amendments are put up they can be presented in writing before we deal with the Bill in the house, rather than being written on the run as in fact I was forced to do last night. Amendments could thus actually be dealt with in a much more bipartisan fashion.

It seems to me that Mr Stevenson has identified clearly a particular problem. I think perhaps it ought to be taken up by the Administration and Procedures Committee with a view to setting out a guideline - and I would expect bipartisan support for that - on how long we expect those Bills to sit on the table so that they can be dealt with on the floor of the Assembly. I think something quite concrete ought to come out of Mr Stevenson's suggestion, and I urge members of the Assembly to take it seriously and to see whether we can lift our game in this particular respect.

MR JENSEN (3.41) I will speak very briefly on this matter. The Government in fact will be tabling its ongoing legislative program in the near future, and those opposite may wish, once that has been tabled, to discuss the process of some of those Bills and their content as they may be interested. That is an offer that is clearly made to those opposite. One trusts, of course, that this time the Opposition will provide the necessary leave for this list to be tabled. I seem to recall that the last time the Government proposed to do this, even though Opposition members were advised of the subject matter at the time - not prior to that time, I agree - they sought to deny leave, and I think that was probably to their detriment.

I just wish to make one comment in relation to the points made by Mr Moore in relation to the events of last night. Certainly my advice is that Mr Moore was given an opportunity, along with Mr Connolly, to express his concerns and discuss them with officials of the Chief Minister's Department who were responsible for preparing that legislation. The clear situation was that Mr Moore's concerns were noted, but it was decided by the Government that it was not appropriate at this time to take those amendments on board and put them through as he had requested. It was on that basis that the Government did not in fact support the proposals that Mr Moore decided to bring forward. I think that during the period of the debate there were a couple of occasions when members on this side of the house rose to indicate quite clearly why they in fact were not proposing to support Mr Moore's amendments. I also note for the record that it was only on, I think, one or two occasions that Mr Connolly, who had received the same sort of briefing and discussion as Mr Moore did, chose to support in any great detail the suggestions that Mr Moore was making. I just need to get that on the record so that Mr Moore is aware of it.

I think he is also aware of the important requirement to have that legislation passed - and that is not the only legislation that is required to be passed during this next day and a half. I think it was important to make sure that that legislation was put through because we were not sure of - and we cannot control - the way that the Federal Parliament will deal with the legislation that affects this house. Some of it, of course, we all agree should in fact be under the control of this Assembly, but in fact the Federal Parliament has chosen otherwise. With those brief comments, Mr Speaker, I think I will complete my remarks.

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MR BERRY (3.45): It gets curiouser and curiouser. The member who introduced this matter of public importance, of course, talks about a government that does not do things in a period which would allow fair and adequate consultation and so on and so forth. This all comes from a person who belonged to the infamous Abolish Self Government Party - a party which, in my view, did not do things too fairly when it presented itself to the electorate, and in a campaign which, in my estimation, was deliberately conjured to mislead.

Mr Stevenson: On a point of order, Mr Deputy Speaker: Mr Berry has no evidence on which he makes that false claim. I would ask that he withdraw it.

MR DEPUTY SPEAKER: I do not believe that that is a point of order. Perhaps you can claim that he misrepresented later on, Mr Stevenson; but I do not really think that is a point of order. Continue, Mr Berry.

MR BERRY: The fact of the matter is that it was a campaign that was unfair to the people of the ACT and they elected somebody whom they would not ordinarily elect if they knew the full agenda, so to speak. It is also curious that Mr Stevenson - an abolitionist of the government process, he alleges - talks about fairness and adequacy in the passage of Bills through this place, and he then talks about the safeguards provided by an upper house review. That strikes me as odd in the extreme.

Ms Follett: He wants to abolish two houses.

MR BERRY: Indeed, if one was affixed with the abolition strategy, one would like to look for all sorts of things to abolish - bellybuttons, houses of review, videos and all sorts of things. But some of the issues that were raised by Mr Stevenson are, indeed, serious. This Government, though it claims to be peppered with people who support consultation, has not been able to produce the goods.

Mr Duby: Not me.

MR BERRY: Mr Duby says, "Not me", and I agree. He has never ever claimed that he, in any way, supported this consultation stuff. I accept Mr Duby's credentials in that respect. There is a peppering, although a lightweight one, of people in the Alliance Government who claim to support the consultation mode, but they have not been able to influence the conservative elements of the Government to fall into line with their aims and objectives. In fact, there is no evidence that they have tried very hard to do that. We have seen that groups affected by Government decisions - sometimes not Bills or Acts of this Assembly - have not been consulted fully, though the Government argues that they have been.

More often individuals and organisations have been presented with a *fait accompli* and plans which were never going to be overturned by consultation in any respect. So, to that degree Mr Stevenson is right; consultation is not the strong point of this Government. Empowerment of the community through consultation is not the strong point of this Government, even though it tries to present, in the overall sense - with the exception, of course, of Mr Doby, so far, who has made the admission that he is not interested in consultation - the image that it is in some way interested in consultation. Well, it is not.

I think the most recent example of that is its Health Services Bill. The Government is in some trouble with that particular piece of legislation because of the way it presented it to this place and failed to consult with organisations which would be affected by it, during the contemplative stage which, of course, is the key to proper consultation; that is, consulting with people when you first think it is a good idea to do something.

Indeed, groups caught in those circumstances often do not have the resources to liaise with, as Mr Stevenson puts it, "their members, MLAs and MPs". I am not sure how MPs would be affected by Bills that are put in this place, but MLAs may not be consulted, through no fault of their own, and this applies also to organisations that might wish to liaise and consult with MLAs to turn the head of Government around on its approach to legislating. That, of course, is very important and, if one has not taken into account the resources of the organisations that might wish to have an input into the legislative process of this Assembly, then one has not considered the process of consultation properly, and I suggest that what they are doing is quite wrong.

Of course, that takes into account the "consideration of the full effects of and", as Mr Stevenson puts it, the "alternatives to the proposed legislation". I suppose that what he is talking about is whether in this Territory we have or do not have certain products which depict certain actions. I think that what Mr Stevenson is alluding to there is that he would not have time to bus in a rent-a-crowd to complain about certain publications in the Territory if he does not get adequate time - and he needs time to organise that. Nevertheless, it is a valid point that he raises.

With respect to his approach on the issue of assessment of proposed legislation by the Scrutiny of Bills Committee, I do not recall hearing any complaints from that committee that they have not sufficient time to consider any legislation that comes before the house. I am sure that if they feel that way they will draw it to the attention of the Assembly and the matter will be dealt with in due course. One would hope that any government with any common

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sense at all, even this one, would pay due regard to a committee of that order which made recommendations in relation to the time that was required to give proper scrutiny to Bills which are coming before this place.

It is a fact, though, that there is some difficulty in terms of resources for MLAs in this place to research and draft amendments and, of course, discuss amendments with their constituencies. The Government should keep in mind at all times the requirement to take into account the resources that MLAs have at hand to deal with these matters. I think that if they do not do that they are not doing justice to the legislative process or to the process of government in the Territory. I for one, along with my Labor Party colleagues, will be pressing to ensure that the Government recognises that as a requirement of government in the Territory and that they do pay due regard to the needs of the members of the Legislative Assembly to consult fully with the constituency. If they do not, then, of course, it will be drawn to their attention; but one would expect that in the normal course of events they would consider that in placing Bills before this Assembly.

Aside from the curious occurrence that brings this matter of public importance before us at the hand of Mr Stevenson - particularly curious, given Mr Stevenson's background and commitment to abolishing self-government - I think that overall it is an important issue that the Government needs to consider. Some of the issues, as I have said, are not as important as others. But, in general, I think that those matters which were raised in those seven points that he has put before us are worthwhile for the Government to consider whenever they propose Bills for consideration in this Assembly.

MR CONNOLLY (3.54): The matter of public importance that Mr Stevenson has raised this afternoon is of some concern to members on this side of the chamber. There was discussion in Mr Jensen's remarks about the events of last night. I think it is worth harking back to those events because they do demonstrate the problem of ramming through, to use Mr Duby's phrase, important legislation with inadequate consideration.

It should be borne in mind by all members that after the planning legislation was agreed to in principle the unanimous call from the Government side of the house was to dispense with the detail stage of the debate. Yet later that evening an error in a particular clause of that Bill - an error picked out, as is often the case, by the Scrutiny of Bills Committee, due to the very expert assistance that that committee is given by Professor Whalan - had to be corrected and the Government itself had to sponsor an amendment to the legislation. That would not have happened if the original intent of the Government had been given full rein in this Assembly. If the Opposition and Mr Moore had not insisted on going through the detail stage we would have had the embarrassing situation of an amending Bill

having to be drafted to correct a minor technical error. That is the inevitable consequence of belting legislation through in a hurry - the inevitable consequence of inadequate time to consider legislation before this house.

It has been pointed out, in defence of the Government, that it is not uncommon in other parliaments for a lot of legislation to be put through very quickly; but there is usually a very simple reason for that, and that very simple reason is the presence of an upper house or house of review. Often an upper house will modify certain aspects of a government's legislative program so that the popular house is confronted with a large raft of legislation that has been amended in some way by the house of review and that requires urgent attention. That, almost inevitably, is the problem that gives rise to those marathon sittings of the House of Representatives and the examples that Mr Collaery cited of five or six or 10 Bills being put through in one day. That is usually a situation that has arisen because of amendments to earlier legislation by the upper house.

That is not an issue here; nor, I would suggest, is it a problem with the overall legislative program. The Opposition has on a number of occasions in the earlier part of this year drawn attention to the relative paucity of legislation before this Assembly, the relative lack of important business before this house and the rather remarkable practice that is developing in this Alliance Government of issuing a ministerial statement followed by a speech from all members of the Alliance Government on that ministerial statement - really a case of filibustering and time wasting rather than getting on to dealing with legislation. We had day after day of that in the middle part of this year and then, in the last couple of weeks of the year, we find ourselves confronted with a very long legislative program which necessitates late night sittings and the consequent rushing through of legislation.

Again, to hark back to the events of last evening, a lot of the concerns that Mr Moore was raising in relation to that Bill could well have been allayed had that Bill lain on the table for a day or so after Mr Moore's criticisms and comments had been raised, and we or he would have had the opportunity to speak with Government members. Instead, we had a process of simply belting the legislation through. Towards the very end of the debate last night Mr Moore proposed an amendment for there to be a sunset clause in the legislation. Mr Moore used his opportunity to make some remarks on that and I thought it was a quite compelling argument. He made the case, and what was the response from the Government? Did we have a Government member get up and respond to Mr Moore's argument and explain why the Government felt that was inappropriate? No, not a bit of it - no speaker; just vote the matter down. That is not the way to raise respect for the legislative process in this Territory. If members, whether they be members of the official Opposition or members of

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the crossbenches, seek to move amendments to legislation, the Government ought, at least, to give them the respect of dealing with the arguments and explaining the Government position. That was sadly lacking last night and it was a poor reflection on this place.

While in that way supporting Mr Stevenson's matter of public importance, there is the irony that Mr Berry noted of Mr Stevenson, who came into this place on an abolish self-government platform, bemoaning the lack of a safeguard of an upper house in this Territory. It made me wonder whether Mr Stevenson is perhaps favouring the introduction of an upper house for the Territory. Perhaps if we are going to have an upper house, we should go the whole hog and have an hereditary upper house. We could have Lord Stevenson of no fixed abode as the first Lord President of that place. Earlier on, I saw the Minister for Urban Services rather favourably playing with the phrase "Duke Duby". It is a bizarre suggestion, of course, but it is odd that a member who came to this place on the basis of saying that we do not need self-government now claims that we lack a safeguard because we do not have an upper house.

Of course we do not need an upper house. Of course members on this side would think that is ridiculous. But the point remains that in a unicameral system it is important that there be adequate time for consideration. The Government really needs to give very serious consideration to so arranging its legislative program. When it does not have an upper house to blame for delays - which is often justified where upper houses exist - but when, equally, we do not have an upper house to review legislation, it is crucial that the Government be seen to be responding to the wishes of the Assembly and be seen to be giving adequate time for debate on important legislation. This week that does not seem to be the case.

MR DEPUTY SPEAKER: The time for the discussion has now expired.

PERSONAL EXPLANATION

MR STEVENSON: Mr Deputy Speaker, I wish to make a personal explanation.

MR DEPUTY SPEAKER: Yes, carry on, Mr Stevenson.

MR STEVENSON: Mr Berry made the statement that I was perhaps suggesting that there should be an upper house. The statement of the matter of public importance says, "particularly considering the fact that the ACT does not have the safeguard of the Upper House review". It says "the"; it should have been "an", which is what I put in - "of an Upper House review". That was the statement. That did not say that I believe that there should be an upper house, as was alluded to, falsely, by Mr Connolly and Mr Berry.

It is unfortunate that in this house, and I think in parliaments throughout Australia, there are some people who, for what they perceive as political gain, are prepared to maintain things, firstly, that are not true and, secondly, that they in all responsibility and logical thought should know are untrue. If indeed I considered that self-government was legal, there would be no doubt whatsoever that I would push for an upper house. I believe that there should be safeguards from people who do not particularly care what the will of the people is and what their rights and responsibilities are as members of parliament. Indeed, in those cases the idea or the ideal of an upper house is an excellent idea.

Mr Connolly: On a point of order, Mr Deputy Speaker: we do seem to be straying into a speech here, rather than a - - -

MR DEPUTY SPEAKER: We seem to be getting close to that, Mr Connolly.

MR STEVENSON: Thank you very much indeed, Mr Deputy Speaker.

MR DEPUTY SPEAKER: Please, would you just keep it to standing order 46, as you started to do, Mr Stevenson.

MR STEVENSON: Yes. I thought it worthwhile to make the point that the statement that I had said that was simply not true. I do not support an upper house for the ACT. I consider that the ACT Assembly should be abolished, and I have done so for a long time. I would find that my view would not necessarily change. I think it not likely that Mr Connolly and Mr Berry, unfortunately, are likely to tell the truth about the matter in the future.

Ms Follett: On a point of order, Mr Deputy Speaker: Mr Stevenson - - -

MR DEPUTY SPEAKER: Mr Stevenson, would you come back. The point of order relates to you.

Ms Follett: Mr Stevenson has made the point that he believes it to be unlikely that Mr Connolly and Mr Berry would tell the truth at a future stage. I think that is unparliamentary and ought to be withdrawn.

MR DEPUTY SPEAKER: Yes; perhaps you would withdraw that, Mr Stevenson, and rephrase it. I think that is pretty close to an imputation of lying.

MR STEVENSON: Mr Deputy Speaker, the point that I made was to do with an imputation that I was implying that there should be an upper house in this Assembly. That was not the case - - -

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MR DEPUTY SPEAKER: No, I want you to withdraw the statement in relation to their not telling the truth in the future, Mr Stevenson. Will you withdraw that? If you want to rephrase it I will let you do that, but I want you to withdraw that statement.

MR STEVENSON: I do so.

MR DEPUTY SPEAKER: Thank you.

MR STEVENSON: The rephrasing of the statement means that the statement was not true, and I think it is unfortunate that it has not been withdrawn.

PAPER

MR HUMPHRIES (Minister for Health, Education and the Arts): Mr Deputy Speaker, I seek leave to present an out-of-order petition.

Leave granted.

MR HUMPHRIES: Mr Deputy Speaker, I present an out-of-order petition from 683 residents, clients and users, asking that Weston Creek Health Centre not be closed.

ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE Standing Orders 200 and 201 and their Application - Interim Report

MR PROWSE (4.06): Mr Deputy Speaker, as chairman of the Administration and Procedures Committee, I present the following interim report:

Administration and Procedures - Standing Committee - Standing Orders 200 and 201 and their interpretation - Interim report, dated 12 December 1990.

I move:

That the report be agreed to.

The interim report that I have just tabled deals specifically with a request by the Administration and Procedures Committee to the Chief Minister, asking that he seek the opinion of the Commonwealth Attorney-General as to whether the effect of section 65 of the self-government Act is the same as section 56 of the Commonwealth Constitution, and whether the matter is justiciable.

Members may recall that two major legal opinions on the operation of section 65 of the self-government Act have been published. The opinions differ significantly, and it

was clear to the Administration and Procedures Committee that the provisions of section 65 were open to interpretation. For that reason, the committee resolved to seek a further opinion from the Commonwealth Attorney-General on this Federal Act. Accordingly, the committee approached the Chief Minister to seek the opinion through the appropriate Commonwealth Minister.

In a letter dated 30 November, the Chief Minister advised the committee that the Executive had decided to seek the advice of a queen's counsel on the matter, and that he believed that it would be appropriate to review the issue of consultation with the Commonwealth, in consultation with the committee, after the queen's counsel's opinion had been received.

Having considered Mr Kaine's response, a strong concern was expressed at the delay in passing on the committee's request. The committee therefore resolved that a message be sent to the Chief Minister, expressing the committee's concern that it had been prevented from full carriage of its responsibilities and requesting that the brief for the advice be forwarded without delay. The Chief Minister has since written to the committee agreeing to forward the brief after the queen's counsel's advice had been received, and informing the committee that the queen's counsel's advice was expected later this week.

The issues raised in this matter of standing orders 200 and 201 and section 65 of the self-government Act are complex and difficult, and the committee respects the Executive's right to seek a third opinion. However, what does concern the committee is the Executive's decision to involve itself with and to impede the committee in its deliberation on this matter. The request was forwarded through the Chief Minister only to ensure that the appropriate protocols were followed. The committee has therefore seen fit to report to the Assembly on the matter, and the report recommends that the Assembly call on the Chief Minister to forward the committee's request forthwith. I commend the report to the Assembly.

MS FOLLETT (Leader of the Opposition) (4.09): I am outraged by the need for this report, Mr Deputy Speaker, as I think all members of this Assembly ought to be, because it indicates quite clearly the contempt for this Assembly and its committees that is held by the current Chief Minister, Mr Kaine. The fact is that the view of this Assembly and of its committee has been made abundantly clear to the Government since 21 November and an attempt to thwart that view has been made by Mr Kaine. It is a question of which body has supremacy - this Assembly or that Government - and the answer, of course, has to be this Assembly. It is simply not open to the Government, let alone to one member of it, to deny the will of the Assembly and to deny the Assembly's committee full carriage of its responsibilities. That is what we have seen here, and I think all members should view that fact with extreme seriousness.

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Mr Deputy Speaker, the twists and turns in this entire debate could well leave you breathless. I would like to refer members back to 21 November when this matter was first discussed. The issue then was the report from Mr Prowse's committee. That report was under debate, and I would like to refer you to what Mr Kaine said at that time of my colleague Mr Berry, who publicly and on the floor of this Assembly disagreed with aspects of the report. Mr Kaine said of Mr Berry:

He is guilty of politicising the committee, because he alone got up here and took exception to the committee's recommendation.

Who is the guilty party? I would put it to the Assembly that it is Mr Kaine, and he alone, who has attempted to politicise that committee and who has acted, as usual, behind closed doors in an attempt to thwart the recommendations of that committee. Mr Kaine went on, referring to Mr Berry:

He is the one that is politicising it; again, because its view does not coincide with his own, he rejects it.

What has Mr Kaine done? Because the committee's view - twice expressed to him - did not coincide with his own, he has rejected it. That is the view of a committee which is dominated by his own Government colleagues.

Mr Deputy Speaker, I think it is a truly outrageous action that Mr Kaine has taken, and we have to have a look at why he has done it. In this Assembly we have previously seen evidence of his contempt for the committee processes in his efforts to stack the committees, to render them virtually inoperative, by his insistence that they be chaired by people with Executive responsibilities. But I think his action today truly does take the cake. He has just said, "No; I am the Chief Minister. The Assembly can take a back seat. I will say what happens and the committee of my own Government colleagues can just like it or lump it".

I think Mr Kaine has acted from his usual contempt of this Assembly and of its mechanisms. But, of course, his real agenda is to deny private members' business. We saw that again this morning where any excuse, however flimsy, however feeble, however cobbled together while Mr Collaery was on his feet, will suffice for this Government to deny private members' business. Mr Kaine's attempts to thwart the Administration and Procedures Committee in its recommendations are a further attempt to deny private members' business.

I would like members of the Assembly, if they would, to contrast Mr Kaine's actions in regard to the Administration and Procedures Committee's request with some of his other actions. There is no doubt in the mind of anybody in this

Assembly that the self-government Act is still the responsibility of the Federal Government. It was drafted by the Federal Government. It is its intentions in that drafting that we have called into question in this whole debate.

It seems absolutely abundantly clear to most members that the correct course of action is to go and ask the Commonwealth what it thinks of it and, indeed, how it expects that part of the self-government Act to operate. What was its intention in drafting it? On 21 November Mr Humphries made exactly that point. Mr Humphries said:

We cannot continue to debate across the chamber what the section in particular of the self-government Act actually means, because it will be a continuing source of problems. I think we should agree to settle the issue, and the mechanism chosen -

which was to refer it to the Federal Government -

is by far the most appropriate means.

So other members opposite - not just those on the Administration and Procedures Committee - have quite clearly seen it as the correct course of action to go to the Commonwealth and ask them what they think; but, of course, Mr Kaine knows better than everyone in this Assembly. Mr Kaine wants to get another opinion first. Mr Kaine seeks to make a further delaying tactic. Mr Kaine seeks desperately to get an opinion that agrees with his own before he goes to the people whose opinion really does matter.

It is a disgraceful reaction on his part. Mr Deputy Speaker, I would ask you to contrast it with Mr Kaine's actions, for instance, in regard to the fifth and sixth ministries. Again, this is a matter in the self-government Act, the selfsame Act for which the Commonwealth has responsibility; the selfsame Act in which this Assembly required that a change be made. The motion on the additional ministries was put in this Assembly and was passed. I did not agree with it, but I do absolutely agree that that motion should have been forwarded to the Federal Parliament forthwith and acted upon by it. That is my view. Contrast that with the carriage by Mr Kaine of this matter of private members' business.

Contrast also Mr Collaery's blatherings this morning about the Lakes (Amendment) Bill. Mr Collaery got up this morning and said, "Oh, this is a matter that falls within Commonwealth jurisdiction", despite the fact that he had had three months to think up a better excuse than that. They were the grounds upon which he stood this morning. So, quite clearly, we cannot proceed with it until we have the Commonwealth's view. Quite clearly, we must first go to the Commonwealth and ask what they intend to do about

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their legislation in regard to Lake Burley Griffin - one of only three lakes - before we can proceed. Quite clearly, it is the Government members opposite who are going to take that action, Mr Deputy Speaker, and who quite obviously are prepared to bow to the Commonwealth view on that matter.

What a contrast! And it shows up Mr Kaine's true motives in this matter. His motives are, as I have said, to delay any action on private members' business and to thwart a committee of this Assembly - a committee which is dominated by his own Government members - in the full application and carrying out of its responsibilities. It is a contempt for this Assembly and for its committees, and I think that it cannot be held as anything other than a shameful attempt further to delay private members' business.

It is a desperate attempt and one which, I take it, will not succeed now that the Administration and Procedures Committee has, quite rightly, called upon Mr Kaine to act forthwith. It should never have had to make that call. Mr Kaine has acted with all due haste in every other respect where it suited him. He has attempted to politicise this committee, and in doing that he has demonstrated his contempt for this Assembly. I support Mr Prowse's motion, and I call upon every member opposite to do the same.

MR MOORE (4.18): Mr Deputy Speaker, I want to start by congratulating Mr Prowse and the Administration and Procedures Committee for taking this stance. It is quite appropriate for that committee to move in this particular way, and I think it is significant that its members have taken it on. In particular, the Speaker has taken the role - quite appropriate to him - of considering what is in the best interests of all of the members of the Assembly rather than what is in the interests of the Government. I reiterate my congratulations in this particular respect, and my congratulations to him on appropriately carrying out that role.

We have a situation where an amendment that was discussed last night - an amendment to the self-government Act - is already before Federal Parliament. That amendment, of course, is in relation to the package of Acts. It refers to the land management Act and has to do with the transition period, but already an amendment of one of those four self-government Acts is proceeding.

It would have been the perfect time, had this action been taken with appropriate haste, to ask the Minister for Territories to present this amendment as well, because quite clearly an amendment of the Act is needed. Quite clearly, action from the Federal Government is required in order to ensure that the business of this house is carried out appropriately, and that private members have the opportunity to present Bills without having whatever Bills are presented questioned in terms of their charges.

I believe that we understand what the Federal Government was attempting to achieve at the time; but, in fact, it has gone much further than that. I think it is a credit to the Administration and Procedures Committee and it reflects the work of the committees in this Assembly that this committee is prepared to stand up and, in effect, admonish the Chief Minister in this way. It assists in improving my faith in those committees.

The committees have a very important role to play in this Assembly and I think that this committee is playing that role extremely well in making that recommendation to the Assembly. It is now an appropriate time for all members of the Assembly to support this particular motion. It is time for the Chief Minister to say, "Well, perhaps I have made a mistake", or whichever approach you like, "and, yes, I will forward that forthwith".

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.21): Mr Deputy Speaker, I am aware of the fact that it is the custom for questions to be raised when reports are presented by committees to the Assembly. The custom is also that when those reports are presented members of the committee address the Assembly on the report. The further custom is that once that occurs the matter is adjourned, but on this occasion I see non-members of the committee addressing the Assembly. I move:

That the debate be now adjourned.

Mr Moore: Oh, no.

MR HUMPHRIES: It is the same motion that appears after every other report that is presented.

Question put.

AYES, 9

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

NOES, 7

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

MR DEPUTY SPEAKER: The question is resolved in the negative; Noes 9, Ayes 7.

The question now is: That the resumption of the debate be made an order of the day for the next sitting. Those of that opinion say Aye; of the contrary, No. The Ayes have it.

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Ms Follett: On a point of order, Mr Deputy Speaker: the motion was that the debate be adjourned. If it was negatived, we should be going on with it.

Mr Berry: You have just said that it was resolved in the negative.

MR DEPUTY SPEAKER: They have crossed out the wrong thing. There were nine Ayes and seven Noes. I am sorry, Ms Follett. I was reading from a piece of paper which had the wrong - - -

Mr Berry: On a point of order, Mr Deputy Speaker: I think we should call the vote again.

MR DEPUTY SPEAKER: There is no need to, just because "affirmative" was crossed out here and not "negative".

Mr Berry: I think we should call the vote again. There is confusion.

MR DEPUTY SPEAKER: No, I do not think we will, Mr Berry. The wrong thing was crossed out. There were nine people who voted Aye and seven who voted No, so the question is resolved in the affirmative.

Mr Berry: On a point of order, Mr Deputy Speaker: you called the vote as being in the negative. In my view, if it is to be turned around, it has to be put back to the Assembly for another vote.

MR DEPUTY SPEAKER: Mr Berry, we can waste a bit of time doing that, if you like. I am quite happy to show you the piece of paper which I read, where there is a - - -

Mr Berry: I am quite happy to waste a little bit of time, Mr Deputy Speaker. The Noes have it, Mr Deputy Speaker.

MR DEPUTY SPEAKER: Mr Berry, the vote was 9 : 7, and I have it here.

Mrs Grassby: You called the wrong thing. It is in *Hansard*.

Mr Berry: I think you had better take a bit of advice.

MR DEPUTY SPEAKER: We are sorting that out, Mr Berry.

Mr Berry: Thank you.

MR DEPUTY SPEAKER: I will say it again. The wrong thing was crossed out. I am now reading the correct, amended article, which says, "The question is resolved in the affirmative; Ayes 9, Noes 7".

Question so resolved in the affirmative.

MR DEPUTY SPEAKER: The next question is: That the resumption of the debate be made an order of the day for the next sitting.

Question resolved in the affirmative.

ADJOURNMENT

MR DEPUTY SPEAKER: Order! It being close to 4.30 pm, I propose the question: That the Assembly do now adjourn.

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

Question resolved in the negative.

HEALTH SERVICES BILL 1990

[COGNATE BILL:

HEALTH SERVICES (CONSEQUENTIAL PROVISIONS) BILL 1990]

Debate resumed from 29 November 1990, on motion by **Mr Humphries:**

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with order of the day No. 2, the Health Services (Consequential Provisions) Bill 1990? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

MR BERRY (4.28): This legislation follows on from a litany of Government and, in particular, health Minister distortion about the future of hospital services in the Australian Capital Territory. It is the culmination of the Government mumblings about where the management of our public hospitals should end up, but it falls well short of the mark when it comes to delivering quality hospital services in the Australian Capital Territory.

A little while ago we heard the Government members talking about their qualities on consultation measures. In this Health Services Bill I dare you to discover any provision for consultation with the community about the development of policy for hospital services in the Australian Capital Territory. There is nothing. There is nothing in this Bill which will allow the people of the ACT to influence the policies of this Government in a formal way as it directs its energies to the - dare I say it - destruction and vandalism of our hospital system.

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Mr Duby: Oh, no.

MR BERRY: Mr Duby cries out, "Oh, no". That means that Mr Duby has not really been watching what the Minister responsible for health is doing. All he has been doing, Mr Speaker, is listening to the rhetoric. All he would have to do is consult the hospital waiting lists to see that there were 1,400 people waiting for elective surgery at the end of September, a 40 per cent blow-out above that which was fostered by the Labor Party. He would only have to talk to obstetric nurses and obstetricians to understand that the Government's proposed new obstetrics block is inadequate, and there are many other areas where Mr Duby would find plenty of evidence that under this Government's stewardship public hospitals are in trouble.

This piece of legislation, Mr Speaker, is another area of trouble for the hospital services because it is, in many ways, inadequate. On that basis the Labor Opposition opposes the Bill and we will be seeking to make a number of substantial amendments to the Bill to rectify the very deep flaws in the content of that proposed legislation. This Government is a government that, when in opposition - and I talk about the health Minister and the Chief Minister in particular - screamed loud and long about the future of the then Interim Hospitals Board when its term was about to expire. Is it not amazing that shortly after those people came into government they sacked the Interim Hospitals Board and replaced it with another one; yet, that board whose term was due to expire in December last year was never intended to go beyond that point, and when the Government - - -

Mr Humphries: Not by you, it was not.

MR BERRY: Mr Humphries said, "Not by you, it was not", referring to me, Mr Speaker. Might I remind Mr Humphries that the architects of that board did not intend for it to go beyond December last year, and that it was most appropriate that the board finish its term of office as was originally designed.

Of course, it was most appropriate for the people of the ACT to expect a consultative model, a consultative model for its hospital services, when self-government came to this city, because most of the parties which were elected and which had any policies at all related to the delivery of services in this Territory said that they would consult with the community on a whole range of matters, not the least of which were the hospital services.

The Residents Rally, of course, said that; but we have learnt through constant experience that the Residents Rally does not often stick to that which it promises. The members of the misnamed Liberal Party pretend that they are something else at election time, that they are all things to all people; but, of course, always immediately after the election the Dr Jekyll and Mr Hyde image of the Liberal

Party appears very quickly. Witness the vandalism and the attack on our schools and hospitals systems and our community health service and so on. And let us not forget the attack on the people of the ACT, because clearly they will have less disposable income under this Government than they had when Labor was in office. That is relevant, Mr Speaker - - -

Mr Humphries: On a point of order, Mr Speaker: Mr Berry asserts that this is relevant, but I fail to see how talking about schools, talking about health centres, et cetera, attacks on the Government, the Liberal Party persona, et cetera, are relevant to the establishment of a Board of Health. I ask him to get to the point.

MR SPEAKER: Your point of order is upheld. Mr Berry, please remain relevant.

MR BERRY: Mr Speaker, I do not wish to draw an imputation in relation to yourself; but what Mr Humphries said then is an indication of how stupid the Government's approach is to the delivery of hospital services because, after all, I would think that the issue of consultation on a range of issues has a lot to do with its general approach to this Health Services Bill. I refer, Mr Speaker, to the absence of any consultative model in the legislative sense in this Bill. I think that is an absolute disgrace and the Government will, of course, suffer as a consequence of that.

In contrast, Labor engineered a highly consultative model which would have influenced the policies of a Labor Government on hospital matters. That is not something that the Liberal Party would want to do, because it is not keeping with its image. It is not something that Mr DUBY would agree with, because by all accounts to date it might even be said that Mr DUBY would have difficulty spelling "consultation" because he seems to have struck it from his vocabulary. The Residents Rally, which is so keen to turn its back on all of its policies, has also forgotten about the issue of consultation and has not seen the need to do anything in terms of the model proposed in this legislation.

Mr Speaker, there are other areas that have not been dealt with in the legislation which I will deal with when the Bill comes to the detail stage. They include the absence of a description of the services which will be provided in the hospital system. I think that is a very important and necessary description, and it has been left out of the legislation. I do not know whether it has been left out by accident or by intent. It is very difficult to work out. But the fact of the matter is that it is not there.

Its approach to the board of management which, of course, is not supported by the Labor Opposition, is inadequate. It does not have a consultative model which advises the Minister to whom the board is responsible. Therefore, the

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Labor Opposition will be moving to strengthen the board of management with service providers, consumer organisations and trade unions. That is because the Government has not seen fit to do anything about a consultative structure underneath the Minister to keep him on the straight and narrow in terms of what the community wants. Through the policy making procedures of the Liberal Party it is difficult to work out how he would ever get information on what the community wants through that process, so it is absolutely necessary that the process that is put in place in the hospital legislation provides for that in some way. That is not the preferred method from the Labor Party's point of view. We would prefer those people to be advising the Minister directly.

It is also evident from other amendments that have been placed before the chamber that the Government seems to have folded on the establishment of provisions to ensure that there is quality control in the delivery of services in our hospital system. I do not know the full reasons why it has folded. On one day there were provisions within the legislation to ensure that the board would be able to require consultants within the system to participate in quality assurance measures. After a reported kerfuffle with the Australian Medical Association, that requirement has now been deleted. That strikes me as odd, because this Government was one which complained bitterly about the lack of quality assurance in the medical system. It knows, for example, that Woden Valley Hospital was not able to receive accreditation because of the lack of adequate quality assurance; yet here it is in its own legislation scrubbing it out because of some perceived pressure from outside Government ranks.

I must say that we have not had any complaints about that in the Opposition offices, but I will go back to the issue of consultation. There have been no perceived processes put in place to consult fully on the provisions which are to be included in this legislation. There are none at all that we are aware of. They certainly were not put to the Labor Opposition, and I have to say that the - - -

Mr Humphries: Nor were your amendments before today.

MR BERRY: The Minister complains, "Nor were your amendments before today". I was going to say, Mr Speaker, that it is just as well that they did not try their style of consultation on us because we would not have a bar of it. We have seen it work before; the people in the schools have seen how it works before. We do not want that sort of consultation and we will not participate in it because we will not waste our valuable time on that sort.

Mr Speaker, it is also important that the legislation provide for a health services complaints unit. If you have the time to read the telephone book, and I accept that not many people in this place do, if you look under the Department of Community Services and Health and you search

for its complaints unit, you will find it. Guess where you will find it - you will find it under the same number as the public relations unit.

Mrs Grassby: What a joke.

MR BERRY: That is a bit of a joke in anybody's language.

Mr Humphries: Where was it under you, Mr Berry?

MR BERRY: What Labor was going to do, in contrast to what this Minister has done, was to put in place a process where the community would be able to influence the policies of the Minister before they became a matter of fact. Not in any way would the Labor Party have been cast in the same mould as this Government.

Of course, all the Minister would have to do, if he wants to know what the Labor Party would do about this, is to have a look at Labor Party policy. It clearly sets out that the Labor Party would move to a complaints unit by legislation, with a legislative base. That is all he would have to do if he wants to know how the Labor Party would do it. I can guarantee that that would have been the result, and that is what the Labor Party in opposition in this place will set out to do in the course of this debate.

That is a very important process which will be pursued, as I have said, in the course of this debate. It is a detailed proposal that we have put in the form of amendments to this legislation and we will pursue that vigorously to ensure that the people of the ACT are able to complain and to get service which is quite separate to that provided by the management of a hospital system. It will ensure that their complaints are adequately addressed and decided upon by a body with quasi-judicial powers.

The council, of course, will have powers to receive and investigate complaints about any service provided in a health facility, and the council will have the power to conduct investigations and so on, and it will have the power to determine any such matter. That is very important, because the complaints unit as it now stands does not have any powers that I can find out about, except that it seems to report to the public relations unit to ensure that the hospital system is not criticised as a result of any complaints.

In my view, Mr Speaker, that is inadequate, and it is a great pity that the Minister has not moved to do something about that, because I am sure that he has had a number of complaints about the services which are provided in the hospital system. The fact of the matter is that it was shown in a recent survey that people will not complain to the complaints unit because clearly they do not trust it because it is too close to management. What Labor would set out to do, of course, is to ensure that there is a trustworthy complaints arrangement established under legislation.

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Other matters will come up in the course of the detail stage debate on this issue, Mr Speaker; but one other matter which I would like to mention is the arrangements for the sale and purchase of goods by the hospitals board. The legislation allows the hospitals board to spend up to \$1m without reference to the Minister. You will all recall the difficulties which members had in isolating the expenditure on consultants when that was pursued during the course of the estimates debate. Under the proposals that will be made in the amendments that I have put forward, all transactions for the sale or purchase of goods and services by and on behalf of the board in excess of \$2,000 shall be advertised in the *Gazette*. Nothing that involves the expenditure of more than \$2,000 will escape the net, because all services will be advertised and there will be no more of this selective appointment of consultants and contractors in the hospital system.

I will just give you an example of an incident that will not occur. When I was Minister a consultant offered to do a review of a certain process in the hospital system, and he offered to do it for nothing. I thought to myself, when I saw that, why would he do that? Why would he want to do it for nothing? I just could not work that out. Are all these generous people waiting out there to help the ACT hospital system? I soon found out. I soon found out that that person expected to get a major contract as a result. That is the sort of thing that would not happen under this process because it would have to be made public and properly made public so that the people of the ACT would know, to the largest degree possible, what is going on within their hospital system in relation to expenditure.

Mr Humphries: That is only \$2,000; it is only \$2,000, Wayne.

MR BERRY: Mr Humphries complains something about \$2,000. There is a lot of difference between \$2,000 and \$1m. He might not know the difference, but I certainly do. I might be able to put my hand on a couple of thousand dollars, but I certainly cannot put my hands on \$1m. The fact of the matter is - - -

Mr Humphries: And you never will in future either.

MR BERRY: I will not be able to do that with help from members of the Liberal Party, I can assure you, Mr Speaker. The fact of the matter is that this sets out to ensure that all of those contracts, and so on, are swept up in a net. Mr Deputy Speaker, I will have more to say in the detail stage of debate.

MR SPEAKER: I beg your pardon?

MR BERRY: My apologies, Mr Speaker; I was traumatised by the way the last person who was in the chair dealt with me. You see, I just cannot forget that. I will speak more about this in the detail stage of the debate, Mr Deputy Speaker.

MR SPEAKER: Mr Speaker.

MR BERRY: Mr Speaker. There you go; I told you that I was traumatised.

MRS NOLAN (4.50): Mr Speaker, as members will be aware, on 4 July this year, the Alliance Government announced changes in the administrative arrangements consistent with its agenda for public sector reform. These changes were intended to streamline administrative structures by effectively abolishing the departments of health and education and bringing together the high level policy functions of these agencies into a small and efficient ministry. At the same time, the services, planning and operational areas were to be brought together under a separate statutory board to be managed at arm's length from the day-to-day business of government.

Mr Speaker, to ensure a high level of accountability in the ACT community a strong board has been appointed. Members of the Canberra community, respected for their experience across the business management and health sectors, have been appointed to that board, and I would just like to run through them. There is Mr Jim Service, who is the chairman of the board. He is a property manager and consultant. He is the chairman of the Canberra Advance Bank, the chairman of the Mitchell Board of Management, and was previously the chair of the Calvary Hospital Board and a member of the Interim Hospitals Board. John Bissett is the Chief Executive of the ACT Board of Health. Kate Carnell, who is a private pharmacist, is president of the ACT Pharmacy Guild, a member of the ACT Pharmacy Board and a member of the Pharmaceutical Society of Australia. Tony Clarke is a private medical specialist. He was previously a member of the Interim Hospitals Board and he is the deputy chair of the Medical Staffing Committee and a councillor of the AMA.

There is also Bob Douglas, the university professor, who is the director of the National Centre for Epidemiology and Population Health at the ANU. He was previously a member of the Interim Hospitals Board, and previously dean of the Faculty of Medicine, University of Adelaide. There is also Gail Freeman, who is a public accountant and who was previously a member of the Interim Hospitals Board. Peter Hohnen, barrister and solicitor, was previously a member of the Interim Hospitals Board. Jennifer McNicol, registered nurse and businesswoman, has had previous nursing experience in Australia and overseas in both public and private hospitals and is the manager of a medical practice and a director and manager of small business.

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Ross Walker is a retired public servant and a member of the ACT Aged Care Advisory Committee, vice-president of ACTCOTA, executive secretary of the Australian Affiliation of Voluntary Care Associations, member of the Richmond Fellowship and previously vice-president of ACTCOSS. Neil Ralph is a retired rear-admiral, a member of the Repatriation Commission, and previously Deputy Chief of Naval Staff, Department of Defence. There is also to be a nominee from the ACT Trades and Labour Council. As that has yet to be finalised, I am not sure why Mr Berry was expressing his concern in relation to that matter earlier.

At a time when the hospital system is experiencing a major program of restructuring, it is particularly important, Mr Speaker, that a strong board oversees and directs this process. In these times of change, there are also important opportunities to find new ways of working to improve the health services in the ACT by bringing together the responsibility for public and community services and hospital services at this critical time to ensure that the planning for health services will occur with all other sectors involved. There will be a strong focus on managing operations across the range of different community and institutional services administered by the board.

Mr Speaker, in line with the social equity commitments of this Government, the board will be charged with the following: to provide health services for the residents of the Territory and, as appropriate, for the residents of the surrounding region; to manage the health services and health facilities under its control; to provide for the planning and evaluation of health services, including services provided by persons or bodies (whether or not incorporated) other than the Board; to provide, as appropriate, for the training and education of persons providing health services; and to make available to the public reports, information and advice in relation to the health of the community and the availability of health services.

This charter, Mr Speaker, will ensure that the board works effectively and actively for the community to provide services efficiently and effectively. The Health Services Bill will ensure that the board has an appropriate statutory base, with powers to control its human and financial resources within the broad directions of the Government. Mr Humphries will, in fact, be moving several Government amendments - which I understand have already been circulated - which are the result of the further consultation that has happened since this Bill was introduced into the Assembly. I am sure he will have more to say on those amendments to this Bill a little later.

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.55), in reply: Mr Speaker, there is not a great deal to say about this legislation which has not already been said in the presentation speech I made some days ago. I should emphasise that the Government is committed to the development of a much better hospital system for Canberra and its surrounding regions - we must not forget that - and, as a result, it has decided to proceed with this process of establishing a stronger base for the provision of services in the ACT.

I want to answer the point made by Mr Berry that in some way the changes brought forward by the Government in this area constitute some undermining or loss of confidence in the process which we defended in opposition last year, in particular in our defence of the Interim Hospitals Board. Let me emphasise that that is not the case. The Government is strongly committed to the structure of hospital administration and, indeed, health service administration, as provided by and exemplified by the Interim Hospitals Board, as it then was. We support that concept because we see great value in having an expert and community based body of people to administer and directly deliver health services in the ACT.

That appropriate distancing of those services from government is, in my view, a good thing. Mr Moore discussed this the other day and he said that he saw two means of providing services: a centralised one, which tends to be that preferred by the Labor Party, and a less centralised one, a devolved one, which is the one preferred on this occasion by this side of the house. Mr Moore said that he was not sure which was the better system. That is obviously an issue that he will have to deal with in the course of time.

My view is very strongly that the community is better off when the Government is put at some distance from the provision of those services. Government is a large, sometimes inaccessible kind of organisation. I believe that for governments to, in a sense, give back to the community some responsibility for the management of health services, and indeed for other things, is an important step in understanding that communities have an important role in these matters and can be expected to shoulder some responsibility in ensuring that health services are of a high standard. After all, the community itself is the consumer of those services.

In difficult economic circumstances the Government has committed a substantial proportion of its capital budget to the development of a principal hospital which brings together all the major specialties in the ACT hospital system on one site. This has happened because we believe that it will enhance the development of quality assurance, peer review, teaching and research and other things which underpin the achievement of high standards of clinical care. Incidentally, it will also facilitate the care of

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patients with multiple problems, whose treatment under the present arrangements, where specialist services are split between different sites, is less than optimal. The Government also has a major commitment to improve community based health services and public health services targeted at prevention and the provision of a healthy environment for the ACT. Those things also, it seems to me, are served by these Bills.

By establishing this Board of Health that is stronger than the previous Interim Hospitals Board, the Government has brought together people with solid experience in a range of business and health-related areas. Mrs Nolan has clearly indicated the backgrounds and expertise of the members. The board will provide a mechanism for good management at high levels of accountability across the whole range of health services in Canberra, and will ensure a sound coordination and integration of services. Mr Berry himself acknowledged, while in government, that there is a problem with integrating what were hospital services with what were other health services in the ACT. There are gaps through which people can fall and through which services as a whole can fall, and it is important to integrate those services properly. This Government, rather than undermining or rejecting the concept that was embodied in the previous Interim Hospitals Board, has enhanced that concept by embracing all health services in the Territory under a single board. We have not left one particular area out in the cold; we have not decided to split things up officially. Health is a holistic consideration. It is important to see health services provided at all levels, or as many levels as possible, in a single light, rather than to treat them as responsibilities of different bodies and, by doing so, possibly to alienate those services from their best employment.

For example, to have one body administering baby health centres and another body administering hospitals in which babies are born is, in my view, not sensible. It makes sense to integrate these services under a single board. Mr Berry himself attempted to do something of that kind by establishing, I think, a community health service board, or some such body, when he was in the dying days of the Follett Government. For that reason, I think that members on all sides of this chamber should strongly support the thrust of this legislation.

These Bills are designed to give the board teeth and to establish a base in legislation through which health services can be properly planned and managed with a high level of public accountability. To do this, the board has to have powers which enable it to control the resources, both financial and human, needed to provide high quality health services. It requires appropriate employment panels and financial arrangements, and these are provided for in this legislation.

Of course, there have to be suitable constraints on those powers. Employment will be under the Public Service Act, with all its safeguards, and the Audit Act will guide the board's financial operations. Under these new arrangements, health services will be managed in a businesslike manner and operate as a separate authority at arm's length from the day-to-day administrative affairs of the Assembly and the Government.

In my presentation speech, I outlined the main objectives of the board. Those are broad in scope. They encompass efficient resource use; ensuring accessible and equitable provision of high quality health services; and a responsibility to focus on achieving safe environments and to provide information about health matters. Those are pretty broad and, I think, pretty acceptable. Most importantly, the ACT Board of Health will have overriding responsibility to promote, protect and improve the health of the residents of the ACT.

This means that the board is being required to focus not only on people being treated at any one moment in time but also, in a sense, on preventing service use by promoting and protecting the health of people in the first place. I will remind those opposite that this is one of the major achievements of a structure which integrates services which might be called preventative, such as are provided on a local suburban basis, with those services which are provided in a centralised and highly technical facility such as a hospital. There are major benefits, and I am sure that they will flow through quickly to the people of Canberra. The Board of Health as a separate entity is not a resource driven exercise. It is about achieving a more effective and efficient health service and, through that, an improved quality of life for residents of the ACT.

In the main, the Board of Health will be broadly modelled along the lines of the New South Wales area health boards. I might say that the model has been tried and tested. It was introduced, I think, by the Wran Government, maybe the Unsworth Government, certainly the New South Wales Labor Government in October 1986. It is being considered for introduction in Queensland, Western Australia, Tasmania and New Zealand. The concept has worked extremely well in New South Wales, and it is appropriate for us to pick it up.

It is also appropriate to bear in mind that health board area in New South Wales are approximately the size of the ACT in terms of population base. The concept recognises the essential need to integrate care and the protection of health across the complete range of health services. There is one difference from the model that we have inherited from New South Wales, in that it recognises that, since there will be only one health board in the ACT, it must include the important functions of State-wide services, policy and planning. In this respect it will work closely with the Ministry for Health, Education and the Arts and the Board of Management of Calvary Hospital and other agencies.

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The ACT is roughly equivalent in population, as I said, to metropolitan New South Wales area health board catchment areas. Of course, the ACT Board of Health will be directly accountable to me as Minister and will operate subject to the Minister's direction. Board members and the chair will be appointed by the Government. The board must meet at least eight times a year. Members must disclose conflicts of interest. Board members will be indemnified against action taken against them as individuals rather than as a body corporate. The chief executive of the hospital system will be a member of the board. He or she can manage the health services under the board's control on behalf of the board and, of course, subject to its direction. I might say that this is a much better way of keeping in touch with what is going on on a day-to-day basis in the hospital system than using a Minister, such as me, who has responsibility in a large number of areas.

Appointments can be terminated for misbehaviour; physical or mental incapacity; or, for health professional members, if the member ceases to be registered as a health professional. Bankruptcy, criminal convictions or absences except on leave will also result in the termination of appointment. The legislation also provides power to appoint an administrator if the board is incapable of effectively performing its functions or if it is acting improperly.

Apart from the establishment of the board, the Act introduces a significant new provision to the ACT. For the first time this Bill will provide legal protection for health professionals participating in quality assurance activities - that is, unless Mr Berry's amendments are carried. Over recent years, medical practitioners have not been participating in quality assurance processes because of a fear that material produced in this context would later be used against them in civil or criminal proceedings - for defamation, for example. This means that the keystone to the development of high quality standards of service has been missing. Mr Berry knows as well as anybody else what the consequence of that lack of high quality standards of service has been. This Bill provides a mechanism for approved committees to be established by gazettal, so that evidence irrelevant to their activities cannot be compelled and used as evidence for other matters, and that is a significant advance.

Mr Speaker, Mr Berry made reference to some clauses in the Bill which are going to be removed today by the Government under proposed amendments dealing with quality assurance. I might indicate that there has been discussion and consultation with the AMA on this matter. I do not want to go through the history of that, other than to say that the AMA was alerted at an early stage about the prospects for improved standards of quality assurance in our hospital system. I would hope that those opposite would fully share this Government's conviction that we should have high

standards of quality assurance and that they would join with the Government in getting cooperation from the medical profession to ensure that that is provided for.

Last week the AMA raised objections to clauses 41, 42 and 43 of the Bill. The Government has agreed to delete those provisions after having been formally notified of the AMA's support for the concept of participation by all medical practitioners in quality assurance activities, and the association's commitment to work with the new Board of Health to establish an adequate program of quality assurance in our public hospitals by the middle of next year.

I am satisfied by that assurance, Mr Speaker. I believe that it will meet the standards set by the Government and, as a result, I am prepared to acquiesce to the request from the AMA to delete those provisions.

Mr Berry: You folded.

MR HUMPHRIES: You were not even listening to what was going on, Mr Berry; you were talking to Mrs Grassby. You would not know what I said. I could have said that a bolt of lightning came from heaven and told me that I should delete those provisions. You would not know.

The provisions of the Bill, Mr Speaker, will change the face of health services in the ACT, and they will ensure the highest level of accountability, both managerial and professional. I am confident that this will lead to further advances in the development of high quality health services for the people of Canberra and for surrounding regions. That is the principle behind which this Government firmly stands. We will do our best to ensure that the hospital system receives the support it needs. We have demonstrated that through our commitment to providing for a better infrastructure for hospital services in the ACT, and we are now following that up with appropriate legislation to underpin the activities of a new, more powerful and more relevant ACT Board of Health.

MR MOORE (5.10): Mr Speaker, I understand that Mr Humphries has closed the debate at this particular time and that I can either speak in the detail stage or seek leave to speak now. Mr Humphries would then, of course, have the opportunity to take account of my remarks in the detail stage. I seek leave to speak now.

Leave granted.

MR MOORE: It is delightful to have such an enthusiastic response from both sides of the house when I stand to speak.

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Mr Speaker, there are a few things that I would like to draw attention to in relation to the health board. Prior to the election I was responsible for establishing the original idea of a Board of Health. The policy stated:

The establishment of a Board of Health will be a high priority for the Residents Rally -

as I was then a member -

Membership of the Board will be honorary. The Board will go well beyond the "two hospital board" suggested by Dr Brendan Kearney ...

Further on in that policy I indicated quite clearly, along the same lines as Mr Humphries is running today, that what I was interested in was having an overall conceptual health board that would look after not just hospital care, but the broad range of health cares that Mr Humphries has referred to.

I shall not re-cover that ground. However, what I will say is that it seems to me that the board will only be as good as the people on it, and by and large the individuals on that board are, of course, very competent people and interested in health issues. I quite accept that. However, it seems to me that the make-up of the actual board that Mr Humphries has nominated is inadequate in that it fails to represent broadly enough the health promotion side of things. In particular, mental health seems to me to be inadequately represented. If the Board of Health is to be successful, it ought to have started with a fresh approach rather than taking the old hospitals board and basically reconstructing it with a couple of little peripheral additions and making that into the new health board.

So, I think that we have a problem in that there is inadequate representation in terms of health promotion, and particularly in terms of community nursing. I think that many health areas are recognising now that the new way ought to be into community nursing, and we ought to be putting our emphasis on community nursing, both in training and in providing care through that area. It is quite clear that at this stage, under the Alliance Government, rather than being promoted, community nursing in Canberra is suffering quite a smashing. This is particularly so in the northern areas where we can see that community nurses and community nursing areas are actually being closed down. I refer to O'Connor, Hackett and Dickson, where community nursing is suffering the same sorts of cuts as are happening in other areas.

It is the wrong spot, and I am sure that a broad understanding of the need to promote health will indicate that the community nursing area is the area to push. Even if you do not take into account what is best for the people from a straight economic view, the promotion of community

nursing is going to provide a situation where people are healthier, and the healthier they are, the less time they are going to have to spend in hospitals. Hospitals are the most expensive part of our whole health care system. I am sure Mr Humphries would agree with that concept. So, what we should be seeing is not a situation where community nursing is being closed down in neighbourhoods, but where it is being expanded.

Those community nurses ought not just to be looking after mothers and babies - though that is certainly an important part of their function - they ought not just to be looking after the elderly. There is a whole range of duties that community nurses can perform, and that range is quite open to improvement and open to the sorts of ideas that will come from a very healthy organisation, from an organisation that has a strong morale. The community nursing organisation in this city, particularly on the north side, is in exactly the opposite position. Its members are suffering from low morale, they are under attack, the areas are being shut down and they are finding that they are being herded into much bigger areas where they have to approach people through the use of their vehicles instead of having both options. It is important that they be seen as part and parcel of the community in which they work, and that cannot happen while we have a situation where they are under attack.

I draw Mr Humphries' attention to that, and I draw the attention of the new hospital board to that; but I make it quite clear, of course, that I do support this Bill in principle. The new hospital board ought to look very closely at those community nurses and how they fulfil their functions, how we can encourage them to fulfil their functions better and how we can build their morale. And it is certainly not by closing down the centres from which they operate. Rather, it is by making those centres much more comfortable, much closer to the community and by their fulfilling as many functions as they possibly can in the community.

That is not to say that the actual buildings themselves could not be collocated, in the same way as some preschools have been. I think that it is possible, in fact, that they could well be collocated to schools. They could have a very important educative function. They already have an educative function, but that educative function could be extended to the students themselves and, of course, to their parents.

With reference specifically to the Bill, I draw attention to clause 17 of the Bill before us, which reads:

An appointed member shall be paid such remuneration and allowances as are prescribed.

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It seems to me that by its nature this sort of board ought be an honorary board. That is an appropriate way to deal with the board, rather than putting an extra burden on the community in terms of seeking allowances from the Remuneration Tribunal. It is important to distinguish that from clause 18, which looks at the actual expenses that are incurred by members. Of course, they ought not be responsible for their expenses, but one has to question why it is that this extra expense on top of the health budget is allowed.

The positive thing about this health board, I think, is that over the last decade the health system in the ACT has been a joke. We are quite aware that that is the case. People have made that comment again and again, and it still is not right. At least in this situation Mr Humphries is making an attempt to get it right, and I shall be watching very carefully to see how it performs.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1

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

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

MR STEFANIAK, by leave: Mr Speaker, I present the following reports:

Scrutiny of Bills and Subordinate Legislation - Standing Committee -

Report No. 20 of 1990, dated 5 December 1990

Report No. 21 of 1990, dated 12 December 1990

Report No. 20, dated 5 December 1990, which I have just presented, was circulated to members pursuant to the committee's resolution of appointment. Report No. 21 details the committee's comments on the Motor Traffic (Alcohol and Drugs) (Amendment) Bill 1990 and the Magistrates Court (Amendment) Bill 1990, together with two pieces of subordinate legislation and a Government response. I commend the reports to the Assembly.

ADJOURNMENT

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

That the Assembly do now adjourn.

Domestic Violence

MS FOLLETT (Leader of the Opposition) (5.20): Mr Speaker, I would like to say a few words during the adjournment debate on the subject of domestic violence and, in particular, on the case that we have recently seen in the ACT and the circumstances surrounding that case. Members will be aware, of course, that it was an appalling apparent triple murder and suicide which occurred in Canberra last week. I believe that this case proves yet again that the enforcement of domestic violence legislation is still a matter which we must continue to press for in the ACT. It is a very serious matter, and I believe that it does raise some questions about the way in which the Act is being administered in the Magistrates Court.

It appears, Mr Speaker, that the woman and her two children who were murdered recently were, in fact, murdered by a man who had been granted bail that very day.

Mr Collaery: On a point of order, Mr Speaker: there has not been an inquest. I am troubled by the conclusion the Leader of the Opposition is drawing. The right province in which to make that finding is at court. I do not press the issue too strongly.

MS FOLLETT: It was in the *Canberra Times*.

Mr Collaery: I am aware of that, and there are some concerns about that. I guess the Leader of the Opposition has said it; but I would ask her not to emphasise and seek to make a deliberative decision about the question of murder.

MR SPEAKER: Thank you for your observation, Mr Collaery. It is sub judice; is that what you are saying?

Mr Collaery: Yes. There will be an inquest. A coroner has been appointed and my advice was that as Attorney-General I should not make those determinative comments. This is not a point scoring exercise; I assume that the Leader of the Opposition can continue her speech.

MR SPEAKER: Thank you for your observation, Mr Collaery. Please proceed, Ms Follett.

MS FOLLETT: I take Mr Collaery's point, but I think that what I have been saying is pretty much in the public realm. In fact, there is nothing that I could say that would add to what I am aware of has been made public. But I do think

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that it is a matter that is worth debate, and I think that Mr Collaery's own actions in bringing forward the keep-the-peace legislation this week indicate that he also has some concerns about this matter. I support his bringing forward of that legislation.

Mr Speaker, the point that I chiefly wish to emphasise concerns the implementation and the enforcement of domestic violence orders. I am aware that in this field the type of apparent breach of the domestic violence order that occurred in that case is, in fact, not unusual. We should not write it off as an unusual or extreme case, tragic as that may be. There are many examples of women and children who live in fear of violence and who live with violence itself. And that continues even after a domestic violence protection order has been granted.

I have told members before in this place and on this same subject that the New South Wales police statistics indicate that half of all female murder victims are murdered by their spouses. Of course, all of those murders must be regarded as being in the realm of domestic violence. It is not the kind of crime that you can sweep away or treat as some other kind of a crime. It is murder.

In the case that I have referred to I am aware, and I have been told by everybody concerned, that the police acted in a completely exemplary manner. They did consider it a very serious case, they were aware of the record of that case, and they, in fact, opposed bail on this occasion. Obviously, in any case it is very difficult for a magistrate to decide whether a person should be deprived of their liberty or not. It is all too easy for people to criticise the failure to grant bail whereby a person would have remained in custody, and in this particular case I believe he would have had to remain in custody until he got a hearing in about January. So, it would have been easy to criticise a decision to keep that person in custody. (Extension of time granted) But I think it is very important to note that in passing laws about domestic violence it is quite clearly the wish of this Assembly that those laws be fully implemented and that every domestic violence case must receive very serious treatment.

I am quite convinced that the police do treat them seriously. I would also like to be able to say that the Magistrates Court also treats them seriously, particularly when its officials have the advice of the police on the matter. I think that there have been some pretty glaring inconsistencies in the courts concerning the treatment of domestic violence cases. I am aware, of course, that courts have to take into account the principle of the civil liberty of the usually male offenders, but I believe that the nature and the seriousness of the assaults, usually against women and children, should be very carefully weighed, at least as carefully as the civil liberty rights of the offenders.

I think that there has been some evidence lately of a slackening of penalties. For example, in January 1987 there was a newspaper report that said that a man who had appeared before the court for the breach of an order was the first man not to go to gaol. That was in 1987. His offence, which had involved merely pleading with his partner, earned him a \$400 fine. But, recently, I believe, in quite stark contrast, there was a case where a woman reported to the police over 100 breaches in a five-month period and when the charges relating to those offences were heard they were all heard at once and the penalty was a \$250 fine. I think that is a worry because it shows a slackening in the seriousness with which the courts are dealing with domestic violence breaches. I think there are clear cases where the courts have to take into account particular circumstances, but in general I do not believe that we should condone any sort of a slackening, and I think that as community representatives in this Assembly we should never hesitate to make it clear that we regard this as criminal behaviour and that we expect the law to be carried out to its full extent.

Compulsory Retirement Age

DR KINLOCH (5.28): I am sure we would all want to thank the Leader of the Opposition for those thoughtful remarks about that very difficult subject.

Mr Speaker, I just want to say briefly that we are swamped, of course, with all the material we get. We have had five more booklets today, and one tries to go through them as best one can. I want to express a very great worry about the Australian Capital Territory Gaming and Liquor Authority's ninth annual report, page 8, where it says:

Retirement Age.

In February 1990 the Authority accepted advice that the ACT Government sector compulsory retirement age provisions should apply. Consequently the compulsory retirement age for permanent staff is 65 years with an option for early retirement from age 55.

I do not know the details of the law about retirement; but, in view of what I was saying yesterday about New South Wales, may I ask that those responsible please begin looking at removing these restrictive and discriminatory provisions for young people aged 65.

School Closures - Pupil-Free Days

MR WOOD (5.29): Mr Speaker, I want briefly to express my concern at the attitude demonstrated by Mr Humphries this morning, when he was answering a question about the cost to parents of pupil-free days in those schools that are closing. Mr Humphries' attitude seemed to me to be that it is tough luck; if the parents have to meet an expense, then they can do so, or they can creep into the school - it was not his word - and ask the principal whether that cost could be paid for them.

We send our children to school and the Government undertakes the responsibility of paying for their time at school and of generally providing teachers. At Government instruction three days were cut off the school year - admittedly not the busiest part of the school year - to assist the schools to be closed. The children have already suffered one penalty and this Government - or the Minister on its behalf - has imposed a further penalty. It is my belief that the Government has to accept the financial responsibility for the cost of the people who are providing child-care. It should have provided teachers.

I think Mr Humphries said that the cost would have been \$20,000. Well, so be it. The cost that has been incurred in closing schools is many times greater than that, and \$20,000 would have been a flea bite as part of the overall cost. But, if you are going to have child-care, let us accept that. Surely the \$15 per student per day was a proper responsibility of the education department. It should have been automatically paid direct to the carers, and not taken out of the parents' pockets. It is no argument to say that if the parents are in financial difficulty they can go and ask the school to have it paid for them. Parents do not want to do that. Indeed, whether the parent is rich or poor, it is the obligation of this Government to provide for the child during the whole of the year. I think this is a disgraceful attitude that has been adopted.

However, since it is near the end of the year, and school holidays have a significance for me, Mr Speaker, you can congratulate me; it is my thirty-first wedding anniversary today.

Australian Children's Television Foundation

MR HUMPHRIES (Minister for Health, Education and the Arts) (5.32): Mr Speaker, I rise to touch on a subject unrelated to anything else discussed today, namely, the Australian Children's Television Foundation. Members of the chamber will be aware that the Australian Children's Television Foundation was set up some time ago by the Australian Education Council to fill a perceived need in the area of children's television, and in the time since its

establishment it has contributed significantly to quality media for Australian youngsters. Members will probably be aware that basically its role is to provide for a high quality production process and production stimulant for children's television, and to make that television relevant and enjoyable.

It is even more important, Mr Speaker, given the decision by the Australian Broadcasting Corporation in recent days to reduce significantly the amount it spends on education programs. Members on both sides of this chamber will be, I hope, regretful of the fact that the ABC has chosen to reduce its expenditure on education in its budget. Some of the younger members, some of us who have not been around for much more than 31 years, might recall that ABC education programs, both on television and on radio, were - certainly in my schools - an important part of the contribution towards the range of educational opportunities offered to students, and, particularly so far as music education was concerned, it was very good to have those programs available. Unfortunately, it seems that the next generation of Australian children might be deprived of those.

But to return to the question of the Australian Children's Television Foundation, the foundation has achieved considerable success in the short period of time since its establishment. It has produced a number of highly acclaimed works - *Winners*, *Kaboodle* and the *Touch the Sun* series, which have won national and international awards. In the last year or so there have been another two or so important works. It has had two animated series, *Kaboodle 2* and *The Greatest Tune On Earth*, and a further work called *Round the Twist*, which is not, despite the title, based in a small legislature in the early 1990s, but is a 13-part drama production based on the short stories of Paul Jennings, a very popular writer of children's books.

Mr DUBY: Where is Chubby Checker?

MR HUMPHRIES: No, not Chubby Checker.

Those have been very successful, I am told. Members might even have seen them, if they happened to get up early on Sunday mornings when some of them have been screened. Members might also be aware that, only earlier this year, a 90-minute telemovie called *Sky Trackers* was shot in the ACT. It was set at the space tracking station at Tidbinbilla. The \$1.8m film has been sold to the Disney channel in the United States, and it was delivered at the end of September this year. I think a sale to Australian networks is proceeding very soon.

One last thing I would like to mention is an exciting development in the early childhood program of the foundation. It is a highly imaginative and innovative television series, of 26 one-hour episodes, for three- to eight-year-olds - an age group which is unfortunately often

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overlooked in the television programs produced in other areas. At present the format, characters and settings for this program are being developed, and the foundation is in the process of financing programming for this particular, very special audience.

I think we could all commend the work of the Australian Children's Television Foundation, and hope that it continues to produce work of such high quality.

Question so resolved in the affirmative.

Assembly adjourned at 5.37 pm

ANSWERS TO QUESTIONS

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

Question No 220

Public Sector Employees

MS FOLLETT - asked the Chief Minister on notice on 15 August 1990.

At 30 June 1990, what was the breakdown of ACT public sector employees on a basis comparable with the answer given to Question No 30.

MR KAINÉ - The answer to the members question is as follows:

Following extensive efforts by agencies, I have no choice but to advise the Leader of the Opposition that there is no readily available data which could provide a meaningful comparison in the required format.

Staffing statistics are not kept in this format, and the Formation provided to Question No 30 in September 1989 was prepared on a one off basis. Since that time, there have been extensive changes to functions and responsibilities and the records are not available that show how the information was compiled. The same definition of "administrative support" has to be used if the comparison is to be useful, and the only way to answer the question as phrased by the Leader of the Opposition would be to compile again both the current and previous figures, for agencies as they are now constituted. Given the administrative changes that have occurred, this would be a very costly exercise.

However records are now being maintained of the number of people on the payroll, and this comparative information is available. This material has been provided to the Leader of the Opposition and is also available to any other interested member.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No.284

Phillip Swimming Pool

MRS GRASSBY - Asked the Minister for Finance and Urban Services upon notice on 24 October 1990.

1. Who is the present lessee of the Phillip Swimming Pool?
2. Is the ice rink included in this lease, or does the present lessee of the Phillip pool own the ice rink?
3. What valuation has been done on the land on which Phillip pool stands, independent or otherwise?
4. What is the value of the pool and equipment?
5. How was this valuation arrived at?
6. Is there any written contract or other arrangement with the present lessee of Phillip pool and, if so, what are the details?
7. If the Phillip pool is in poor condition, why was the lessee not made to keep it in better condition?
8. Has the sale of the Phillip pool been finalised and if so, what was the final price paid to the ACT Government?

MR KAINE - The following answer is provided to Mrs Grassby's question

The question should properly have been addressed to me as Chief Minister since it involves a leasing matter and as such lies under my portfolio.

1. Glencora Pty Limited.
2. Yes. The ice skating rink is included in the lease but the Government must compensate the lessee for the rink.
3. Three valuations were made of the land assuming a 99 year lease. The Australian Valuation Office for the Government, McCann and Associates for the lessee and a senior independent professional valuer nominated by the Australian Institute of Valuers and Land Administrators. The independent value was \$400,000.00 less an amount in respect of the pool (see 4 below).
4. The valuation of the pool and associated facilities by the independent valuer was a negative value in that it subtracted \$80,000.00 from the value of the land.

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5. The valuation was a calculation of the market value arrived at by reference to complex valuation considerations notably revenue and expenditure associated with operation of the pool.

6. Yes. The arrangements are the covenants between the Commonwealth and the Crown lessee described in the Crown lease of Block 2 Section 22 Phillip and which commenced on the first day of August, 1979. Glencora had an option to renew its lease for 10 years if the land was not required for Government purposes. If the Government wishes to resume the pools, the Company will have the right to retain that part of the lease on which the ice skating rink is built for ten years. If that part is acquired, the Government will have to pay compensation for the improvements.

7. Maintenance has been undertaken but at this stage much of the work required on the pool is beyond simple regular maintenance.

8. A new lease was being negotiated with Glencora which embodied its existing rights and so avoided the necessity for compensation. The lease offer was not accepted by Glencora Pty Limited who made a counter-offer which is under review by the Government.

The Government is now considering the options for the future of the centre. We recognise the importance of this recreation facility to the ACT community and we will ensure that the many swimming and ice skating individuals and clubs who use the centre continue to have a first class facility for their sport and recreation.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITOL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No. 288

Gaming and Liquor Authority Reserves

MS FOLLETT - Asked the Treasurer upon notice on 20 November 1990:

What does the Government intend to do with the \$14 million reserves of the Gaming and Liquor Authority when the Authority is abolished.

MR KAINÉ - The answer to the members question is as follows:

The Gaming and Liquor Authority is to be abolished on 1 January 1991, pending the passage of the Australian Capital Territory Gaming and Liquor Authority (Repeal) Bill 1990. Before that date the Authoritys reserves will be paid into the Territorys Consolidated Revenue Fund. These reserves, which are expected to total approximately \$14m, will then be available to assist the Government in financing major expenditure such as the hospital redevelopment program.

5142

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question Number 302

Consultants : Public Sector Employees

MR BERRY - asked the Chief Minister upon notice on

22 November 1990:

when may I expect an answer to question numbers 200 and 203, which I placed upon Notice on 7 August 1990, and question number 220, which I placed upon Notice on 15 August 1990.

MR KAINÉ - the answer to Ms Folletts question is:

The answers to questions on notice numbers 200 and 203 were tabled on 27 November 1990.

The answer to question on notice number 220 was tabled on 12 December 1990.

5143

12 December 1990

MINISTER FOR HEALTH, EDUCATION AND TIC ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION TAKEN ON NOTICE ON 25 OCTOBER 1990

Ambulance Service

MR BERRY - asked the Minister for Health, Education and the Arts:

Is the Minister aware of the case of a 15 year old boy with a papa spinal abscess and a risk of paraplegia, who required an ambulance to take him to Sydney for an evaluation of his condition and who could not get an ambulance. His parents, who have ambulance cover, had to borrow a station wagon and put a mattress in it. His doctor had to modify his intravenous drip and provide antibiotics and extra pain killing drugs so that he could make the trip in an unsatisfactory vehicle with increased risks and pain from his condition, in breach of road safety rules.

MR HUMPHRIES - the answer to Mr Berrys question is

I understand the ACT Ambulance Service received a call from the boys doctor at 7.30pm on Wednesday 24 October 1990, requesting an ambulance to transport a patient4by road to Sydney, for an appointment at 9.00 am on Thursday 25 October 1990.

The on-duty Supervising Officer advised the doctor that the Services procedure was not to transport patients to Sydney by road but the preferred mode of transport was the NSW Air Ambulance Service. The Supervising Officer offered to arrange co-ordination of the NSW Air Ambulance Service. The ACT Ambulance Service has reciprocal arrangements with the NSW Ambulance Service which includes the NSW Air Ambulance Service.

The doctor rejected the advice and indicated he would advise the patients parents to arrange transport to Sydney in a private vehicle.

5144

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION TAKEN ON NOTICE 22 NOVEMBER 1990

Preschools

MRS GRASSBY - asked the Minister for Health, Education and the Arts:

Which preschools chosen for relocation within primary schools will be ready to receive children on day one of the 1991 school year?

MR HUMPHRIES - The answer to Mrs Grassbys question is:

At this time my Ministry does not expect to have any of the six relocated preschool sites ready for occupation by the start of the 1991 school year. My Ministry is planning to open the new preschool facility at North Ainslie Primary School at the beginning of Term 2 next year, with the other locations progressively being carried out over the following twelve months. This extended lead time is necessary to ensure that the school communities affected are fully consulted and all work undertaken is of the highest suitability and standard.

The current preschool programs operating at the six chosen sites will continue to operate in the existing facilities until the new works are fully completed.

5145

12 December 1990

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION TAKEN ON NOTICE 28 NOVEMBER 1990

Behavioural Management Unit

MR MOORE - asked the Minister for Health, Education and the Arts:

Will the Theodore Street Behavioural Management Unit currently located at the old South Curtin Primary School be disbanded at the end of the year, and if so, what will happen to the students, or if not, where will the centre go?

MR HUMPHRIES - The answer to Mr Moores question is:

The Theodore Street Behavioural Management Unit will not be disbanded at the end of the year.

Arrangements are being made to relocate the Unit to a section of Holder High School.

5146

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION TAKEN ON NOTICE 30 NOVEMBER 1990

School Closures

MR WOOD - asked.the Minister for Health, Education and the Arts:

For schools that will close under the Ministers restructuring proposals what principles will apply in relocating school libraries, computers and the range of educational equipment in the school?

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

The Principals of each school which is to be closed or amalgamated with the administration of another school are required to establish a Local Joint Committee. The Local Joint Committee will make recommendations to the Board and (where appropriate) the Office of the Ministry for Health, Education and the Arts on dispersal of assets and financial resources.

It will be the responsibility of each closing schools Local Joint Committee to consult with P & C associations, staff members and boards before making recommendations for the dispersal of assets. Recommendations should be made with the understanding that, while these assets belong to the Ministry, they were purchased for the use of students of that school, some through funds raised by .the school, and should be distributed in such a way as to give maximum benefits for the students in the system.

To assist with the relocation of school libraries, a teacher librarian has been appointed from October 1990 until April 1991 to manage the library aspects of the schools reshaping.

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