DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

11 September 1991

Wednesday, 11 September 1991

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

PUBLICATIONS CONTROL (AMENDMENT) BILL 1991

Debate resumed from 13 February 1991, on motion by **Mr Stevenson**:

That this Bill be agreed to in principle.

MR SPEAKER: I call Mr Berry.

Mr Berry: I think Mr Collaery has the call.

MR SPEAKER: Mr Collaery has the call; but he does not have to take the call if he does not wish to.

Mr Berry: Does he want the call or not?

Mr Collaery: I do not want the call yet, Mr Speaker. I want to hear from the major parties.

Mrs Grassby: You adjourned it; you have to take it.

Mr Collaery: Mr Speaker, I am not obliged to take the call yet. I think the major parties can offer their contribution to the debate.

MR SPEAKER: Order! Mr Stevenson can take the call or I can put the question.

DR KINLOCH (10.32): I am happy to take the call. I move:

That the debate be now adjourned.

MR SPEAKER: The question is: That the debate be now adjourned.

Mr Berry: Come on, speak to it, Hector. Tell us what you are up to.

DR KINLOCH: Am I allowed to speak to it?

Mr Berry: Of course you are.

DR KINLOCH: It is very simple, Mr Speaker. Mrs Nolan is not here. We do not have a full complement - - -

MR SPEAKER: Order, Dr Kinloch! I must put the question. The situation is that the question must now be put, without debate.

Question put:

That the debate be now adjourned.

The Assembly voted -

AYES, 8	*NOES, 7*
Mr Collaery	Mr Berry
Mr Humphries	Mr Connolly
Mr Jensen	Mr Duby
Mr Kaine	Ms Follett
Dr Kinloch	Mrs Grassby
Mr Prowse	Mr Moore
Mr Stefaniak	Mr Wood
Mr Stevenson	

Question so resolved in the affirmative.

Question put:

That the resumption of the debate be made an order of the day for the next sitting.

The Assembly voted -

AYES, 9	*NOES, 7*
Mr Collaery	Mr Berry
Mr Humphries	Mr Connolly
Mr Jensen	Mr Duby
Mr Kaine	Ms Follett
Dr Kinloch	Mrs Grassby
Ms Maher	Mr Moore
Mr Prowse	Mr Wood
Mr Stefaniak	
Mr Stevenson	

Question so resolved in the affirmative.

CRIMES (AMENDMENT) BILL (NO. 2) 1991

MR COLLAERY (10.42): Mr Speaker, I present the Crimes (Amendment) Bill (No. 2) 1991. I move:

That this Bill be agreed to in principle.

Mr Speaker, I propose to speak to the Bill in a cognate debate after I have presented the second Bill. I seek leave to present an explanatory memorandum to the Bill.

Leave granted.

MR CONNOLLY (10.44): I will move that the debate be adjourned. I do not want to talk about this one, either. I do not know what it is about, but I will move that the debate be adjourned because I have not seen the papers. It might be about health, sport, or cloud-cuckoo-land for all I know; but anyway I move:

That the debate be now adjourned.

Question resolved in the affirmative.

Ms Follett: Are we allowed to see it?

Mr Berry: Do we get to know what it is about? Do we get to see it?

Mr Kaine: Don't you want to talk about your Crimes (Amendment) Bill?

MR SPEAKER: Order! Order, members, please. This is getting out of hand. Mr Connolly, you did move the adjournment, I believe.

Mr Connolly: I think I did. I do not know what it was about, but I moved it. This man will not speak to his Bills.

Mr Berry: I rise on a point of order, Mr Speaker. Mr Speaker, there is listed on the notice paper today the Crimes (Amendment) Bill, which Mr Collaery was to present.

Mr Collaery: Which I have done.

Mr Berry: Well, I do not have the Bill. Mr Speaker, this is becoming extremely farcical because Mr Collaery does not choose to speak to a Bill which is so important that it rates as No. 1 on the top of the notice paper. It just strikes me as a bit odd, but not out of keeping with his performance in the last little while.

MR SPEAKER: Your point of order is taken, Mr Berry. The Bill is being distributed to the members.

Mr Kaine: This is the Magistrates Court (Amendment) Bill that I have just got. We still do not have the Crimes (Amendment) Bill.

Ms Follett: I have the Crimes (Amendment) Bill.

Mr Connolly: Perhaps we could do a swap, because we have one and you have the other.

Mr Wood: I think the parliament should adjourn for a while.

MR SPEAKER: It is all right. It is settling down. Order! I understand that all members now have a copy of the Crimes (Amendment) Bill.

MAGISTRATES COURT (AMENDMENT) BILL (NO. 2) 1991

[COGNATE BILL:

CRIMES (AMENDMENT) BILL (NO. 2) 1991]

MR COLLAERY (10.47): I present the Magistrates Court (Amendment) Bill (No. 2) 1991. I move:

> That this Bill be agreed to in principle.

Mr Speaker, as you correctly observed, the house was taken by some surprise by events, and I am grateful to the Clerk and the attendants for being able to respond so quickly to a confusing situation. I seek to reduce the time spent by making only one speech to these two cognate Bills. That was the arrangement that I indicated to the Deputy Clerk, and I believe that it is more convenient in private members' time to do that.

MR SPEAKER: Order! Mr Collaery, you must have the leave of the Assembly to have a cognate debate.

Leave granted.

MR COLLAERY: I thank members. In providing an entitlement in certain circumstances to an interpreter, the Crimes (Amendment) Bill and the Magistrates Court (Amendment) Bill, together, emphasise the principle of equality before the law. Article 26 of the International Covenant on Civil and Political Rights, to which Australia adheres, states:

> ... All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.

These Bills break new ground in the ACT, in the formal legal sense, by giving domestic recognition to our international treaty obligations. In the procedural sense, whilst these Bills may strengthen existing practice in police investigative procedures and court practice, they will guarantee natural justice to persons in custody potentially disadvantaged by a poor knowledge of or skills in the English language. The Bills extend further protection to those disadvantaged in an exclusive monolingual legal system by reason of an inadequate knowledge of English or a physical or intellectual speech difficulty.

It is also appropriate to consider the historic plight of many Aboriginals brought before our courts throughout this country without proper English language assistance. Their plight epitomises the elitism of our legal language. It illustrates all that is wrong in a system which fails to recognise that true comprehension and thus equality before

the law are a matter not merely of recognising individual words but also of comprehending the meaning of those words in context. An interpreter provides a conduit to comprehension and, in consequence, real access to justice. Interpreters are a precious element in our democratic system.

On police interviews, the Crimes (Amendment) Bill obliges a police officer to put his or her mind to the language capacity of a person being questioned. I foreshadow amendments to the Bill so that it correlates with the Magistrates Court (Amendment) Bill. Workloads have prevented me from finalising late drafting amendments. The amendment does not apply to persons in custody under the Motor Traffic (Alcohol and Drugs) Act 1977 in connection with an offence in Part III of that Act. This includes offences of strict liability arising from scientific breath analysis.

Sometimes the police may still lay the traditional charge of "driving under the influence". This may occur when there is some doubt as to the operational capacity of the breath testing machine, or doubt as to whether the statutory time limit for testing has been complied with. However, the requirement upon the police to provide an interpreter does not extend to any questioning relating to a DUI charge where there are practical problems of determining capacity.

The proposed section 354, subsection (1), becomes operative when a person is in custody - a concept about which there is ample case law. There are, however, some anomalies under Federal laws relating to migration, quarantine and the like, where people are detained without criminal charge. For example, under the Migration Act 1958, refugees unprocessed at the barrier, illegal entrants and deportees may be detained in custody by, among others, police officers. Such custody is not necessarily related to a suspected criminal offence but is in relation to a statutory status.

Police conducting these processes on behalf of the Department of Immigration should apply the amended rule, particularly in circumstances where a detainee may make admissions which subsequently become the basis for prosecution. However, Federal public servants, mainly migration officers, do much of the detention work under the migration law. They do not come within the description of police officers and, as such, are not caught by this amendment. It is unsatisfactory that this statutory protection has not been introduced into the Migration Act by a Federal department so vitally involved in anti-discrimination laws and multicultural policy.

With respect to the Magistrates Court**,** the Magistrates Court (Amendment) Bill expresses the requirement to provide an interpreter in relation to a defendant, including a respondent to domestic violence proceedings. As I have

pointed out, statutory detainees are not characterised as defendants. Usually, they have not been charged with an offence such as to attract, under section 68 of the Federal Judiciary Act, the laws of the State or Territory as being the applicable law for the conduct of the proceedings. Thus, there remains a situation where Federal detainees with an inadequate knowledge of English or capacity are not guaranteed the right to an interpreter.

This Assembly cannot proceed unilaterally because section 27 of the self-government Act does not allow us to bind the Crown in right of the Commonwealth without express regulatory approval. Whilst this argument might conceivably apply to the Australian Federal Police, despite our legislative competence over the Crimes Act, it is implicit in our policing arrangement that the Federal Government would make any necessary regulation without delay. The proposed amendment to the Magistrates Court Act will extend to cover young persons before the court under Children's Services Act proceedings because section 22 of that Act adopts the provisions of the Magistrates Court Act Rules and Regulations.

On the role of interpreters, section 54AA defines interpreter to mean "an interpreter accredited with the National Accreditation Authority for Translators and Interpreters Limited or any other competent interpreter". The National Accreditation Authority for Translators and Interpreters, or NAATI, was established not only for the accreditation of interpreters; NAATI, with the Australian Institute of Interpreters and Translators, seeks to establish national guidelines on the use of interpreters in the Australian legal system to ensure that qualified independent interpreters are reasonably available in both metropolitan and rural areas and are available to the accused in criminal proceedings free of charge; and that interpreters possess linguistic competence, a sufficient understanding of ethnic community cultures and social customs, and an understanding of court procedures and legal terminology in the Australian context and, desirably, in that of the culture of the language in which they are interpreting. Above all, interpreters must be independent of the litigants and understand the proper role of the interpreter, including the need for impartiality and confidentiality.

On the issue of legal interpreting ethics, I draw members' attention to an article by Mr Justice Young in the December 1990 *Australian Law Journal*, volume 64, page 761. There are arguments that the role of the interpreter extends to cultural awareness and that a true interpreter has a cultural affinity with the language he or she is interpreting. This is graphically illustrated by procedures now in the Northern Territory for Aboriginal detainees. This debate is far from settled, and there are

other arguments about the ethical role of interpreters in providing directional advice to explain the cultural significance of responses which may, in the Australian context, give a differing nuance, or indeed meaning, to the reply.

I have formed the view, both as a practitioner and from my membership until recently of a NAATI advisory committee, that Australia should move towards a national uniform standard of interpreter access in civil, criminal and administrative jurisdictions. The Standing Committee of Australian Attorneys-General is an appropriate forum for this issue to be pursued in, and I commend this matter to the Federal Attorney-General, Mr Michael Duffy, and other Attorneys - noting that useful national guidelines have already been developed by the Federal Administrative Appeals Tribunal.

There is general agreement in Australia that NAATI level 3 is the appropriate standard for police and court interpreting. Given the fact that there are more than 70 languages commonly used in Australia, and that interpreters at level 3 or above are available in only 34 of those languages - including deaf oral and deaf sign - it is clearly necessary to leave the court with discretion to find a competent interpreter outside NAATI accreditation.

The test of competency includes the nature and complexity of the proceedings. For example, proceedings which involve merely entering the defendant's plea may not require such a high standard of competence as for defended proceedings. However, by making NAATI accreditation the primary requirement, a standard of independence and skill is immediately assessed. This should encourage police and judicial officers not to use a relative or friend but to adopt the Administrative Appeals Tribunal guideline, developed by Mr John Kiosoglous in Adelaide, which is that they should first go to level 3 and, failing that, level 2 with requisite experience, and, failing that again, a recognised interpreter with extensive experience in the legal environment.

Sadly, the interpreting and translating profession in Australia is neither adequately recognised nor properly remunerated. I was pleased to join with the ACT branch of the Australian Institute of Interpreters and Translators and Reid TAFE last year in a seminar on aspects of the interpreter-translator profession in this Territory.

With regard to comparative law, the amendments I have introduced today are modelled largely on the Victorian experience. In New South Wales there is no legislative requirement, so far as I can determine, for courts or police to access a legal interpreter. In South Australia the legislation guarantees the right to an interpreter in any proceedings where the witness's native language is not English and the witness is not reasonably fluent in English. Likewise, in South Australia, the summary

offences legislation entitles a person under questioning to an interpreter if he or she so requires. I have not adopted this model. There can be an element of cupidity in a person who plays for time and/or seeks to create a false veil of non-comprehension by demanding, as of right, an interpreter. I have not located any comparable legislation in the Northern Territory, Western Australia, Queensland or Tasmania.

On the matter of judicial discretion, I now return to the situation at large in Australia, and particularly the absence of a proper initiative from the Federal Government. Article 14 of the International Covenant on Civil and Political Rights stipulates, inter alia, that in criminal cases everyone should have "... the free assistance if he "- sic -" cannot understand or speak the language used in court". Whilst in practice the legal and judicial system does go to considerable lengths to meet this requirement, Anglo-centrism still dominates the Australian legal system.

The high point of this Anglo-centrism is illustrated by a decision of the High Court of Australia in Dairy Farmers Co-Operative Milk Company Ltd v. Aquilina - reported in 1953, volume 109, *Commonwealth Law Reports*, page 452, at page 464 - where the court observed:

> The general proposition that a witness is entitled to give evidence in his native tongue is one that cannot be justified ... We agree with the decision of the Full Court of the Supreme Court of New South Wales ... that there is no rule that a witness is entitled as of right to give evidence in his native tongue through an interpreter and that it is a matter in the exercise of the discretion of the trial judge to determine on the material which is put before him whether to allow the use of an interpreter and the exercise of this discretion should not be interfered with on appeal except for extremely cogent reasons.

In July 1988 I was present when Sir Harry Gibbs, the former Chief Justice of the High Court, effectively re-endorsed this view whilst addressing the First National Conference on Law in Interpreting. He said:

> ... on one hand it has been said that if an interpreter is used a witness who has a knowledge of English may secure an advantage in cross-examination by pretending ignorance and gaining time ... and that in any case evidence given through an interpreter loses much of its impact ... On the other hand it may be argued that a witness whose knowledge of English is imperfect may convey quite the wrong meaning because of a failure to appreciate the exact meaning of words, or significance of an idiom, and that this may

> particularly be so if the witness is not very literate even in his/her own native language. In the end the matter has to be decided by the court in its discretion.

In 1989, the New South Wales Court of Appeal again confirmed that at common law there is no right to an interpreter.

The amendments proposed to the Magistrates Court Act oust this outdated common law rule in favour of a statutory instruction to magistrates not to hear and determine proceedings unless a competent interpreter is present to assist the defendant. In proposing this provision, I have gone no further than what the Australian Law Reform Commission proposed in its report No. 38, namely:

> ... that a witness shall be entitled to an interpreter unless the court orders otherwise. Interpreters should be able to be used for part only of the evidence of a witness.

I have not adopted the other recommendation of the ALRC, namely, that "the court should be able to stop the use of an interpreter at any time".

I base this judgment on the enlightened decision of the New South Wales Court of Appeal in Gradidge v. Grace Brothers - reported in the *Federal Law Reports*, 1989, volume 93, page 414 - which overruled the decision of a judge who ordered a deaf sign interpreter to cease interpreting. The court held that, once satisfied of the need for an interpreter, such provision should not be unilaterally withdrawn. Accordingly, the amendment in the Bill before the house stipulates that, once having been satisfied that the defendant or respondent does not have an adequate knowledge of English, the magistrate cannot withdraw use of an interpreter during those proceedings.

Inherent powers of the courts may ensure procedural fairness in any event, and I must recognise that. I also wish to recognise that magistrates of the Canberra court invariably go to considerable lengths to ensure that the interests of non-English speaking defendants and respondents and persons with physical and intellectual disabilities are protected. Nevertheless, the move to natural justice in our multicultural community requires the express reversal of the common law rule.

I turn now to the ACT Supreme Court. Members may note that these amendments do not include the Supreme Court of the ACT. This is because that court and its administering legislation, the Supreme Court Act, have not been transferred to the legislative competence of this Territory. In that regard, I regret the manner in which the present Government has not proceeded with arrangements for the early transfer of that court to this Territory. Although more than 95 per cent of all criminal matters in

this Territory are dealt with in the Magistrates Court, there is, nevertheless, an incompleteness in our laws at Supreme Court level which needs to be attended to in due course.

I again remind the house that I foreshadow amendments to the Crimes (Amendment) Bill to make it equate to the Magistrates Court (Amendment) Bill. At this juncture, I wish to thank the parliamentary draftsperson, Mr John Christensen, who has helped me so fully and so swiftly with these urgent amendments. Mr Speaker, I commend the Bill to the house.

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

LIQUOR (AMENDMENT) BILL 1991

MR STEFANIAK (11.03): Mr Speaker, I present the Liquor (Amendment) Bill 1991. I move:

> That this Bill be agreed to in principle.

About 20 years ago, in the ACT, as in every State and Territory in Australia, drinking was banned in any public place. That, of course, did not mean that no-one could drink in a public place; it was a law which was sensibly used by our very fine police force.

Of course, the history of family barbecues in the ACT goes back a long way and everyone enjoys a drink out at the Cotter or in a park at a barbecue. Of course, that is not the type of trouble that the police are trying to prevent, because there is no trouble there. So, some of the mindless criticism of this Bill, suggesting that it will prevent the old family barbecue where a few bottles of wine and cans are consumed in a public place, is absolute nonsense.

Mr Connolly: It will be illegal.

MR STEFANIAK: It will not be illegal, and I will explain why when we look at the Bill in a minute. However, in the 1970s, we had an Attorney-General called Kep Enderby who changed a lot of laws. I think that one such law related to this matter. The liquor laws of the ACT were freed up and the ACT consequently ended up with people being able to drink anywhere, in any public place, without any restrictions.

This led to a number of problems, and there are a number of specific problems around specific areas which keep coming up year after year. It is something that the Australian Federal Police have been on about throughout the 1980s, and one of about three major points that they have been pressing for with successive Federal Labor governments, and indeed this local government, over the last five or six years.

One of those points that they have been pressing has been addressed, and that is the move-on powers. A second thing that the police have been very keen to see occur is the banning of drinking around the problem areas, and the problem areas basically are the bus interchanges, bus stops and around shopping centres - and not just the major shopping centres but also, regrettably, a lot of our suburban shopping centres.

My own suburban shopping centre at Rivett is no different from any other, and every time I go up to the shops I continually get criticisms of louts drinking around those shopping centres and a lot of damage and other crimes occurring at various times there. From talking to those shopkeepers, these things can be directly attributable to, in many cases, the drinking that goes on there. Similarly, I have a lot of other complaints from other shopkeepers throughout Canberra, and not just in the major centres such as Garema Place, either. The Melba shops is another one that springs to mind.

At this stage I would refer the Assembly, if members want to look into the details of the drinking problem in Canberra, to two reports. One is the report of the Select Committee on the Police Offences (Amendment) Bill in 1989, of which I was chairman. Mr Collaery was on that committee, as was Ms Maher. The other report is the Social Policy Committee report which came down last year and which looked at the problem of drinking in Canberra.

I think that what we are trying to prevent is quite plain. We are basically trying to prevent problems relating to the drinking of alcohol in certain problem areas in Canberra - problems caused by certain people who have no regard for the rights of the vast majority of Canberra citizens and who abuse a right that they have been given, and I think incorrectly given, in the 1970s. This is indeed what I am seeking to address with this Bill.

In fact, I think I raised this matter with Clyde Holding when about 16 of the current members of this Assembly were part of his consultative committee before the Assembly first started. The genesis of this particular Bill indeed was 1989; an initial draft was done then and circulated, I believe, to members, and also to members of the legal profession and interested bodies such as the Canberra Festival. A lot of their concerns were addressed.

Indeed, the current Bill, which I reactivated after the Alliance lost government, has taken up the concerns of those groups, and indeed some very helpful suggestions made by the ACT Bar Association which I have taken on board. I am rather sorry to say that, during the time of the Alliance Government, my colleague Mr Collaery, although he did make certain amendments to the Liquor Act, did not then see fit to proceed with the basis of this Bill. However, he will have his chance to redeem himself by voting for this Bill when it comes up for debate on the next occasion.

This Bill basically - and I will go through it - provides for a number of things. Firstly, it amends the principal Act by creating a new subsection, 84(1), which states, "A person shall not consume liquor in a prescribed public place". The penalty for doing so is $400. It is a very low penalty. It is probably less than one gets for not paying a parking fine these days; it is less than any traffic infringement. It is right at the lower end of the scale of penalties.

It then sets out some definitions and exceptions. It states, in proposed subsection (2), that this provision "does not apply in relation to the consumption of liquor ... within 200 metres of a licensed premises by persons using furniture or other facilities ... provided by the proprietor or lessee of those premises for that purpose". One of the criticisms was that this will stop people legitimately drinking at sidewalk cafes, outside liquor establishments, and things like that. That subsection exists to ensure that that does not occur. The 200 metres has been put in because that was suggested by the ACT Bar Association. I believe in giving credit to experts and, certainly in terms of the laws, I would hope that that organisation has a large number of experts.

Also, of course, paragraph (b) of proposed subsection 84(2) excludes consumption "in a place and during a period specified in a permit". That enables someone to take out a permit to conduct something like the Oktoberfest in Garema Place, should they wish to do so. Otherwise, in areas of Garema Place - other than those licensed establishments with chairs and tables; Gus Petersilka's is one and I think there are a couple of others - under this legislation, consuming alcohol would be banned. That is one of the problem areas identified by the Australian Federal Police.

But someone who really wanted to have a beer festival there or something like that could take out a permit, just as any group takes out a permit to sell alcohol at sporting grounds and social functions in Canberra now; because to sell alcohol in a public place in Canberra you do need a permit, even though at this stage anyone can buy drink anywhere and go off and drink it anywhere they like in a public place.

Proposed subsection (3) defines what "public place" means. It is a public place that "is, or is within 200 metres of, a bus interchange or a stopping place within the meaning of the Motor Omnibus Services Act". In other words, it bans people drinking around bus interchanges. Again, the 200 metres is put in there as a result of advice received from the ACT Bar Association. It is also a public place "within 200 metres of a shop or licensed premises". This is to counter the problems we have in Woden, Belconnen, around the suburban shopping centres and Garema Place; noting, of course, that if people want to hold a beer-fest or

something like that they can take out a permit to sell drink. Also, if there is an establishment there which has tables and chairs and a beer garden, it is not going to be precluded from going about its lawful activities.

A prescribed public place also is an area "declared by the regulations to be a public place to which this section applies". Basically, that is to enable any government of the day to declare any other problem places dry areas. We have a couple of specific dry areas in this Bill, which are basically bus interchanges and around the shops. But from time to time other areas may become real problem areas. I would hope that any government of the day would take the advice of its police force - again, taking the advice of experts; that is what they are there for and we should take their advice. They are the ones who see the problems on the street. They know a hell of a lot more about what is going on than people in this Assembly, although that is probably not saying much.

At any rate, that provision is to enable the government of the day, if it perceives a problem in a certain area which is not covered by this legislation, to declare that particular place a dry area. Obviously, if the problem goes away after a particular period of time, that could be deregulated. The regulations can be changed accordingly, because I am not attempting to restrict people drinking anywhere in Canberra or going back to the formal legal situation of the 1960s and early 1970s, which was never strictly enforced, for obvious reasons, by the police because we do have, and always have had, a very good and practical police force.

However, this is to address the problem areas which numerous police reports have identified. I would hope that Mr Connolly, as Attorney-General, now has access to them. This Bill is to ban the consumption of alcohol in those areas where members of the general public are constantly worried about activity resulting from such consumption. Basically, that is what this particular Bill does. It is commonsense. It is legislation which the people of Canberra want to see enacted.

I recall floating this issue - again, while the Alliance was still in government, in about April 1991 - with a particular TV journalist. We did that at the Woden bus interchange. That journalist was particularly keen to try to find a mixed view and get someone from the crowd to say, "No; what is wrong with drinking at the bus interchange?". She had great difficulty and, in fact, seemed to be frustrated that every person she spoke to was very much in favour of seeing the consumption of liquor banned at that bus interchange. Little wonder. Go and ask the shopkeepers of Garema Place, as well. Go and ask the ordinary men and women of Canberra who use our bus services.

The bottom line is that there is no reason for people to drink at a bus interchange especially, or to sit around in shopping centres just guzzling drink. We are dealing, indeed, with a very small minority of the population; a minority identified by the police as troublemakers and identified by the people who regularly use the bus interchanges and the shopping centres as people who, when they get intoxicated, do, in fact, go off and commit other offences.

It is all very well for people to say, "We should have more police on the beat". With Mr Connolly's budget, I doubt that that will be possible. It is all very well for people to say, "If these people are committing an offence, the police can go and nab them". But the police have to see them doing it. Indeed, that is so even with powers such as the move-on powers, which certainly address, to a large extent, a lot of the problems we have with street crime.

When one looks at the operation of those powers one sees that a lot of the people moved on do not actually have a tinnie in their hand which they are consuming at the time. They might have a gutful of booze on board, but they certainly are not necessarily physically drinking at the time. You can go through the four police reports which have been tendered to this Assembly to see that. A lot of problems are caused, however, by people who are staying for lengthy periods of time around the bus interchanges, often with the sole purpose, it seems, of getting drunk and annoying people. I have certainly heard a lot of evidence from people around the suburban shops especially who actually can pinpoint certain people who have just been drinking around there and who, they believe, have committed other crimes ranging from assault to breaking and entering.

Indeed, on occasions those persons have been apprehended and gone to court; and evidence has come out that they had just been there, drinking and hassling people. I can recall a number of assault cases especially arising from people just hanging around shops, drinking and abusing and annoying other people. This resulted in a couple of assaults on shopkeepers and damage to property; and the police were called and those substantive charges laid. It would be far easier if people knew that they would be fined if they drink around these problem areas.

It is remarkable that, once people do know that a certain activity is prohibited, they tend to stop doing it. That has been very well proved with the move-on laws. And it will be very well proved if this Bill is passed by members of the Assembly. This is a commonsense matter. I reiterate what I have said on numerous occasions: There really is absolutely nothing in this Bill which at all affects people's civil liberties. If people want to drink, they have ample other areas to which to go and drink.

I know that a lot of people who are drinking at the Woden bus interchange come from some problem areas in Lyons, such as the Lyons flats. What is wrong with them going and drinking with their mates in the flats, or drinking somewhere other than the bus interchange, rather than annoying the ordinary men and women of Canberra who use that bus interchange?

Maybe I will put it in some language that even the Labor Party can understand, with its rather warped ideology in terms of police, public order and the like: The people of Canberra who are affected by the actions of these very selfish anti-social louts are basically your type of constituent. The big bosses do not go to the bus interchange; they are driving around in their limousines, ripping off all the poor workers.

It is the ordinary workers of Canberra who use the bus interchanges, for obvious reasons; they have to. They probably cannot afford to take the car into work. It is the old age pensioners and the young kids who are going to school who use the bus interchanges. They are the ones who are hassled by these louts and yobbos. It is not the rich. And it is no wonder that they are not Labor Party constituents - because you have left them. You do not represent the people that you - - -

Mr Connolly: Give them all guns, Bill.

MR STEFANIAK: I do not think we should do that. I am talking about the ordinary people who want to get into the buses and move on in that way and go about their ordinary everyday business. They are really concerned as to what is happening out there.

That is something that is so obvious. It comes out in the various Assembly reports I have referred to, and it comes out in police reports. It is a source of concern which comes out in various letters to the paper from ordinary citizens now and again. And, if you go out and talk to people in the street, I do not think you will find very many at all who think that drinking should be allowed in the bus interchanges or around the shopping centres. Basically, Mr Speaker, that is what this Bill addresses, together with making provision for dry areas for other problem areas that may from time to time arise.

Looking at the States and Territories, we are the only one in the Commonwealth at present where you can drink anywhere, without restriction. South Australia, as the Attorney-General knows, has very successfully used dry areas, as have some local councils in New South Wales. Some such councils close at hand, I believe, are Queanbeyan and, indeed, Mittagong. I think that even Goulburn might have some areas as well now.

I am a little bit disappointed and somewhat surprised by Mr Connolly's quotes in the *Canberra Times* of 5 September 1991 in which he rejects the move for a public place alcohol ban. I was hoping from initial talks that we might be getting somewhere, because of the South Australian experience and because Mr Connolly, as a South Australian, knows how well dry areas work in that State.

Basically, this is what this legislation is about: It creates a few dry areas in problem places. All I can assume is that some of the ideologues in Mr Connolly's party - obviously a majority - have got at him, because he has changed his tune. Some of the points put forward in that article by him on behalf of his party are quite spurious. This does not affect the situation of a few beers or a glass of wine with barbecues at the picnic spots. I know that that is part of the lifestyle of the average Canberra family. There is nothing wrong with that and this does not affect that in the slightest. In fact, it protects the average Canberra family from yobbo behaviour which the average Canberra family sees around some of the problem areas and does not like.

Mr Speaker, I commend this Bill to the Assembly and hope that the majority of the Assembly will have the commonsense, which the vast majority of the Canberra citizens have, to vote to ban drinking around these problem areas. I seek leave to present the explanatory memorandum to my Bill.

Leave granted.

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

ROYAL CANBERRA HOSPITAL BILL 1991

MR MOORE (11.21): Before I proceed on the Royal Canberra Hospital Bill, I move:

> That standing order 200 be suspended in its application to the Royal Canberra Hospital Bill 1991.

I am proceeding in this fashion because a number of precedents have been set in this chamber whereby standing order 200 prevents anybody other than a Minister from presenting a Bill the object or effect of which is to dispose of money. This Bill clearly does have that impact - to the extent of some $13m, actually.

Ms Follett: And the rest.

MR MOORE: Some would argue, even more. From the feasibility study presented by Mr Berry, it entails some $13m in recurrent expenditure. I think that the issue is of such concern to the Canberra community that it ought to

be debated openly. The way to avoid being caught out by standing order 200 is to suspend it for the time being. I draw particular attention to the fact that the Minister is prepared to accept that the standing order be suspended in order to allow the debate to continue, even though it is quite clear that the Minister entirely disagrees with me and would vote against the substance of the Bill. I think that is a consistent position for Labor to hold, considering the way they have argued on this matter and section 65.

I think it is most important when we talk about section 65 of the Australian Capital Territory (Self-Government) Act that we understand that there have been a series of legal opinions posed, and I think that the most significant part of it is that there is a question as to whether the matter is justiciable or not. I think that ought be taken into account in making this decision.

MR KAINE (Leader of the Opposition) (11.23): Mr Speaker, I oppose this motion, and I do so on a matter of principle. I do not think that it is in the interests of this Assembly, which is trying to establish some precedents and establish some credibility, that every time something comes up where there is a standing order that offends some individual we should suspend it. I do not see any reason why we cannot debate Mr Moore's motion without prior suspension of that standing order. I think that it is an unfortunate precedent that we would be setting if we moved to support this particular motion that Mr Moore has put forward.

I would, perhaps, accept the validity of it a little more if the debating of Mr Moore's motion on the notice paper was likely to be affected in any way by refusing to suspend this standing order; but the debate can go ahead if Mr Moore can establish his credibility and his case. Then, if it is an impediment to the Assembly taking action pursuant to his motion, we should consider not only the standing order but also the Australian Capital Territory (Self-Government) Act on which this particular standing order is based. Not that I disagree that the motion that Mr Moore wants to put forward ought to be debated; I think it should. But to attempt to circumvent the standing order by suspending it, just because in this case it might affect the ability of Mr Moore to present his case in some way, I think would establish an unfortunate precedent, and I do not support it.

MR COLLAERY (11.25): Mr Speaker, I would have liked to hear from the Attorney, or the Government, on this matter because clearly it was appropriate for the first law officer to speak after Mr Moore in order to guide this house. We have not had the advantage of that view.

Mr Berry: What a snide and stupid remark. You never give up. He never gives up.

MR COLLAERY: The leader of government business is sitting there, muttering away into his fireguard, as he usually does. We do not know what is in their minds. They offer no guidance to the house. They have no idea of running the business. Mr Speaker, may I remind the house that the High Court recently said in the - - -

Mr Berry: You take a long time to get up. He is a rabbit.

MR SPEAKER: Order, Mr Berry!

MR COLLAERY: Mr Berry appears to be afraid of a bite. He thinks someone in the house is rabid, Mr Speaker.

The High Court has recently said of similar provisions, in Brown v. West, reported in 91 ALR at page 202, that an appropriation made by a valid law is the necessary authority for the executive government to take moneys out of the Consolidated Revenue Fund. What we have here is the question whether Mr Moore's law would be a valid law. If it is not a valid law, I would hate to be the Treasurer taking money out of the Consolidated Revenue Fund to support it, even though that Treasurer, as Chief Minister, has turned her back on section 65 of the Australian Capital Territory (Self-Government) Act and allowed an invalid law to pass.

I do not doubt that the Labor Party will oppose Mr Moore's Bill. We, the Rally, will support his Bill. But I do point out, very clearly, as Mr Kaine indicated, that to move a motion to suspend standing order 200 is, in effect, to start the process of setting up an invalid law and a situation where there cannot be a valid appropriation of funds to support the law.

Mr Speaker, clearly the Attorney needs to guide this house. The Attorney is on the spot at the moment. He must indicate to us how he sees his duties and the duties of his party under section 65 of the self-government Act. As the Attorney well knows, this Assembly should not act improperly. That injunction or enjoiner is elsewhere in the self-government Act. In fact, it is one of the precursor conditions to dismissing this Assembly. I think the Attorney and his party, who made such lightness of section 65 when we were in government, are now on the rack. I want to see what their view is. I stress that we should have the debate on Mr Moore's Bill. The Rally will support any attempt Mr Moore can make to get a valid Bill through this Assembly.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.28): Mr Speaker, the Labor Party on this as on other issues is in the unique position in this house of having a consistent and principled approach. We stand alone in that position. In opposition the Labor Party vigorously opposed the opportunistic use by the Government of section 65 of

the Australian Capital Territory (Self-Government) Act and standing order 200 to muzzle debate, to try to paper over the growing and inevitable cracks in that ramshackle Alliance Government.

We took the view, which was clearly endorsed by the advice of Mr Brazil, that that was appropriate. The Government then got further advice from Mr Douglas, of Queensland counsel, I think it was, who said that, while the situation was evenly balanced, he favoured the contrary view, the view of the Government. This Government favours the view of Mr Brazil of the local profession.

It has never been doubted, and I provided an opinion which I think was circulated to the Attorney at the time, that this issue is clearly non-justiciable. The courts have always said that it is for a parliament to determine its own procedure. It is for a parliament to decide whether or not it believes that it is going beyond its internal standing orders. Not on a question of constitutionality and not on a question of legislative power; but, where there is a question of internal procedure, the High Court has consistently said that it will not interfere in the internal operations of parliament. So, we believe that there is no question of legal doubt should the Assembly choose to adopt the view that the Government now adopts, which is the view of Mr Brazil, formerly of the Federal Attorney-General's Department and now of the profession here in Canberra.

The extraordinary and rank hypocrisy of a man who used section 65 to prevent debate on this issue when in government and who now says that he is going to support Mr Moore is breathtaking. I must say that the Labor Party found a lot of sense in what the Leader of the Opposition had to say. We would agree in principle with Mr Kaine that it is unnecessary to suspend standing orders when a point under the standing orders has not been taken. The correct procedure would have been for Mr Moore to seek to introduce his Bill in the ordinary course; then we will see where the cards lie.

If a member of this Assembly chooses to take a point of procedure to prevent that Bill from being debated, that is within the power of the members. The Speaker then may choose to rule on that matter, and members may choose to override the Speaker if the Speaker rules one way, or we may have a debate on it. That is the appropriate course of action. The matter is within the control of the Assembly. The Government takes one view on what the Assembly's power is in relation to this private member's Bill; other members may take a different view.

I am confident, on studying all the authorities, and with no contrary advice proffered at any time, that it is ultimately this Assembly that makes that decision, and no outside authority, no court, would intervene on that. So, the Government will present its view at the appropriate

time. We do not support the suspension of standing orders; we are at one with Mr Kaine on that. It is unnecessary and pre-emptive and would set a dangerous precedent. When Mr Moore moves his Bill, the Labor Party view will be that we will oppose the substance of the Bill; but we think the Assembly ought to be able to debate it.

MR HUMPHRIES (11.32): Mr Speaker, I was not going to contribute to this procedural debate; but I have to, I think. I support, of course, Mr Kaine's comments. They represent the most sensible way of proceeding. I am sure that Mr Moore has absorbed the wisdom of those views, and may well act accordingly.

I have to point out, though, Mr Speaker, to put the record entirely straight, that Mr Connolly is quite at liberty to say that the Labor Party in opposition opposed the use of section 65 or standing order 200 to block private members' Bills which affected the expenditure of money; but it is not fair to say that the Labor Party has been consistent in this matter. I remind Mr Connolly, because he was not present in the chamber at the time, that the Labor Government in 1989 did use section 65 of the Australian Capital Territory (Self-Government) Act to prevent debate on legislation. I am referring particularly to Mr Stevenson's Legislative Assembly (Members' Staff) Bill at that time, which Ms Follett expressly shot down with section 65. Do not be too hypocritical about this; it cuts both ways.

I think the Labor Party might well quickly decide where it stands on those two particular provisions. Are they in favour of private members bringing forward legislation that affects money Bills, or are they not? It would be nice to know just where they stand on an ongoing basis. At least we on this side of the house can say that we have been consistent throughout our time in this chamber.

MR JENSEN (11.34): Mr Speaker, a couple of points need to be made. As I understand it, the issue of standing orders 200 and 201 is still before the Administration and Procedures Committee, which has yet to provide a final report to this Assembly. I do not think there is any argument that standing orders in themselves are non-justiciable. I do not think there is any argument about that. However, what we are talking about is legislation - legislation which is not controlled by this Assembly - which effectively is the constitution for the ACT Legislative Assembly and the self-government of the ACT.

In case members have forgotten what section 65 of the Australian Capital Territory (Self-Government) Act quite clearly provides, I think it appropriate that I read it into the record. Section 65, headed "Proposal of money votes", says:

> 65.(1) An enactment, vote, resolution or question (any of which is in this section called a "proposal") the object or effect of which is to dispose of or charge any public money of the Territory shall not be proposed in the Assembly except by a Minister.

Subsection (2) goes on to say:

> Subsection (1) does not prevent a member other than a Minister from moving an amendment to a proposal made by a Minister unless the object or effect of the amendment is to increase the amount of public money of the Territory to be disposed of or charged.

Mr Speaker, that is an Act of parliament - not this parliament - that cannot be overridden by the standing orders under which this Assembly currently operates. I think that is the pointed question. Mr Moore is seeking to try to suspend standing orders so that he can, in some way, shape or form, override the legislation which controls the operation of this Assembly.

I think that the point my colleague Mr Collaery has made is well made, and that is that any Act passed with the support of the Government opposite on this basis would be subject to challenge under section 65 of the self-government Act. It has nothing to do with the standing orders. It is section 65 of the self-government Act that is the question.

Mr Speaker, what we are saying is that the courts, as my colleague Mr Collaery has indicated, can always declare laws to be invalid. There is ample record of that. That is what the High Court of Australia is all about and it has done it on a number of occasions. Laws have been declared invalid because they do not meet the legislation requirement.

Mr Berry: It is Residents Rally chicanery more than anything. It is just chicanery from the Residents Rally.

MR SPEAKER: Order!

MR JENSEN: I did not hear that interjection, Mr Speaker.

MR SPEAKER: The interjection is from me. The time for this debate has expired.

MR MOORE (11.37): Mr Speaker, under standing order 131, having realised the wisdom of the argument and accepting that this motion can be brought on later, I am quite happy to seek leave of the Assembly to withdraw the motion at this stage.

Motion, by leave, withdrawn.

MR SPEAKER: Members, I might comment, before Mr Moore continues, that under standing order 170 I must rule a submission out of order if it does not conform with the standing orders; but I will, as I have done on previous occasions, allow the Bill to proceed and review the issue. I must also point out, in response to Mr Jensen's statement that this issue is before the Standing Committee on Administration and Procedures, that in fact the secretariat are weekly ringing through to the executive services people, asking for report back from the Federal Government. We still have not received that. That has been outstanding for a considerable time and I think it needs to be drawn to a conclusion.

MR MOORE (11.38): Mr Speaker, I present the Royal Canberra Hospital Bill 1991. I move:

> That this Bill be agreed to in principle.

Mr Speaker, the Bill that I present is very similar to one that was presented in June 1990 by the current Chief Minister, then Leader of the Opposition. The major difference to be found in the Bill is in the schedule. The schedule of services that was provided by the then Leader of the Opposition provided for a community hospital.

When Mr Berry had his feasibility study done - the financial structure and the financial options were set out in his feasibility study - it was quite clear that to continue the concept of a community hospital on the Royal Canberra Hospital site would be a much more expensive option than proceeding with a general medical/surgical hospital. I refer specifically to options 4 and 5 in that study.

Mr Berry has often said, since making the decision to close the Royal Canberra Hospital as a hospital, that things had gone too far for them to have any other choice. So far as he is concerned, they have taken the responsible way. By accepting that we will have a general medical/surgical hospital rather than a community hospital, the cost to our community will be approximately the same. That is as it was at the time that Ms Follett tabled her Bill in June 1990. Those are issues that I raised at some length yesterday, Mr Speaker, and I think it is pointless for me to go back over that material. If anybody wishes to check that, they can simply turn to previous pages of *Hansard* and can there follow those arguments.

What we have, though, is a case where, in recurrent terms, there will be an expenditure of some $13m required in order to establish and maintain a general medical/surgical hospital - option 4 of the feasibility study - on the Acton Peninsula. That will be made up of some $11.14m in recurrent expenditure and some $20.5m in capital expenditure. When one looks to appendix J of the feasibility study, under option 4, the levels of service are listed and they match the schedule which I have put in

this Bill. In the Bill I have provided the services from that schedule but have not identified the levels of service because I feel that it is appropriate that there be some flexibility for administrators to determine the appropriate level of service.

I must emphasise that I am working specifically from that option and, therefore, think that the levels of service identified in appendix J should be approximately what we are aiming at; but it is difficult. If somebody tries to change one of those levels of service, almost invariably there is a repercussion in other areas about the necessary levels of service. Therefore, it is inappropriate for us, as a legislature, I think, to fiddle with those levels. For that reason I have left the schedule open as to the actual levels of service, as, indeed, was done with the similar Bill to this that was tabled in June 1990.

Mr Speaker, it was very interesting that in the debate on the suspension of standing order 200 Mr Collaery said that he would be supporting the concept of this Bill but would ensure that it was a valid Bill. I think that was what he said. What we see here is an attempt, I presume, by the Residents Rally to gain some credibility. I wonder whether Mr Collaery will try to show that this Bill is inadequate and therefore put up another, or whether they will proceed in the most appropriate way and suggest amendments. I now say quite clearly that I am open to suggested amendments.

I suppose that, if you take section 65 of the self-government Act into account, they could possibly take the form of identifying where the money is coming from out of the health budget so that an equivalent $13m could be found elsewhere in the budget. In that way the effect of the Bill might not be so much to dispose of money but to rearrange money. Whilst there may be some legal argument that one could run there, it really sounds to me much more like semantics.

It is far better to deal with the issue as an Assembly and see whether the Assembly is prepared to stand up and be counted for supporting the retention of a hospital on the Acton Peninsula. The majority of members of this Assembly went to an election telling people that that was what they were on about and that was what they would do. They were understood to be supportive of ensuring that there would be a hospital on that peninsula. That is something that the Labor Party has emphasised again and again. So, Mr Speaker, it gives me great pleasure to table this Bill and commend it to the house.

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

TRADING HOURS (AMENDMENT) BILL 1991

MR HUMPHRIES (11.45): Mr Speaker, I present the Trading Hours (Amendment) Bill 1991. I move:

That this Bill be agreed to in principle.

Mr Speaker, the Bill for an Act to amend the Trading Hours Act seeks to change the trading hours operating in legislation in the ACT presently from 12.00 noon on Saturday until 5.00 pm on Saturday. Canberra is the national capital of our country. It has a population of nearly 300,000; it is geographically surrounded by New South Wales and is only six kilometres from a major New South Wales city, namely, Queanbeyan. We are no longer a country town but a city comparable in status to other national capitals around the world, or, at least, we are becoming so.

Those of us who have lived here for some years are only too aware of how the status of Canberra has changed. Even in the short 14 years that I have lived in Canberra I have noticed a quite appreciable change in Canberra's nature and status. However, in some respects, Mr Speaker, I think it could be said that Canberra has, until the recent past, borne more characteristics of a country town than of a cosmopolitan capital. You can, for example, in the ACT at the present time buy a house in Canberra on a Saturday afternoon. You can buy furniture and carpet from some stores, quite legally. You can buy a car or petrol, or a garage for your car, plants for the garden, meat and food from a supermarket, fruit and vegetables from the markets, alcohol or soft drink, or even visit some of Canberra's tourist attractions such as the National Gallery or Parliament House.

But until the advent of the Alliance Government, Mr Speaker, only a little over 18 months ago, if on a Saturday afternoon you wanted to buy jewellery, or clothing, or footwear, or gifts, you had to travel to New South Wales. Restrictions preventing Saturday afternoon trading undoubtedly hindered Canberra business in competition with New South Wales. Canberra lost business because, unlike New South Wales, the ACT did not allow retail trading up until 5.00 pm. Indeed, 12.00 noon was shut up time, and that was that. We had a situation on Saturday afternoons, up until that time, where one could look through the windows of some department stores, some shops at Manuka or wherever; but, if you wanted to purchase a suit or a dress for a night out, or buy some shoes for the children or whatever, you would find yourself unable to do so, and Canberra business lost out as a result.

Mr Speaker, we have, since the Alliance Government, experimented with the notion of Saturday afternoon trading. I think it can only be said that that experiment has been successful. Saturday afternoon trading has been a boon, both for consumers and for retailers in this Territory, and

I believe that it is appropriate for this Assembly at this stage to formalise the decision made by the Alliance Government 18 months ago and allow Saturday afternoon trading on a permanent basis.

Some would say that we do not need to be the same in the ACT as they are in Brisbane, Sydney, Melbourne, Perth or Darwin, where Saturday afternoon trading is already in place. It seems to me that if we seek to become a member of that family of large retail centres it is only appropriate that we go down the same path as those places. There are places where, at least until the recent past, Saturday afternoon trading has not been in place.

I understand that, at least until the recent past, both South Australia and Tasmania experienced difficulties in providing for Saturday afternoon trading, despite legislation that was introduced in, at least, the South Australian Parliament, but I would not consider them to be attractive exemplars for the ACT. We now have Saturday afternoon trading, in line with New South Wales and Victoria, and I believe that we should make sure it stays.

Saturday afternoon trading - an interesting acronym, SAT - I believe, has been successful. I recognise that some small traders in this Territory, indeed in most places where it is practised, still have some reservations about Saturday afternoon trading. However, I am aware that the arguments in favour of it are increasing all the time. In this period of recession it is difficult to argue that we should place restrictions of this kind on when and how traders may sell their goods and make their livelihoods.

I am also aware that, with the recession we currently experience, with the high interest rates that the Federal Government has made part of its fiscal policy, we find ourselves very much forced in many cases towards two-income families; two members of the same family have to work. It becomes very difficult for people to shop during ordinary trading hours. Sometimes Friday evenings and Saturday mornings simply are not enough to get around and do all the shopping that has to be done. Clearly, Mr Speaker, we need to acknowledge those new realities, to acknowledge the fact that people in this community do want to shop on Saturdays, and even on Sundays, and make some step towards providing that choice, that flexibility in our commercial arrangements.

As I have previously stated, the restriction on shopping hours in this Territory did not help our tourist industry, in particular. I think it is especially true to say that tourists found our shopping arrangements particularly awkward and inconvenient. They arrived in Canberra with dollars to spend and they found, to their surprise in many cases, often on the weekends, that stores were closed. Tourists were subjected to the usual mad rush on Saturday mornings to get any shopping done, and it reflected very poorly on Canberra's image.

The Canberra Tourism Development Bureau 1989-90 marketing strategy outlined the connection between tourism and the health of the tourism industry and shopping hours. Its report indicated, under a heading "Shopping Hours", the following:

> Shopping is a primary holiday activity for both domestic and international tourists. The attractiveness of Australia as a destination will be enhanced where the retail shopping sector provides a range, price and quality of goods and services of a standard at least matching those available in other countries. Currently Australia fails to match the shopping experiences offered by competing international destinations.

Those of us who have been to places like Hong Kong, and even European cities, will know how true that is; particularly in the United States.

Mr Speaker, there is no reason for us to preserve an antiquated regime of shopping hours. We have acknowledged that we and other major centres in this country are moving away from that by deregulating the shopping hours by ministerial action. I believe that it is time for us to follow that through with action at the legislative level. The comments made there about the national competitiveness of Australia in the tourist market, because of our shopping hours, apply very aptly to the ACT, within the national market, because clearly we find ourselves having to compete in that market very much for tourists. In the last 24 hours or so we have had released a report on trading hours in the Australian Capital Territory. It is a report prepared by ACIL Australia Pty Ltd for the Economic Development Division of the Chief Minister's Department.

Mr Moore: That was lucky timing.

Ms Follett: He has pre-empted the consultation, though. Shame!

MR HUMPHRIES: It was very lucky. It is extraordinarily good timing that this happened to come out before this debate. I hear Ms Follett say across the chamber that we have pre-empted the consultation. Not being able to see this report made it very hard to consult about the report. I assume that other people would have been in much the same position.

Mr Berry: Well, it is out. You can have a look at it.

MR HUMPHRIES: No, it was not out; it was released only the day before yesterday. It has just now been released. How you consult on a report which has not even been put on the table, in a public sense, is very hard to see. Perhaps Mr Berry can contribute to the later debate on this and explain this extraordinary notion of consultation without knowing his facts.

This report, Mr Speaker, is very interesting. It provides considerable interesting information about the ACT's position relative to other States, and about its need to move down the path of deregulating shopping hours. At the end of the report it gives two options for the ACT. Option A says that we should add Thursday evenings to the allowed trading hours as from now and preannounce which public holidays will be shopping days in 1991, 1992 and 1993.

It suggests that we perhaps make Australia Day, Good Friday and Christmas Day no trading days, and I would support that. It also says that subsequently we should remove all hours restrictions on the period from midnight on Sundays to 6.00 pm on Saturdays, and abolish restrictions on Sunday trading as from 1 January 1992. Option B is much simpler. It simply says that we should scrap all trading hours legislation immediately. The report talks about the things that should accompany both those options.

Mr Speaker, all I can say is, "Hear, hear!". This is a very clear and unambiguous report that has come to the Government. It really does require some decision making by the Government. I urge the Government to do its consultation promptly, using as a tool the report itself, which actually sets out the arguments for deregulating shopping hours, and get on with the business of providing some relief to business and traders in this Territory. Goodness knows, Mr Speaker, they need it. Goodness knows, this Territory can ill afford to remain subject to ridiculous and outdated restrictions of this kind in an era when some communities are actually throwing out restrictions of this kind altogether. We are behind other communities and we should be moving quickly in this area.

I appreciate that my colleagues opposite will have to do their consultation. I suspect that when they talk about consultation they mean, in particular, consultation with the shop employees unions. Undoubtedly, their voice will carry particular weight in the ears of the Ministers opposite. But that is the way it is with the Labor Party; we have to expect that. The fact of life is, though, that the community as a whole will benefit from the implementation of these recommendations. It is not good enough for the Labor Party to say to this community, or to this Assembly, "Well, our friends in the Labor Party and in the labour movement do not like this, so that is the end of the consultation process". There has to be more than that. There has to be some action on this and I, and those in my party, expect it very quickly.

Mr Speaker, this is a piece of legislation which merely puts in place legislatively decisions that have been made already by government, and apparently acquiesced to by the Follett Government. I sincerely hope that we can see support across this chamber for this important piece of legislation, and I commend the Bill to the house.

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

MULTICULTURAL RADIO STATION
Proposed Establishment

MRS GRASSBY (11.58): I move:

> That this Assembly supports the Ethnic Broadcasters Council of the ACT and surrounding districts in their efforts to establish a community based multi-cultural radio station for the Canberra Region.

Throughout the Canberra region there are more than 80 different languages in common use. More than 20 per cent of our diverse population was born in non-English speaking countries. However, the potential exists for these people to feel cut off, not only from the Canberra community but also from their homelands - homelands that today are increasingly in turmoil. Too often there is little opportunity for our new neighbours to become involved in the Canberra community. There is no local press that these people can turn to - no press that is produced in our city. Local content within multicultural television is usually limited to events in Federal Parliament, and there is not even an ethnic radio station to cater for the needs of the Canberra community. It is this last point that I wish to discuss today.

Mr Speaker, ethnic radio stations first began over 15 years ago to help overcome some of the problems experienced by migrants after arriving in Australia. These problems do not disappear after two or three years. Indeed, the feelings of isolation often continue after many years of living in Australia. Just stop to think how those people felt during the overwhelming tragedies of the past year, separated from their families and unable to follow the events in their homelands as closely as they might have wished to.

Mr Speaker, ethnic or multicultural radio stations service the large part of our community who wish to retain their ties with the countries of their birth whilst striving to make a new home in a new land. The purposes behind multicultural broadcasting are varied and the benefits widely distributed to all sectors of the community.

Mr Speaker, I have already touched upon the benefits to the ethnic community of receiving a wider coverage of overseas news events, but let us not fool ourselves that these benefits will be evident only in times of crisis or will be limited to the non-English speaking community. To the contrary, all Canberrans will benefit from an expanded news service, not only directly, by being able to listen to such news bulletins themselves, but also by helping to provide a community that is generally better informed.

The entertainment ingredient of ethnic broadcasting cannot be ignored also. By ensuring that the newest members of our Canberra family are also furnished with worthwhile entertainment, we help to combat the most frightening feeling of all, namely, loneliness - the loneliness that occurs when it is not possible to chat to a neighbour, or call your family; the loneliness that can only be called the tyranny of distance. Ethnic radio helps to provide that link from the old to the new culture that all migrants have helped to establish in Australia. Ethnic radio seeks to combat this isolation, and our support for this goal will once again show the concern that the Canberra community has for all its members.

The Bureau of Statistics has just completed the largest census exercise ever undertaken in Australian history. The requirement that all residents and visitors to our community complete the forms was made known, thanks to a media campaign. This campaign may have been even more effective if, as well as the conventional media, the bureau also could have targeted parts of the ethnic community through the use of an ethnic radio station.

I hardly need to remind the members here of the benefit of informing the public of their obligation to register to be eligible to vote. An ethnic radio station would allow such community service announcements to be made to a much broader audience and would help to minimise the situation in which some members of our community find themselves. These people are unable to gain access to the services they are entitled to, due to ignorance or language difficulties.

Mr Speaker, ignorance is the greatest danger facing many countries today. Hardly a day goes by without another crisis in the world. Much of this turmoil is due to the ignorance and fear that exist of other cultures. I am sure that I do not need to list these countries here today. We can all think of instances where violence has occurred for no better reason than the colour of a person's skin, or the difference of their beliefs.

Whilst ethnic radio cannot be expected to be the answer, education will help, and the use of multicultural radio is an effective teaching medium. Migrants have added so much to the Australian way of life that a true Australian culture has evolved, but we must not forget where many of the customs we take for granted originated. Multicultural radio will help preserve the many and varied ethnic cultures alive in Australia today.

Ethnic broadcasting is currently being undertaken to a limited degree by 2XX. Currently, 2XX broadcasts in over 30 different languages to cater for the Canberra ethnic community, and they do an excellent job. However, despite having an audience potential in the vicinity of 50,000 listeners, this station only has the resources to allocate 15 hours of air time per week to ethnic broadcasting. I must make the point, however, that this is not a slight

against the staff or management of 2XX. This station must try to cater for all community groups and time is limited by their resources. So, despite how hard the volunteers for the various groups work, no more than one half-hour per week can be devoted to any one language group. Some groups manage one only half-hour per fortnight.

Mr Speaker, the contributions of migrants to Australia's history and culture cannot easily be calculated or dismissed. We must ensure that our newest citizens are given even greater opportunities to contribute their talents to the community in which we live. May I also speak on behalf of our older citizens. One of the things that we have learnt from mixing with the ethnic communities in Canberra is that the first thing our older citizens lose is their second language. They then return to their original language. They find it very difficult if there is nobody around to speak their original language or the language they were born with. They have lost their English and cannot communicate with anybody. Listening to ethnic radio, until their families came home from work, would give them the chance to feel that they lived among our community and could hear what was going on.

The Dutch have learnt this very quickly in Australia and are building an old people's home or a retired people's home in Sydney. The Dutch were the first not to teach their children their language. Now they find not only that their children cannot speak to them but also that their grandchildren cannot speak to them. They are finding that they are left in the community without any way of speaking to people. The Dutch, as well as the Dutch Government, have put a lot of money into a retirement village in Sydney where these people will go and will be able to speak their original language. I find it disheartening that we have to do this. Even when people wish to keep their parents at home, until they come home from work the parents are locked out of the community. They are not able to speak to anybody.

Mr Speaker, I firmly believe that an ethnic radio station in Canberra is a very important item. After the launching the other week of the *Atlas of the Australian People,* we realise that we live in the most multicultural city in Australia. That is why Canberra is such a beautiful city to live in. It has all these cultures, all these different people from different countries whom we are able to mix with and who are able to make our lives so much better. I think not only of food. That is the first thing that people think of when they think of people who come from other lands. I think of their literature, their movies that we are able to see on ethnic television, the way they dress, the way they converse, and the different cultures that they come from. We are the richer for them in this city of Canberra. Therefore, Mr Speaker, I ask the ACT Assembly to come on board.

The Labor Party is very much behind this. I understand that it has been put up to the Federal Government; but we need the backing of this Assembly to push it, because radio comes under the Federal Government. I think it is very unfair that every other city in this country has ethnic radio, while Canberra has been denied it. Station 2XX does a wonderful job. I commend them on the wonderful job their volunteers do. They work extremely hard. But when we have 80 languages and they have the time for only 30, and some of them get only half an hour a fortnight, it is not enough. There should be a radio station operating 24 hours a day on which somebody can listen to an hour or two hours of their language and their news.

At the moment I feel very sorry for the Croatian community in Canberra, who have very little contact with what is going on in Croatia. The only contact they have is from their friends in Sydney and Melbourne who can listen to their ethnic radio stations and relay to them news that they are able to get and that is at least only a few hours old. I feel that we should be able to give those people that news here. I feel that we should be able to give those people that contact.

DR KINLOCH (12.10): The Residents Rally is very much in favour of an ethnic radio station. May I say to Mrs Grassby that I much admired and appreciated what she had to say. I would like to endorse a number of comments. I know that other people wish to speak on this matter as well, so I will try to be brief. I was getting worried there at the beginning because I thought, "Oh goodness, what about 2XX?". But Mrs Grassby put that point. In working for 2XX over years past I was very aware of the component of ethnic radio at 2XX. I would not want to see that stopped or prevented or limited. They obviously, as a community radio station, should continue with their ethnic broadcasts. But, given the number of languages and the number of ethnic groups, there is obviously a place for a great many hours on public radio or commercial radio.

I would like to go further than Mrs Grassby and argue that commercial radio has a responsibility also for reaching the ethnic community, but I emphasise that we should not leave it in some kind of radiowave ghetto. There should be the community radio, 2XX; there should be the print handicapped radio. They should have components for ethnic communities. We support the concept of the Ethnic Communities Council and those who wish for a separate radio station. What we would want to avoid is something that would wind up as to be seen as meeting only very small minority groups. Those minority groups need their say. I would hope to see it, as with SBS and as with 2XX, spread very widely across the community. So, of course we support this notion.

I had better declare an interest of 30 years working with the ABC very directly. It has been a very important part of my life. I believe that the ABC is woeful in its reaching out to the ethnic community and woeful in the

degree to which it offers foreign language training. There is some; it is not enough; it is pathetically inadequate. I would want to see part of the role of an ethnic broadcasting station as bringing pressure on our main public broadcaster to do some of the same. The more, the better.

There are so many groups. One group is in trouble today. I recognised the point that Mrs Grassby made about the Croatian community. There will be other communities in trouble tomorrow and we want to be sure that all of them are represented. So, I strongly endorse Mrs Grassby's comments.

MR KAINE (Leader of the Opposition) (12.13): I would like to begin by saying that the Liberals support this unequivocally, but I would like to bring the debate back to what Mrs Grassby is proposing. What Dr Kinloch said is all very well, of course; but what Mrs Grassby is proposing is that we support the establishment of a community based multicultural radio station - not that the ABC or commercial radio or somebody else should do it, although I do not disagree that they should. We need to be clear on what this motion is and what the members of the Assembly are being asked to support. I do support it totally.

I have discussed with members of the ethnic community over a long period ways and means by which, when we were in government, we might have been able to support them in this endeavour. The reasons are manifold. I believe that Mrs Grassby traversed very well the reasons why there ought to be such a radio station in Canberra. If she had not done so, I would have mentioned - and I will anyway - the needs of our older ethnic people who, for more reasons than one, can become quite isolated from this community to which they have contributed a great deal during their lifetimes. As they become older they do tend to retire from the community; they do tend to become isolated.

This is one way that they can continue to be part of the community, to be informed on what is going on; not only informed on what is going on elsewhere in the world, where there is strife and turmoil, where they have relatives and others, and have a deep and abiding interest in what is going on, but informed on what is going on here, on what is happening in this community, on what the issues are, come election time, so that they can understand. That is a very compelling argument, but there is a further argument than that.

This is now a multicultural society. We originals, Anglo-Saxons, have gained enormously, in many ways, from the fact that we now have a multicultural society. We can continue to do so because some of us have an interest in what is going on in the rest of the world too, and some of us have an interest in foreign languages and in foreign cultures. If we had a multicultural station of the kind that is being proposed here that was broadcasting in Russian, in

Croatian, in German, in Swahili, those of us who have an interest in those parts of the world could be better informed as to what is happening there because we could hear it in its original language.

That is one of the things that you discover when you get into some of the languages that are different in their nature from the European languages, the ones that we are accustomed to; they are very precise languages. While you might hear a translation of what somebody says, it is only a translation and it is often quite inaccurate. If you really want to know what is going on in those parts of the world, you can only truly know by listening to what is being said in that language and being able to translate and interpret it for yourself. So, this is not only for those who have come from other parts of the world. Such a station would have great benefit for those of us who were born here and who are not, perhaps, in today's terminology, ethnic.

I support this proposition for many reasons. I think that, as a community, we would be continuing to deny social equity to the people from other parts of the world who are living in our community if we did not support the provision of such a facility; we would also be doing ourselves a disservice if we did not support it. Mr Speaker, I wholeheartedly support the proposition and I think we should do whatever is within our power to assist the ethnic community to establish such a facility.

MR COLLAERY (12.17): Mr Speaker, this was a timely motion to come in on a day when the Rally was pursuing issues of equality of opportunity for people in respect of their language difficulties. Article 27 of the International Covenant on Civil and Political Rights entitles minority groups to cultural protection. It also encourages states to provide for continuity of ethnic linguistic, cultural and religious affinity within groups.

In that respect it is a mandate for all Australian governments, although it is not a positive obligation, which have moved to outlaw discrimination and, sadly, this Territory still has not its own laws. It is a mandate to ensure that, where governments are able, they should facilitate special groups in measures they may take to protect their own languages, cultures and religions. Many of those people we are talking about are in a disadvantaged situation. Either they are low on the socioeconomic ladder, or they do not have power in the community.

I will come straight to the issue at hand. The proposal is that there be a community based radio station. I want to sound a note of caution. The Australian Labor Party has spent, nationally, huge sums of money in this area in pursuit of what I call a state culture which it developed

through its echelons and organs within the ethnic community. This state cultural power that the Labor Party has wielded so much in our community is wielded sometimes in a manner which is not always compatible with the ethnic diversity of our nation.

Mr Speaker, there are things that the Labor Party has to live down in this country, particularly the disgraceful pursuit of Croatians in 1972, the pogrom that went on across this country over a series of nights with raids on Croatian houses. Anyone who saw the recent *Four Corners* article on those Croatians denied justice would understand how careful we must be in giving state power to Labor governments with respect to licensing requirements for ethnic radio.

If Mrs Grassby is genuine, if she is really talking about a community based radio station out of a community culture, then it will be a hands-off creation in this community; and it will not be another ploy - I saw some nodding from the gallery to Mrs Grassby at the end of her speech - on the part of the Labor Party to squeeze votes out of the ethnic community. They have done that so successfully in the past; but that day, of course, is fading.

Mr Speaker, the Rally, of course, supports the motion. We support a motion that means that there will be a hands-off approach by any government to the licensing arrangements, and any influence on the Federal Minister for Communications, Mr Beazley, and others involved in licensing arrangements, needs to take into account the very necessary guarantees in constitutional terms of any of those private associations with respect to the management and running of a community based ethnic radio station.

I am quite sure - and let us have no doubt about it in this chamber - that the Labor Party will go for what it can get out of the grant of that licence. I have no doubt at all. So, let us face it. Let us be quite frank about it. I think the community has seen the day when the Labor Party argued, successfully for many years, that it stood for the disadvantaged immigrant. It certainly does not at the moment. It does not stand for much disadvantage in the community at all, as we well know.

The motion also provides for a move and pressures to be brought to bear on the Federal Government - it is implicit in the motion - to access the licence, to make it available. I trust that, if Mrs Grassby is truly community based, there will not be private machinations going on between the local Labor Party and their buddies on the hill to bring about this licence. The matter should be pursued in the open by this minority Government, for the time that it has left in governing the Territory, and then it should account to the people of this community in relation to its lobbying on the Federal Government.

MR DUBY (12.22): Mr Speaker, multiculturalism plays an important part in Australian life today, and I think all members have acknowledged that in their speeches. Australia is probably one of the most multicultural societies on earth. I think that the old Anglo-Saxon, Celtic culture which was here prior to the postwar immigration, particularly the large postwar immigration, has benefited greatly from the influx of cultures from all around the world that we see in Australia today.

I agree with the comments made by Mrs Grassby. I think it is fitting that there should be an ethnic broadcasting network here in Australia's national capital, in the city which in Australia is the most multicultural in the whole of the Commonwealth. Not only the members of the ethnic communities benefit from something along those lines; I believe that all members of society, in particular the old Anglo-Saxon, Celtic groups, will benefit from listening to the news, and the slant and attitude to life which is generated on ethnic broadcasting in radio stations. You only have to look at how our lives generally have been enriched since the introduction of SBS television. In most Australian homes now we can see broadcasting in a visual form from all across the world. It does provide an insight into various types of cultures that are existent here in Australia today. I support the motion entirely.

I must admit that I was a little bit distressed by some of the comments that Mr Collaery just made. The implication, frankly, that I gained from those was, if anything, rather paternalistic. The implication is that these poor immigrants apparently are incapable of making their own decisions about how they are going to vote. To sheet home the blame to the Labor Party, to say that somehow the Labor Party can manipulate these groups, that they can somehow get them to vote in a certain fashion because these are only ignorant immigrants who do not know their own minds, to my way of thinking smacks of paternalism.

One only has to think back to the 1950s and the 1960s when much the same was said - that the large postwar immigration that we had, of people fleeing from communist regimes, was used exclusively by Mr Menzies and the Liberal Government at the time to keep Labor out of power. I often heard it said that the only reason Labor could not get in was that the immigrants were voting against Labor because they did not like communists and socialists, et cetera. The fact of the matter was that Labor did not get elected in those years because they could not get enough votes; it was not because people were manipulated. The community as a whole was susceptible to the red-under-the-bed syndrome.

But, as I said, some people say that the ethnic communities of Australia today are not sufficiently aware of the political implications of that great right that we have here in Australia, the right to vote. Many people have come to Australia from countries where that right has been denied them. I find, when I talk to people who are from

ethnic communities, that they cherish that right very sincerely. I am almost ashamed to say that they often take much more care in the casting of their vote than those of us who have been brought up with the obligation that if we do not vote we will get fined. That, unfortunately, is a common sentiment right throughout the dinkum Aussie community, if we can call it that.

I support the motion entirely. I think it is something that is long overdue. I think that all members of this Assembly will look forward to a further enrichment of the lives of Canberrans when this broadcasting service is introduced.

MR JENSEN (12.27): Mr Speaker, the need for a broadcasting service for the ethnic community within the ACT is not disputed. However, there are a couple of important issues that should be considered. It is not the fact that a radio licence for the ethnic community is not required and not needed. I have contacts with existing operators at the moment. I must declare an interest here because I have had some discussions and direct involvement with Canberra Stereo Public Radio. As I understand it, there is, in fact, only one licence to be allocated in 1993. The question really is: What is the need and the requirement in the ACT for additional licences?

My understanding is that Canberra Stereo Public Radio, for example, are currently operating 28 days a year, which is all they are allowed to operate under the current Act. They have been operating, as I understand it, since 1983-84. They were an applicant for a licence that was given to 2SSSFM, which I believe was given the right to broadcast races at a time, I think, when the ABC racing service was taken off the air. Of course, they have now come back on again and are broadcasting races.

It is quite clear, as I understand it, that there is a need, a demonstrated need, for an ethnic broadcasting service, which, as Mrs Grassby and my colleague Dr Kinloch have already said, currently operates off 2XX. I understand that one of the problems there is the large number of languages that are required to be given air time on that station. My advice is that there have been some difficulties in enabling that coverage to take place because 2XX has other issues as well.

The point really should be that maybe the motion requires reconsideration and some change; maybe this Assembly should put pressure on the Federal Ministers responsible for this matter to consider increasing the number of licences available. I understand that just very recently a Christian broadcasting organisation transmitted a broadcast over the airwaves. I am not aware of the ethnic broadcasters currently operating any specific services, other than via 2XX. The point is that we have an organisation like Canberra Stereo Public Radio that has been operating now for some years. It seems to me that we have a difficult problem.

MR SPEAKER: Mr Jensen, I will interrupt at that point. It being 12.30 pm, the debate is interrupted in accordance with standing orders.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Filming of Proceedings

MS FOLLETT: Mr Speaker, I refer to your letter to me yesterday in which you said that the request from the press gallery to film the budget speech and the reply by Mr Kaine had been refused because you did not obtain the agreement of all party leaders. Which party leader or leaders refused permission for the media to record the budget speech and the reply, and did they give you a reason for that refusal?

Mr Kaine: Mr Speaker, on a point of order: I think that question is out of order. The members of this Assembly are entitled to take a view on that matter. Members having expressed some opinion and adopting a policy that has been the policy of this Assembly ever since its inception, they are entitled to express that view. I do not think any of us should be accountable to the Chief Minister for that. I do not mind my view being known, but I do not think it is a question the Chief Minister is entitled to ask and I do not think she is entitled to an answer to it, quite frankly.

MR SPEAKER: I would not uphold your objection, Mr Kaine. Unfortunately, under standing order 115 it is a quite appropriate question to ask. Under the circumstances, I will take the question on notice.

Members' Travel Costs

MR KAINE: I address a question to the Chief Minister and Treasurer. Yesterday we got an admission that Mr Berry had travelled to Tasmania at public expense under rather doubtful circumstances. According to the *Canberra Times*, you yourself incurred expenditure of $2,798 for the same purpose and your adviser, whoever that is, incurred a cost of $1,042 for the same purpose. Would you confirm to the Assembly that those are the actual figures of money improperly spent for travel? If they are not the figures, would you tell us what the real figures are?

MS FOLLETT: I do not have the figures with me. I will take that part of the question on notice. I would like to address the implication Mr Kaine has made that this was in some way improper travel by me and Mr Berry.

Mr Kaine: What about your adviser? Was that okay?

MS FOLLETT: If I may continue, I have again checked on this matter and officers of my department have provided me with some information on a State by State comparison of travel by Ministers and their staff, in particular to the ALP National Conference in Hobart. I would like to advise members of the result of that inquiry.

The costs incurred by the Queensland Premier and Ministers and staff were all covered at public expense. In Victoria, costs were covered at public expense. In Western Australia, costs were covered at public expense. As to Tasmania, the conference was in Tasmania on this occasion; but as a general policy their costs would also have been covered at public expense. In relation to the South Australian Premier, the costs for Mr Bannon were covered by national and State Labor Party funds. That is because Mr Bannon was the President of the ALP at the time of that National Conference. In the case of South Australian Ministers and their staff, the costs were covered at public expense.

My inquiries also extended to non-Labor States. Members might be interested to know that New South Wales has a policy that costs of attendance at political party meetings by Ministers and staff are covered at public expense. In the case of the Northern Territory, the costs are similarly covered at public expense. In relation to the recent National Party conference in Alice Springs, I believe that all Northern Territory Ministers attended that conference at public expense. So, this practice is in no way unusual; nor is it confined to Labor States.

I make the further point that the travel by Mr Berry and me prior to the change of government had been approved by the Administration and Procedures Committee as private study travel by members. So, any question of our coming into government being the reason for this travel being undertaken at public expense is quite spurious. It was always going to be, to some extent - to a major extent - covered at public expense. I fail to see what Mr Kaine regards as improper in that.

The fact also is that, as we were in government, significant government business was conducted. Mr Kaine, I know, does not want to know about that; but it is the fact that I met with Mr Hawke, with the then new Treasurer, Mr Kerin, with Mr Beazley and with Mrs Kirner on matters related to the ACT. In all of those matters I was at great pains to press the claims and the needs of the ACT. I also met with some private sector representatives, and again my aim was to press the claims of the ACT and the benefits for people doing business in the ACT. Since that time one of those groups has spent a day in Canberra, with the possible view of expanding their business significantly into the ACT. That means jobs for Canberra people and it means an input into the Canberra economy, all of which, I think, is an excellent form of government business.

I fail to see what Mr Kaine complains about. Unlike Mr Kaine, I do control ministerial travel. In government we are very selective about what ministerial travel is undertaken, unlike Mr Kaine, who was quite unable to control his Ministers' travel. You certainly will not find any of my Ministers travelling off to mining conferences. You will not find any of my Ministers falling asleep, and being reported in the press as being asleep, at a ministerial conference. You will not find any of my Ministers going to New Zealand for a week for a rugby grand final, complete with entourage.

Mr Collaery: Who was that?

MS FOLLETT: That was you, Mr Collaery. I am selective about where my Ministers go. You will find that, when they do travel, they will do effective business in the best interests of this Territory. You will find that at the end of the day this Government will spend far less on that sort of travel than did the previous Government, where there was endless junketing. I challenge Mr Kaine to add up the bills for similar periods. I think we will come out of it with a very much leaner bill and a very much more effective travelling schedule in the interests of the Territory.

John Lark Media Group

MR STEVENSON: My question is to the Labor Attorney-General, Terry Connolly. Is the Attorney-General aware whether the ACT Revenue Office has a wind-up notice in existence for John Lark's media group? If so, how long has the notice existed, when will the matter proceed, and what is the statement of claim?

MR CONNOLLY: The short answer is that I have no idea of the detail of administration at that level in the ACT Revenue Office, which falls within the administrative purview of the Treasurer.

Government Credit Card

MR MOORE: My question is also to Mr Connolly, but because it is a matter of detail I gave him some advance notice. I refer to a *Gazette* notice that a government credit card of $600,000 was arranged on 21 August 1991. Has the Asbestos Branch of the department spent $600,000 on the government credit card? If so, on what items?

MR CONNOLLY: I thank Mr Moore for adopting the sensible course of giving me some warning that he was going to ask a question of particular detail, which allowed me to investigate the matter and provide an answer in some detail. Mr Stevenson is aware that if he asks me in

advance I will always find out the information and give him the detail. Administrative minutiae is something no Minister has full coverage of.

Mr Moore's question relates to a notice in the Contracts Arranged section in a recent ACT *Gazette* which listed boldly, under the Asbestos Branch, "Credit Card, $600,000". It is to the credit of Mr Moore and not the official Opposition that it was Mr Moore who picked this up. He obviously assiduously goes through the *Gazette*. Any member would blanch at the thought of a Bankcard credit limit of $600,000. It is an extraordinary proposition. I am pleased to advise the house that this is an error.

Some time ago it was decided - I think the original movement was under the former Labor Government, but then it was implemented gradually under the Alliance Government - that it did make sense to allow departments to have credit card facilities to pay for small purchases. When a small business person in Canberra supplies, say, biros to a government department, if it is done through the ordinary purchasing and requisition arrangements there is a long lead time between the placement of the order and the business person getting the order paid. Members have often raised that matter in the Assembly. It does make sense to have credit card facilities. It would appear that the $600,000 referred to in the *Gazette* was a bulk requisition for credit card funds generally. There is no credit card in existence that has a $600,000 limit.

Mr Duby: Yes, the Amex gold card.

MR CONNOLLY: Perhaps Mr Duby has an extraordinarily beneficial credit card with such a limit. There is not a $600,000 credit card in operation. This card is held by the head of the Asbestos Branch. It is used for emergency purchases, such as emergency accommodation, supplies for removal teams and air monitoring laboratories, maintenance of houses. The advantage of using a credit card is that the small supplier gets paid under the ordinary terms of credit - the credit card arrangement within 30 days - rather than having to wait sometimes for months.

I am advised that usage of the card has been minimal. As a result of this being brought to my attention, we are certainly strengthening controls to ensure that when departments put things in the *Gazette* they do it accurately and that we do not have this sort of extraordinary proposition, which quite properly Mr Moore raises in the Assembly at question time. It would be an extraordinary proposition to have any member of the ACT Government Service or any government official or Minister running around the town with a $600,000 open credit card limit. In fact, that is not the case. That was simply a bulk requisition.

MR MOORE: I ask a supplementary question, Mr Speaker. We are told that there is no credit limit of $600,000. What is the credit limit on the cards?

Ms Follett: It has been cut up.

MR CONNOLLY: The card has not been cut up. I will advise Mr Moore. I will take that on notice and get back to him.

Members' Travel Costs

MR HUMPHRIES: My question is to the Chief Minister. With respect to the Hobart junket and particularly those people who accompanied Ms Follett and Mr Berry to that meeting, I ask: Who exactly were those people? Were they public servants or personal staff of the Ministers? Were any of those people delegates to the conference? Will the Chief Minister outline what benefit to the taxpayers of the ACT was derived from the attendance of those staff members at the ALP National Conference?

MS FOLLETT: I have been given a copy, in the course of question time, of the reply I gave to Mr Kaine to the question he asked upon notice. Some of the details that both Mr Kaine - - -

Mr Kaine: You have not answered the question I put on notice. That is why I asked you - - -

MS FOLLETT: Yes, I have. I have the answer here. I will give you the copy, Mr Kaine.

The answer to Mr Humphries' question is that the staff member who accompanied me was Mr Michael Deegan, who was a member of my personal staff at the time, a member appointed under the LA(MS) Act. Mr Berry was not accompanied by a staff member. Ms Sue Robinson was there, but she was there in a private capacity and at no cost.

Mr Humphries: No public funds?

MS FOLLETT: No public funds. She was in fact a delegate. So, there was one staff member there as a staff member. Of course, there were any number of Labor Party members there in their capacities as delegates or observers or in any other capacity. I took one staff member. I think it is fair to say that he was run off his feet in the course of that conference.

Mr Kaine: Fixing appointments with the Prime Minister, no doubt.

MS FOLLETT: Mr Deegan conducted a wide range of duties while he was in Hobart. One of those duties was to make sure that the paper flow, the day-to-day work that I am sure Mr Kaine would agree any Chief Minister is confronted with, was dealt with, if it needed to be dealt with while I was out of the ACT.

Mr Kaine: I do not agree that there was any paperwork there that had anything to do with the ACT Government.

MS FOLLETT: There were other duties that he carried out as well - for instance, arranging some of the meetings I have already referred to. That was a very important part of the trip to Hobart.

Mr Humphries asked what benefit there was to the Territory in the staff member's attendance. It is pretty obvious that the meetings that were arranged were in the interests of pursuing the claims and the needs of the Territory, whether those meetings were with other parliamentarians, with Federal Ministers, with members of the media, with private sector people, and so on. A fair amount of that sort of work went on. As well, he carried out the ordinary sort of business that a member of my personal staff does: Writing letters, speeches, press releases, and so on. All that sort of work was carried on throughout the week, as a pretty normal working week for that staff member.

MR HUMPHRIES: I have a supplementary question, Mr Speaker. Ms Follett mentioned speeches being written for her by Mr Deegan. I ask whether any of the speeches written for her were for her to give at the ALP National Conference?

MS FOLLETT: No, they were not.

Members' Travel Costs

MR BERRY: Mr Speaker, my question is to you as the chair of the Administration and Procedures Committee. In addition to private study trips undertaken by members at government expense, what other approvals have been given by the Administration and Procedures Committee for members to take private travel at government expense?

MR SPEAKER: I am afraid I do not understand the question, Mr Berry.

MR BERRY: In addition to the private travel which has been undertaken at government expense, what other approvals have been given by the Administration and Procedures Committee for members to travel privately at government expense?

MR SPEAKER: I do not think there is anything improper about my passing on the results of an Administration and Procedures Committee meeting of last evening at which approvals were given for Mr Kaine to travel to an accountants meeting in Sydney, for me to divert on a trip back from overseas, and for Mr Duby and Ms Maher to attend a conference in Hobart. That is about all I can recall.

Mr Duby: I take a point of order, Mr Speaker, in the form of a correction. I know that you would not wish to mislead the house. Mr Kaine's travel is to Queensland, not to Sydney. Your own travel, Mr Speaker, was approved yesterday evening.

MR SPEAKER: Yes, I just mentioned that.

Mr Berry: A bit of hypocrisy there.

Mr Kaine: There is no hypocrisy at all.

Mr Humphries: I raise a point of order, Mr Speaker. Mr Berry has described Mr Kaine's travel as hypocrisy. That is a phrase grossly out of context and it fails to realise the great difference between the abuse of public funds going on on that side of the chamber and what other members of the Assembly are doing. I ask that he withdraw that phrase.

MR SPEAKER: I would ask, under the circumstances, that Mr Berry do that.

Mr Berry: Mr Speaker, if the record was to show exactly what I said, it would have recorded that I said, "A bit of hypocrisy there". What Mr Humphries said was that I had directed my interjection at Mr Kaine. If that is Mr Humphries' belief, good on him; but I think he is the one that ought to withdraw.

MR SPEAKER: I believe that that is an unqualified withdrawal in a roundabout way. Thank you, Mr Berry.

Mr Humphries: Mr Speaker, are you going to ask him to withdraw that phrase?

MR SPEAKER: Mr Humphries, we are wasting time. He did apologise to the house. Please let us get on with it.

Schools - Traffic Arrangements

MR JENSEN: My question is directed to Mr Connolly in his capacity as Minister for Urban Services. I am pleased to advise Mr Connolly that I am saving my questions from the *Gazette* for the Estimates Committee. I refer the Minister to the article on the front page of the *Valley View* yesterday headed "Young lives in danger", which refers to the Calwell Primary School. It has prompted a number of calls to me and my office about the problems in that area, as well as concerns about traffic safety arrangements in Casey Street, opposite the Calwell High School and the St Francis of Assisi school. What action is the Minister taking to have officers of his department meet with the community, including the respective P and Cs, school boards and interested parents, to undertake a complete and comprehensive reassessment of the safety arrangements for the schools I have just named?

MR CONNOLLY: In accordance with my standard practice, the short answer is that, as soon as I have a request from any body or organisation to arrange a meeting with departmental officers, I comply forthwith. To date, as far as I am aware, I have not received any such request; nor has any correspondence to my office been brought to my attention. I certainly noted the story in the newspaper yesterday, which has been kicking around for some time, about the safety aspect of the arrangements in areas of Calwell; but I have received no request from the parents and friends group for a meeting. My standard practice is that, if there is such a request, I make officers of the department available to go through any problems they may have and try to map out some solutions. Should they choose to request such a meeting, I will arrange it forthwith.

MR JENSEN: I ask a supplementary question, Mr Speaker. Based on that answer, I therefore take it that the Minister, or his office, made no attempt to check whether that story had some validity and whether action should be taken, without someone seeking to ask the question.

MR CONNOLLY: The position basically is that, when people seek meetings or advice, I arrange them. If I arranged meetings on the basis of every press report, it would be a rather odd way to run a government. I take it that real complaints or concerns will be raised by members of the community with my office, and should they choose to do so I will respond promptly.

Birthing Centre

MS MAHER: My question is to the Minister for Health. In the newspaper yesterday there was a letter from Aileen Conroy regarding concerns for the birthing centre attached to the new obstetrics facility being built at Woden. The letter mentions that there are problems with funding for a midwife and operational costs, indicating that the birthing centre may not open. Can the Minister advise the Assembly on the funding arrangements for the centre, give an assurance that the centre will open with appropriate staff, and advise when it will open?

MR BERRY: Ms Maher is an avid reader of the *Canberra Times;* but she missed today's edition, apparently, because it had the answer there. The birthing facility has been provided for in the obstetrics block. It is true that that facility was provided without any planning for recurrent funding by the former Government. The Labor Party is committed to the provision of that facility, unquestionably. I am not able to say that it will open on a given date. I have said to people who have asked the question of me before that I will ensure that it opens, and it will be adequately staffed; but I am not able to give a fixed date at this point.

Welfare Grants

MR SPEAKER: I call Mr Collaery.

Mr Connolly: He is not in the chamber. He is not on the floor.

MR COLLAERY: My question - - -

Mr Connolly: I raise a point of order, Mr Speaker. It is an extraordinary position for the Speaker to give the call to a member who is not present on the floor of the house, when two other members - Mrs Grassby and Mr Stefaniak - are standing and seeking the call. We can accept that for reasons of fairness and equity you may keep a list so that all members get a fair go at question time; but it is an extraordinary proposition to give the call to a member who is not even present in his place in the chamber. Are we going to call a member out from giving a media interview and bring him in to ask a question? You really ought to give acknowledgment to members on their feet, perhaps in a roundabout order, but not to members who are wandering about in the public regions having chit chats.

MR SPEAKER: I take your advice on that, Mr Connolly. I thank you for the information presented to me. I call Mr Collaery.

MR COLLAERY: My question is to the Chief Minister. On 30 July 1991, along with other State Premiers, you put your signature to a communique issued at the conclusion of the Premiers Conference. That communique included a commitment to continue to review the question of tied grants in the welfare area. In view of the statements by one of your chief political admirers, Mr Martin Attridge, the director of National Shelter, that you have carried the battle to prevent the untying of those grants, will you assure this house that, in signing that communique, you did not mean to endorse continued negotiations on the untying of grants in the welfare area? Will you assure community organisations that you will have no part of this crass politics?

MS FOLLETT: To the extent that Mr Collaery's question makes any sense at all, I would first of all recommend that he read the communique. His comments of last night about what he referred to as resource development indicate that he has been extremely muddle-headed in his appreciation, if you could call it that, of the communique in practically every aspect. I am sure other members know that the question of tied grants was addressed in a preliminary way at the last Special Premiers Conference and will be addressed in a much more detailed way at the next Special Premiers Conference, which is to be held in November. Mr Collaery, is his inimitable fashion, has referred to some of these matters as crass politics. He could not even think up a new phrase, but had to imitate one that has had some currency lately.

The fact of the matter is that my position on this has never changed. The first point I want to make is that it is my firmly held view that this whole process must not lead to a diminution in the funds available for any of these programs. I think that is a major part of the concern that has been expressed by community groups on the tied grants process.

My second concern is that it is essential that the community should be consulted on this whole process. Great concerns have been expressed over many months, including when Mr Collaery had ministerial responsibility for some of these matters and did not help at all, about the level of consultation and the level of communication that has gone on. I have attempted to address the need for consultation by asking an area of my own department to undertake a consultation process with the community groups in the ACT who are concerned, to establish what their views are, and to communicate to them, to the extent that that is possible, what is going on.

I think that is the correct way to proceed. I also think it is correct to say that there is concern in the community that the Commonwealth's scrutiny and maintenance of standards in these programs is kept on, even after the review by the Special Premiers Conference. Because most of these programs had their genesis in the Commonwealth and because of the very patchy efforts by some States in many of the areas which come under the tied grants programs, I still think that is appropriate, and that is the position I will be arguing for when the time comes.

Rather than attempting to politicise this issue, as Mr Collaery has done, rather than attempting to tie it in to events which may or may not be happening in Federal Parliament, we should concentrate on the needs of our own community, on an ACT perspective. We should be attempting to obtain the very best possible outcome for our ACT community groups and for the clients served by those programs in the ACT. That is what I will do, and I will do it in consultation with the people concerned.

MR COLLAERY: I ask a supplementary question, Mr Speaker. In view of the Chief Minister's failure to confirm explicitly that she opposes the untying of grants in the welfare area - a claim made by National Shelter - will the Chief Minister acknowledge that her comment that tied grants are being looked at in a preliminary way is a gross understatement? Is the Chief Minister aware that on 12 April 1991 the President of the ALP and Premier of South Australia, Mr Bannon, wrote to the Prime Minister - - -

MR SPEAKER: Order! Mr Collaery, a supplementary question should not introduce new information.

MR COLLAERY: My supplementary question is: Would the Chief Minister comment on this statement from Mr Bannon complaining about Senator Richardson to the Prime Minister - in a personal letter - "For welfare to be removed at this stage - - -

MR SPEAKER: Order! Mr Collaery, that question is out of order.

Members' Travel Costs

MR STEFANIAK: Mr Speaker, my question is to you. How much private members' study allowance did Mr Berry have available to him to use to go to the ALP conference in Hobart, and under what authority did he expend the excess?

MR SPEAKER: I am not sure that the question is a valid one. I can inform members that there is a $2,136 maximum allowance for all members for study travel and Mr Berry's trip to Hobart cost $975. Does that answer the question for you?

Mr Kaine: No, that is not correct. The trip cost $2,730.

Mr Stefaniak: That was reported in the newspaper yesterday.

MR SPEAKER: Order! You are talking about study trips?

Mr Kaine: We are talking about his study trip to Hobart.

MR SPEAKER: I am talking about his study trip to Hobart that he undertook as a study trip.

Mr Stefaniak: When was that, Mr Speaker? We might be talking about two different things?

MR SPEAKER: It was 24 August 1990.

Mr Stefaniak: In that case, how much was available to him to go to this year's ALP conference in Hobart, and under what authority did he expend the excess?

MR SPEAKER: What was then available to him was the difference between $975 and $2,136, which is $1,161, which had not been used.

Mr Stefaniak: Where did he get his $2,730?

MR SPEAKER: Mr Stefaniak, I believe that that answers your question.

Ms Follett: I ask that further questions be placed on the notice paper.

Members' Travel Costs

MS FOLLETT: I took on notice part of Mr Kaine's question to me concerning the costs of travel to Hobart. I have answered that question. It was question No. 550 from Mr Kaine. I will provide him with a further copy.

Government Credit Card

MR CONNOLLY: In question time today I undertook to find out for Mr Moore the credit card limit on the extraordinary card he asked about. I am told that it has a limit of $10,000 per transaction, but potentially that could mean $50,000 per month and $600,000 per year. I have instructed that that card be destroyed this afternoon and I have instructed the secretary of my department to review and report to me on the use of all government credit cards in my portfolio. I wish to emphasise that approval for that card was given by the previous Government. The card is being destroyed as we speak.

Aborigines and Torres Strait Islanders

MR WOOD: Yesterday Mr Duby sought an answer to a question about allegedly denying the Aboriginal embassy people access to facilities at the lakeside.

Mr Duby: I asked the Minister for Aboriginal affairs about it. Obviously, she did not know the answer and got you to answer.

MR WOOD: She referred the response to me. I emphasise that there has been no denial of access to what I presume Mr Duby referred to, namely, Grevillea Park. For a month we allowed a group of Aborigines who were here for a particular purpose to occupy that area. Members will realise that it is not a camping site; so we extended the bounds of what we ought to do, and we did it willingly in consideration of the needs of the Aborigines.

We further extended it for another week, and then thought it was time to suggest that they should go. Most of the group decided that that was quite appropriate and thanked us for our very considerable help. A small group - three or four or five - sought to remain. I believe that we have served those people very well and I think they will accept that it is time to move on so that the park, and in particular the pavilion, which I believe has a number of rentals in the near future, can be returned to the use of Canberra citizens as a whole.

PERSONAL EXPLANATIONS

MR KAINE: Mr Speaker, I seek leave to make a personal statement under standing order 46.

MR SPEAKER: Do you claim to have been misrepresented?

MR KAINE: Yes, I do. I refer to Mr Berry's earlier comments about approval for my travel to a national accounting convention and his assertion that, somehow or other, there was some hypocrisy associated with this and that it was somehow inappropriate for a member of this Assembly to attend a national accounting convention. I point out that I am the chairman of the Public Accounts Committee, I am the shadow Treasurer, and in February I will again be Treasurer, and to attend a national accounting convention - - -

Mr Duby: It is a convention on government accounting.

MR KAINE: It is in fact a convention on government accounting. That is the very purpose for which this travel money is made available - for members of the Assembly to keep up with events that affect them in the performance of their duties here. For the Labor Party to try to equate that with a shonky trip to a Labor Party convention in Hobart reflects just how sensitive they are on the issue of travel to the Labor Party convention at public expense. I want there to be no doubt, and I am sure there is no doubt in the mind of any reasonable person here, that for a member to go to a national convention on accounting in government is an appropriate use of money and is in no way of a similar kind to the expenditure of public money by the Government.

MR COLLAERY: Mr Speaker, I claim to have been misrepresented and I seek to make a short statement pursuant to standing order 46.

MR SPEAKER: Please proceed.

MR COLLAERY: For about the third time in the last few days the Chief Minister has chosen to make very grandiose claims and allegations about various people in the chamber. The one today was that I spent a week on a junket in New Zealand, I think, at a rugby union match. I do not forgive her the last bit; but let me assure the house that I do not recall spending a week in New Zealand at any time. I do recall going to New Zealand - and I am having my diary checked - for three days, or perhaps four, where I had meetings - - -

Ms Follett: Plus the weekend.

MR COLLAERY: If I may continue: I recall travelling to New Zealand after leaving this chamber late on a Thursday evening, arriving in Christchurch at about 1.00 am and travelling at 8 o'clock the next morning to Auckland to

attend a ministerial meeting with Ros Kelly and other Australian Ministers on issues revolving around drugs in sport and ministerial matters affecting a number of issues of sensitivity that involve the Australia-New Zealand region.

I thereafter had meetings with Dame Sylvia Cartwright and I had lunch with her. She is the chief judge of the new single-tier court in New Zealand, a court structure that we were actively considering and pursuing in the Territory for a whole lot of administrative reasons - a process the Labor Government has put aside. I then had meetings with Dr Michael Cullen, the Social Welfare Minister at the time, on their adoption policy. As members will recall, we had a very important adoption debate in government and in the Territory, and they have some reforms under way.

Similarly, I met the Minister for Youth Affairs on a new youth training and drug combating strategy. The former Labour Government introduced some very innovative reforms in their Maori and other problem areas. I then met with Australian Federal Police representatives; that was a courtesy call in Wellington. I met also with Mr Prebble, the Police Minister, and we talked about community policing issues and, tragically, gun controls, because they had a massacre shortly thereafter.

I met with Minister Hunt, the Minister for Housing, on what they had done after the Commonwealth Games, when they transferred all of the transportable homes built for athletes at the Commonwealth Games to their housing trust. I was looking at that as an initiative in relation to a proposal Mr Stefaniak was pressing on me at the time, and still continues to press - that we host the Commonwealth Games in 2002.

I also met with the Minister for Justice, Mr Jeffries, on issues dealing with, I am happy to say, an exchange of judicial officers. I do not want to put it any higher because I do not believe that it is a matter for discussion at this stage. I discussed, according to my diary notes here, a number of issues, including human rights advocacy. At the time, Mr Humphries was pursuing in government his smoking-tobacco issues and, as Mr Humphries well knows, the New Zealand Government at that very time were trying to put through an Act on smoke-free environments. I did not waste my time in that country.

Mr Berry: Was there a football game? Did you go to a football game?

MR COLLAERY: I did go. I was with the Raiders team for their final and I was with the Australian rugby league team for their final. It all happened on the same weekend. I was there with the Hilary Commission - and I am proud to have gone there. It ill behoves a Labor Minister to tackle any Minister for being seen at a football game.

PAPERS

MR BERRY (Deputy Chief Minister): For the information of members, I present the ACT Gaming and Liquor Authority final report, July to December 1990. Pursuant to subsection 19(3) of the Territory Owned Corporations Act 1990, I present the ACTTAB Ltd statement of corporate intent, 1991 to 1993.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning): For the information of members, I present the Institute of Technical and Further Education audited financial statements for the year ending 31 December 1990; and the Department of the Environment, Land and Planning and the Environment and Conservation Bureau annual report for 1990-91. I congratulate the staff of that department; I think this is the first report for the 1990-91 year to be tabled.

Mr Kaine: On a point of order, Mr Speaker. Could I ask the Minister whether the Institute of TAFE referred to in the document he just tabled is the same as the ACT Institute of Technical and Furniture Education referred to in the draft document? Is it the same document?

MR WOOD: I shall inquire.

ASSOCIATIONS INCORPORATION BILL 1991

Debate resumed from 15 August 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR SPEAKER: I call Mr Collaery.

Mr Collaery: Mr Speaker, I do not wish to take the call at the moment. I am juggling a lot of things, as a leader in the house without staff.

MR SPEAKER: Order! Does anyone else wish to take the call on this matter?

Mr Collaery: Mr Speaker, I have amendments to move to the Bill and I have asked someone to get my papers from the office. However, I am happy to start speaking.

MR SPEAKER: Order! I think that is probably a waste of time, if you are just filling in time. Is it the wish of the Assembly to proceed to a further matter of business on the agenda and then come back to this issue?

Mr Collaery: Mr Speaker, I think it should be known that I do not have the same level of staffing as other party leaders. This again exemplifies the problems pushed onto us.

Mr Moore: Mr Speaker, on a point of order: I am quite prepared to speak on the Associations Incorporation Bill.

MR SPEAKER: Very well. I call Mr Moore.

MR MOORE (3.15): Thank you, Mr Speaker. I see that Mr Collaery is not entirely prepared for debate on this quite important Bill. There have been a number of anomalies with the incorporation of associations in the Territory and a number of people have come to me, particularly in recent times, complaining of the difficulties with associations that either are not incorporated or have been incorporated but have not been following their constitutions. I believe that this Bill will provide far better control of associations, where they are incorporated, and far better control of a situation where public funds and the public interest are involved.

One of the benefits of the Bill is that it ensures that, where the interests of individuals are affected by incorporated associations, as is the case on many occasions in the ACT, those interests will be appropriately looked after and the law will apply in a way that continues to look after them. I am aware of one situation at the moment - I do not wish to be specific, because of the individuals involved - where an incorporated association has not been carrying on its meetings according to its constitution; where that incorporated association has taken a number of steps that are entirely unconstitutional; and where they have, by those acts, had an impact on a series of individuals and, in this case, on those individuals' children.

I believe that this Bill will provide the tool by which such things can be pursued, and pursued effectively. It is, therefore, very important that the Bill be dealt with appropriately by the Assembly and not just glossed over in the almost mirthful way that we saw earlier. That is not meant to be a reflection on Mr Collaery's lack of staff; but, rather, on the state of the house at the time when he was outside, I believe trying to handle a press interview. As far as that goes, perhaps if we could manage to divide Mr Collaery into two, as he does himself quite often, but do it physically as well as mentally, he could be both here and outside and we would not run into this sort of problem.

It is appropriate that the law on incorporated associations be brought up to date so that people can be protected and so that people can be encouraged, where they have associations, to incorporate them and to feel comfortable that there is an appropriate and up-to-date law that facilitates that incorporation and also provides the appropriate responsibilities and protections associated

with that incorporation. I support the Bill in principle. I congratulate this Government for bringing it on and the previous Government for their work in the preparation of the Bill.

MR STEFANIAK (3.19): While Mr Collaery is dividing himself into two or three or four or whatever is required for him to participate for the rest of the afternoon, I will also speak in principle on this Bill. The Bill has been formulated over a period of time and is another of the Bills that were prepared during the time of the Alliance Government. I am pleased that Mr Connolly in his speech indicated that when he talked, amongst other things, about public comment being sought in November last year. Indeed, a fair amount of public comment was received and it helped in framing this very important piece of legislation.

The legislation is fairly lengthy, as is most legislation relating to incorporated bodies and companies. I think it is a very useful piece of legislation because it further enhances company law generally in the ACT. The Companies Act in the ACT went through some fairly dramatic changes, and a very lengthy piece of legislation was introduced and passed in the Federal Parliament in the 1980s to upgrade company law in the ACT. It is pleasing to see this Associations Incorporation Bill being presented now by the Labor Government. It has been formulated over a period of time, and the Liberal Party has no difficulties with it.

Having just been given Mr Collaery's amendments, I have not had a chance to go through those in any great detail. I hope that in speaking to them he will indicate the rationale behind the amendments and, hopefully, I will have a chance to digest the remaining two or three pages prior to the amendments being dealt with.

It is important to note that this Bill will assist a number of associations to be incorporated in what is a much more convenient and certainly far less expensive way than forming a company. As the Attorney-General pointed out in his speech, an association gains a separate legal entity as the result of incorporation, and the powers of a natural person; that is, it can be sued and it can sue as a body. Of course, the liability of members is limited.

One of the problems with associations and bodies that were not incorporated was that all members of them could be legally sued if something went wrong. Many associations handle a lot of money and have assets, and that is a real problem if something goes wrong and you end up with a $1m debt and the members are liable. Incorporation limits the liability of members, and that is very important for people who get involved in associations that deal with people's rights, money, property and so on.

By simplifying the process, this Bill will encourage the incorporation of associations that should be incorporated bodies, by their very nature and the nature of the tasks and objectives they have, not only for the greater efficiency of that association, but also for the protection of the members of the association, and, I suppose, for the territorial legislature and the law in the ACT to more properly administer and assist those associations.

Accordingly, we have no problems with this Bill, which is another one of the Bills that were formulated during the period of the Alliance Government. The Liberal Party agrees to it in principle.

MR COLLAERY (3.22): I am pleased to speak on this Bill. The long process of amending the 1953 legislation is now complete. It is of considerable interest to note that, when the Alliance Government tabled the draft Associations Incorporation Bill, which was almost exactly the same as the Bill before us, there was considerable interest in it nationally as one of the latest association Bills off the blocks. The Australian Accounting Research Foundation looked at the then Associations Incorporation Bill 1990 that the Alliance Government had developed - a precursor to this which had its origins way back prior to self-government - and compared it with the associations incorporation Acts of the various States and the Northern Territory.

An interesting legislative comparison was done by the foundation, which shows that in key areas the proposed ACT Bill shines above all other legislation in this country. I want to say to the tag-along Labor Government here, which wants to play safe and tag onto every initiative and not take their own, that this is something they should feel proud about. It is an incredible performance by our legislative draftspeople and the people in the Government Law Office giving the instructions and conducting the research.

The comparison shows that on a number of issues, particularly in the types of requirements the accounting research body saw as crucial, we covered just about every field: For example, the corporations law accounting records - covered by the ACT; the duty to keep accounting records - covered by the ACT; retention of accounting records for seven years - covered by the ACT; and, similarly, presentation of financial statements at the annual general meeting, including profit and loss statement and balance sheet; accounts to present true and fair picture and not be misleading; accounts to cover statements of mortgages charged as securities; financial statements for trusts; responsibility for accounts of directors of companies; committee of management, and so forth. It is a good comparison and we stand up pretty well. There are a couple of gaps, and I propose to cover them in some amendments during the detail stage.

The Bill before the house tries to balance two competing issues, issues that I believe this Territory will have to tackle finally with some other legislation. The first of those issues is the small voluntary associations - the non-profit groups of citizens with few standing assets and little organisational ability, and certainly not the back-up to employ expensive company auditors. Balanced against that are the vast club organisations in this Territory, some of them with millions and millions of dollars of turnover a month, where there are quite strong reasons for the Government to want to ensure that their accounts are properly presented, that there is full disclosure of accounts, and that accountability is at a premium.

The monthly turnover of a few clubs in this town exceeds that of some of the small cooperative societies, and that is a matter of concern. In due course we need to examine very clearly whether we want to move in clause 73 to determine whether we should provide that, where a non-profit association is very large, it should be compulsorily moved to a corporate structure or cooperative society status and subjected to the added surveillance of that regime. I foreshadow further research by the Rally on that issue. I foreshadow the fact that we need - - -

Mr Berry: Springing this rubbish on people.

MR COLLAERY: Mr Berry calls this rubbish.

Mr Berry: I did not say that at all. You have sprung this on people.

MR COLLAERY: He interjected that it was rubbish. Mr Speaker, I would seek your indulgence at times to protect me from Mr Berry.

The Bill seeks to achieve something that is becoming wellnigh impossible. It seeks to balance the accounting records being sought for very large commercial combines in the club situation - clubs that own millions of dollars of assets, some of them located outside the jurisdiction, some of them being based, as a security for loans, outside the jurisdiction, where there are still voluntary boards and where the accounting regime of the 1953 Act still applies. I am seeking, with some amendments which I foreshadow, to tighten up with one or two commonsense requirements. I will speak to them at the time; but I do say that we need to see the 1991 Bill as the beginning of a process of translating the very large clubs into a different corporate structure, with different reporting and accounting mechanisms from those of your average P and C.

It is an almost impossible balancing act for our legislative draftspeople, the Law Office and the Attorney to find a correct balance between ensuring that the affairs of the small voluntary groups are well met and the affairs of very large clubs, which I do not wish to name but which we can all imagine, are properly kept under purview. As Mr

Moore acknowledged, occasionally these associations become hotbeds of community intrigue. There is sometimes nothing more intriguing than a community based organisation, as Mr Moore knows.

The other amendment I foreshadow seeks to ensure that at the very beginning of meetings there is full and frank disclosure of auditors' reports, that they are not tabled at 11 o'clock at night, when the membership has dwindled, without sufficient copies being available on the floor to get around. How many of us have been to small voluntary association meetings where the audit report is done by a good friend who knows how to use a red biro - and I do not include Mr Kaine in that, although he does use a red biro. Those volunteers are well placed in that regime.

You get a different tidemark in the affairs of associations when well-intentioned people - perhaps accountants with primary qualifications but not in the company audit role, which is an entirely more onerous role - are doing the job. I think the Attorney understands the problem that exists for him and for all of us when we are approached by members of these voluntary committees who say that they are not happy with something that is being done.

I believe that this is a good Bill. It is an excellent drafting effort. It sets the best benchmark in this country now, according to the Australian Accounting Research Foundation Legislation Review Board, which in July 1991 published a position paper on associations incorporation Acts within Australia. The most recent legislation prior to this was the 1987 Western Australian Act, so it is a creditable effort in the early stages of our self-government. I commend the Bill and foreshadow the changes that I think are necessary.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.31), in reply: Mr Speaker, in closing the debate at the in principle stage: It is clear from the comments in the chamber that all groupings in this place are in favour of the broad outline of this Bill. Mr Collaery's foreshadowed amendments have just been circulated. They comprise four closely typed pages and propose a fairly substantial alteration to clause 75, dealing with auditors' powers and duties. I suggest that they be dealt with at a later time and that we adjourn the detail stage of the Bill. It was certainly the practice when we were in opposition and had detailed amendments that we would try to float them with the Government in advance of the debate.

I am sure Mr Collaery appreciates that it would not be responsible for me as Attorney to agree to this level of detail on the floor of the house. Indeed, I think it would be bad for government, because these are detailed and complex matters. If we start making changes in a rush on the floor of the chamber, there is always the danger of an error being made. I listened with interest to what Mr

Collaery had to say about the purpose of these changes, and what he said made a lot of sense. His proposed amendments may well have a lot of merit, but I certainly need to discuss them with the officers of the Attorney-General's Department.

This legislation has been around for some time. It was tabled by the previous Government for public comment and consultation, and there was quite extensive public comment and consultation. So, there is an implication there to the extent that we may depart from a model that has reached some degree of community consensus. On behalf of the Government, I need time to look at these amendments. I imagine that the Liberal Party would also think it appropriate that it have time to consider these amendments in some detail.

Mr Moore: And Mr Moore's party.

MR CONNOLLY: And Mr Moore's party.

Mr Duby: Me too.

MR CONNOLLY: Mr Duby's party, and Mr Stevenson's party, and any other parties that may exist until we have single member electorates may also want to examine this in detail. I think the best course of action would be to agree in principle to the Bill, because that is clearly the view that has been indicated in the chamber; but that the detail stage be adjourned so that I can take some advice from my officers and we can get a government response to Mr Collaery's amendments. I can probably discuss them outside the chamber with Mr Collaery, to the extent that we see that it is open for us to agree to them. I would want to discuss them also with Mr Stefaniak to get a Liberal Party view on those amendments. I think that course would best aid the house in the consideration of this very important matter.

As all members who have spoken on the matter have indicated, we are attempting here to apply more modern and appropriate standards of accountability and control for voluntary organisations, which can involve vast amounts of money and significantly affect citizens of this community in a way not very different from the way a corporation will affect citizens' income and behaviour. This Bill attempts to apply the modern corporation-style controls to voluntary organisations, while preserving a degree of ease and convenience.

These voluntary organisations perform a vital role in many areas of the community and, inevitably, they are staffed and the managerial functions are performed by volunteers, who must be given a somewhat easier passage than a technically qualified company director or company secretary. I suggest to the Assembly that we agree to the Bill in principle but adjourn the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1

MR COLLAERY (3.36): I would like to seize this opportunity to make a further comment and to explain why I have foreshadowed these amendments at such a late stage. I owe that explanation to the house. There is a letter to the Attorney in my file, which was to be delivered as soon as I got the draft back, and I got the draft back at 2.00 pm.

MR SPEAKER: Mr Collaery, you may speak to clause 1 only. If you wish to speak to the whole Bill, you will have to seek leave from the members.

MR COLLAERY: Thank you, Mr Speaker. I want to acknowledge the work of the draftspeople in doing clause 1 and in doing some amendments of mine in two days.

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

POSTPONEMENT OF ORDERS OF THE DAY

MR BERRY (Deputy Chief Minister), by leave: I move:

> That orders of the day Nos 2 to 11, executive business, be postponed until the next day of sitting.

This merely reorders executive business in order that we can deal with executive business order of the day No. 12, as it appears on the notice paper.

Question resolved in the affirmative.

DEFAMATION LAW REFORM
Ministerial Statement and Paper

Debate resumed from 14 August 1991, on motion by **Mr Connolly**:

> That the Assembly takes note of the papers.

MR STEFANIAK (3.38): Looking at Mr Connolly's paper, I was initially a little concerned that he was moving away from the very useful inquiry into defamation law reform that the Community Law Reform Committee under Mr Justice Kelly was undertaking. However, the assurances on pages 2 and 3 of

Mr Connolly's speech, that what he was doing was in line with that committee, allayed my initial fears. I think it is essential that the main thrust of what Mr Connolly is saying and, indeed, what Judge Kelly's committee is saying is adhered to in the ACT. As the Attorneys-General of Queensland, New South Wales and Victoria are slowly and rather laboriously agreeing on reform of defamation law, the ACT cannot really remain an island in the eastern States and do something completely different.

The Standing Committee on Legal Affairs in its first inquiry looked into defamation law. It had a number of hearings, spoke to a number of people, and read quite a bit of material in relation to that topic. It became quite clear to me as chairman that the ACT was a haven for plaintiffs taking defamation actions. The reasons for that were somewhat varied; but the main thrust was that a person who was allegedly defamed in New South Wales, in the print media and in the media in general, would in many instances have a greater chance of success and getting greater damages if he took an action in Canberra rather than in Sydney, where the major defamation occurred.

The ACT does not have jury trials for defamation and, because a judge alone decides, certain classes of plaintiffs - politicians being one of them - feel that they will get better damages than if a jury of ordinary members of the community heard their action. It was interesting in evidence given before my committee that there has been an increase in some local defamation actions taken in the ACT, and 50 per cent of that increase has been because of the establishment of this Assembly and some of the antics that have gone on since we began operating in May 1989.

It is worth noting just what stage the eastern States have reached. In their second discussion paper, the SCAG meeting in April 1991 reached five points of agreement: Firstly, that defamation actions must be brought within six months of the date when the plaintiff first learnt of the publication, with an absolute limitation period of three years; secondly, that the criminal defamation offence will be retained, subject to the discretion of the relevant State directors of public prosecutions. No such criminal defamation actions have ever been taken in the ACT, I hasten to add.

Thirdly, truth alone will be a defence against defamation, except where the publication is an invasion of privacy. In that case, publication will be justified only if it is in the public interest. Fourthly, a system of court-recommended correction statements will be established as an intermediate proceeding. Fifthly, the contempt laws will be the subject of a separate review. It is worthy of note that the Assembly committee which looked at defamation law, the Standing Committee on Legal Affairs, thought that the ACT could not remain an island unto itself and recommended that whatever we did should be very much guided and determined by what the three largest eastern States did in relation to defamation law.

Perhaps I can indicate some of the recommendations we made and the reasons for them, in considering the paper the Attorney tabled on 14 August. We recommended that the Government support the points of agreement between the three State Attorneys-General on achieving a uniform defamation law to enable the ACT to initiate the changes which will be required here and to make it compatible with a draft Bill to be considered by them later on this year.

However, irrespective of the terminology of the draft State Attorneys-General Bill, the changes to the ACT law should require, firstly, that truth alone form a complete defence in defamation, except where publication is an unwarranted invasion of privacy. At present in the ACT, truth plus the public interest are requirements for a defence, and it makes it very difficult in the ACT for someone to successfully defend a defamation action. That also distances us from some of the major States. We felt that truth alone, with that proviso about publication being an unwarranted invasion of privacy, should be the sole test.

We felt that the ACT should define a limited number of essentially private matters which would prevent recourse to the defence of truth in a defamation action. We also felt that there should be provision for justification of publication of defined private matters where this can be shown to be in the public interest; in other words, listing what types of private matters might fall within the category of public interest.

Because the ACT is used for forum shopping and a lot of people come here and take out defamation actions when they should be bringing them in Melbourne or Sydney or Brisbane or wherever, we felt that the Government should investigate the possibility of and the implications arising from restricted access to the courts for defamation actions by plaintiffs who are unable to demonstrate that the ACT is their principal place of residence or the principal place of their reputation. There is no problem, if someone resides here or his main work is done in the ACT and that is his principal place of reputation, in his bringing his action here. But someone whose principal place of residence is Sydney, or whose principal place of reputation is Sydney, should bring his action in Sydney.

One of the things the Government might like to look at there - and it is covered by another recommendation - is filing fees. If someone desperately wants to bring an action here and the law is not changed to stop that, perhaps that person could pay 10 times the filing fee of a local. On that issue, we felt that the Government should review the current filing fees to determine whether they are appropriate, having regard to the costs incurred by the courts.

One of our terms of reference was to look at the costs incurred by the ACT courts, because defamation actions do take up a fair amount of time once they get to court. A lot, of course, are settled prior to that. There are interrogatories, there are pleadings, there are a number of documents that are filed in the lead-up process. The current court filing fee is only $240, I think; it might be $300, but that is it. After that you just file documents. Adopting a user-pays principle, perhaps further fees could be initiated by the Government to defray some of the costs of the administration of justice.

We also felt that the Government should review the use of the ACT Supreme Court for defamation actions brought by persons who do not have the ACT as their principal place of residence or reputation, including consideration as to whether an additional charge is appropriate in those circumstances.

Thirdly, we recommended that our law be amended to provide that defamation actions survive the death of either party to the action against the estate of the deceased person or, as the case may be, for the benefit of the deceased person's estate. Currently, once someone in an action dies, that is it; the action stops, no matter how much money both parties might have expended in getting it to that stage.

Defamation actions taken in the ACT have all been taken in the civil court and we could see no reason why there should be any difference between an action for defamation and an action for a debt, which certainly does not stop. For example, if a defendant died halfway through the action, the defendant's estate would be liable for any debts incurred by a defendant whilst that person was alive.

In a fourth category, we felt that our law should be amended so that the action for defamation must be brought within six months of the date of publication. As a general rule, I think that is important. If you do not bring an action within six months and you know about it, you are probably not fair dinkum about it in the first place.

Accepting that there could be exceptional circumstances, such as where the complainant could not have been reasonably expected to have learnt of the publication, there was need for some flexibility; so we suggested, again in line with the State Attorneys, an absolute limitation of three years. I cannot think of too many circumstances where someone who has been defamed would not know within six months, but perhaps someone might be overseas, uncontactable, badly injured and in a coma for a year or there might be some rare instances like that; hence the proviso to extend that to three years.

We also felt that our law should be amended to provide that, where a person is defamed but dies prior to the commencement of a defamation action, an action may be commenced on that person's behalf, probably by the estate, within six months of the date of publication. If someone is defamed and two days later is killed in a car crash and that causes great trauma for the relatives - the defamation as much as the death - the estate could bring an action within six months. We also saw a need for the Government to review the procedures for issuing writs and statements of claim.

Court-recommended correction statements are dealt with by the State Attorneys-General. The committee looking at defamation saw that as a good idea. We thought that our law should provide that, where the form and timing of corrections and apologies mitigate a defamation, the plaintiff should be limited to receiving damages for economic loss. That is not the case at present. Indeed, corrections and apologies often merely ensure that an action is going to succeed, with no real difference being made to costs. That should not be the case.

It was interesting that a couple of witnesses who appeared before our committee indicated that they had taken successful defamation actions in the ACT Small Claims Court. That is a rather novel approach.

Ms Follett: Only a small reputation.

MR STEFANIAK: One was a professor, actually. One fellow saw that as a means of getting justice much more expeditiously. He did not want to make a huge profit out of the defamation action and, accordingly, he took an action in the Small Claims Court and was successful. The Small Claims Court, as we heard yesterday from a number of speakers when dealing with an amendment to the Small Claims Act, is there for the ordinary Canberra citizens to take out various civil actions without recourse to lawyers or massive legal expense. Our committee would commend that course to persons who feel that they have been defamed, rather than incurring the massive costs involved in a Supreme Court action.

From my time in private practice I know that many people consider themselves to have been defamed and are worried about it. People defame them in their associations or they are defamed at work. They are not public figures or people in business or leading sports men or women and they do not have reputations that suffer in the same way, because only a limited number of people hear the defamation; nevertheless, it causes them concern. For people who want remedies there, and they have the same rights as persons who are well known nationally, it is very useful to have recourse for defamatory actions to the Small Claims Court, as a couple of people indicated to us.

Another point in relation to defamation law is that, whilst some print publications when they make corrections do publish them on the same page or in the same general area, often it is rather higgledy-piggledy and the corrections will appear anywhere, often not in as large print as the original defamation. It may be on page 17 instead of page 1, where the original defamatory action occurred. We felt that the Government should encourage the print media to ensure that apologies appear on a regular page in the local media and that this be listed as part of the contents index for the publication.

People read On Page Three in the *Canberra Times* to see what is in that column, and I suppose people also read the court reports to see who has been picked up for drink-driving. We are very much like a small country town there. People read the classified ads index to see what they might find in the way of bargains if they are looking for a new car or a second-hand car or whatever. Similarly, if apologies appear on a certain page of the local newspaper and also are regularly listed in the index, I think that would satisfy all reasonable requirements for the print media to apologise properly for incorrect and defamatory statements they may make.

When the Attorney-General is looking at the question of defamation law in the ACT and considering any discussions with his colleagues in the three eastern States, I trust that he will take into consideration the results of our committee's deliberations in relation to defamation law. Our recommendations, all of which are eminently sensible, take up the points raised by the Standing Committee of Attorneys-General considering this issue and they list a number of other points which I think are specific to the ACT.

Defamation law in the ACT, particularly because of our very strict standards of establishing a defence, has been used as a means of certain people not just recouping any damage to their reputation but also making a tidy little sum of money on the side. That is not really the point of defamation law. Defamation law is meant to compensate, as best it can, for damage to one's reputation, and also, of course, for any economic loss the court quantifies as a result of the damage to that reputation.

Defamation law is something that should be uniform throughout Australia. That is very desirable, to stop forum shopping. We have a lot of problems here in relation to forum shopping which I think can be quite easily addressed by the Government. It is an area of law that has not been revised for a long time. As chairman of the Legal Affairs Committee of this Assembly, I hope that this Government and its State colleagues finalise their deliberations shortly so that we see uniform and sensible defamation law.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.53), in reply: Mr Speaker, my response will be somewhat brief. I was just looking in the *Hansard* for the reference because I made a ministerial statement on defamation in the last sitting week, which is yet to be printed in the hard copy of *Hansard*.

In that statement I informed the house that the ACT Labor Government had taken the view that it wanted to move with the eastern States' reform proposal in the direction of uniformity. I mentioned at the time, because the committee report had just been published, that we were pleased to see that the committee, by and large, was supportive of that approach, rather than the approach which appeared to be the view of the former Government, that is, that the ACT could in some way go it alone, in rather adventurous reforms of the law of defamation, to set up a supposedly ideal system in this Territory.

I said at the time that, in media terms, the Territory was very much an island in New South Wales. The media in Australia tends to be nationally networked. The electronic media, certainly, is nationally networked; the print media is increasingly falling into smaller and smaller ownership concentrations - an issue which the Australian Labor Party views with some concern, of course. It means that the print and electronic media flow freely across State borders, publications tend to move across State borders, and, if you do not have uniformity in this question of defamation, it massively adds to the cost and complexity of litigation.

As Mr Stefaniak indicated in his remarks this afternoon, we are well aware that forum shopping is a problem in defamation law reform. The ACT is seen by many as an attractive forum in which to conduct plaintiffs' actions because juries are not used in this Territory. It is seen by some plaintiffs to be not a bad move to run a case in the absence of the sometimes sceptical views of a jury.

We believe as a Government that that move to uniformity must be supported. It is a real window of opportunity when across a political boundary there is strong support for uniform laws between the New South Wales Liberal Government and the Queensland and Victorian Labor governments. Defamation law reform and uniformity have been talked about and written about in various law journals and many essays on the subject have been written at law schools. Since the mid-1970s, when the Australian Law Reform Commission published its report on defamation, much has been said but little has been done to achieve uniformity. There is a real opportunity now for that uniformity to be achieved.

The committee's contribution to that process has been valuable because it documents, to some extent, why it is important to move in that direction. The ACT Labor Government will be cooperating very closely with the three States that are now parties to that eastern States reform proposal. Unfortunately, I was unable to attend last weekend the Labor Lawyers Conference held in Adelaide; but at that forum the Queensland Attorney-General, Dean Wells, was urging upon his colleagues in other Labor States that they join this process and that we go not just to eastern States uniformity, which is so crucial to Canberra because we are an island within that forum, but also to uniformity in Tasmania, South Australia and Western Australia.

We would then be in the ideal position of having national uniformity on defamation laws, so that a person who is contemplating publishing in either the print or electronic media can get advice from counsel or a solicitor in his or her jurisdiction and be confident that the advice in relation to a proposed publication would hold true across Australia. It is absurd that we are in a position where a paragraph can be perfectly lawful when published in one State but give rise potentially to a massive damages action when published in another State. That is a nineteenth century anachronism that we would be well rid of, and this Labor Government is determined to ensure that that uniformity is achieved.

Question resolved in the affirmative.

FILMING OF PROCEEDINGS

MR SPEAKER: Before we proceed, I would like to reply to a question asked of me by the Chief Minister about televising budget speeches. I do not believe that it is proper for me to name particular members who agree or disagree with the proposal put by me to them. My practice has been to obtain the agreement of party leaders for matters such as televising in the chamber. This task is undertaken for the smooth functioning of the parliament. However, when agreement is not reached, as on this occasion, it is up to members to give notice of a motion to resolve the issue of proceedings in the Assembly being recorded.

ADJOURNMENT

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

> That the Assembly do now adjourn.

Assembly adjourned at 4.00 pm