DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

24 October 1991

Thursday, 24 October 1991

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

LAND (PLANNING AND ENVIRONMENT) BILL 1991

[COGNATE MOTION, BILL AND REPORT:

PROPOSED ENVIRONMENTAL ADVISORY COUNCIL
HERITAGE OBJECTS BILL 1991
PLANNING, DEVELOPMENT AND INFRASTRUCTURE AND CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEES - JOINT REPORT ON PLANNING LEGISLATION]

Debate resumed from 23 October 1991, on motion by **Mr Wood**:

That this Bill be agreed to in principle.

MR SPEAKER: I remind members that, in debating order of the day No. 1, executive business, they may also address their remarks to order of the day No. 2, executive business; order of the day No. 1, Assembly business; and order of the day No. 19, private members' business.

MR MOORE (10.31): Mr Speaker, it gives me great pleasure to debate this long awaited legislation. I made it quite clear to the Minister that I would refuse to debate this legislation until I had a copy of the draft Territory Plan as, as I read it, the two are inextricably linked and, without having one, it is impossible to understand what might be achieved by the other. The Minister was kind enough to provide me with a copy of the Territory Plan, the written statement - I understand that it was provided to other members as well - at 9 o'clock this morning.

I have had the opportunity now to read through a nearly 400-page document and compare that with legislation that has 286 clauses, so I can continue the debate.

Mr Collaery: It sort of goes with the 301 votes you got.

MR MOORE: Mr Collaery interjects that it goes well with the 301 votes I got. I am not embarrassed about it at all, but at least at the next election I will not be handing my votes across to Mr Collaery, as I did at the last one. Like so many other people in Canberra, Mr Speaker, I will not be put in a position where I will be sold out by Mr Collaery and the Residents Rally again, because they are a cause of the past.

MR SPEAKER: Order! Relevance, members!

Mr Collaery: Well, he wants to tell us about his meeting with Paul Whalan on 8 May, when he sold us out.

MR SPEAKER: Order, Mr Collaery, please!

MR MOORE: I will refrain from commenting any more, Mr Speaker, on interjections from Walter Mitty.

This legislation and the Territory Plan, read together, provide for a new vision of Canberra, a developers' vision. The draft Territory Plan must be rejected outright. When worldwide there is a move towards strategic planning, the ACT Planning Authority is rejecting its own planning concepts in favour of a discredited zoning system. Worldwide, planners are moving away from a zoning system towards a strategic planning system - the system that we had - while the ACT is doing the reverse.

What does the proposed zoning system offer Canberra? It offers the opportunity for it to become like other cities. Canberra will become zoned, and we can expect it to grow like Wollongong or Newcastle. The costs of this plan and legislation will be astronomical. Betterment charges will most likely remain at 50 per cent, undermining the community's greatest asset but encouraging development. Under the zoning system, without a strategic plan, our community will no longer have the control to provide public infrastructure at the most economical time in the most economical area. In the long term, developers will be dictating how much infrastructure will go where. As an example, the costs of public transport are most easily understood if we are aware that to run each new bus costs us around $100,000 a year.

The predominant land use zones, PLUZs, are simply a zoning system added on top of other controls. Under this system successful appeals will become a thing of the past. One of the main arguments for new legislation - in spite of our previous interchange, I am sure that Mr Collaery and I are in agreement on this - was to increase the appeal rights of citizens. The zoning system that is outlined in the Territory Plan undermines these rights. One example is that in the residential zone it is possible to appeal if there is any increase in the number of dwellings; but what chance of success has an appeal where two, three or four dwellings of two storeys and a basement are allowed in the zone? The answer is zilch. The whole appeal system, the whole zoning system, is simply a farce.

I have long argued that to debate this legislation without the Territory Plan would be a disaster. Credit goes to the Minister, Bill Wood, for making the draft plan available.

Mr Collaery: Last night.

MR MOORE: Mr Collaery interjects, "Last night". I would love to know, Minister, why he gets the benefit of having had a copy of the draft plan last night, whereas mine came at 9 o'clock this morning. Credit goes to Mr Wood because he agreed to make the draft plan available, and he has made it available. I understand that in 23 minutes' time he will make it available to the public of Canberra. That is where credit is due, and that is where I am giving it. However, it increases my concern for Canberra and its people rather than eases my mind. No wonder there was the enthusiasm of the Alliance Government in preparing this plan: It suits Liberal philosophy, and the Rally was prepared to go along with them at any time other than just prior to an election.

The main concept that I argued in the introduction is that we are losing strategic planning and gaining, instead, a zoning system. What is strategic planning? Why are planners worldwide moving towards strategic planning and away from zoning, contrary to what we are about to do in the ACT if this draft plan is adopted rather than rejected outright?

The Metropolitan Policy Plan is a very good example of strategic planning. It set out how much development, where and when. It is a very simple concept: The control of how much development, where it goes and when, was with the Planning Authority. Strategic planning deals with the problem of aggregation, slowly building on the infrastructure. It has brought about successful objections - the most notable one being the *Canberra Times* site in the Civic area.

It is that constant adding to the building or the development of an area that provides excessive infrastructure costs and puts the planning concepts out of kilter with one another. In relation to the problem of aggregation and how it has an impact on cities, look at Sydney and Melbourne. Do we approve the next application for a development? There is nothing to stop an approval for the next application for a development when it fits in with the zoning system. When there is a strategic plan that sets out just what will be achieved, where and when, there is room for a genuine appeal about the importance of planning in a city. We do not want a city like Sydney or Melbourne.

Most people who live in Canberra recognise that we are very, very fortunate in having one of the best planned cities in the world. That does not mean that we can rest on our laurels. There are new environmental and planning concerns, and we must wrestle with those. Because planners arranged something in the 1960s, 1970s or 1980s, it does not mean that we have to ride with that. Of course we should develop, but we ought not take the retrograde step that is set out in this draft Territory Plan.

The principle that overrides everything in this draft plan is the zoning system. In a strategic planning system the interests of the community are paramount. The appeals take into account the strategy. One of the problems that we have had is that appeals have not been cheap, accessible and fast. Those are critical factors if a genuine and logical appeal system is going to be able to be run. That is a problem that has to be dealt with by this legislation, and I believe that we still are not going to be able to satisfy that. Let us lose this term "predominant land use zone". Quite simply, it is zoning. There is no debate, no question, about that: It is simply a zoning system with an extra few letters added to it.

It is quite clear, Mr Speaker, that in relation to the 400 pages of this plan that I have read through so thoroughly I may need a response from the Minister to point out that in some of the areas my reading has not been detailed or specific enough. Therefore, I would be delighted if in his response to my comments he can point out where I have gone wrong.

The zoning system as far as residential land use goes is nicely set out at page 63. Land uses which may be permitted if you live in any current residential area are: Apartment, attached house, child-care centre, detached house, guesthouse, health facility, home occupation, park, residential boarding house, retirement complex, social community facility, special care establishment, special care hostel and special dwelling - and they are all carefully defined.

It means that, if somebody applies to have one of those land uses, which I identified from page 63, for the property next door to you, there will be no question that they will be able to go ahead with it. It is my understanding from a fast reading and from a briefing on Tuesday that, if there is an intention of having more than one dwelling as part of this application, an appeal will be possible. But what chance would the appeal have when it is allowed in the plan? It would have no chance whatsoever of succeeding. Quite clearly, there would be an increase there.

Why would we have this zoning system? We already have a planning control system, a leasehold system. Who would it suit? It would suit the bureaucrats. We would have another level of bureaucracy in order to run this zoning system. The whole concept of running a zoning system on top of our current controls is absolutely useless, with the exception of the interest of those who want to continue to develop because it gives them this certainty - I will use residential as an example, and it is only an example - that, if you want to develop anywhere, in this zone you can do it.

At present you would need to apply for a lease purpose change to do that. Under this proposed system you would have to apply for a lease purpose change also; there is no doubt about that. So, we would still have those two levels of bureaucracy, but the lease purpose change would be certain with the proposed system.

Let me explain how this methodology would cost the community millions and millions of dollars in the long term. If somebody applied for a change of purpose under this zoning system, first of all they would have to pay their betterment tax. On the sliding scale which was introduced by the Alliance Government and which is still supported by Labor, that is a 50 per cent cost for any building that is over 25 years old. That being the case, we could expect to see a single chance of betterment, throwing away 50 per cent of what the community is entitled to. I know that we have debated that issue before, so I do not want to pursue that.

But, with this initial change of purpose, anybody applying for a change of purpose, who did not cover all the possibilities, would be very, very naive. So, instead of getting betterment on a lease twice or three times, there would be a single chance for that betterment tax to be paid; hence, the community would be losing more and more money. That is just the residential zone.

What would happen at Calwell, in the situation of which we are all aware, where a resident should have had the right of appeal? I think many of us have said that under the new legislation we would expect residents to have the right of appeal. I certainly heard Mr Connolly say that in a speech at the site. What would happen? Under this proposed legislation and this proposed Territory Plan they would be in the same boat as before. They would probably be at a greater disadvantage: There would be no possibility for appeals, although there ought to be a possibility for appeals. Having appeals would be an appropriate way to go, but it is one of the great weaknesses of this proposed legislation. *(Extension of time granted)*

I should point out at this stage that there are many positive aspects to this plan and the legislation. But I think, as far as the debate goes, it is appropriate for me to use the short time that I have to highlight the aspects that I consider will cause the most difficulty and the most problems and indicate where I think changes need to be made.

In my dissenting report from the joint committees' report on the planning legislation I made it clear that I believed that it was entirely inappropriate for the Chief Planner and the person in charge of leasehold to go through a bureaucracy to the Minister, particularly in the situation that we have in the Department of the Environment, Land and Planning where the Chief Planner's responsibility goes

through a development oriented bureaucracy. The control should be directly to the Minister. The Chief Planner should answer directly to the Minister so that the Minister can then weigh up where we need development and where we need planning, so that the priorities are set there.

One cannot help wondering whether this draft Territory Plan is a result of a bureaucratic arrangement whereby it is quite clear that a planner's chain of command, his hierarchical responsibility, goes through a department that is concerned as much with development as with planning. Those decisions should be made by the Minister.

Mr Speaker, as part of the cognate debate, we have also had the opportunity to include the proposed environmental advisory council which I proposed and spoke of in November 1989. This proposed council was shelved under the Alliance Government but has remained on the notice paper. In Ms Follett's response to my motion, as Chief Minister of the first Follett Government, she said:

> The Government regards Mr Moore's proposal, that an environmental advisory council be established, as a highly constructive contribution to the current discussion about the way in which planning, development and environmental concerns should be handled in the future in the ACT.

With the draft Territory Plan and the new legislation, how to make that environmental council work - it does not require legislation to establish it, although it could be established under legislation - is an issue to be taken up and debated at this in-principle stage to determine whether that is now an appropriate way to marry the important environmental aspects with the concerns of the community in ensuring that appropriate development can go ahead. There will always be this conflict between those priorities that require balance. They are set out at page 2516 of the *Hansard* of 15 November 1989, and one can easily refer to those.

I see no reason to go through them. But I will point out that the council, as I perceived it, should have a core membership of five, appointed for a period of four years and chosen for their expertise in a relevant field. Two of those positions should be filled by nominees put forward by the Conservation Council of Canberra and the South East Region or the Australian Conservation Foundation, on the one hand, and either the Canberra Association for Regional Development or BOMA, on the other hand, or any other peak group agreed to in negotiations. I believe, Mr Speaker, that there is a major contribution to be made by including at this time an environmental advisory council, as I proposed in November 1989.

Mr Speaker and members, I appreciate the extension of time that I have had. There is a great deal more to be debated, and no doubt it will be debated in the detail stage, as far as this legislation and the draft Territory Plan go. I cannot express strongly enough the great disappointment that I feel as I read through the written statement on the draft Territory Plan and see a proposed transition from a strategic planning system, in which we can set out clearly our objectives and goals, to a zoning system that moves from the priority of the community interest to the priority of the developers' interest. I think this draft Territory Plan is, at the very least, a great disappointment.

MR HUMPHRIES (10.51): Mr Speaker, this is a quite important debate - one of the most important that the Assembly has engaged in - and in it it is appropriate to reflect on the objective that we are all trying to meet by enacting this proposed legislation. There may be differences in the house about what we are actually trying to do today, but from my and my party's point of view we would like to think the objective of bringing down both legislation of this kind and the draft Territory Plan which goes hand in hand with it is to simplify and make clear to citizens of the Territory, who must necessarily operate within the terms of these pieces of paper, the parameters within which they will have to operate, in other words, to make it easier and simpler for citizens of the Territory to understand and work with the planning laws with which they now will have to live.

In my view, that is very much a question of giving people, to the maximum extent possible, the right to use their land as they wish, within the limitations necessarily imposed upon them by the fact that they live in a community which has set certain standards of planning, which are not diminished, although they might change, under this legislation. Mr Speaker, I think it is important for us to bear in mind that therefore simplicity and clarity are aims which ought to be at the forefront of our thinking, and legislation which complicates and obfuscates the path that any citizen needs to travel when seeking to change, for example, the use he or she makes of their land would be regrettable.

In that context, I have to say that I see this legislation as, to some extent, a lost opportunity. It is a series of documents which exhibits a certain lack of imagination. As I have indicated, I think any legislation of this kind should simplify and streamline procedures that people use. It should make planning legislation and protection to the community not a burden. As I look through the many provisions of this legislation, albeit perhaps fewer than might otherwise have been the case, I cannot help but wonder whether any person seeking to make significant changes to the way in which they deal with their land would find themselves faced with an extremely difficult obstacle to overcome - that is, the sheer volume of paperwork and other steps that need to be taken to ensure that their wishes are ultimately carried out.

I think the lack of imagination of which I spoke is typified by, in particular, the land administration part of this Bill, but it is evident throughout other clauses of the proposed legislation. For example, there is no attempt to address the continued existence of land use regulation by lease purpose clauses. There is no attempt to move to a more flexible system of land use, such as might occur with a system emphasising, and based wholly on, broad-based zoning as its operational control.

Obviously, Mr Moore and I disagree on this. Clearly, he sees the imposition of that extra layer as a further complication, adding to the bureaucracy that administers this process. I attack the legislation, I suppose, from the other end. I think that additional layer is entirely appropriate; but it should be accompanied by the easing, at least, if not the total removal, of the other layer, the existing layer, which relies on individual lease purpose clauses.

It seems to me that we can achieve the objectives, which have made Canberra the city that it is today, through a system of zoning. I cannot see why it cannot be done here. I believe that the compromise that we reach in this, where we have both systems, is unfortunate; but I feel that it is unfortunate for different reasons from those put forward by Mr Moore.

I feel that businesses throughout Canberra will still be plagued by questions about whether a lease for a shop, for example, allows the proprietor to conduct a restaurant. They will still be faced with disputes such as where a lessee with a lease purpose clause for the sale of landscaping supplies takes action to try to restrain a lessee with a lease purpose clause for the sale of gardening equipment selling bush rocks.

Those are the sorts of things which happen all the time in this community and which are, with respect, ridiculous. It ought not to be the sort of complication that we have to face in the everyday conduct of our lives, particularly our lives in business. The ACT taxpayers will still pay for government lawyers and land branch bureaucrats, and let us not forget the omnipresent Planning Authority, to agonise over whether lessees are or are not breaching their lease purpose clauses.

I am all in favour of tight controls. I am all in favour of setting high standards for the planning of our community. I am not in favour of standards which are drawn up in such a way that every citizen who seeks to make a small change to the way in which his or her land is used needs to go through an incredibly complex and expensive set of legal and other steps to achieve that aim.

Mr Moore: That is right. That is where we should have been aiming. That is where we should have been making it cheap, accessible and fast.

MR HUMPHRIES: I think we would certainly agree upon cheapness and accessibility. The standard answer from those of such limited vision, who suggest that more complication is required, is that to change the system now would be too hard. Does that mean that we are stuck with this system forever? I certainly hope not. I believe that we could have moved by a staged process to a more liberal land use policy so that, when business circumstances change, lessees with commercial leases can change their lease uses to some other variation of commercial use without having to ask permission of government officials who in some cases, with respect, have never been in business.

Mr Moore: And without paying betterment.

MR HUMPHRIES: I do not enter that question; that is another issue, Mr Moore. But I think the important point is that we have to take steps that make it easier to deal with that kind of changing environment. We are in the middle of a recession. It is important for people who are doing business to be able to adapt flexibly to these changed economic circumstances. If that means changing the nature of the use made of a lease, heaven help you; you do not have a chance of doing that cheaply and quickly.

The dominant theme which comes through this legislation is that it is designed by government officials for government officials. In many cases it is evident from the balances and checks that are placed in this legislation that there are government officials who do not trust other government officials. Clause after clause of this Bill merely specifies steps to be taken in an administrative process, which could just as easily be undertaken without legislation, in my view.

I will give you an example: Clause 164 of the Bill. It effectively requires the Executive to consult the omnipresent Planning Authority before granting a lease of Territory land. The Planning Authority may then indicate certain things to the Executive, which the Executive is free to ignore if it wishes. The only restriction on the ability to grant the lease is that it must then be granted by the Executive or the Minister. Essentially, this is an example of a procedure which could just as easily have been undertaken administratively as by legislation. It is in legislation because the Planning Authority does not quite want to take the land division on trust, and it feels more comfortable if its desire to have its say is enshrined in legislation.

There are lots of other examples in here, and I cite clause 228 and schedule 2. You might say, "What difference does that make? So what?". First of all, once it is in legislation it is stuck there - it is inflexible and it cannot be changed, except through an Act of this Assembly. Secondly, and more importantly, Mr Speaker, it builds in

technicalities. It is a further opportunity for delay and it makes for further exposure to appeal, not just appeal on the principles of the matter - I could accept that in certain circumstances - but appeal on technicalities: Has this particular procedure been complied with? Has paragraph 3(a), or whatever, in a particular part of the legislation been complied with to the letter?

That is the danger that one finds in that situation. Countless prescriptions and authorisations have to be complied with in the legislation, and administrative procedures are laid out. At each point, the administration can be subject to challenge under the Administrative Decisions (Judicial Review) Act 1989. Every stupid legislative provision, requiring officials to talk to other officials or give reports and papers to the Executive - for example, clause 24 - all of which could be done administratively, exposes the process to appeal on the basis that technicalities have not been complied with.

Mr Speaker, you can see my theme. I say that land administration is a major factor retarding the operation and growth, in particular of business, but also retarding the use made by ordinary citizens of the rights, which they have generally bought, to deal with their land as they see fit, within limits. The point is that those limits are not always to the effect that the broad planning objects, the general aims that we set for our city, are met.

Clearly, complexity is a major factor in this package. Extensive powers are given to the Planning Authority. The worst of these is an ability to specify in the plan limitations upon appeal rights given by the Assembly, and I am referring here to clause 7(3)(c)(ii). While overexposure to appeals is a legitimate concern, it is not for the Planning Authority to cut back on appeal rights. It may be said that the plan has to be put before the Assembly, but it is inappropriate that rights given in Acts can be taken away by subordinate instruments. This is, I think, what is called a Henry VIII clause. The Liberal Party have adopted the policy of opposing such things. Maybe we should look again at that particular provision and consider this in the detail stage.

The Liberal Party, I might also say, has a policy now requiring compensation for heritage listings. Obviously, if people have a property which is classified as a heritage property, perhaps after they first acquired it, their capacity to deal with their land as others would is limited. I do not for one moment derogate from the importance of having protection for this Territory's heritage, but I accept that by protecting the heritage in this fashion we impose a heavy burden on those individuals who happen to be the owners of heritage properties. They are given a burden which other citizens of the Territory are not bearing. We ask them to pay for our requirements that heritage be protected, and that, I suspect, is inequitable.

Mr Speaker, I think Mr Kaine has already referred to the problem of clause 171 of this legislation. It is a critically important provision which, despite that importance, contains provisions of extreme unspecified powers which I would say will have to be interpreted by a court before anybody can have any clear idea of what they mean. For a clause of such critical importance, it is regrettable that the Government could not be more precise in saying what it meant by paragraphs (d) and (e) of that clause.

I have to say to you that I will expect a very clear indication from the Government of what it intends to achieve with those particular paragraphs because, without it, I have the strongest feeling that considerable difficulties will arise from the operation of that section. Again, the problems to which I have alluded, of citizens being unable to ascertain what exactly is meant by legislation and what exactly they have to do to meet the legislation's requirements, are even more the case.

I have little time left to comment on Mr Moore's environmental council proposal. I do not believe that it satisfies the requirements of simplicity and straightforwardness, which I think are important in this present exercise. I would be interested, though, in seeing what the Labor Party is going to do about this. It supported the proposal when it was put forward by Mr Moore, when it was in opposition. Will that be its position now? One will sit back and watch with interest.

MR COLLAERY (11.07): Mr Speaker, I move:

> That so much of standing and temporary orders be suspended as would prevent Mr Collaery from speaking to a motion to adjourn the debate on this Bill.

This set of planning packages has as its basis the notion that there is a Territory Plan which, in the introduction to the document which we received, as Michael Moore quite correctly observed this morning, states that it is a legal document which defines land use policy and development control criteria for all land within the ACT, apart from land which is designated under the National Capital Plan. It is an absurdity for us to be forced to debate this issue in principle this morning, based on a document that none of us has had the opportunity to scrutinise properly or even read in its entirety.

Mr Speaker, clause 7 of the Land (Planning and Environment) Bill, of which this Government now seeks in-principle endorsement from us, says quite clearly:

> The object of the Plan -

the Territory Plan -

> shall be to ensure, in a manner not inconsistent with the National Capital Plan, that the planning and development of the Territory provides the people of the Territory with an attractive, safe and efficient environment in which to live, work and have their recreation.

I have not had a chance to see whether, as my colleague Mr Michael Moore clearly indicated in his speech, the plan fits that specification. Why should we in this house, unlike any other parliament in this Commonwealth, I would suggest, be asked to give a blank cheque in principle to a Territory Plan that we have not read? We have had the advantage, by grace and favour of Mr Wood, of an embargoed briefing on the plan; but we certainly have not read the large document itself. We have had a squiz at the computer printout of the colour plan, and we thank Mr Wood for that.

But here is a Government, Mr Speaker, which has put no money aside in the budget to implement the processes that have been put forward in this package; no money has been provided to set up the appeal structures to which my colleague Mr Humphries just referred. In effect, there will be no action until July 1992 under the Appropriation Bill, if it is passed; yet the debate has been pushed this morning. This is a non-consultative, unacceptable act, and I believe that the debate has probably gone far enough.

We have heard from Mr Kaine about the importance of this legislation, with which we all agree. Mr Moore has put very clearly the contrary argument to the plan. He has said that he is yet to give his detailed response to whether it complies with clause 7, that is, a safe, efficient and attractive environment in which to live. Clearly, Mr Speaker, it would do this Assembly no good at all - it would lower the esteem of the Assembly in the eyes of the people of the ACT - if we give in-principle endorsement to that which we have not even read.

There is no great planning imperative among those members of the Labor Party who are in this house. None of them attended the great debates of the late 1980s and the mid-1980s, and they do not appreciate what they are doing. I mean no malice in those comments. They are simply not across planning issues; they never were. Mr Wood has put a lot of time into it in his short ministerial tenure, but I implore him to get his colleagues to see the difficult position that we are in today. We have heard the views of Mr Kaine and Mr Moore. They have been useful introductions for the community.

The press comments will result in a feature article in the *Canberra Times*, I am quite sure, which will excite community interest and draw attention to this Territory Plan. I warn members that your constituencies are in here. If you endorse this and give it a blank cheque today, you do that at your own constituency peril. The Residents Rally will not endorse something that it has not read. I call upon all members to support this adjournment. We can take the matter up in November. If anyone wants to say that we have been pressing forever for these matters, they can; but let the Labor Party say where the money is to implement them quickly if we were to pass them all in the next day or two.

MR KAINE (Leader of the Opposition) (11.11): Mr Speaker, I have to confess that I have some sympathy for the view expressed by Mr Collaery; but I would be more impressed if it were not for the fact that the Residents Rally only yesterday moved some amendments to the Interim Territory Planning Act, and it was quite clear then that they were intending to try to defer the debate on the principal Bill. Mr Collaery talks about ambivalence on the part of the Government and their not knowing what they are doing. One wonders whether the Rally does either, except that perhaps they are playing to a particular audience out there, with an election just around the corner.

Having expressed those concerns, Mr Speaker, I do have some sympathy for the point of view that was put forward by Mr Collaery. As I said in my remarks yesterday, this is important legislation. It may well be the most important piece of legislation that this Assembly will deal with in its first session, and we need to be sure that we are clear on where we are going.

If Mr Collaery were prepared to consider a motion to adjourn the debate to a later hour this day so that he, a representative of the Liberal Party, a representative of the Government, and anybody else who wants to be involved, could sit down and look at the ramifications of continuing or not continuing this debate today, and we could then determine later in the day whether we should proceed with it or not, I would be more inclined to listen. But to simply put forward a blanket embargo on further debate until some future time, I think, is not sufficiently prescriptive and not sufficiently clear.

It does trouble me, I am sure for the same reasons that Mr Collaery is concerned, that this morning we are presented with a thick document and we are in the middle of an in-principle debate. I certainly have not read it; in fact, I have just been reading the first five or six pages and I have already underlined a number of paragraphs and I have questions about them. If that is so in the first five or six pages, I am sure it will be so through the rest of the document. Those questions should be dealt with before we debate the matter in principle on the floor of the house, rather than try to clarify them during or after the debate.

If Mr Collaery would consider merely a short deferment until we can talk this through a bit off the floor of the house, we might be able to come to an agreement about how to proceed.

MR STEVENSON (11.14): I basically agree with Mr Collaery's statements. I appreciate the briefing that we were given a couple of days ago, and it is good to have a copy of the plan. I am not sure what an adjournment until a later time today would achieve. Obviously, we would not have time to read the plan by then. I would be inclined to adjourn the matter prior to agreeing with an in-principle debate, because we may not necessarily know that we agree in principle.

MR MOORE (11.15): Having spoken to this Bill and the Territory Plan this morning, even now as I go back I see other things that I did not have the opportunity to address. I had made a commitment that I would debate this matter in principle, provided that I had a copy of the Territory Plan. I was not available on Friday for a discussion as to the business of the week, so I felt that it was appropriate that I fulfil that commitment.

From glancing at the Territory Plan on pages 45 and 46, I am aware that the object of the legislation - Mr Collaery drew attention to this - is to provide the people of the Territory with an attractive, safe and efficient environment in which to live and work and have their recreation. But the strategic directions go in this order - accommodating population growth and, immediately after that, fostering economic development. Here the priorities of the plan are set out.

This is the sort of thing that people have not had the opportunity to wrestle with and understand. It is not just a question of being able to scan through this plan and understand it; it is really a question of being able to marry the plan with the legislation. I think most members would agree that the plan and the legislation are inextricably linked. I gave an example earlier about appeals; whilst appeal systems appear to be provided in the legislation, they are undermined in the plan, as I perceive it. Whether you think that is a good thing or not, I am sure members will agree that the two are inextricably linked.

Mr Collaery is quite right about a plan of this size. Remember that we have only one volume and that another volume of about the same size will accompany this but we do not have it at the moment. I think it is important, therefore, that members have the opportunity to debate in detail the plan and the legislation together. I think, therefore, Mr Collaery's motion ought to be supported. We ought not just go for adjourning it until a later hour today because, whilst we continue debating here, members will not have a chance to read it properly; otherwise, I think that would have been a reasonable concept that the Leader of the Opposition raised.

I think it is appropriate to support Mr Collaery's motion to continue this debate in principle into November, when we can debate the matter again in the detail that is required and with an understanding of the Territory Plan and the concepts that are put forward by it. I take this opportunity to urge all members to reject that concept of a zoning system being part of our Territory Plan.

MR HUMPHRIES (11.18): Mr Speaker, I want to say something briefly on the motion of Mr Collaery's. I cannot hear what Mr Wood is whispering to me. I am not sure whether it is not possible to overcome the difficulties that have been put before us today, and I put that question to one side.

There is another question which we need to address in dealing with this today, and that is the general time that we set ourselves to deal with important legislation. This was introduced into the Assembly last Wednesday, as I recall. It is probably the most important piece of legislation to come before the Assembly this year, but we are being asked to debate it to the end of the in-principle stage today, eight days later.

Mr Wood: No, no; it is a month later. It was longer ago than that. It was a month ago.

Mrs Nolan: On 19 September it was introduced.

MR HUMPHRIES: I beg your pardon. I make the point, then, that the question is whether the introduction of legislation like this and then its passage to the end of the in-principle stage, when the Assembly agrees in principle, should be taken lightly. Do we pass a piece of legislation in principle, still having major concerns about the general direction that it takes? I am not sure that it is appropriate to get to that stage before we are sure that we know more or less where we are going and that we have only minor and technical matters to consider in the detail stage.

It may be that one takes a different view of what "in principle" means. My view is, as I said, that there ought to be general satisfaction with the whole direction of the thrust of the legislation. I am not sure that we can see that in today's debate. I think there are profound concerns about where we are going with it.

In those circumstances, I think it is safer for us to say that we will not pass it in the in-principle stage until we are satisfied that we can agree with the whole thrust of the legislation and then debate the minor kinks and get rid of them in the detail stage. That is the reason, Mr Speaker, that I would support Mr Collaery's motion today.

MR BERRY (Deputy Chief Minister) (11.21): The Government will accept the deferral of debate on this issue. We detect a certain amount of nervousness about the Bill, even though it has been around for about a month, I think, as far as the lead-up to debate in this Assembly is concerned. The detection of some nervousness, I think, is sufficient to warrant the adjournment of the matter. One has to say that there will be legislation that members will oppose in the in-principle stage - not because they are nervous about it, but because they are basically opposed to the philosophical direction of legislation and sometimes - - -

MR SPEAKER: Order, Mr Berry! The time for this discussion has concluded.

Question resolved in the affirmative, with the concurrence of an absolute majority.

MR COLLAERY (11.22): I move:

> That the debate be now adjourned.

Mr Speaker, in view of the comments that have been made in the house, I have nothing further to add to the debate.

Question resolved in the affirmative.

POSTPONEMENT OF ORDERS OF THE DAY

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

> That orders of the day No. 2 executive business, No. 19 private members' business and No. 1 Assembly business be postponed until the next day of sitting.

NATIONAL CRIME AUTHORITY (TERRITORY PROVISIONS) BILL 1991
Detail Stage

Clause 6

Consideration resumed from 22 October 1991 on the clause and Mr Collaery's amendment.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.24): Mr Collaery circulated, last Tuesday evening, a fairly detailed amendment to clause 6 which I have now had the opportunity of taking some advice on. The effect of the amendment is, in essence, to pick up an amendment that the Commonwealth Parliament has passed which allows NCA material to be passed on to a new category of person beyond the Attorneys-General of the Territory, Commonwealth or the

State, as the case may be, or a relevant law enforcement agency. The new category is "any person or authority (other than a law enforcement agency) who is authorised by or under a law of the Commonwealth or of the State or Territory to prosecute the offence".

In essence, it picks up the status of statutory directors of public prosecutions, which office has been established in most States and Territories and which office, of course, was created in the ACT. So, as I am advised, the new subclause 6(1), as moved by Mr Collaery, presents no problems to the Government.

Proposed new subclause 6(1A) in some senses duplicates subclause (1), but causes the Government no difficulty. We are able to accept that amendment as circulated.

MR MOORE (11.26): The amendment that Mr Collaery has circulated with reference to clause 6 seeks to delete subclause (1) and substitute other words. Subclause 6(1) states:

> The Authority shall, in performing a special function, assemble any evidence of any offence against a law of the Territory, the Commonwealth or a State that it obtains in the course of its investigations, being evidence that would be admissible in a prosecution for that offence, and furnish that evidence to the Attorney-General for the Territory, the Commonwealth or the State (as the case may be) or to the appropriate law enforcement agency.

Mr Collaery, at the time he tabled this amendment, drew our attention to the fact that changes already have been made to the legislation upon which this was based to the same extent that he has set out here.

I notice a small spelling error in the amendment and I suppose I should draw attention to that. The fourth line should say that the authority must assemble the evidence. The actual words used are "must assembly the evidence". I understand that somebody could make a typing mistake - "assembly" rather than "assemble" - and that the spellcheck would not pick it up. Many of us are beginning to rely more heavily on our spellchecks. Nevertheless, a proofreader would realise that that was a simple typing error. I think that Mr Collaery should correct that.

MR DEPUTY SPEAKER: He can do that by leave, Mr Moore.

MR MOORE: Well, Mr Collaery can do it by leave or I can do it by leave.

MR DEPUTY SPEAKER: He has to. Thank you for pointing that out to me.

MR MOORE: I would ask Mr Collaery to seek leave to correct that spelling error and remedy that small problem. The thrust of the amendment that Mr Collaery has put is quite appropriate, Mr Deputy Speaker, and I am quite happy to support it.

MR DEPUTY SPEAKER: Mr Collaery, Mr Moore has just pointed out a typo. Perhaps you would like to seek to amend that by leave.

MR COLLAERY (11.29): Yes, Mr Deputy Speaker. I seek leave to move that that typo be corrected and put into proper English.

Leave granted.

MR COLLAERY: I move:

> Omit "assembly", substitute "assemble".

At this juncture, I thank the Clerk of the Assembly for arranging the typing of this in a matter of a few seconds the other night, during the debates.

The amendment appears likely to be carried. I commend it to members. It means that the events that happened in South Australia are less likely to happen in the future. It means that the constituent governments in this country will have a better briefing and a better knowledge of the NCA's operations, but in such a fashion as not to curtail the operational integrity of the NCA.

It is a rare Western democracy, in fact it is a rare democracy, Mr Deputy Speaker, that will allow an agency of this kind untrammelled rein and untrammelled activities. The Federal Parliament has effective defence and foreign affairs and ASIO scrutiny committees, and there is no reason why, in supporting scrutiny, the Attorney-General of this Territory should not be aware, from time to time as required, of the nature of evidence assembled within our Territory in relation to matters touching our Territory.

This amendment was placed into the Federal Act. It has been missed, apparently, by our government law advisers. I am pleased that they acknowledged that it should go in, because we are replicating a repealed section of the old National Crime Authority Act. It may require subsequent tidying up because, of course, like the Attorney, I have had very little time to look carefully at this provision.

Amendment agreed to.

Amendment, as amended, agreed to.

Clause, as amended, agreed to.

Clauses 7 to 20, by leave, taken together, and agreed to.

Clause 21

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.32): The Government is moving a minor amendment to this clause, as circulated under my name a couple of days ago. It again picks up a clear typographical error that was identified by the Scrutiny of Bills Committee. I move:

> Page 24, line 38, omit "21(9)", substitute "20(9)".

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 22 to 28, by leave, taken together, and agreed to.

Clause 29

MR COLLAERY (11.34): I move:

> Page 29, line 1, after subclause 29(3) insert the following subclause:

"(3A) Nothing in this section prohibits a person from divulging or communicating any information to a select committee or standing committee of the Legislative Assembly.".

I commend sincerely this provision to all members of the house. The events of last year and the continuing friction that existed then between the NCA and the parliamentary joint committee has been commented upon by Mr Justice Phillips, the head of the NCA. He made these comments on 5 February 1991. I have other comments made in relation to the NCA; but these are public comments, and I commend consideration of his comments to the house. I may need extra time. I think there is a very important issue at stake here. Mr Justice Phillips said this:

> The criticisms of the NCA in terms of secrecy and lack of accountability have their genesis in certain provisions of the National Crime Authority Act.

They are provisions at section 51 of the parent Act and clause 29 of the Bill before the house. His Honour said:

> Very extensive Parliamentary debate preceded the passing of this Act in 1984. Many able and well researched speeches were made in both Houses of Parliament. These dealt with a number of vital issues, including the liberty of the subject, the protection of reputations and the safety of those prepared to furnish information about criminal activities. Many amendments to the Bill

> introduced by the Government were proposed and a number adopted. There were elements of compromise between the political parties. Of this I make no criticism whatsoever, for it is the way, as Socrates once put it, "of our imperfect, but beloved, democracy".
>
> When passed the Act committed the NCA to private hearings where witnesses were examined. No alternative was provided. True it was, that provision was made for the presence of lawyers to represent witnesses at such hearings and for the proceedings to be reviewable in the Federal Court, but cries of "Star Chamber" in connection with these proceedings have plagued the NCA since its inception. So, too, another provision of the Act, section 51, prohibited any Member of the Authority or its staff, except for the purposes of the Act, from divulging or communicating to any person information acquired in the performance of duties, under pain of heavy penalty, including imprisonment.

I trust that my Liberal colleagues are listening, because in a moment I am going to read into the record their Federal Liberal approach to this. His Honour continued:

> This section has caused grave problems between the National Crime Authority and another Parliamentary Committee set up under the Act. This is the Parliamentary Joint Committee and is composed of members of both Houses of Federal Parliament. In simple terms it is the Parliamentary watch-dog of the NCA. In times past persons connected with the Authority have regarded section 51 as binding in relation to their dealings with this Committee and have, on occasions, declined to answer questions before it. I think it is fair comment to say that the relationship between this Committee and the NCA over the last six years, while satisfactory at times, has always been overshadowed by the problem of section 51. Conflicting legal opinions have been obtained on the question of whether the provisions of section 51 have application to inquiries by the Parliamentary Joint Committee.

I interpolate here to say that I have those conflicting legal opinions. I am prepared to make those available to colleagues in this chamber. His Honour went on to say:

> Having regard to the clear view I have formed as to what the relationship between the Authority and this Committee should be, it is not necessary for me to express any view as to which of these opinions is to be preferred.

So, there you have it. His Honour will stand neutral on this issue. He is not going to enter the political arena. I do stress to members that His Honour's approach to the NCA is to make it far more publicly accountable and to provide far more public information to members. This speech by His Honour was a considerable departure from the somewhat closed door approach of his predecessor.

I go on now, for the benefit of my Liberal colleagues here, to make some further comments. His Honour went on to say:

> Two of the members of this committee, Senator Crichton-Browne and Senator Spindler, have introduced Private Member's Bills seeking to amend the Act so that, in effect, section 51 does not apply to Committee hearings. I have been assisted by a study of their provisions.

There is a faint hint, if you know how judges speak - and my colleague Mr Humphries smiles. I will repeat it. His Honour said:

> I have been assisted by a study of their provisions. It is my belief that other members of the present Parliamentary Joint Committee are of the view that the application of section 51 to proceedings before them prevents, or at least inhibits, them from doing the major task Parliament has committed them, namely, to monitor and review the performance by the National Crime Authority of its functions.
>
> I want to say, here and now, that I entirely agree with them.

That is, the parliamentary colleagues who made these comments. He continued:

> Parliament should, providing members of the Committee accept a statutory obligation of confidentiality, consider amending the National Crime Authority Act so as to specifically make the secrecy provisions of section 51 inapplicable to proceedings before the Committee. Of course, there are very cogent reasons why such secrecy provisions should continue to apply to Members and staff of the Authority outside Committee hearings and, I believe, the members of the Committee accept this. Such an amendment would remove any impediment to witnesses from the National Crime Authority answering all questions and producing all documents relevant to the discharge of the Committee's functions. Provisions of the Act, which prevent this Committee investigating, on its own accord, relevant criminal activities or reconsidering the findings of the Authority in relation to a particular investigation should, however, remain. My understanding is that the

> members of the Committee would concur in this view. In this connection, and, in order to remove possible areas of dispute, there is an arguable case for the removal of the phrase "a matter relating to" in section 55 of the Act, which section is designed to place reasonable limits on the scope of the Committee's inquiries.

His Honour went on to talk about safeguarding evidence and the nature of the parliamentary committee. I know that my colleague Mr Connolly is listening, and I am aware that he has not had the benefit of full instructions on the matter yet; but the fact is, as plain as day, that you have the head of the NCA supporting this proposal.

The Attorney has indicated to me that his advice is not disposed to assist me with this amendment, but that typifies a somewhat prudent and cautious approach of advice in this area. That may be appropriate when one considers the criminal laws involved. But I think we can sometimes be too prudent and cautious in accepting without too much question advice from our government legal advisers, particularly in the area from which it comes.

I commend this amendment to members. I tell you that you will be the first parliament to do this. You will do it with the cognisance and the support of your Federal colleagues on the hill - at least those of the Liberal and Democrat persuasions - and you will do it with the cognisance and support of the head of the National Crime Authority. I want to stress that there are members in this Assembly, and there will be members in this Assembly next time round, who can be well trusted to be appointed and placed, from all parties and persuasions, on the committee, were it ever necessary to have a select or other committee of this Assembly. There are members in this Assembly who have previously held secrecy clearances on matters of extreme and utmost secrecy. Mrs Grassby laughs. I am sorry; my apologies. I thought I heard that familiar laugh.

Ms Follett: She would have, if she had been here.

MR COLLAERY: I stand corrected, Mr Temporary Deputy Speaker.

Mr Moore: Who was it who laughed?

MR COLLAERY: I do not know who laughed. It must have been another figment of my feverish approach this week. Mr Temporary Deputy Speaker, the amendment would be a good thing for us to pass. I think we need to tidy up this Bill in some other respects, including the replicate of section 55 of the parent Act. I am not entirely impressed with the manner in which this legislation has come forward. I want to say that it came forward while I was Attorney. I am pretty sure that it was drafted when I was Attorney, and I mean no disrespect to the current Attorney; but I think more research should have been done.

These issues should have been pointed up to the Attorney and the speech of Mr Justice Phillips should have been made available to him. I am quite sure that he has not seen it, and it was a public speech. I am making one of those rare forays into gently upbraiding the nature of advice that Ministers receive, because it is apparent to me that the Attorney has been flying, literally - although he is not unused to it - by the seat of his pinstripes.

MR MOORE (11.43): I find it ironic that Mr Collaery, who is very quick to point the finger at other people for upbraiding public servants, said, if I heard his words correctly, something like "this rare occasion to gently upbraid". In fact, what he really means is that he is going to have a shot at the public servants. I find it ironic that only a week or so ago Mr Collaery put out a press release saying how terrible I was for doing the same thing.

Apart from that, this particular amendment, I think, is a very sensible amendment and I congratulate Mr Collaery for moving it. Quite clearly, it is appropriate that what goes on in the ACT is the prerogative and the responsibility of members of this Assembly. I do not think we can just accept or ignore this amendment that has been moved by Mr Collaery. I think we have a responsibility to take this amendment on board and to accept our responsibility in dealing with the National Crime Authority. It is our responsibility as elected members and it is most important that we wear that responsibility very carefully.

One of the most satisfying things about working in this Legislative Assembly over the last two-and-a-bit years has been the work within the committees. I think most of us would agree that that has been a very positive aspect. It is recognised by the media and by the public as being probably the most positive aspect of this Assembly. With very few exceptions, those committees have acted very responsibly. We have had to work together very closely, with people of very different political persuasions and with very different ideas.

I remember one of my early experiences when working with Mr Humphries as chair of the Standing Committee on Conservation, Heritage and Environment. When Mr Humphries was chair of that committee I must say that I had real doubts about whether I would be able to work with him because of some of the ideas that I had heard him express. But the reality was that he proved to be a very successful chair of that committee. I think Mr Wood would agree. He was on that committee as well. Mr Humphries was open-minded and was prepared to discuss matters carefully and to work within the committee structure. By and large, that has been my experience with all members in this Assembly when working in the committees, and that encourages me to support this particular amendment that Mr Collaery has put.

I agree with him that members of this Assembly do take those committee responsibilities very seriously and I think it is appropriate that nothing be able to prohibit a person from communicating any information as far as the National Crime Authority goes to members of the Assembly through their select committee or standing committee. Members, I urge you to take on this responsibility. As elected members it is appropriate that you do wear this responsibility and take it seriously, as, indeed, all of us do - almost all, anyway.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.48): Perhaps I should give a government response at this stage. Mr Temporary Deputy Speaker, the principle of what Mr Collaery has argued for is one that the Government would agree to. The principle is fundamental - that is, that there must be accountability. At the end of the day the Assembly represents the people of the Territory and any body or organisation that is acting in the Territory and that is exercising a power under a Territory law must be accountable to the Assembly. We agree with that principle. Mr Moore reiterated it.

But it must be said that in the whole area of the National Crime Authority, which is a sensitive area, there is nothing more sensitive than the issue of the extent to which the activities of the National Crime Authority are reportable to parliamentary committees. This occurred because, unfortunately, last year - this has been well publicised; this is not divulging any confidences - material that had been made available to the parliamentary joint committee, in relation to an inquiry in South Australia of some real political sensitivity, found its way into the media.

I am not saying that it found its way into the public domain necessarily through the parliamentary joint committee, but it was material that had been given to the parliamentary joint committee and it did find its way into the public domain. That has resulted in considerable tensions between not the Federal Government and the parliamentary committee, not just the National Crime Authority and the parliamentary committee, but the intergovernmental council which is the body which, in effect, oversights the whole of the NCA.

It is important to stress that the National Crime Authority is a national body. It is not answerable only to the Commonwealth Minister; it is answerable to a committee of Ministers, chaired obviously by the Commonwealth Minister but comprising the State and Territory Ministers with responsibility in this area. The ACT, for some time now, has been represented on that in anticipation of our entering the scheme. Mr Collaery, I think, attended the first meeting, at which the ACT had been invited to sit as an observer. I attended the second one, which was held here in Canberra some months ago, and one is being held today, as we speak, in Melbourne.

The issue has been before that intergovernmental committee, at the last meeting in Canberra, and at the meeting today in Melbourne there will be a process of a joint meeting between the Commonwealth, State and Territory Ministers with responsibility for the NCA and the parliamentary committee to try to resolve difficulties and tensions relating to access to information in relation to the NCA by parliamentarians.

We would agree with and support in principle what Mr Collaery says. I think Mr Collaery is accurately and fairly reporting the views of the present chair of the National Crime Authority, who wants more accountability and who quite properly says that it is better for this body to be operating under clearly defined scrutiny to avoid those criticisms of "Star Chamber" and so forth that were mentioned by Mr Collaery in his speech. There is clearly a will from the authority to fix this problem up; there is clearly a desire at the level of the Commonwealth Government. Mr Collaery referred to the remarks of the Liberal Opposition and I think that clearly reflected the views of Liberal parliamentarians and Labor parliamentarians on the hill; they want to get this fixed.

I think State and Territory governments want to have a resolution; but I think it would be better for the Territory to await the outcome of those fairly sensitive talks between the ministerial forum representing all States and Territories who are party to the National Crime Authority scheme - which, once we pass this legislation, will be every jurisdiction in Australia - and the parliamentary joint committee, which is an all-party committee. They are working towards a resolution. I am advised that a resolution is close and I would say to this Assembly: Do not jump the gun on this. Let us not bolt and pre-empt what may be an amicable agreement, and let us not put a potential major hiccup in the process of the ACT becoming a party to this fairly important body.

We said at the introductory stage, and I think I said it again at the early stage of the detail stage, that we would hope that the ACT may never have to involve itself in an NCA reference. Tasmania has been a party since day one and has not had to involve itself in a reference. So, this is very much insurance against a future day. But, on this extraordinarily sensitive issue of the extent to which the activities of this body are accountable and open to the scrutiny of parliamentary committees, both federally and in the jurisdictions, while acknowledging the correctness of the principle that Mr Collaery has espoused and Mr Moore has reiterated, and acknowledging that the Government accepts that in principle that is right, I would urge members of the Assembly to exercise caution.

Let us await the outcome of the discussions between the NCA, as an entity, the ministerial council which controls the NCA and to which the NCA is accountable, and the parliamentary joint committee to which the NCA is also accountable, and let us go with a generally agreed position rather than pre-empting those extremely sensitive negotiations. So, the Government reluctantly cannot accept Mr Collaery's amendment. While agreeing with the high principle on which it is based, we would urge caution in this case.

MR COLLAERY (11.53): Perhaps to assist members, I should respond. Mr Connolly's speech begs the question: If this delicate, amicable, behind the scenes discussion is to take place, why put the Bill on today, prior to the discussion? I want the house to know that there are members of the Labor persuasion pressing very strongly somewhere else in this country for what I am moving. I cannot go into those details; I have some confidentiality problems.

After 47 years in this country, many of them in public office, and many of them dealing with agencies of extreme sensitivity, I cannot agree with the words that Mr Connolly uses about trusting amicable agreements. I want to tell you, Mr Connolly, that 1 Treasury Place and a few other places where people meet and decide lots of things in this country are places of some unamicable agreements. The numbers do not always come out satisfactorily to everyone.

I want to hint to you, Mr Connolly, that you would be better off withdrawing this Bill, if that is the case; you would be better off deferring debate now, if you are concerned to that extent. I find it difficult to know why you are concerned to that extent because you did not, frankly, know anything about this less than an hour ago. That is not your fault, because I had not spoken to you. Such are the pressures in this Assembly.

As the Chief Minister recently acknowledged in my presence - I forget where - we are putting through an enormous amount of legislation. We are doing a lot of things in this Assembly, and members should not be overeager sometimes to crack the pace and get things through. I think the prudent course for you, Mr Connolly, would be to defer debate on this Bill at the present time.

His Honour Mr Justice Phillips is also interested in making sure that there is a better statutory regime within our own governing Acts for the publication of parliamentary committee material. As you all know here, we do not own our own destiny and we would be beholden to the Commonwealth forever to get some amendments to our governing legislation to allow our committees of parliament to have different regimes and procedures for publication of committee evidence.

I think anyone who has any moderate interest in civil liberties today would take this step. It will provide a signal. It is most unlikely that we will have any committee - we are rising in a matter of sitting days - before next year, if ever; but here is a provision which has been pressed by parliamentarians on the hill and it is supported by the head of the NCA. You can be overcautious sometimes, I submit to members. This is not doing anything imprudent. No-one is going to subpoena and call members of the NCA before the Assembly.

I want to stress one thing: Members should not forget that we cannot pass legislation in this Assembly which is inconsistent with Federal legislation, in effect. The Federal legislation - I could provide, with a moment's grace, the provision in the governing legislation - allows the Commonwealth to pass legislation that can override ours and render ours inconsistent. There is, of course, that safety measure, if something got out of control and we had some difficulties with a committee of this Assembly out of control. It is well within the purview of the Commonwealth anyway, so let us not kid ourselves.

Let us, as a young, vibrant legislature, take a decisive step here. I have given you every credible reason why we should, particularly the comments of other parliamentarians, extremely experienced ones like Senator Crichton-Browne. I can also quote Senator Vanstone here. The fact is that there is no reason why you cannot do this. It provides scope for us to have better control of our destiny, as Mr Moore acknowledged, and it does not create any risks.

MR STEFANIAK (11.58): In relation to this, the Liberal Party is very mindful of the points raised by Mr Collaery and Mr Connolly. Mr Connolly is putting what appears to us to be a quite sensible conservative view as to what is happening nationally and federally. It would have been nice if he could have anticipated Mr Collaery's amendment and told us of what is happening federally and at State level. In this instance I realise, because the amendment came in this morning, that that might have been impossible. For future reference, if there is any Bill before this house which has Federal ramifications and ramifications for other States because of negotiations between the States, I think it would certainly help if members were aware of any likely problems which would affect the Assembly's deliberations.

Mr Collaery also brings up a point in his amendment of a substantial role in right of this Assembly and, indeed, other parliaments. His suggestion, indeed, has a lot of merit. Both suggestions have a lot of merit. I appreciate that the situation between the States and the Commonwealth as to where this proposal goes may not be resolved in the next three weeks. As Mr Connolly himself says, we hope never to have a National Crime Authority investigation in Canberra, so I do not think another three weeks is really going to affect the debate greatly.

Mr Moore: Then let him withdraw the whole legislation.

MR STEFANIAK: Well, maybe. The potential is there for something like that, Mr Moore; but I doubt very much whether three weeks is going to make a huge difference. We would certainly like to consider this question in more detail.

Mr Collaery: You may not be around when it comes up next, Bill.

MR STEFANIAK: In three weeks we might be, Bernard. We would like to consider further your amendment and Mr Connolly's objections. It may well be that we would then be quite happy to go along with Mr Collaery, even if nothing happened at the Federal-State level; but, at this stage, he has raised concerns which we as a party would like to check out a little bit further. I think the most appropriate course in the circumstances is for this debate to be adjourned until the next sittings, and I so move.

MR TEMPORARY DEPUTY SPEAKER (Mr Jensen): I am sorry, Mr Stefaniak; you cannot do that. You should have done that before you spoke.

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

CHILDREN'S SERVICES (AMENDMENT) BILL 1991
Detail Stage

Consideration resumed from 22 October 1991.

Clauses 1 to 4, by leave, taken together, and agreed to.

Clause 5

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.01): I have circulated some amendments which were prepared by legislative counsel as a sort of last better thought of how to elegantly express the legislation. I apologise, to some extent, to the Assembly for that. This amendment has the effect of clearing up an oversight which would have made it appear that the chairperson was not actually on the council. To remove any doubt about having the chairperson not on the children's services council, which would have been an extraordinarily embarrassing situation, and probably a tendentious reading of the law, to make it abundantly clear that that is the case, we are proposing that we insert "the chairperson" to make it abundantly clear that the chair is on the council.

The further amendment (aa) is to insert a new subsection on the basis of the appointment of the chair of the council, which is fairly broad in that it requires that the person have appropriate status in the community and relevant experience. Proposed subclause 3A(c) ensures that there is unlikely to be any conflict of interest in the chair of that council, so that they are not seen to be someone interested in one aspect of community services or another. That is the purview of those amendments that have been circulated. I formally move:

Page 2, line 32, omit paragraph (a), substitute the following paragraphs:

"(a) by inserting before paragraph 2(a) the following paragraph:

'(aa) the Chairperson;';

(aa) by inserting after subsection (3) the following subsection:

'(3A) The Minister shall not appoint a person as Chairperson unless satisfied that the person -

(a) has appropriate status in the community;
(b) has relevant experience; and
(c) is not a person concerned with, or a person associated with a body, authority or agency concerned with, children's welfare.';".

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 6 to 16, by leave, taken together, and agreed to.

Proposed new clause 16A

MR STEFANIAK (12.04): I move:

After clause 16 insert the following new clause:

"Enforcement of payment of fines etc.

16A. Section 54 of the Principal Act is amended by omitting subsections (3) to (6) (inclusive) and substituting the following subsection:

'(3) Where a child fails to comply with an order imposing a fine, the Court may make an order committing the child to an institution or a State institution in a specified State or Territory until the fine is paid or the expiration of a specified period (not exceeding 40 days), whichever occurs first.'."

This provision was in the old Child Welfare Ordinance which was repealed in 1986 and replaced by the current Act. I think members opposite, and indeed some other members of this chamber, do not have a particularly good appreciation of how the Children's Court works.

Firstly, in relation to fines, I direct members' attention to section 52 of the principal Act. "Fine", of course, includes a pecuniary penalty, costs or other amounts of money ordered to be paid, which includes compensation under this particular Bill. Indeed, reference is made to that in Mr Connolly's amendments. It states quite clearly, in subsection (2), that, before a court makes an order imposing a fine on a child, the court shall have regard to the ability of the child to comply with the order. The court may, when making an order imposing a fine on a child, allow time to pay or direct payment of the fine to be made by instalments and, of course, a child against whom an order is made may come back to the court to apply for any variation.

Accordingly, there is a lot of flexibility there in the court. The court is not going to order a kid to pay a fine if the kid cannot afford to pay it, and if the kid's circumstances change the kid can come back to court for a variation. The court is very minded, in terms of juvenile justice, to be as fair as possible to the offender.

One also has to look at the ranges of penalties imposed by the Children's Court. Two-thirds of children who come before the Children's Court come there once only; you do not see them again. There is a wide range of offences which children commit, just as there is with adults. Quite often, first offenders are given some sort of recognisance, such as a bond to be of good behaviour. Quite often, that occurs for a second and third time, much to the chagrin of a lot of people in our community. For some offences fines are appropriate. Usually, traffic matters result in fines. Drink-driving matters, which are more substantial traffic matters, do, as well. This obviously applies to young people who are close to 18 - invariably, 17-year-olds, or maybe, in some instances, 16-year-olds who might be driving without a licence.

There is also provision for community service orders under this legislation. That is a particularly useful order, in terms of young offenders, because it brings home to them the effect of their crime, or crimes, on the community and, indeed, on the victims. There is provision for the incarceration of a child in an institution, either in the ACT or elsewhere. As a result of this Act, children will now be able to be put into Quamby for up to two years, which negates the need for them to go interstate which causes problems in its own right.

The ability is still there for a court to sentence a child to an institution in the State of New South Wales. That is required at times, especially for the more serious offences. It might be necessary, say, if a child murders someone, for a child to spend a number of years in an institution in New South Wales. That is not totally uncommon and is longer than two years. So, there is a wide range of options for the court.

This problem was brought to my attention by a number of practitioners, including practitioners in legal aid, who look after the underprivileged in our society and who are often duty solicitors in the Children's Court, by the court staff themselves, and by a number of other people who are very concerned about the fact that the fines at present imposed by the Children's Court simply are not enforced, cannot be enforced and cost a huge amount of money to enforce when an attempt is made.

The overwhelming view of the practitioners in that area I spoke to, including the staff, who see this regularly and who have to administer it, is that the old provisions of the Child Welfare Ordinance should come back in; that is, that if a child does not pay a fine - I have already read out the various ways in which fines can be extended or varied - then the default provisions apply.

Remember that kids are not fined unless they can afford to be fined, or, in relation to compensation, ordered to pay compensation unless they have the ability to pay that compensation. Indeed, often some arrangement is made between the children and the parents and the courts as to that and it is put in an order. If the order is for it to be paid and it is not paid, a default provision would then apply, a warrant would be issued and the money would be demanded. Invariably, the child would cough up, or should I say "the young person", because when we are talking fines we are talking about 16- and 17-year-olds.

The court realises that kids younger than that often simply do not have the capacity to pay, and other orders are made. But 16- and 17-year-olds, where it was appropriate to fine them, when the court deemed that they had the ability to pay, and when they did not pay, in the old days would certainly pay up when someone went around with a warrant. If they did not, their parents would, rather than have them taken away and perhaps put into Quamby for a few days.

One also, I think, when we are talking about this, has to look at what Quamby is. Quamby is a remand centre. It is also a centre where children - and "children" now means anyone under 18 years - can spend a more lengthy time if they have been sentenced to serve a period there. Some people have criticised Quamby as being too lenient a type of institution. I have heard criticisms of it as being a bit like a holiday camp. But at least it is our institution. Children do go there, and it is a place where young people can stay in the Territory for a variety of reasons, including, and I would submit quite safely, Mr Temporary Deputy Speaker, if they do not pay fines.

I often wonder whether the people opposite believe that anyone should ever be incarcerated for any reason. If they had their way, they probably would sentence Jack the Ripper to 30 hours at an anger management course or something like that.

There is, in the scheme of things, Mr Temporary Deputy Speaker, a place for what I am proposing. It worked very well up until 1986. I think it should be brought in again. The matter has been brought to my attention by practitioners in the area, including duty solicitors who work with legal aid, and they all say that the enforcement provisions in this Act are a joke. It is something that the Assembly should look at. I am glad to be able to take the opportunity for my party to look at it and act on the advice of the experts in the area, the practitioners of the area, and try to rectify this defect.

I specifically read out most of section 52 in relation to how courts go about fines, so that people in this Assembly have some appreciation of how the system works. A court is not going to impose a fine unless a young person is able to pay that fine. If the young person's circumstances change, that young person can come back before the court and apply for a variation. The courts will give that; they invariably do. I think I have far more practical experience in these courts of this Territory than anyone else in this Assembly and I would certainly agree with that from my personal experience. Indeed, that is the experience of the practitioners who want to see this particular provision in there.

There is not much point in fining young people when they know that there is nothing really that the court can do to enforce the fine. There are wads of unpaid fines for which the court is having great difficulty getting payment. When they do attempt to do it they go through a convoluted process, set out in section 54, which costs thousands and thousands of dollars and simply is not proving to be terribly effective. It is a real problem.

It is a revenue problem also for the Territory, as much as anything else, because we are missing out on revenue. We are also spending a huge amount of money when the court does attempt to enforce, under these very cumbersome provisions, the payment of fines, compensation, pecuniary penalty costs or otherwise which have been ordered. This is a very commonsense amendment.

I do not think it is particularly fair if an 18-year-old is fined $500 and has his or her licence suspended for three months for drink-driving, with a reading of say .175, and a young person who is 17 years and 10 months is picked up for the same reading, is fined the same amount and has his or her licence suspended for three months, and the fine is virtually unenforceable. I do not think that that is particularly fair, and that is the situation which, unfortunately, we are looking at now.

I would commend this amendment to the Assembly. I think you will be doing the system of juvenile justice in the Territory a big favour by putting it in. You will ultimately, in fact, be assisting the kids who are offending, because I do not think it is in their interest if they know that the system is incapable of enforcing fines imposed by the court. It makes a mockery of the system and that is not a very good lesson to teach young people.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.13): I often wonder where Mr Stefaniak and his ilk spend their holidays, because it is not uncommon for Mr Stefaniak and conservative spokespersons like him in assemblies and parliaments throughout Australia to describe places like Quamby, or the remand centre, or gaols, as holiday camps. "It is just like a holiday camp", they say.

We all work pretty hard in this environment as representatives of the public and we all look forward to the chance to get away for a week or so at the end of the year. We hashed last year where Mr Humphries spent his holiday and I am sure it was nothing like Quamby Remand Centre. No doubt there were dungeons there, but I doubt that Mr Humphries elected to spend his evenings in the dungeons.

Mr Temporary Deputy Speaker, places of detention in Australia are not pleasant. I have visited Quamby, as I guess a number of members of the Assembly have. In particular, it is important to go in and have the door shut behind you and be there on your own, and it is not a pleasant experience. There is no doubt that the remand centre out at Belconnen is one of the least pleasant places in Australia in which to be incarcerated. Having been in Sydney recently and spent some hours out at the Bay, I think I would rather be incarcerated at the Bay than at the remand centre. Places of detention, places of imprisonment, are not holiday camps. They are not places where anyone would elect to go.

The proposal that Mr Stefaniak is moving goes against the grain of movements in adult corrections in Australia, let alone juvenile corrections. The concept of imprisonment for fine default really goes back to the nineteenth century. We have all read Dickens. We know of the poor house, and those terrible institutions in nineteenth century England where people ended up imprisoned, effectively for debt, because they could not afford to pay a fine or pay a debt.

We all saw the very tragic circumstances a year or so ago in New South Wales of Jamie Partlic, who was just 18; he was an adult. He elected not to pay a traffic fine and to do some time in the Bay to cut it out. The phrase "cutting out traffic fines" is widely used around the community. Some years ago it was seen as a bit of a laugh to cut out your fine; to keep the couple of hundred dollars in your pocket rather than the government's and spend some time hopefully sitting in the sun at a remand centre. The tragic consequence for young Jamie Partlic was that he was assaulted by a very hardened prisoner and has been effectively rendered a quadriplegic as a result.

Imprisonment for fine default is an uncivilised way of approaching the matter for adult prisoners, let alone children. For adult prisoners, let alone children, the Labor Party takes the view, and is proud to take the view, that imprisonment is a last resort. Mr Stefaniak rhetorically was wondering whether we would give Jack the Ripper 30 days of anger management.

Places of detention are appropriate and of course imprisonment is appropriate where persons are a threat to themselves or to the community. Imprisonment is appropriate for violent offenders in particular, but also for other offences. Imprisonment is appropriate for major fraud cases, because the community has to send a message that it is not just the poor who will end up in prison, although sadly that is what tends to happen. If the wealthy and the powerful seek to rip society off through clever use of computers or clever use of accountants rather than a gun or a cudgel, holding up a bank, it is still theft and imprisonment is still appropriate. But in practically all cases it is a last resort, particularly for young persons.

This Assembly last year endorsed the United Nations Declaration on the Rights of the Child, and Mr Collaery read the appropriate article the other night, article 37, which says that imprisonment of a child shall be used only as a measure of last resort. We think that is entirely appropriate. We think that our law should correspond with that.

Mr Stefaniak is right in saying that the persons who are likely to get fines are likely to be people above 15 years. We are not talking about seven- or eight-year-olds. Indeed, he is right in saying that some of these people may be fairly tough cookies. Butter may not necessarily melt in their mouths. But the fact remains that there is a power now. If they want to wilfully say, "I am going to ignore the fine. I am going to tell the court to go stuff it", what will happen is that they will come back before the magistrate and there will be a range of options.

The first option would be community service orders. That, for young people, can be a particularly effective deterrent, if you like, because it deprives them of doing pleasant things on the weekend. So, that is an option. But at the end of the day detention is an option. Detention can be an option in the ACT.

In New South Wales there is still provision for detention; but again it is only after all options have been exhausted, and I went through this the other night. Throughout Australia the move has been to use imprisonment for fine default for young people as an absolute last option. Indeed, the same is occurring for adult fine default. Imprisonment is seen as a last option.

Mr Stefaniak's amendment really seeks to go against the tide of enlightened opinion throughout Australia in every State and Territory and move to take imprisonment as the first option for fine default. It is an unenlightened policy. It is a policy, in the long run, destructive of the interests of young people in this Territory, because it will have more of them in places of incarceration rather than fewer of them in places of incarceration, which ought to be the attitude of an enlightened Assembly.

I would confidently hope that this amendment will not be supported by those enlightened members of this Assembly who acknowledge that the answer to problems facing young people, and behavioural problems that may cause them to come into conflict with the law, is not the "lock them up and throw away the key approach", not the "let's get tough" approach, but a more enlightened and caring approach to issues of juvenile crime.

MR DUBY (12.20): I also do not support the amendment moved by Mr Stefaniak. The amendment that Mr Stefaniak wishes to make is to section 54 of the principal Act. He seeks to have subsections (3) to (6) inclusive deleted. Those particular provisions of the Act are quite specific in providing courts with a wide range of options in dealing with costs and children. I think that is another point that needs to be made out. The fact is that we are dealing with children, even though some of them, as Mr Connolly may have said, are perhaps 17 or going on 18, and may be tough cookies. The bottom line is that they still, according to the law, are children, and in my view they should be treated as such.

The subsections that the proposed amendment would remove from the Act, in my view, already cover a wide range of methods of dealing with children who, for whatever reason, have not paid their fines. It may be worthwhile letting the record show some of the options available to the courts. Primarily, it says that where a child fails to comply with an order imposing a fine, the court may make an order either remitting the fine or reducing the amount of the fine; and an order allowing time or further time for the repayment of the fine.

Then it goes on to refer to an order specified in section 47, which is an order reprimanding the child, a conditional discharge order, and an order imposing a penalty provided by law with respect to the offence - whatever that may mean; I am not all that sure. Then it goes into the area of any other order that the court is empowered to make with respect to that offence, a probation order or an attendance centre order.

In my opinion, a probation order is a far more appropriate method of dealing with children who have crossed swords with the law and lost and have had a fine imposed upon them. The imprisonment option is still there, I believe, within section 54 of the Act. Eventually, an order committing a child to an institution or a State institution for a period not exceeding 30 days may well be entered into if the court is satisfied that the failure of the child - by that I assume they mean a person around the age level of 17 years or so - to comply with the order imposing the fines was, in the circumstances, unreasonable.

So, that imprisonment option is still there for the courts to impose if they find that they are dealing with someone who is simply refusing to pay the fine and thumbing their nose at the court. The final ability to put someone into a detention centre is still there.

The amendment proposed by Mr Stefaniak, from my understanding of the way it would work, would mean that the court has no option but to make an order committing the child to an institution for a period not exceeding 40 days. That, to my way of thinking, is an inappropriate way of examining the failure by a child to pay a fine.

I agree with the comments that have been made by the Attorney. I know that Mr Stefaniak is a humane and just man, and is in no way trying to lock up children and throw away the key, as was suggested by the Attorney; but I do not believe that this is the appropriate method of dealing with this problem. I do not support the proposed amendment.

MS MAHER (12.24): I will not be supporting this amendment. I think it is rather atrocious, to be quite honest, to be locking children up for a fine default. As Mr Connolly stated, imprisonment for fine defaults should be a last resort. Young children nowadays who are having problems and who are in trouble with the law need more support and counselling rather than being thrown into prison.

Mr Stefaniak said that it would be assisting the children of our Territory. How in the hell will locking children up and throwing them into a prison where there are more experienced criminals help them? It will be putting them on a worse road than they are already on.

As for revenue to the Territory, I do not have any figures or costings and what have you; but I am sure that it would be more costly to keep these children in prison and in remand centres than it would be to chase up the fines. The cost of keeping children in residential care facilities such as this is enormous. It is enormous to the community. I think that we should be doing everything possible to keep our children out of prison and out of places like Quamby. We should be looking at ways of helping them to keep out of trouble altogether, rather than locking them up where they can gain more experience in getting into trouble right across the board.

As Mr Connolly said, community service orders need to be put in place. I would say that some of the children who do not pay their fines are unemployed. Sometimes it would fall back onto the parents to pay those fines, which is sad, but true. Children should be given more community service orders and certainly should not be locked up in prison. I will not be supporting the amendment.

MR COLLAERY (12.27): I move:

> That the debate be now adjourned.

Ms Follett: Oh, come on.

MR COLLAERY: Well, you have three minutes. What do you want to do?

Ms Follett: We can deal with it.

Mr Connolly: When do you want an extension to?

MR COLLAERY: Do you not understand the standing orders? It has to be adjourned because it is a Thursday.

Mr Connolly: We can do it this afternoon.

MR BERRY (Deputy Chief Minister) (12.27): The Government will be opposing the motion. It would be an appropriate time for the Assembly to adjourn for lunch, but we will be opposing the motion to adjourn the debate.

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, my advice is that the debate must be adjourned if we break for lunch, unlike private members' sittings when it automatically closes at 12.30 pm. There must be a motion to adjourn debate until a later hour, and that is the course that I will follow. The question now is: That the debate be adjourned.

Question resolved in the affirmative.

MR TEMPORARY DEPUTY SPEAKER: The question now is: That the resumption of the debate be made an order of the day for a later hour this day.

Question resolved in the affirmative.

Sitting suspended from 12.29 to 2.30 pm

QUESTIONS WITHOUT NOTICE

New Non-Government Schools

DR KINLOCH: My question is to Mr Wood, the Minister for Education. Can he explain the present policy on Montessori schools? I understand that there are other schools of an experimental nature, such as Steiner schools. Can they establish themselves in the Territory?

Mr Kaine: Particularly at Hackett.

MR WOOD: Yes, Dr Kinloch, they can; but they have to follow certain procedures. In a sense there are two blockages to the Montessori school establishing itself at Hackett, as Mr Kaine interjects, Curtin, Yarralumla or somewhere else. The first of those is that the present Government - and, I think, at certain times Federal governments in the past - has determined that it is not a sound proposition to close a government school and then immediately install a non-government school in that building. It simply does not make sense to do that, especially if a government school has been closed with allegedly low numbers and a new non-government school goes in there with perhaps even lower numbers. There is quite a gap in logic, I am sure you will agree.

There is a second blockage, and that is the policy of the Federal Government. That Government has established in the ACT, as it has elsewhere in Australia, a new schools committee, and all proposals for new non-government schools are passed through that committee. Any new school that is proposed to be opened in an old area, an established part, of any city will get a low priority for approval for recurrent funding. Effectively, that low priority means that it is not an approval.

The only way that Montessori or any of these other schools of the type that you suggest, Dr Kinloch, will get approval for that very, very important recurrent funding is to locate itself in a growth area of Canberra or any other city. Therefore, if Montessori - I have told it this, and other people have told it - wants to establish a new school, it will need to go to one of the new suburbs of Canberra.

Ambulance Service

MR HUMPHRIES: My question is to the Minister for Health. Did he receive any written briefings concerning the Harris ambulance affair? If so, will he table those briefings?

MR BERRY: Mr Speaker, I am very concerned about the political attacks on individual ambulance officers which are arising from the discussion of this entire matter. The former Minister has made it very clear that he is prepared to go on some sort of vindicative attack on individual ambulance officers, because of their political affiliations, it seems. For example, there has been an attack, it seems, on officers because of their association with government. This morning I heard a report which indicated that Mr Humphries had made some reference to the association of certain officers with government.

I have to say that this raises grave concerns about how ambulance officers can be permitted to get on with their daily work. For example, this approach by the former Minister is obviously aimed at individuals within the Ambulance Service who may have taken a different position from the former Government on a range of matters. I am concerned that the management of the Ambulance Service is now being attacked because of the way that they investigated the entire affair.

The officer concerned with that investigation is somebody whom I have known for a long time. He was the superintendent of the Ambulance Service when we were in government before. I have found him to be a person of integrity and quality. He was the officer who was responsible for this investigation. He was also a person in the community who took a very strong stand against the Alliance Government over the closure of schools, and his participation in the campaign against the former Government was fundamental to the saving of Higgins Primary School. I am concerned that this former Minister is prepared to go for people because of their opposition to the former Government's position on a range of issues.

Mr Humphries: On a point of order: Mr Speaker, the allegation that the Minister appears to be making, in his desperation to deflect some blame in this matter, is that I am making personal attacks on officers of the Ambulance Service, particularly the one to whom he refers. Nothing that I said yesterday would reflect on that officer, but the comments that the Minister is making today reflect on me. I ask him to withdraw the assertion that I have in some way made a reflection on this particular ambulance officer. I have made no such reflection. I uphold his report; it is a good report; I support his report.

MR SPEAKER: You are debating the issue, Mr Humphries. I do not believe that there is anything that Mr Berry has said at this time that requires an objection like that. A personal statement from you later would be more appropriate.

MR BERRY: So, Mr Speaker, ambulance officers are being subjected to political attack to satisfy the greed of Mr Humphries for a political headline. That is just not good enough.

Mr Humphries: On a point of order, Mr Speaker: The question was very simple and direct: Did the Minister receive any written briefings? With respect, the Minister has not touched on that question at all yet, and we are now more than five minutes into question time.

MR SPEAKER: Yes, Mr Berry, I would draw your attention to that point.

MR BERRY: They deserve to be protected, and I will stand by and protect them. Because this Minister wants to grab a greedy little headline over - - -

Mr Humphries: That is you, is it not? It is not me.

MR BERRY: It was another oversight. Although Mr Humphries wants to grab greedily for a headline, I am not going to stand idly by and allow ambulance officers to be castigated, and that is what is happening in this matter. So, Mr Speaker, all I can say to Mr Humphries is that he ought to lay off. It is the responsibility of management to investigate disciplinary matters or potential disciplinary matters within the ACT Government Service; it is not the business of members of this Assembly - - -

Mr Humphries: On a point of order, Mr Speaker: I again ask you to ask that Minister to be relevant. I have asked him: Are there any written briefings? It is a very simple question. It could be answered yes or no.

MR SPEAKER: I appreciate the question, Mr Humphries; so does Mr Berry. He is answering in his manner. I would ask you to conclude your answer now, please, Mr Berry.

MR BERRY: It is not the business of members of this Assembly to conduct a kangaroo court and deny members of the Ambulance Service natural justice. Natural justice means that people are able to put their cases and be heard. Mr Humphries is setting out to conduct a kangaroo court in relation to certain ambulance officers and ambulance managers. I am not going to be a part of that sort of business. It is entirely over the top and outside the field of his operations.

Mr Humphries asked a question in relation to briefings on the matter. Of course I received briefings on the Harris complaint, the extent of which I do not have with me. I am prepared to look at them, but I am not prepared to give an undertaking that I would release them.

Canberra Bowling Club

MR COLLAERY: My question, Mr Speaker, is to the Minister responsible for planning approvals, Mr Wood. In relation to the approved draft variation for the Forrest bowling club, on how many occasions did he meet with Canberra lobbyist Paul Whalan and on how many occasions did he meet with objectors?

MR WOOD: Mr Speaker, let us note the words "meet with". I noted that there were one or two phone calls to my office, as advised to me, over some weeks, from Mr Whalan, asking when the draft variation would be tabled. Those calls were not to me, but to my office. I was separate from that proposal in that period before it was tabled.

It is my position that I do not deal with proponents or objectors to draft variations. These matters are handled within the department, and as a matter of principle I would prefer not to be involved. I would not suggest that there may not be occasions when it might be appropriate to be involved, but as a general principle I would not wish to deal with these matters until they come to my desk.

As to a meeting, one day I met Mr Whalan - whether it was a meeting is another matter - in the area outside the lift on the fifth floor. It was certainly not a meeting that had been organised by me.

Mr Collaery: He ambushed you.

MR WOOD: You may use whatever term you wish.

Mr Kaine: I think he ambushed me on the same day, actually.

MR WOOD: On the same day? At that time he expressed his concern that I had not tabled the draft variation when he had thought, for whatever reason, it might have been tabled. After that meeting, again not by my organisation, he brought to me people from the Forrest bowling club, and we sat at the table upstairs for 10 or 15 minutes while they spoke about it. That was certainly before the variation was tabled in this parliament, but when the procedure through the planners was complete.

Mr Jensen: After it was signed?

MR WOOD: Yes, after it was signed, I would think, Mr Jensen. As to those who object, people in my office had a meeting earlier this week with some people who are opposing the plan. To the extent of my memory - I will sit down now and think more carefully about it, just to make sure that I have been quite accurate in what I have said to you - those are the meetings that I have had on this matter. You are going to ask a supplementary question, so I will let you ask that.

MR COLLAERY: Mr Speaker, I wish to ask a supplementary question. No-one would ever suggest that Mr Wood would do anything improper, and that is not the point of the question. But, Mr Wood, were you influenced by those meetings, or that meeting, and, possibly in an attempt to absolve yourself from any possible complications with that, did you go to the Gorman House art market and buy a "capitalist pig"?

MR WOOD: Thank you for your comments. I do want to be clear that everything that I do, I trust, is open; it is known. I will always indicate to whom I have spoken and what it was about.

To come back to your question, in general, if I am allowed to do this, I recognise the right of all individuals to contact officers in the departments, as they can do so quite legitimately, and it is accepted that lobbyists may also do that. It is important that events like that be as open and as known as possible, especially in that very, very sensitive area of lease changes. I think we all recognise that in the ACT it is a particularly sensitive area, and I certainly hope that any approaches are open and able to be known.

I did not buy a "capitalist pig", Mr Collaery. I understand that some very discerning people in this Assembly did, but I did not take that opportunity.

Health Centres - Staffing

MRS NOLAN: Mr Speaker, my question is to Mr Berry in his capacity as Minister for Health. Can he tell this Assembly: How many staff positions are to be abolished in ACT health centres, from which centres will these positions be abolished and what effect will this have on service delivery?

MR BERRY: I think I have answered this question.

Ms Follett: Health centres.

MR BERRY: Health centres are part of the overall health budget. The health budget has been the subject of discussion in the Estimates Committee, and I think the opportunity was available to the member to ask those sorts of questions there.

I have indicated before to this Assembly that the Board of Health has taken on board the Government's budget and has indicated that it can live within it. The Board of Health is responsible for the administration of health centres. It has shown that it has a management program, in relation to hospital beds, which is a responsible one, and it is a direction that the board will take in accordance with the Government's position on the budget. The process of dealing with that is likely to be interfered with by the committee which Mr Humphries proposed, the first decision of which was to travel, I note, which demonstrates its interest in matters in the ACT.

Relevant unions have to be consulted in relation to the implementation of the Government's budget. That process is well under way and will continue until it is finalised. It will be some time before we have the final detail of the way that service delivery might be changed by the Government's budget and the Government's policies on social justice. So, we really have to wait until that consultation process develops more. I just urge you to be patient.

MRS NOLAN: I have a supplementary question, Mr Speaker: When is that process likely to be completed?

MR BERRY: That is a matter for the board.

Ambulance Service

MR STEFANIAK: My question, which is to the Minister for Health, concerns the Harris ambulance affair. All I require is a simple yes or no. The question is: Was the ambulance officer who was the subject of the Macdonald inquiry a union official? Was he known to the Minister before the incident occurred?

MR BERRY: Mr Speaker, the reason that I first refused to volunteer detailed information, such as internal working documents, about the affairs of the Ambulance Service was that I knew that the Liberals would be prepared to make a vindictive attack on ambulance officers to achieve cheap headlines, and that is what they are doing now.

Over the years I have become acquainted with a large number of ambulance officers. I have known a number who have been union officials, and I have had personal knowledge of them. I have known a lot of Australian government service officers; I have known a lot of Liberal Party members; I have known a whole range of people. But I can tell you that I am not going to volunteer information to this Assembly to allow the Liberals to embark on a kangaroo court without giving individual officers the right to put their cases and be heard. I think, Mr Speaker, this is a disgraceful attack by the Liberal Party on an individual ambulance officer, and it does them no credit.

Lobbyists - Identification in Assembly Precincts

MR JENSEN: My question is to the Chief Minister. Does her Government issue passes or other forms of identification to recognised lobbyists in the same way as the Federal Parliament does? If not, will the Chief Minister consider such a course in the future?

MS FOLLETT: I thank Mr Jensen for the question, the first part of which is very easily answered. No, we do not issue passes to recognised lobbyists, and, Mr Speaker, the Government has no such proposal under consideration.

Ambulance Service

MR KAINE: I would like to ask a question of the Minister for Health, also in connection with the Harris ambulance affair. I preface my question by saying that I am not on a witch-hunt against any ambulance driver, trade union official or otherwise. But I would like the Minister to answer, for once, a question about the procedures in his department. Amongst the papers that were presented last night was a letter from Mr Len Withers of the Board of Health to Mr Peter Harris, which I think was dated 29 July. I would like the Minister to tell me: Was this the only formal reply that Mr Harris received as a result of his complaint? I think that is a very fair question. The second part is: Who was responsible for the deletion from that letter of the only paragraph which gave any clue that an ambulance officer had not acted in accordance with the established procedures? Since that is the crux of this problem, I suggest that that is a fair question, too.

MR BERRY: Mr Speaker, I again go to the issue of the Liberals trying to attack an ambulance officer. It is the same line of questioning, so I should have mentioned this - - -

Mr Kaine: On a point of order, Mr Speaker: I made it quite clear that my question was aimed at finding out why the Minister is not on top of the procedures in his department. If he is going to continue this attack on me, instead of dealing with his own problem, I think you should take control of the situation.

MR SPEAKER: Thank you, Mr Kaine.

MR BERRY: I am glad that he clarified his question. He is asking me whether I am on top of the procedures within my department. I am on top of them - - -

Mr Kaine: I asked you a couple of specific questions which I would like answered.

MR BERRY: You qualified it, and I will answer it in the way that you have interpreted your own question. I am, indeed, on top of the procedures in my department.

Mr Kaine: Mr Speaker, this is scandalous!

MR SPEAKER: Order, Mr Kaine, please! You do not have leave to speak unless you are raising a point of order.

Mr Kaine: Well, I raise the point of order, Mr Speaker: This Minister is quite scandalous.

MR SPEAKER: Order! That is not a point of order. Mr Kaine, please resume your seat.

MR BERRY: I am on top of the procedures in my department in relation to the investigation of potential disciplinary charges. In this case an ambulance officer was investigated, and a question was raised about whether disciplinary action was necessary or not.

Also, a complaint was dealt with in relation to Mr Harris, who made certain allegations against that ambulance officer - allegations which, of course, could not be proved. The ambulance officer had a different story and, of course, his story could not be proved. The recording equipment which the previous Government had not provided for the Ambulance Service was provided by this Government, to ensure that we do not have those sorts of problems again.

In relation to the ambulance officer concerned, I am not going to breach his right to natural justice by dealing with - - -

Mr Humphries: He is not on trial.

MR BERRY: Mr Humphries said, "He is not on trial". He is on trial in this place, or they are attempting to put him on trial, and they are just not going to get away with that. They are not going to drag ambulance officers through this place without the right to natural justice. It is appropriate that Mr Stefaniak goes for a union official, because we know how anti-union he is.

MR SPEAKER: Order! Relevance!

MR BERRY: But I can tell this Assembly, Mr Speaker, that union officials and people who are not union officials will be treated exactly the same. Their affairs in the Ambulance Service, which are properly dealt with by management, will be kept confidential.

MR KAINE: I have a supplementary question, Mr Speaker: Minister, did you remove from the letter the paragraph that we are talking about?

MR BERRY: Mr Speaker, I saw those letters passed across the table yesterday, and one had a wriggly line through it. That question related to events within the Ambulance Service which I do not think were appropriate to be included. I agree with their deletion.

West Belconnen - Proposed Planning Variation

MR MOORE: My question is not to do with ambulancegate, but is directed to Mr Wood as Minister for Planning. Last Friday night, I understand, an advertisement for the proposed variation to West Belconnen was withdrawn from the *Canberra Times*. I understand that the reason for that withdrawal was a discrepancy between the environmental impact statement, in which an area with special development conditions was described, and the plan, in which the same area was shown as medium density housing. Is that the case? Why was it withdrawn? Who made the decision to stop this variation going out to the public?

MR WOOD: I do not have that level of detail. I was advised that the advertisement had been withdrawn. I was in Melbourne on that Friday. As part of normal briefings when I came back to Canberra I was - - -

Mr Kaine: This was not a ministerial junket, was it, Mr Wood?

MR WOOD: No, it was not, I can assure you. I was told that an advertisement had been withdrawn. It was told to me that it was because there was a mistake or error in what was being printed, that there was a lack of consistency. I did not inquire further into that; I did not think it was

necessary to do so. I am not sure that I do now. It was withdrawn, I would expect - and I say "expect" because I did not inquire further - by the Territory planner, who would have had responsibility for carrying that. If you want me to get a bit more detail, I certainly will.

Mr Moore: Yes, please.

West Belconnen Landfill Site - Water Discharge

MR JENSEN: My question also is addressed to Minister Wood in his capacity of Minister for the Environment, Land and Planning. I remind him of recent publicity about the discharge of water from the Belconnen landfill site into the Murrumbidgee River. Firstly, will he make available the details of the licence granted to the Department of Urban Services to discharge water into the Murrumbidgee River system? Secondly, why was the Minister so sure that no toxic material was discharged into the river system? Thirdly, were tests conducted at the time of the discharge, or soon after, to ensure that the conditions of the licence were being met and that no toxic waste was being discharged?

MR WOOD: Mr Jensen, yes, I will give you details of the licence requirements. Because there has been a replacement, new licence conditions are now being imposed. I will get you a copy of the 12 or so pages of that licence. Why was I sure that there was no toxic substance? The briefing that I received, which was a quite detailed one, indicated to me that testing had been done on the holding tank for the surface run-off at the Belconnen tip. There are three different dams, if you like, at that tip, as I am informed: One takes sullage, which comes in a particular way - grease trap stuff and that sort of thing; one takes the leachate that comes through underground; and one is no more than taking the surface run-off, holding it as long as possible to allow sedimentation to occur. You would understand that run-off from a tip has lots of mud mixed up with it because that is the nature of the tip. They are the three dams.

The information that I have is that, prior to releasing the very muddy water from that dam that takes the surface run-off, tests were taken. The taking of the tests was approved, and that was organised by the Department of Urban Services. They indicated that that water could be released. Even the released water, despite the time it had been settling, was obviously quite muddy. I was not aware that any toxic substance, certainly on this occasion, was being released. I understand that some weeks, or even months, ago that sullage dam was breached in a period of heavy rain and some of that mixture flowed down to that surface dam. In that case there was the potential for some toxic substance to be released; but, as I am informed, that was not the case on this occasion.

MR JENSEN: I have a supplementary question: Mr Speaker, will the Minister release the details and results of such tests?

MR WOOD: Yes, Mr Jensen, I certainly will.

Ambulance Service

MR HUMPHRIES: Mr Speaker, my question is to the Minister for Health and concerns what Mr Moore has called ambulancegate.

Mr Moore: I said it tongue-in-cheek, of course.

MR HUMPHRIES: Of course. My tongue is in my cheek, too. I ask whether it is the case that the Macdonald report states:

> It was not up to him -

that is, the ambulance officer -

> to decide whether or not to send an Ambulance, if there is any doubt the Duty Superintendent should be consulted.
>
> Officer ... did not despatch a vehicle nor did he consult with the Duty Superintendent, it appears from our stated policy that the patient should have received the benefit of the doubt.

Can the Minister tell me and the Assembly why this crucial part of the investigation was not made available to Mr Harris?

MR BERRY: Mr Speaker, it was not an investigation for Mr Harris; it was an investigation for the Ambulance Service.

Tuggeranong Swimming Centre

MR JENSEN: Mr Speaker, my question is to Mr Berry in his capacity as Minister for Sport. Firstly, is it correct that the proposed Tuggeranong pool will be an eight-lane, variable-depth pool from two metres for 30 metres to up to one metre for the remaining 20 metres? Secondly, does this mean that the pool does not comply with national or international regulations on facility standards and therefore render the complex unusable for anything other than local competition? Thirdly, what would be the extra cost, if any, to construct a constant-depth pool to enable national and international swimming meets to be held at the new pool?

MR BERRY: Mr Speaker, a lot of detail is required in response to Mr Jensen's question. If he had given me that question before the Assembly sat, I would have been able to give him all of the detail that he requires. But I can tell him that the Government made a sensible decision about that swimming centre in the context of the budget, and we are able to provide a less expensive pool than the one that was to be provided by the former Government. The Government recognises the pressing need for the extra swimming facilities at Tuggeranong. It was Labor that first identified that issue, and we are proud to have proceeded with the matter.

We are also committed to ensuring that we provide facilities that meet community requirements. It seems that Mr Jensen is not interested in community requirements; he is interested only in a particular sport, and that requires a 2.2-metre deep pool. Other people will have to use the facility, but we will also cater for the sport that requires a depth of 2.2 metres. He has it wrong; it is not two metres.

We are also committed to ensuring that those community facilities are well located and that the community is well satisfied with the facility when it is completed. We have to maximise the value that we get from within the budget. The responsibility to meet this commitment involved a review of the project requirements and design proposals, including a re-examination of community requirements and concerns and the budget. Part of this process included a value management study to evaluate all aspects of the swimming centre requirements.

Mr Speaker, I can say that construction is due to commence in January next year and is scheduled for completion in 1993. It is a facility which is being delivered to the people of Tuggeranong, something that could not have been delivered within a responsible budget by the former Government at the level which they had promised. It was a promise that they could not have kept if they had delivered a responsible budget for the Territory.

Mr Jensen raised the issue of national standards of some sort in relation to swimming meets. I am sure that this facility will provide a standard which will satisfy the community and those sports swimmers who need to use it.

MR JENSEN: I have a supplementary question, Mr Speaker: In light of the Minister's answer, is it not correct that the community steering committee that provided input into the preparation of the design brief recommended that a constant-depth pool be constructed?

MR BERRY: Gee, a trick question from Norm! Yes, one of the options looked at by the Government was a more expensive, even-depth, 2.2-metre pool.

Mr Jensen: That is only the main pool, Mr Berry.

MR BERRY: Mr Jensen does not seem to understand that extra pools cost extra money. If he hangs around public administration a bit longer, he will grow to understand that. It costs a little extra to provide extra pools. The Government, in its wisdom, decided to opt for a variable-depth pool to bring the cost of that facility down but, at the same time, ensure that a quality community facility is provided for the people of Tuggeranong.

Office of Sport and Recreation : Hackett Primary School

MR STEFANIAK: My question is also to Mr Berry in his capacity as Minister for Sport. Now that Mr Wood has announced that the Hackett Primary School will not be used to house the suggested small educational complex, I ask the Minister again: Will he relocate his Office of Sport and Recreation to Hackett?

MR BERRY: No.

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

West Belconnen - Proposed Planning Variation

MR WOOD: Mr Speaker, I can provide some elaboration on the answer that I gave to the question that Mr Moore asked. The reasons that the draft variation advertisements were withdrawn last Saturday were precisely as he explained, and they were withdrawn on the authority of the Secretary to the Department of the Environment, Land and Planning.

Canberra Bowling Club

MR WOOD: With your permission, Mr Speaker, I will elaborate a little on the answer that I gave to Mr Collaery about the visits of Mr Whalan and any of the people whom he was representing. I know that Mr Collaery is anxious about that, so I want to be precise. I met, by chance as it were, Mr Whalan. He thereupon brought me a group of people on the Thursday that he had expected those variations to be tabled. The reason that they were not tabled is that, of necessity, the proper thing to do was for me to consult with my colleagues. That occurred on the following Monday, and the executive minute was not signed until after that event.

NEW CAPITAL WORKS PROGRAM 1991-92 - REPORT OF STANDING COMMITTEE ON PLANNING, DEVELOPMENT AND INFRASTRUCTURE - GOVERNMENT RESPONSE
Ministerial Statement and Paper

MS FOLLETT (Chief Minister and Treasurer), by leave: I would like to respond to the report by the Standing Committee on Planning, Development and Infrastructure on the new capital works program for 1991-92. On behalf of the Government, I would like to thank the committee for their report. Mr Speaker, this reporting process is a very important avenue for the public to become involved and express their concerns on issues which directly affect them. A sound and responsible capital works program provides not only a source of employment but also the tangible fabric that is our community.

I do not intend to speak on each of the 10 recommendations that were proposed by the committee. I will, however, be presenting the Government's detailed response to each recommendation at the conclusion of my statement. Generally, the recommendations of the committee were inclined towards increasing the level of the new works program.

However, I believe that the Government's program maintains a sustainable level of construction activity, consistent with this Territory's ability to fund those works without recourse to new borrowings. This is essential if the ACT is to avoid the burden of servicing that debt in future years, which is a serious problem being encountered by other States. The Government has been able to avoid such borrowings by utilising $37m of the Commonwealth's $53m special assistance for capital budget purposes.

While I share the committee's concern regarding employment levels in the ACT, I am confident that the Government's program will provide a sustainable level of employment in the ACT building and construction industry and in total employment.

In the recently released 1991-92 budget I clearly stated the Government's commitment to justifiable capital works projects that meet the community's needs; for example, the Tuggeranong swimming complex, a community theatre in Civic, and employer-supported child-care facilities for ACT Government Service employees. I would invite those members who require more detailed analysis of the approach that we are taking to examine the relevant budget documents.

Mr Speaker, concern has been expressed by the committee on the deletion of several projects from the draft program of the previous Government. I believe that those projects could not be sufficiently justified at this time, given the tight financial climate in which we are operating.

I present the following papers:

> New Capital Works Program 1991-92 - Report of Standing Committee on Planning, Development and Infrastructure -
> Government response.
> Ministerial statement, 24 October 1991.

I move:

> That the Assembly takes note of the papers.

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

PAPERS

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): Mr Speaker, for the information of members, I table the Department of Urban Services annual report 1990-91, together with annual reports from the Commissioner of the ACT Fire Brigade, the Chief Inspector of Dangerous Goods and the Architects Board of the ACT; and an annual management report for 1990-91 of the Canberra Public Cemeteries Trust, pursuant to subsection 97(3) of the Audit Act.

TOURISM
Ministerial Statement

MS FOLLETT (Chief Minister and Treasurer), by leave: Mr Speaker, I would like to take this opportunity to bring to the attention of members a number of important recent developments in the ACT's tourism industry.

Members may be aware that I recently attended the National Tourism Awards. This was significant for the ACT in a number of respects. Firstly, members should know that the ACT has secured the right to host the 1992 National Tourism Awards. Staging these awards in Canberra should provide a significant boost to ACT tourism.

Secondly, Mr Speaker, at the National Tourism Awards I announced the appointment of four new commissioners to the ACT Tourism Commission. They are: Toni Dale, who is president of the Canberra Visitor and Convention Bureau; Don Goode, from the ACT Residential Division of the Australian Hotels Association; Lyn Smith, the Head of the School of Tourism and Hospitality at the ACT Institute of TAFE; and Elizabeth Whitelaw, who is a Canberra Association for Regional Development councillor and a senior member of

the legal firm Macphillamy, Cummins and Gibson. These appointments are consistent with the Government's desire to consolidate ACT tourism and to link the development of tourism to the economic development of the ACT and its surrounding region.

Mr Speaker, I met with the newly constituted commission last Wednesday evening, prior to its first meeting. I challenged the commission to bring together the diverse sectors of the industry and to initiate a program of activity which will enhance the development of tourism.

Finally, two local firms were successful in achieving national awards. I would like to take this opportunity to congratulate the proprietors of Cockington Green and Avalanche Homestead for their success in the 1991 awards. I am sure that all members will join me in congratulating them and encouraging the rest of the tourism industry in the ACT to be just as successful in 1992.

Mr Speaker, I believe that a new spirit of cooperation is evolving between the industry and the Government. An example is the recent agreement between the commission, the Australian National Gallery, the National Science and Technology Centre and the major hotels to run a joint promotion. The aim is to encourage Sydney families to visit Canberra and enjoy the Rupert Bunny exhibition at the gallery and the dinosaurs exhibition at the Science and Technology Centre. I expect that we will see the commission involved in many more such ventures.

A further example of this cooperation is the initiative taken by the Canberra Association for Regional Development with its inspired "Beyond the Triangle" promotion last week. Members may be aware that CARD brought a range of national journalists together to meet a cross-section of Canberrans, demonstrating that there is much more to our city than just the Federal Government and the public service. Private sector initiatives such as these augur well for the future of the Territory, and I congratulate the organisers.

The program of multicultural tourism to Canberra by ethnic groups has also proved a major success. These visits have been organised in conjunction with the Ethnic Communities Council and are unique to the Canberra tourism industry. Members will be interested to know that well in excess of 6,000 people will visit Canberra this year under this program.

Mr Speaker, I mentioned earlier that the ACT has been successful in its bid to host the 1992 National Tourism Awards. I believe that this major event next spring will bring substantial benefits to the people of Canberra. The awards will focus the attention of key players in tourism, both national and international, on our city.

The spring of 1992, Mr Speaker, should be the most successful tourism season that we have ever seen. In a period of about two months a number of events will bring an influx of visitors. The tourism awards and the concurrent Australian Tourism Industry Association conference should attract more than 1,000 tourism industry people. We can be confident that the 1992 Floriade will be as successful as the one just concluded. During the same period Australia's memorial to the Vietnam veterans, on Anzac Parade, will be unveiled, and many thousands of visitors are expected to come to Canberra for that event. The spring racing carnival will also attract a considerable number of visitors and repeat the success that is already being experienced this spring.

Members will have recently seen in the media a series of messages promoting the Canberra region and its strengths. Considerable benefits can be gained for Canberra and the region if we jointly pursue the tourism opportunities offered within our region. I am delighted that the impetus for promotion of the region in this media campaign is coming from the private sector. It is another fine example of a productive partnership between government and industry.

Mr Speaker, another excellent example of cooperation between the Government and the private sector is the Bass Super Ticket. It is a product that has been devised jointly by Canberra Bass and the ACT Tourism Commission. The participating attractions are Cockington Green, the Opal and Gemstone Museum, the Telecom Tower, the National Aquarium, the National Science and Technology Centre and the Australian National Gallery. The Super Ticket will sell for $25, saving adult visitors $10 on the price of admission to those six attractions. Visitors can purchase the Super Ticket from Bass outlets throughout New South Wales, and Canberra Bass is arranging a sales outlet at the visitor information centre on Northbourne Avenue.

This facility will arrange bookings for entertainment and sporting events throughout Canberra and will soon include a "half-tix" service for Canberra. As members will know, this service enables people to buy tickets to major events at half the normal price on the day of the performance. Bass, the Tourism Commission and the six participating attractions will jointly promote the Super Ticket on regional television and radio and in the press. The commission is printing the tickets and the posters. This campaign will be launched in late November, with a view to capturing the school holiday market. An interim ticket, Mr Speaker, is available in the meantime.

These are only some examples of the opportunities for tourism in Canberra. I understand that the commission is now finalising its promotion program for 1991-92, and I look forward to the details of the program when it is finalised.

Mr Speaker, as I indicated in the budget statement, the single most important management issue for the ACT Tourism Commission will be to implement changes to the structure and operation of the commission, to ensure that its resources are applied to the area of greatest priority, namely, its marketing program. Such a move will require streamlining of staffing structures and rationalisation of office location and accommodation arrangements.

The commission budget has, for the first time, been placed on a secure footing. It is no longer dependent on annual consideration of once-off funding for a major part of its discretionary expenditure. In 1990-91 the commission spent $1.685m on activities which were categorised as marketing. If the commission's restructuring objectives are met, up to $1.6m will be made available for marketing activities in 1991-92. The full-year effect of these adjustments in 1992-93 should be that more than $1.9m will be available for marketing.

Mr Speaker, I believe that the major restructuring of the ACT Tourism Commission will put the tourism industry in a position to make a significant contribution to the provision of jobs for our young people and to our economy in general.

I wish to record my Government's thanks to those who have served, and are serving, on the Tourism Commission, to the tourism industry in general and to the staff of the commission for their valuable contribution in making Canberra a more vibrant city. I present the following paper:

> Tourism in the ACT - Ministerial statement, 24 October 1991.

I move:

> That the Assembly takes note of the paper.

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

GAREMA PLACE
Discussion of Matter of Public Importance

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

> The advisability of rejuvenating Garema Place as the city heart and the need to exclude skateboards from the area for public safety.

MR STEVENSON (3.21): Mr Speaker, at one time Garema Place could well have been looked upon as being the heart of Canberra. I think some years have passed since then and it has taken on, to some degree, a different flavour. I think it would be advisable for this Assembly, for the members of the Assembly that have the power, to rejuvenate Garema Place and make it truly the heart of the city.

Many people visiting Canberra or many Canberrans have said that Canberra does not necessarily have a soul. I know that we do not think that. When one understands Canberra one certainly realises that it is a unique city and that it can be a wonderful place in which to live. However, in the city there is not a great deal to attract people, particularly at night. Garema Place has had some excellent work done to it to enable it to be used as a place for people to have their meals outdoors and to walk around and look at the shops.

There are some particular problems with the area that have been highlighted over the last year or two. Perhaps the first one, quite importantly, would be the skateboarding activities in the area. There are three problems with that. The Standing Committee on Social Policy inquiry into public behaviour recommended that skateboards not be allowed to be used within Garema Place and the immediate environs.

Firstly, there is a difficulty with elderly people. These skateboarders move around at a very fast speed and it can be quite disconcerting to people, particularly the elderly. They could be the same problem for young people, or indeed anybody who happens to get in the way. I have talked to many people in the Garema Place area - many shopkeepers - quite frequently. I have never heard of any loutish behaviour caused by people who are riding skateboards, and that is certainly not my suggestion. However, for the public safety I think it is obvious that they should be banned from that area and perhaps certain other designated areas around Canberra.

Another problem with the skateboarders is that they make a great deal of noise. A number of shopowners in the area are particularly concerned about the racket made by young people skateboarding in the area.

The third point to do with skateboarding is the damage caused by the skateboarders when they use the chairs in the area and other fixtures as places to skateboard on. At the moment at least one of the green wooden chairs has two sections on one side of it broken off. One would assume that it was done by skateboarding. So, if we take on that recommendation by the Standing Committee on Social Policy to ban skateboards from Garema Place, that would be an excellent idea.

At one time I went up there and talked to some of the young boys who were skateboarding and suggested to them that they work towards gaining an alternative site in the area that they could use. That is something we should do; not just take away the area that they have where they are skateboarding, but replace it as close by as we can with an alternative area for them to do that. I think it is a useful sport. It is something that they obviously enjoy. It is inexpensive to get involved in, and good exercise, I dare say.

One of the other problems with Garema Place - I would like Bill Stefaniak to mention this particular point when he comes back - is to do with some people who are inebriated and who use Garema Place as a place in which to hang out, as it were. I have had many reports from police and shopkeepers and shoppers over the last couple of years that even as late as shopping hours on a Saturday morning there will be people, who have been drinking through much of the night and who are highly inebriated, sleeping in the area or walking around in the area. Occasionally, rarely, they abuse people who are doing their shopping. I think that Mr Stefaniak's Bill to create Garema Place as a designated area for no drinking, currently before the Assembly, is an excellent idea.

One of the other problems that we have with Garema Place is that there are a great number of posters in the area. I think it would be wise to make sure that there is not this number of posters, many of which have been ripped. I know that if you stand at any of the major entrances to Garema Place and look into the place, where the substation is surrounded by posters that people have been putting up for some time, it really is an eyesore. There is no doubt about that. I think it is unfortunate that we have that eyesore in one of the major shopping areas in Canberra. On many of the trestles, which have been done quite well, unfortunately there are posters as well, some of them ripped in half and so on. I think that is another area that we could look at.

I think most people are aware that recently there have been suggestions, perhaps originated by Mr Gus Petersilka, that there be live entertainment in Garema Place of an evening. This has been done in the past and I think it is an excellent idea. There are some concerns by shopkeepers in the area that outdoor live music might attract some undesirable elements, or might even cause a congregation of young people. If there was music that young people liked, I am sure there would be a congregation - and a good thing too. I think that they would be sadly disappointed if they realised the sort of music that Mr Petersilka and some of the other owners that he has been talking to propose to play. It is chamber orchestra music and so on.

So, I really do not think that that concern - I can well understand why some of the shopkeepers might have it - is one that they need to be worried about. I feel that the music would be rather pleasant. Rather than have the possibility of attracting many young people to the area, I think it might tend to drive them away, if anything; it would not be of their particular flavour. I know that it has been tried in the past and the current suggestion is that perhaps three nights of the week - obviously, it would be only through the summer months - there could be light music.

Mr Petersilka has also suggested, as have a couple of other shopowners in the area, that some of the seating be changed around. There are many seats in the area, as we know. The suggestion is not to remove all the seats; that is certainly not correct. The suggestion is to relocate some 12 green wooden benches that are closer to the area of Noshes Restaurant, the pizza place and the others along that side of Garema Place, to allow for more people to sit down and not to have people on the benches right next to the people who are sitting eating their meals and so on at tables.

One other point I would like to make is to do with some of the surrounding streets in the area. There are some loading zones that do not have a time restriction on them, so to all intents they are 24-hour loading zones. I have spoken to a number of shopkeepers in the area, particularly at night-time, and I have not yet met anybody who would find a use for loading zones after hours. I believe that Mr Connolly has some useful information on that and I would be most interested to have it presented to the Assembly. He mentioned to me that there might be some use for loading zones for some of the clubs and so on, and that could well be the case. All in all, perhaps we could well place restrictions on the times that loading zones are used. The normal situation is that the restrictions finish at 6 o'clock at night, later on Friday night, and one o'clock on Saturday.

I know that a number of other members wish to speak on the matter; so, to sum up, I will just say that we all would agree, I am sure, that we would like to do whatever we can to make Garema Place a place where Canberrans and visitors to Canberra can enjoy night activities. There are not that many places around Canberra, particularly inexpensive places, where that can be done. I think it would be fairly inexpensive to help beautify the area and I think we would get very strong support from shopkeepers in the area, and indeed, from the majority of Canberrans who visit it from time to time. I commend the idea to the Assembly. Particularly, I would ask that the skateboarding problem be handled as soon as possible.

MR STEFANIAK (3.32): Thank you, Mr Stevenson, for raising this MPI. It certainly is a very good idea. I know of attempts over the years, certainly by one of the longest-serving proprietors in Canberra, Gus Petersilka, to add a bit of colour to that part of Canberra. I might still have been at school when Gus Petersilka started his sidewalk cafe and had all sorts of bureaucratic interference but won through. Anything that can brighten up our city in very proper ways should be commended. I certainly commend you for raising the matter, and Mr Petersilka, among the other traders there, for their efforts over a number of years.

You mentioned to me before lunch, Mr Stevenson, that one of the problems in relation to people parking in Civic after hours is the problem of loading zones where people cannot park at any stage over 24 hours. You suggested, I think, that perhaps those zones should be restricted in all cases to business hours and the hours that the shops are open. I think that is sensible. I certainly would commend that to the Minister for Urban Services for inquiry, because that certainly makes a lot of sense.

I certainly agree with you in relation to skateboards. I note that both the first Follett Government and the Alliance Government introduced skateboard parks. I think Paul Whalan opened one in about November 1989 in Woden. His counterpart in the Alliance Government, Craig Duby, as Minister for Urban Services, opened one which we put up in Belconnen. I note that there are also a few around town. I was having my sandwich in a park near the shops at Campbell over the weekend, and there is a little skateboard rink there. That is not the only one I have seen around.

I do not think there is terribly much excuse for people skateboarding in Garema Place, and I note your committee's recommendations that no-one should skate within 20 metres of a shopfront. People who use skateboards should show a little bit of consideration in the built-up areas for pedestrians and shoppers, especially the elderly who are indeed terrified by skateboards. I suppose that also would apply to young children, who are equally helpless in terms of skateboards should they be hit.

It probably does not affect people like you or me, Mr Stevenson. I suppose a skateboarder would probably come off second best if he hit us. But, for the elderly and for young children, there is a real danger there. I think the Government should take note of what has occurred in various New South Wales councils where skateboard riding and bicycle riding have been banned in certain built-up areas around shops. I think that is only commonsense and gives due consideration to the elderly citizens in our community. I certainly agree wholeheartedly with you there.

I would note, just in passing, in relation to the question of rejuvenating Garema Place, that I am heartened to hear your comments in relation to my drinking Bill which hopefully we will finalise when we next have our part of private members' business in a couple of weeks' time, on the first Wednesday of those sittings. Garema Place is one of the problem areas where there is anti-social drinking. That is also referred to in your report.

I would indicate to members, however, that there is a proviso in my Bill whereby people who want to conduct proper activities in any area can take out a permit, as they can currently. If someone, for example, wanted to have, say, an Oktober beerfest in Garema Place - that certainly would be a quite nice area for something like that - they could take out a permit, sell beer there and everyone could have a good time. That is not incompatible and is provided for in that piece of legislation which really aims to stop the unfortunate anti-social behaviour that has given Garema Place a very bad name in recent years.

I note that some of the problems have been alleviated by the very effective and incredibly popular move-on powers. Garema Place was one of the problem areas. But there are still a number of other steps that could be taken, and I think my drinking Bill, if and when enacted, will certainly help. Nothing in it is incompatible with rejuvenating Garema Place. In fact, it is mutually complementary to that occurring.

A number of tourists have complained to me on two counts. Firstly, people I know who have gone into Civic have been somewhat concerned by loutish behaviour at certain times, usually Friday night, early Saturday morning, Saturday night, and early Sunday morning. Further steps still need to be taken to correct that. Another complaint also has been that there is not all that much to do in Canberra; there is not much night-life. Most of the night-life that is around is pretty seedy, and most people do not particularly want to go to that.

I think Canberra, and Civic Centre certainly, does need something that is acceptable to the vast majority of tourists who come to our city, and, indeed, to ordinary Canberra folk who would like, I think, to use their city and their city centre more after dark. In some instances they are either scared to do so - which I think is a very sad state - or not particularly interested in doing so because there is not all that much on, apart from maybe the pictures and the theatre. So, I think those two things need to be addressed. In terms of something to do, the second thing, a rejuvenation of Garema Place, would help.

I note, too, your comments in relation to the types of entertainment some of the traders are thinking of. Maybe it will drive away some young people. I suppose you could have various types of music to attract various types of people on various nights, thus providing a wide diversity of entertainment which will cater for all tastes. I think that is also important in terms of rejuvenating the city so that everyone - young people, middle-aged people, and old people - feels happy to use it and they have something they can go to on certain nights, should they wish to.

Despite the fact that Canberra is a city which has various town centres, I suppose the outer suburbs are very much dormitory suburbs. People do tend to stick in their own area. The city centre, although it is recognised very much as a city centre, is not utilised nearly enough as such; and that is a problem, I think, especially when one talks about tourism and encouraging tourists to stay in Canberra.

My party was very keen to see some sort of casino up and running because that would be another way of keeping people in Canberra for perhaps one extra night. Apart from that, other forms of entertainment such as you suggested, Mr Stevenson, also need to be looked at. It is cheap. People do not necessarily have to spend much money to go to an outdoor concert or just sit around in sidewalk cafes in Garema Place, if something is happening which they can relate to. It helps make our city live.

Canberra does have a soul. I think that has been amply demonstrated at various times; in more recent times, of course, by the success of such excellent sporting teams as the Canberra Raiders. But we have a soul over and above that. I think it is important for places such as Garema Place to have something done to rejuvenate them and to show people that there is a heart in Canberra, that there is something for people to do. This does help Canberra's soul. It helps our image as a cosmopolitan city, which is something that we are lacking in at present. So, Mr Stevenson, I think your MPI is a very good one and I wholeheartedly support it.

I think both governments have done bits and pieces, but I think a hell of a lot more needs to be done. I take this opportunity to put in a plug for my private member's Bill, which will help, and I am grateful for your support, Mr Stevenson. I encourage the Government to look at what they can do. As you say, Mr Stevenson, this does not cost much money. In fact, this is probably revenue neutral and it is something the traders themselves can do. I think they deserve encouragement for this idea and it is something that is worthy of consideration by this Assembly and this current Government.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (3.41): I am happy also to join in this debate and acknowledge the path that it has taken. Mr Stevenson proposed discussion of the rejuvenation of Garema Place, although I think, from the way he spoke, that reactivate or revitalise or make more lively might have been the better description.

Mr Stevenson acknowledged that a great deal has happened in recent times to improve Garema Place. The physical environment in Garema Place is generally quite attractive. The famous red pavers are there in abundance. There has been a great deal of work since then on the bowers, if you like, the metalwork, over which there is now very good growth. So, it is a quite attractive place to be in and will be more attractive, Mr Stevenson, once that substation is removed.

I can tell you that it will be removed, though I cannot tell you just when. It is proposed as part of the building program that a developer is undertaking to replace BMI House, the one at the end of Garema Place. Part of that work will involve relocating that substation, I understand at the cost of the developer, so Mr Connolly informs me; so it is a saving to the ACT Government and taxpayer. That substation will go and that is the biggest blot on the landscape there. At the same time, I think it is likely that the chess pit will be filled in. It is quite clear, after some years, that that pit, the chess pit, is not serving the purpose for which it was intended. I have never seen a game of chess taking place there yet.

It is certainly an attractive place for skateboarders, though I cannot see why. I think it is appropriate, not necessarily as an attack on skateboarders, to fill that in. Mr Connolly suggested that a band rotunda, or some little construction like that, could be constructed roughly on that site. Once that is done, Garema Place will look quite attractive, even more attractive than it is now.

I do not want to comment particularly on Mr Petersilka's proposals. Certainly, he has led the way in the past. I note that there is not necessarily at this stage unanimous agreement amongst the traders about those proposals; but I have no doubt, the way things proceed in Canberra, that that will be worked through and in the end there will emerge something that meets with the agreement of all those traders and of the Government.

I want to take the opportunity here to expand a little further beyond Garema Place. Mr Stevenson in his speech said, quite properly, that people need to go there to look at the shops. Well, you can certainly do that in Garema Place. But you cannot go too far in Civic and continue to do that. I have complained before that around our streets at street level there are simply far too many offices.

Everywhere you go, if you walk from here into the city, you see offices; you do not see shops. To some degree, that is unavoidable, because I do not believe that Civic can sustain too many more commercial enterprises. Desirable as it is to have interesting shops at street level, with our decentralised town centres I do not believe that we can sustain too many more shops. I believe that we ought to be looking to get away from any more offices at street level.

Let me indicate some neglect of my duty, perhaps. Occasionally I walk through the Boulevard, the plaza a little way across the road. I note that for some time there has been work going on there. I have wondered - I have done no more than that - whether that new construction is going to see that ground level space being used for offices or whether we are going to continue to see shops at those levels. I can remember a range of shops along the Boulevard. The construction work is drawing near to completion and since being Minister I have not inquired what the purpose is. I hope that there are not going to be offices.

The Boulevard has never worked entirely successfully as an open and commercial area. If those shops are removed, it will almost spell the end of the Boulevard as any area of interest at all. Perhaps I should have taken a little more interest early on, although I guess the plans had already been approved before I came on the scene.

Mr Jensen: All in accordance with their lease.

MR WOOD: No doubt, Mr Jensen, in accordance with their lease. We do have too many offices at ground level. I will not repeat that theme.

What we need in Garema Place and in Civic, to carry through on the theme that Mr Stevenson has prompted, is more people. We can do that not by increasing offices but by increasing the number of people in the area. I believe that we need higher density living closer to Civic and, indeed, closer to the other town centres. The draft Territory Plan, if carried through, may provide one mechanism for that.

I also recall with interest the production of the document *Sustainable Canberra*, released about six months ago. That document, in common with lots of other proposals, suggested that there ought to be a lot more high density living adjacent to Civic. It may be that some of the car parks around the place could be converted to multistorey, high density living. That is an interesting proposal. It is one that is being quite well considered around the community now.

In that event, and if there are more people a little more distant perhaps from Civic, people would flow into Civic in greater numbers. We do not need Civic to be at its busiest simply at office times. That is certainly the case now.

If you put a monitor out there you will find that Civic is busiest between 12 o'clock and 2 o'clock during the week. It is less busy at weekends and on Friday night shopping. It is not the desirable way to be. At night-time it should be quite busy, as earlier speakers have pointed out. Therefore, I think that in the near future this Assembly will be grappling with proposals, will be considering the merits of higher density living closer to Civic and other town centres. I will not give any concluded opinion here, but it is a matter that we should attend to very closely.

Some mention has been made of skateboards - a matter that the Standing Committee on Social Policy considered. We had sympathy for skateboarders, as Mr Stevenson indicated. We do not want to drive them out of the place. I think we acknowledged even then, 18 months ago, that it was not a fad that was going to pass away. It seems to be here to stay. For that reason, of course, various governments have provided skateboard facilities elsewhere. I do have a complaint about the noise they make. I am less concerned about the physical side of it, the affront, although I acknowledge that some people are naturally very concerned about it; but if I were a shopkeeper in Civic I do not know how I could stand that constant noise.

I am surprised that we have not had a complaint come through, as we did about a certain Scottish preacher, about the noise they continue to make. Maybe that should be a path that someone follows, because it certainly is very distracting. I agree that the skateboarders are generally quite responsible. I am not sure that Civic is really the place for them; but, then again, we balance that against the desire not to hound people away from places. It is a matter, I am sure, that will continue to arouse some interest in this Assembly.

Mr Deputy Speaker, I would hope that within the next few years, when the physical heart of Civic is improved by knocking down that substation, if we can attract more people into Civic, it will truly become a very wonderful part of our city.

MR PROWSE (3.51): I agree wholeheartedly with the thrust of this debate. I take up Mr Wood's proposal that, with the flowers and the arbours, et cetera, during the spring, and particularly spring and summer, the area is more attractive. But in winter, when it is cold and miserable and grey, we need to brighten it up considerably. I suggest that brightly-coloured banners - tie-dyed or whatever - may be one simple and very cost-effective approach to brighten up that area. Also, there could be coloured lights at night. It really is a grey, depressing area at night, particularly in winter, and I think we can do a lot to improve it.

A number of complaints have been made to me about skateboarders and the physical damage and danger that they do present. Unlike Mr Wood, the noise does not particularly worry the people; it is the approaching unknown, as the noise comes towards them, that people are scared of. I will give you an example of an 80-year-old who has complained to me. She was knocked over the bonnet of a nearby parked car by one of these young people. She was left lying with a broken leg and a broken arm as the skater took off into the distance. As for their being generally responsible, I could say, as a generalisation, that in my opinion they are generally not responsible.

This particular lady, after 18 months in hospital and four major operations, now has permanent injury and goes into her terminal years with this problem. I do not see that it is appropriate, in an enlightened society such as ours, to permit this possibility. Mr Stefaniak suggested that it is only the young and the old who are concerned for their safety. I suggest that people of all ages - particularly young, middle-aged people like me - are concerned about being hit by some of these 18- to 22-year-old skaters in full flight. They would knock all of us around. You may survive it, Mr Stefaniak; but the rest of us, I think, would recognise that we had been hit by this missile, particularly, the skateboard.

I wonder why it has not occurred to our skateboard manufacturers to put a tie on the skateboard, just as they have on surfboards. Perhaps that is not possible, but one would think it would be possible to have the board tied to the leg of the skater. It would have to be the leg that was not propelling the skateboard.

Mr Connolly: It would come back and smash you in the shin.

MR PROWSE: Well, it would come back and hit the skater in the shin and that would be a problem for them to wear. They could wear some shin pads, but it would avoid the problem of the skateboard getting away and impinging on somebody else.

Mr Wood suggested that these skateboarders are generally responsible. Well, I had occasion only yesterday to chastise two 17- or 18-year-olds who were leaping onto the brand new work in front of FAI House, where they are putting in garden plots. The cement has not even cured. These clowns were boarding onto this and chipping pieces off the pretend marble. I pulled up and asked whether they realised the damage they were doing, that they were chipping this brand new work. All I got for my efforts was an earful of bad language. They suggested that I go and take my problem elsewhere.

That is the attitude of these young people. They believe that the world owes them a living, and if they want to wreck other people's property they are quite entitled to do so. So, I definitely take a different point of view from Mr Wood. Also, work was done on the seats and the railings in front of the Canberra Centre only last year. The paint was not even dry and these people were doing their balancing tricks along the seats and the railings. Within about three days of it being painted, it looked like it had not been. I suggest that rejuvenation of the city centre and Garema Place will be a total waste of time and money if the skateboarders are not moved on to a more appropriate location.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.55): I will be very brief. I think it is very important for politicians to take a hands-on approach to their rule and not be overly concerned for their own physical safety. I am able to report to the Assembly that at lunchtime a band of courageous members of my staff and I ventured down to the skateboard infested wilds of Garema Place. We sat down under an umbrella and had a plate of pasta, reflecting on the fact that if Mr Stefaniak has his way it will soon be a gross, almost capital offence to consume alcohol in a public place. We even had a glass of wine with our pasta.

Looking around, it is indeed a pleasant environment in Garema Place. I always favoured open-air dining, and enhancements to open-air dining in Canberra, probably because I came from Adelaide, where it was booming for some period. In fact, the Government has moved, in a number of minor ways in recent months, to assist proprietors of outdoor dining establishments. A couple of women run a very nice antique-cum-tearoom on a corner of the Yarralumla shops and unfortunately a recycling bin had been established right where they had their tea tables. That was rather unpleasant for people who want to have a cup of tea; so we moved the recycling bin. We did something similar near Baileys Corner, where a proposal for some minor municipal works would have rather upset their layout of coffee tables.

There are two problems with the proposal to redevelop Garema Place that is being promoted by Mr Petersilka. I notice this week that he has been paying for open letters to me in the *Canberra Times*, saying that the Government is terrible and miserable, will not listen to community opinion, wants to be a bunch of wowsers and does not want people to enjoy open-air dining in Civic, which is, of course, nonsense. The problem with Mr Petersilka's position is that, in effect, unless we hand over Garema Place to him he is unhappy. I think everyone would accept that in an area like Garema Place, where there is a range of commercial activities, we really need to ensure that all the traders are happy.

Mr Petersilka applied on 20 August to remove some public seating and erect a sort of private dance floor, in a manner that would have really appropriated to himself a large area of Garema Place. There were problems with the way he had put the application in, and we advised him a couple of days later that he needed to provide some additional details.

We also advised him that we would consult with all the Canberra traders in that area. The Canberra Chamber of Commerce held a meeting of Garema Place traders on 24 September. That meeting of the Garema Place traders opposed Mr Petersilka's proposal. They took the view that what he was wanting to do for his commercial purposes would have interfered with everybody else's commercial purposes.

I think that the Government, in thus saying to Mr Petersilka, "Well, we cannot let you have your way if it is going to upset every other trader", was perfectly fair and reasonable. We consulted in the appropriate manner, through the appropriate forum, which was the Chamber of Commerce, and the near unanimous view of Garema Place traders - everyone apart from Mr Petersilka - was that the proposal should not go ahead, and that remains our position.

Mr Deputy Speaker, my colleague Mr Wood outlined some of the future proposals for that area. The key is getting rid of the electricity station, and perhaps filling in the chess pit. The suggestion that Mr Wood made of a rotunda is something that has always appealed to me because they are prominent features in the landscape - - -

Mr Wood: I was quoting your suggestion.

MR CONNOLLY: Yes. They are prominent features in the landscape of other Australian cities and they can look most attractive.

The one other matter that I wish to raise while I am on my feet briefly is Mr Stevenson's concern about 24-hour loading zones. Mr Stevenson, for some time, has been most concerned about 24-hour loading zones. One wonders whether at some stage someone got a ticket at such an establishment. There are some of these scattered throughout Canberra, principally in Civic. They were established at the request of business. The problem is that on Friday and Saturday nights people habitually park in the ordinary loading zones that operate during commercial hours. Businesses that need access after normal business hours cannot get access if they do not have those loading zones.

We heard concern earlier that there is not adequate entertainment sometimes in Civic. I think you mentioned that yourself, Mr Deputy Speaker. If, for example, a band wishes to set up to play at a venue in Civic - often two or three bands will play during an evening and they need to

get in there at 10.00 pm on a Friday night to set their gear up - and you do not have a 24-hour loading zone, it will be impossible to get a truck with band equipment anywhere near the venues in Civic because it is all parked out by people enjoying a Friday night at the theatre, or the movies, or one of the other venues. So, there is a legitimate purpose for 24-hour loading zones.

There is something of a review under way at the moment with loading zones and there is a bit of a crackdown on enforcement. We will see the extent to which they are needed in Civic. There is a legitimate purpose for them. I think that Mr Stevenson's crusade against 24-hour loading zones is perhaps a little misplaced.

Mr Deputy Speaker, on the issue of banning skateboards, which is something that the Government would not want to go as strongly on as other members, it is perhaps fair to mention that the New South Wales Government has placed a ban on the use of what are defined as "toy vehicles" in public areas between sunset and sunrise. A toy vehicle is defined as a vehicle that is commonly used for recreational purposes and that is powered by a human.

A slight problem with that, of course, is that it does not say that you have to be able to actually ride on the things. I suspect that it would cover pushing a dinky toy along a footpath after hours, so perhaps the law trying to crack down in these areas may be a little draconian and a little unworkable. If Assembly members feel strongly about this, there is always a private member's legislation option to try to clamp down on these things; but, as Mr Wood said, too much of a crackdown will just force the problem elsewhere.

MR JENSEN (4.02): Gus Petersilka, in his attempts to set up outdoor cafes, is a legend in this town, I suggest. In fact, a lot of that was done before I came to Canberra. When I came to Canberra it was very clear that Gus Petersilka had pushed out the frontiers of the stuffiness that some of the elements within the NCDC saw fit to inflict on the people of Canberra. I suggest that it was probably one of the reasons why some people who came to Canberra and some residents seemed to think that the city did not have a heart.

Gus Petersilka, to give him his credit, kept hard at the task of seeking to bring some life into this city and Gus' Cafe - not now owned by Gus - of course, is a legendary meeting place in the city. To suggest that maybe Gus will go away and not push his idea to brighten up Garema Place is probably not doing credit to the gentleman in question. I am sure Gus will keep pushing regardless.

When I was in government there was a proposal brought to my colleague Mr Collaery and me in relation to the use of the existing facilities in Garema Place on a temporary basis. I am referring to the existing station there, the old toilets and the chess pit.

The proposal that was put to us at the time was that it should be made available for a community arts organisation to establish and set up a performing arts area within the city which could be used at lunchtimes, on weekends, in the evenings, et cetera. Organisations and groups, schools and colleges that were going to have a function, could bring a small excerpt of their play or activity into the city and demonstrate it to the many shoppers moving around. They could show what was on and suggest that people see it. I would have thought that that, in conjunction with small bands and music, et cetera, during the luncheon interval or even late in the evening in daylight saving time, would have ensured that that whole area was improved and jumping and becoming more exciting.

Over the last few years we have seen an increase in the number of seats and chairs and tables that gradually have been moved out into Garema Place. With the umbrellas, et cetera, they have provided a quite nice area for people to gather in and enjoy themselves. It is unfortunate, as has already been indicated, that there are some people within our community who see a need to disrupt the ability of more law-abiding citizens to enjoy themselves in this place. I suppose there are a number of reasons for that, one of which, of course, is the high youth unemployment rate in Australia which is not being helped by the policies of the Federal Government. It is certainly not improving that.

Mr Connolly: A Labor government responsible for skateboards.

MR JENSEN: They may not be responsible for skateboards, but they certainly may well be responsible for the time that some of our younger people have on their hands because they are unable to be employed. I think that was one of the problems. That is one of the reasons why we have these people gathering in those areas.

I do not think there is any doubt, if anyone looks at Garema Place, that there is a need for some form of outdoor performing centre. That should not necessarily be at the end of the BMI building, where I understand the redevelopment is to take place. It could be further down in front of the old Grace Brothers building. This would open up that whole area of Garema Place once the toilets, the electricity substation and the pit are taken away. That would open up that whole square and centre and provide the potential for outdoor cafes, et cetera.

Probably one of the reasons why Garema Place is suffering the way it is at the moment is the opening of the Canberra Centre which, unfortunately, included the locking up of a part of Ainslie Avenue, the locking up of public space. That, effectively, was what Ainslie Avenue was. Mr Deputy Speaker, I recently saw an article that commented on the alienation of this sort of space by malls, the taking away

of public access to large areas. Quite frankly, I think it has been this move that has taken some of the activity from Garema Place. It is appropriate to have it revitalised and changed to bring more people back into it.

There are some urban planners, as I have said, who are concerned about this alienation of public space. It seems to me that with the alienation of part of Ainslie Avenue, we have lost a perfect opportunity to establish a major vista from City Hill right through to the avenue just behind the two multistorey car parks. That has been lost, Mr Deputy Speaker; it has been lost forever, as far as I can see, unless someone takes some action. It is unfortunate that that took place.

To pick up some of the problems that Mr Speaker was referring to in relation to outdoor cafes and facilities during the wintertime, I suggest that in these days of technology it is not beyond the pale to establish some form of covering over Garema Place that lets in light but still maintains the outside nature of it. That is possibly more fitting for an indoor city like we have in the ACT. I seem to recall that in the big mall in Brisbane there is some sort of covering over part of it and it works quite well. It provides a very exciting and attractive area for people to gather in.

Ms Follett: It is lovely.

MR JENSEN: I note that Ms Follett is agreeing with me. That is the sort of thing that I think would be most appropriate for Garema Place. Not only would it do that; I suggest that it would also solve some problems with the excessive sun that we get in the ACT in the summer. We all know the problems of skin cancer. That is something that needs to be looked at. I think that would really brighten up and improve Garema Place.

The previous Government was looking at ways and means of upgrading and improving Garema Place and I am pleased to see that both Mr Wood and Mr Connolly are keen to follow on with that. I hope that in the future we will be able to improve the area and make it the heart of Canberra, as it used to be.

DR KINLOCH (4.10): I welcome Mr Stevenson's MPI. I have to question, though, whether Garema Place is the city heart. I had been under the impression for several years that Civic Square was more appropriate for that role. But let us not be competitive about where the heart is. I would make it a larger heart and consider it to be Civic Square, the area down to Garema Place, the area down to David Jones and the whole Boulevard area. This is the heart of Canberra, including the cinemas and the theatres in this whole area. So, I would like to leave out of the statement the words, "as the city heart".

On skateboards, I commend to the Assembly the conclusions of the Standing Committee on Social Policy. That has already been discussed. I would like to echo Mr Jensen's words about Gus Petersilka. He is a marvellous asset to our city and I am very sorry indeed that there are divisions between Gus and Mr Connolly. I regret that.

Mr Connolly: No, no, between Gus and everybody else in Garema Place; that is the division. I will do whatever they all want.

DR KINLOCH: Sure; I regret those divisions. Perhaps Mr Connolly could act as an honest broker between them. I do not know what to suggest, but I do hope that Gus will not come out of this soured by it. I hope that some kind of rapport can develop between Gus and the rest of them.

Finally, I would like to commend his Viennese restaurant - here comes the commercial - the new one. It is absolutely marvellous. Not only does he serve his usual food and drink but also there are art works, eighteenth and nineteenth century music and, amazingly, a whole collection of old magazines. I do not mean 10 years old; I mean 50, 60, 70 years old, and they are all in these special plastic cases.

Mr Kaine: They have been sitting in doctors' waiting rooms.

DR KINLOCH: Yes; he may have been around doctors' waiting rooms picking them up. They are from all over the world. They are European, British, et cetera. I do not know whether there are any in Japanese or Chinese. I do commend this new restaurant, his new venture, to the Assembly. Perhaps we could have a gathering there at some point before Christmas.

MR SPEAKER: The discussion is now concluded.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Inquiry into Auditor-General's Report No. 4 of 1991

MR KAINE (Leader of the Opposition) (4.13): It has taken us so long to get to it, Mr Speaker, that I had forgotten that I was supposed to do this today. Mr Speaker, I seek leave to make a statement regarding the Standing Committee on Public Accounts inquiry into the Auditor-General's report No. 4 of 1991 relating to managing capital works, and also to table a copy of submissions from the Department of Urban Services and a copy of a letter from the Auditor-General on that subject.

Leave granted.

MR KAINE: Under the terms of the resolution establishing the Public Accounts Committee, the committee is required to examine all reports of the Auditor-General laid before the Assembly. On 28 May 1991 Mr Speaker presented to the Assembly the Auditor-General's report No. 4 dealing with an efficiency audit of the management of capital works.

The committee has agreed that, rather than present a formal report to the Assembly in connection with this report from the Auditor-General, I, as presiding member, should make a simple statement on the committee's examination of it.

The committee wrote to the Minister for Urban Services on 26 June seeking a submission on the matters raised in the audit report. The Acting Secretary of the Department of Urban Services responded to the committee on 30 July 1991 on behalf of the ACT Government Service. The committee also sought and received additional information, specifically concerning the paving of pedestrian areas in some shopping centres. The committee has examined both the Auditor-General's report and the submission from the Department of Urban Services, and has also sought comments from the Auditor-General further to the department's submission; but the Auditor-General has no comment to make following his review of that submission.

Mr Speaker, I would like to comment on behalf of the committee on the comprehensive nature of the department's submission. The structure of the submission was based on reproducing chapter 7 of the audit report entitled "Detailed Audit Findings and Recommendations" and inserting departmental comment after each paragraph, whether that paragraph contained audit comment, findings, conclusions or recommendations. The committee found this approach to be comprehensive and helpful. Whilst this format is dependent upon the particular audit and the particular audit report, and is therefore not one the committee would wish to impose arbitrarily on all agencies, it resulted in a full and comprehensive response by the department to the committee.

The committee has been concerned that it has not received such responses from other agencies. Further comment on that matter will be made in future committee reports. I would like to take this opportunity, however, to make the point that submissions should not merely comment, and comment fully, on all recommendations of the Auditor-General. Audit comment, conclusions and findings should also be discussed as the committee is examining the complete audit report, not only the recommendations. The comprehensive nature of the department's submission was of great assistance to the committee and it provided sufficient information to allow the committee to decide that it was not necessary to proceed to public hearings in relation to that report.

Turning to the report itself, the audit assessed the management effectiveness and efficiency of works contracts administration by ACT Public Works in the Department of Urban Services. The Audit Office selected several projects from the city services group - also part of the Department of Urban Services - for detailed review. The Auditor-General noted that many strengths exist in the current system. However, several deficiencies were identified which have a significant adverse impact on the execution of projects by ACT Public Works in an efficient and effective manner. The report notes that the Auditor-General was advised that many of these matters either had been addressed or were under review following the audit.

The department, in its submission, stated that it saw the report as a useful tool for management in providing an external view of the operations covered, particularly in relation to paving and minor works projects. The department continued by stating that the comments and conclusions relevant to those projects cannot readily be generalised to the broader range of projects managed within the capital works program.

As I stated earlier, the committee has decided not to proceed with further review in relation to this audit report. It will, however, maintain an interest in the matters raised. Mr Speaker, I would like to table, for the information of members, the submission from the Department of Urban Services, plus additional information in relation to paving, plus the comments from the Auditor-General in relation to the submission. The committee believes that this information will be of interest to you in forthcoming debate. I seek leave to table those documents.

Leave granted.

DAYS OF MEETING

MR MOORE (4.18), by leave: I move:

That:

(1) Not withstanding the order of the Assembly of 21 June 1991, the Assembly meet on Friday, 22 November 1991, and that on that day the Assembly meet at 10.30 am and that at that sitting private members' business have precedence of all other business; and

(2) Standing orders 74 and 77 be suspended for that sitting.

Mr Speaker, I draw attention to standing orders 74 and 77 which relate to the routine of business. Standing order 77, in particular, establishes that Wednesdays are the days for private members' business. The motion is simply to facilitate private members' business, which requires some effort. I think it is important that we get through private members' business; at the same time it is important that the Government have the prerogative to continue with the very busy schedule of legislation that they have. I think this is the appropriate way to do it. I have chosen Friday, 22 November, in discussion with other members, because that is the Friday in the middle of the two weeks of sitting.

Question resolved in the affirmative.

CHILDREN'S SERVICES (AMENDMENT) BILL 1991
Detail Stage

Proposed new clause 16A

Consideration resumed.

MR COLLAERY (4.20): Mr Speaker, my comments in relation to this Bill were made last night in the in-principle debate. Essentially, imprisonment is not the solution. I am awaiting an amendment to be introduced by my colleague Mr Jensen to deal with community service orders, in a juvenile context, so that they can be encouraged to take steps to perform a form of restitution by cleaning up their vandalism, repairing their vandalism, painting over their graffiti, and so on and so forth. That is a more positive way with a more effective monetary return - indirectly, of course - to the Territory than incarcerating these youngsters at Quamby and other parts west and north.

Mr Speaker, there are some additional issues about the incarceration of children, and they are our perceptions of the New South Wales system. I wish no ill on the New South Wales system and one cannot be churlish, because they continue to receive our transportees. But it is somewhat badly timed, I suggest, to propose sending more youngsters north or west when we know that the New South Wales Government has been concerned enough in relation to incarcerees in this region to start to build and provide facilities in Wagga.

As members will recall, the Alliance Government had offered, or I had offered, to the New South Wales Government to take the children from Queanbeyan and in our region so that they were not dislocated from their families. That issue has not come to pass; nevertheless, it does seem inappropriate for Mr Stefaniak to take this initiative.

On the other hand, I can share his frustration. We are not talking about innocent little babes leaving court; sometimes they are tough, young adults almost. They are tattooed, they are muscle bound and they are "toughies", and they are laughing at our inability to do much about them in these fine default situations. They do laugh at us; but, all the same, I believe that we need to take steps to get the laugh off their faces by giving them useful work to do, useful community service projects.

I remember when there was a trial run to get the youngsters at Quamby down to the Molonglo Gorge to plant trees. They did not like it at first and there were a few slackers, but after a while they found that it is good to get out and to do that sort of work. I think they planted a few thousand trees. I do not know whether they grew - - -

Mr Stefaniak: I am happy to see them doing it and trying.

MR COLLAERY: Nevertheless, I am sure Mr Stefaniak would have been happy to see them there with pickaxes, digging into that solid, hard, rocky, flinty soil. I can just see Corporal Schultz there, cracking the whip. That is an amiable term, Mr Speaker.

Mr Connolly: Did they chain them together like a convict gang?

MR COLLAERY: Yes; one can hear the whip cracking through Molonglo Gorge as we break rocks again. I read yesterday, in preparing a speech for the wills debate, that the last flogging occurred in Canberra in 1874. I regret to say that Mr Stefaniak would be disappointed to know that it is so far distant, and the prospect of it being repeated is even more distant, I would suggest, whilst the numbers in this house remain the way they are.

Frankly, we have dealt in good humour with this, and I intend to continue dealing with it. It is a sort of horrendous proposition - I say through you, Mr Speaker, to Mr Stefaniak - simply because Quamby is an expensive problem as it is for our officials. We have big shifts there of more than 30 staff over the 24-hour period and, of course, four or five or six incarcerees from time to time. That is a heavy expense and I thought at one stage that we might be able to move away from that to bail hostels and the like; but there are some tough cases that do not lend themselves to the bail hostel parenting arrangement that non-government agencies can do, and we were planning to build a 12-bed unit at Weston. Architectural plans and all sorts of things are there. The Minister can explain where we are at with that.

Be that as it may, we have to maintain the declension between punishment and reformation. There is still some chance, although Mr Stefaniak and I will probably agree that in some cases there is not; you can predict it when you see it over the years. But if they are under 18 I

think society should lean towards reformation rather than retribution. That is the general sentiment that many people in the law enforcement area find so frustrating. I include in that the people whose homes are daily broken into; the older people in our community whose sanctuary is violated in the knowledge that they are no longer safe in their own home, particularly people whose homes are burgled.

Burglary is a night-time offence by law and there is a great invasion of their privacy because they are sleeping. They have been invaded whilst they have been asleep in their own premises. It has an horrific effect on their psyche and the damage usually is far greater than the property taken. We do have youngsters who, almost just after leaving court sometimes, are back in through someone's laundry window.

I share Mr Stefaniak's frustration; but I enjoin the Minister to continue the steps we were taking to get real reform up in the juvenile offender area, particularly places to hold youngsters that have to be held and society protected from, but additionally to try to get up those programs that have dropped out of the budget.

I will not start again, because Mr Berry will pay attention, but the wilderness program that we trialled received nationwide support and publicity. It was aimed at the youngsters that we cannot effectively get to work and are only sentenced effectively to short periods of reformation. We wanted to get them to show nerve; to be able to do rope work; to do Outward Bound sort of work.

I know that a lot of people criticise that. It has a ring of conservative, British imperial institutional activity about it. The Chief Magistrate, Ron Cahill, was a great patron of that excellent program out at Pialligo. It was a success for many of those youngsters who were unruly, had excess energy and needed to be put up a rope and frightened into getting down it, and so on. That should be done.

Mr Speaker, the Rally does not support this amendment. It is not the answer. Mr Stefaniak did well, though, to signal again to our community that we still have a gap in what the community expectation is. The gap is that the children are getting away with offensive conduct unpunished. They are getting away unpunished and that has a very bad effect for the future on their conduct.

The punishment could be community service orders. They can mow around the lampposts; they can do the work. The Trades and Labour Council has been quite accommodating with the CSO program in the adult area, but we do not have a community service order program in the juvenile area yet. The Bill presents prospects of that elsewhere. Mr Speaker, we oppose this amendment.

MR JENSEN (4.29): I will make some brief comments in relation to this matter. My colleague Mr Collaery has touched on some of the concerns of the community and some of the needs that the community have indicated in relation to some of our younger people who, as I have indicated already today, for various reasons, mainly to do with the economy, are not able to obtain or find work. Over a period they have drifted into a life of crime, so to speak, and attempts to impose their will on other people because, frankly, Mr Speaker, they feel that they have been let down by the rest of the community. It is not as if some of them believe that the community owes them a living, but that they believe that the community has forgotten and neglected them.

Basically, it is a matter of a need to develop self-esteem. It is a matter of a need to develop the idea that they have something to offer to the community. Throughout their lives many of them have been told that they are worthless, that they mean nothing, that they can provide nothing. What they require is some sort of commitment and some indication to them by others that it is possible for them to make a commitment to society.

Consideration interrupted.

ADJOURNMENT

MR SPEAKER: Order! It being 4.30 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

CHILDREN'S SERVICES (AMENDMENT) BILL 1991
Detail Stage

Proposed new clause 16A

Consideration resumed.

MR JENSEN: It is these sorts of people that I think my colleague Mr Collaery was referring to in relation to the need to develop some sort of program. Members may recall that when I introduced the Litter (Amendment) Bill into this house recently I referred to the suggestion that people who were involved in this sort of activity should be given the role of cleaning up the mess they made or a similar sort of mess just to bring home to them the effect that they are having on the environment.

I was fortunate enough to participate in some of the seminars and some of the discussions that took place at the national conference that my colleague Mr Collaery was referring to when he was the Deputy Chief Minister and Minister responsible for that area. It was very interesting to talk to people who had been involved in developing these sorts of programs throughout Australia. It was interesting to see what they had been able to achieve in improving and upgrading the attitudes of some of our younger people. They were sent back into society much better and much more appreciative of the damage that they had been doing.

Mr Speaker, you and other members may recall that last year the Alliance Government provided some funds to enable the Australian Trust for Conservation Volunteers to establish an office here in Canberra. The Australian Trust for Conservation Volunteers provides a service, at some payment of course, to councils and organisations around Australia to plant trees, to repair land degradation, et cetera. These sorts of people, I suggest, would be qualified to provide the sort of supervision that is required by these people who have been fined and have chosen not to pay the fines.

When I was investigating things in relation to the litter legislation I found out that it was not possible for community service orders to be inflicted on people who had not been sentenced to a term of imprisonment. As my colleague Mr Collaery has already indicated, we hope to bring forward shortly amendments to the children's services legislation to make it possible for these sorts of community service orders to be awarded to those under the age of 18. I might also add, Mr Speaker, that it would not be inappropriate for similar sorts of orders to be awarded to those just over the age of 18 who may engage in similar practices, particularly vandalism and damage to the environment.

I reiterate the comments of my colleague Mr Collaery: The Rally does not support, except as a last resort, the incarceration of our young children. Quite frankly, regardless of how tough they are, incarceration is really not going to resolve the issue. It is not going to provide them with an alternative. Prison for people of that age only makes sure that what comes out at the other end of the sausage machine is just another crim, probably an even better crim. That is the last thing that this society wants, Mr Speaker.

On that basis I suggest that the Rally will be opposing the amendment put forward by Mr Stefaniak. We believe that we should approach this problem in a much more appropriate way, to ensure that young people who are less advantaged than some of us are given opportunities to prove, in the right circumstances, that they can make a contribution to society.

MR STEFANIAK (4.35): Whilst I do not agree with a lot of what a number of members have said, I nevertheless thank them for their contribution to this debate on this amendment. I can relate to and understand a number of the concerns Mr Collaery mentioned, which I accept. We both have experienced those in our time as practitioners. I understand his sentiments and Mr Jensen's sentiments in relation to children's service orders.

I want to make a couple of points in relation to that. Section 54, which is very convoluted and difficult to enforce in practice - hence my amendment - sets out enforcement provisions for the payment of fines. If a child does not pay a fine and comes back before the court, after having been arrested, invariably, there is provision in subsection (5) for that child to be placed on a community service order.

I would also remind members, as I said earlier, that they have to remember a number of things in relation to how the Children's Court operates. As Mr Collaery has quite rightly said, the courts throughout Australia tend to treat juveniles differently from adults, and for very good reasons. They are younger. As I said earlier, two-thirds of them are there first up, and do not reoffend. I think everyone can accept that. Therefore, more emphasis is placed, correctly placed, on rehabilitation than is the case in the adult courts.

It has been said in a number of places other than this, and perhaps by me on occasions, that our courts in the ACT have a reputation for being, rightly or wrongly - I think sometimes it is both - the most lenient in the country. That, indeed, applies to the Children's Court. We have a number of provisions in our Children's Services Act for penalties for children. Bonds are frequently used for first offenders, and people who might be second offenders. Community service orders - a very fine thing - are also provided for and are used by the courts. Fines are also provided for. Committal to an institution, either a general committal or a committal for a period of time, is used as a last resort, because that is locking up the child. Really, you have to do some serious acts before that happens.

I would refer members to an interesting course of conduct reported in the *Canberra Times* yesterday. A young man of 17 embarked on an incredible spree with some colleagues which resulted in quite a lot of damage to railway carriages and a number of stores being robbed - in one instance up to $23,000 worth of clothing. He had prior convictions, and he was incarcerated in an institution. When one looks at exactly what he did and the fact that he had prior convictions, it is little wonder that that occurred. But that is towards the more serious end of the scale. I think that is something we really have to bear in mind.

We also have to bear in mind the fact that a period in an institution in default of payment of a fine is something that would hardly ever be actioned. Basically, if a child did default, or if a young person did default - as Mr Connolly has conceded, we are not talking about 10-year-olds; we are talking about 16- and 17-year-olds - they will invariably pay up.

I hark back to section 52. That sets out in statutory form, in subsections (2) and (3), what the court has to do before it even makes a fine. Under subsection (2) it has to satisfy itself and have regard to the ability of the child to comply with the order. It has to allow time to pay the fine or to direct that payment be made by instalments. If a child or a young person cannot pay that fine because of changed circumstances, such as losing their job or something else happening, he or she can come back to the court and it can be varied to give them time to pay.

Really, there is no excuse for non-payment of a fine. It is only when a person can pay a fine that the court will impose one to start with. There are ample powers there and ample provision for an order to be varied if a person has trouble. There are things within the Act to enable people who are fair dinkum ample time to pay their fine. If they do not do it, it is simply because they have been completely slack or they have disregard for the system, and that then gets worse if that system cannot be enforced.

I would remind people who have contributed to this debate, Mr Duby and Ms Maher, and perhaps the two members of the Residents Rally and Mr Connolly, that when a warrant is issued and the police come around to execute the warrant for non-payment of a fine, very few people do not make arrangements to pay. That certainly applies with children and, quite often, if the kid has not got the money on him, the parents will pay.

I can think of very few instances where a young person went to an institution simply because they could not pay the fine the court imposed. The court does not impose a fine in the ACT unless the kid has the ability to pay it. That is something we cannot get away from. You must look at section 52. If that were not the case, I would not be bringing this amendment forward, because there would be some force in what people have said.

I have to disagree with Ms Maher who was saying that counselling is a lot more effective. As Mr Collaery quite rightly said, sometimes we are dealing with some pretty tough cookies and basically they just laugh at counselling. There is quite an art form, too, in terms of conning your counsellor. I saw it when I was a defence solicitor. When I was growing up I could see that with some of my mates at school who would get themselves into a bit of trouble. That is something kids do; it is something adults do. It is an unfortunate fact of human nature.

You do need some deterrence. You need some order. You need some sanctions so that people can live in a reasonably ordered society, and the system actually works. Unfortunately, at times, it does not work, through being excessively lenient and having woolly-headed ideas about everyone being pure and innocent and driven by the most wonderful thoughts. Unfortunately, that simply is not the case.

Really, I think we have to be a little fair dinkum here. I would not have brought this particular amendment to the house were it not of great concern to the professionals in the area, and when they say that something like this should happen, I listen. The professionals in legal aid are duty solicitors who attend court on behalf of these kids. They hear all sorts of allegations against people in authority. These people represent kids and do a wonderful job.

In my experience in terms of most defendants who go to that office, I think the community is well served by the Legal Aid Office. Defendants are well served. The Legal Aid Office certainly does not deal with the defendants who can afford to pay private solicitors; they often deal with the ones who cannot. When these professionals say that there are problems with this Act, I certainly listen. When the court professionals who staff the Children's Court say that something like this should happen, I listen.

Really, when one has a look at this Act, some of the objections are quite nonsensical. You are not going to get a Jamie Partlic type of situation here because, firstly, very few children, if you pass this - it seems that most of you will not - will not pay their fine. They would not have been fined in the first place, in accordance with section 52, if they did not have the ability to pay it. If they do not pay and the police turn up with a warrant, they will pay. That has happened in the past; that will happen again. So, very few kids will be actually going into an institution like Quamby.

You may get some kids who will go in because they have been committed to an institution for a period for certain offences - let us say, a 12-month committal for breaking into 50 houses or something, and other offences which come into the time, such as a fine of $200 for a traffic matter or $50 for another matter. They would be given days in default. Yes, they will be in an institution. They will work that out in an institution concurrently with their substantive sentence. That certainly is common and was common in the past. I saw that happen before 1986 in Canberra and it has happened on a number of occasions in the Children's Court. But very rarely will you see an instance of a child or young person not paying a fine when a warrant is issued and payment is enforced.

Even in the adult court you very rarely see that happen. As Mr Connolly says, in the adult court some people do not mind spending two or three days in the police station to work out a fine rather than paying the system. I have seen that happen. If it is a bit longer and they have to move out of the Territory and that jurisdiction, usually it is another story and they find the money pretty quickly. I would not have brought this amendment forward were it not brought to my attention by the professionals. Have a good look at section 52, which sets out the guidelines for the courts imposing fines in the first place. This is really just a commonsense amendment to enforce what has been a quite big problem since this Act has been in force.

Proposed new clause negatived.

Clause 17 agreed to.

Clause 18

MR STEFANIAK (4.45): In relation to this particular clause, Mr Speaker, I am indebted to the assistance provided by the welfare section, who pointed out that in fact 104 hours is consistent with what operates in New South Wales. I think it is very important, in instances such as this, that there be consistency between the States. Accordingly, I will not proceed with the amendment circulated earlier in my name.

Clause agreed to.

Clauses 19 to 29, by leave, taken together, and agreed to.

Clause 30

MR STEFANIAK (4.46): I move:

Page 19, line 9, omit the clause, substitute the following subclause:

"Notification of children in need of care and of child abuse

30. Section 103 of the Principal Act is amended -

(a) by omitting from subsection (1) 'proceedings' and 'Part' and substituting 'action' and 'Act' respectively; and

(b) by adding at the end the following subsection:

'(3) On being notified under subsection (2), the Community Advocate shall inform the Commissioner of Police accordingly.'."

Mr Speaker, in relation to this I am indebted to the assistance I received from Mr Mark O'Neill, the president of the National Association for the Prevention of Child Abuse. We spoke for about an hour-and-a-half to work out the best way of approaching this and the best possible way of framing it, and I think we have come up with what, in the circumstances, is the appropriate way to go.

I would preface what I say in relation to this clause by noting that sections 103 to 105 of the Children's Services Act have not yet been gazetted. I note what the Attorney-General says. I think Mr Collaery has made some comment, too, in relation to consideration still being given and decisions having to be made as to whether provisions for mandatory reporting of child abuse should go ahead or not. We accept that it is a complex question. I think the Liberal Party has a policy that that should be the case.

I appreciate that that still has to be gazetted. Accordingly, this amendment is put with the knowledge that, if it is passed, the other parts of the Act that relate to the reporting of child abuse, namely, sections 103 through to 105, have not yet been gazetted and may not be for some time. The reason for this particular amendment, however, is to make the system work when that part of the Act is gazetted. There have been big problems, in terms of instances of child abuse, with the Community Advocate simply not passing it on at all.

There need to be checks and balances in any system. In terms of problems in relation to the administration of this Act and certain parts of it, certainly in relation to the question of child abuse, there is a council which comprises the Youth Advocate, among other people, the police and other government officials. When problems come before them they look at matters in relation to individuals on a case by case basis. In the normal course of events - it would be envisaged by this Act, as I read it - they would consider the question of child abuse and, according to the circumstances, what action should be taken, including, of course, any necessary prosecution action.

I would concede that there probably would be instances where, for various reasons, prosecution action might not be sensible. Those situations may well arise and that is something this particular committee would need to look at. However, for the committee to do its job it is important that it have the individual cases on the table for it to decide.

Because of problems with matters not being passed on at present simply because it is up to the Youth Advocate - he or she is notified and then he or she has to do something - I think it is important to have this additional step of having a formal requirement that the Community Advocate, on being notified under subsection (2) of section 103, should also inform the Commissioner of Police. You then have two

people who are notified of the alleged breach who can go to the committee and decide what further action is required. I think going to the committee is a necessary step because I acknowledge that there would be occasions when people should not be prosecuted and some other form of action should occur. But knowledge of the alleged abuse needs to be there to start with.

Accordingly, Mr O'Neill and I decided that this particular amendment is the best way to go. Because the Community Advocate is a government official, the mandatory condition is enough. In the rest of that section there are penalty provisions for certain officials, such as, I think, nurses, police, schoolteachers, or whatever, not reporting obvious child abuse. That was not, we felt, appropriate. The mere mandatory provision for the Community Advocate would be enough. Putting this in makes it a pretty well fail-safe system, if and when sections 103 and 105 are gazetted. Accordingly, I commend that to this Assembly.

I put on record my thanks to Mr Mark O'Neill, who I know is very experienced in this area and who has been a long-time employee in the ACT courts, for his assistance in his capacity as president of the National Association for the Prevention of Child Abuse.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.50): Mr Speaker, the Government is not supporting Mr Stefaniak's amendments here, but that is not to say that Mr Stefaniak's amendments are anything other than well motivated and well considered and moving in a direction to help counter a very important evil in society. The reason we are not supporting the amendment is, as set out by Mr Stefaniak, the fact that it is an amendment to a section of the Act which has never been brought into force. As Mr Stefaniak noted in his remarks, the Government has given to the Community Law Reform Committee a reference to look at this very difficult question of the effectiveness of mandatory reporting of child abuse.

This section was introduced into the Children's Services Act some years ago, but has never been brought into force. When it was introduced the general feeling was that this was the progressive way to proceed in legislation; that mandatory reporting would be effective in reducing the level of child abuse throughout the community. The considered opinion of professionals in the area is now very divided. It is not clear whether mandatory reporting does, in fact, have substantial benefit. My personal inclination would be to think that it probably would, but professional advice is divided on the subject. Therefore, we have sent this very difficult question to the Community Law Reform Committee.

I think it is more appropriate for this Assembly to leave the current provisions as they are, await the views of the Community Law Reform Committee, and then look at whether or not there is a need to amend the law. So, although Mr Stefaniak's amendments are well motivated, and although they are directed at an obvious social problem, the Government does not think it is appropriate to support them at this stage as it is an amendment to a non-proclaimed section of the Act which is itself currently the subject of review by the Community Law Reform Committee. I commend Mr Stefaniak for his motivation in this area, but I am unable to support the amendment.

MR COLLAERY (4.52): The Rally repeats the comments we made earlier, in the in-principle stage - that we will not support a pre-emptive decision on mandatory reporting. We also observe that section 103 has not had sufficient community support, in effect, for it to be introduced since the Act was brought in in 1986. It will require a fairly decisive community support initiative now that we have self-government. The Law Reform Committee has proved itself capable of conducting effective community consultation in respect of a number of its references to date and that may be an appropriate venue to discuss this emotive issue. It has wide ramifications, as we mentioned earlier.

I am aware that section 106 has its origins in the Law Reform Commission's report No. 18 on child welfare, which was the precursor document to this legislation. Members should be aware that at paragraph 106 of the commission's report the commission was quite certain of its views in this matter. I will read into the record what it said about compulsory notification, or mandatory reporting as we call it:

> Child abuse is more common than most people believe. It is imperative that the children involved should not be condemned to neglect and indifference. New legislative initiatives are needed to deal more effectively with this special class of children in need of care. As a means to ensure the provision of care and protection to children the subject of child abuse, legislative provision should be made for compulsory reporting of suspected cases of child abuse in the ACT. The following classes of person should be under a duty to notify a case of child abuse:

. medical practitioners;
. dentists;
. nurses;
. police officers;
. teachers and persons employed to counsel children in a school;

. persons employed in the Department of the Capital Territory or by the Capital Territory Health Commission, whose duties include matters relative to children's welfare; and
. persons for the time being in charge of licensed child-minding centres.

I take the view, and I am sure my Rally colleagues will support me, that it is an extreme step when a community takes conscience from any public official and makes it mandatory for them to inform on someone or to report some event. Clearly, there is a considerable issue of conscience involved in that, and it requires careful thought as to whether it will impose upon a certain class of individuals a duty to inform, with the correlative that they may be held responsible for wilful neglect or almost, in extreme cases, aiding and abetting offences. Those issues have come up for debate in the past.

The other matter to consider is that since these recommendations were made, and during the time that section 103 has lain ungazetted, the health legislation has been introduced in this house. The health Act of last year - section 56, from memory - imposes a secrecy provision upon health employees and health workers. That secrecy provision would seem, at this stage, to be somewhat inconsistent with the way section 103 was worded back in 1986. One needs to have regard to the commitment I gave as Attorney of that day to have the section 56 secrecy provisions reviewed. Those matters, I presume, are in hand.

Mr Speaker, the Rally does not support a pre-emptive decision on mandatory reporting. We are not saying that we do not support it. We are not giving our view; we are waiting for a properly held community report on this issue. As I said the other day, there was widespread concern in the United Kingdom over a situation where a medical practitioner gave various reports, combined with some public health officials, that resulted in a massive injustice involving more than 100 cases and subsequently compensation.

The checks and balances required are not in place in section 103 - I say to Mr Stefaniak, through you, Mr Speaker - and I would be most reluctant to then slip this pass to the police, who have their own problems at the moment. They perform excellent work over at the sexual assault unit. If members refer to the annual report of the Department of Justice and Community Services, tabled yesterday in the Assembly, they will see reference there to the special coordinating unit that has been set up to deal with child abuse situations and allegations. That is an interdisciplinary committee. It is referred to in the relevant section in the Department of Justice and Community Services report.

No-one has alluded to that yet. Perhaps Mr Stefaniak is not aware of it, because I do not recall it being publicly mentioned. It is not an issue that is a matter for media release in government. I would enjoin Mr Stefaniak to look at that annual report tabled yesterday. He will see there that a quite effective interdepartmental interdisciplinary committee has been set up involving the police - specifically involving the police - to deal with these situations. That is a more sophisticated instrument than what is proposed and what has lain in the statute book unproclaimed since 1986. I believe that we should let that interdisciplinary group settle down, work its way and report and liaise, as it will, during the Law Reform Committee's inquiry, before we pre-empt the issue.

Nothing I have said makes light of child abuse, and you well know the Rally's concerns. We have introduced legislation in recent weeks to deal with that. I believe that it is very commendable to see in this Assembly such an agreement on the principles of the need to protect children.

I say through you, Mr Speaker, to Mr Stefaniak that the part author of this, Mark O'Neill, on Mr Stefaniak's behalf, is a most eminently informed person - a person at the coalface, at the courthouse, a lawyer, a court official. If he has suggested this to Mr Stefaniak, as Mr Stefaniak indicates, then we should take this extremely seriously. But I believe, in the context of a reference to the Law Reform Committee's report, that it would be better if the committee reads this *Hansard*, makes its own inquiries of Mr O'Neill, and satisfies itself that Mr O'Neill's recommendations are sound, that there are safeguards, checks and balances. I believe that then, if we do receive a positive response from the committee, we will probably have little hesitation in following the appropriate course recommended as a result of an effective inquiry and safeguards.

MR STEFANIAK (5.01): Yes, I note what Mr Connolly and Mr Collaery have said. I think I probably agree more with Mr Connolly than Mr Collaery in some respects. I point out to Mr Collaery that this particular amendment is indeed all about checks and balances. I neglected to mention, apart from Mr Mark O'Neill, that the problem initially was brought to my attention by the Juvenile Aid Bureau and the child sexual abuse unit of the police force. Accordingly, I think it is a most sensible amendment.

However, I note Mr Connolly's comments and have some understanding of them, given that this has not been gazetted yet. What I would say to Mr Connolly - again I can see the numbers stacking up against this particular amendment - is that he at least should undertake to take this on board and give this amendment, together with a transcript of this debate on this issue, to the Community Law Reform Committee to look at in the context of other matters it is looking at in relation to sections 103 and 105.

I accept that my amendment is going down on this occasion; but I think it and the concerns expressed as a result of it should be looked at, given that the Attorney, with the majority support in this house, it seems, is not prepared to entertain it or at this stage entertain the gazetting of sections 103 through to 105.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.02): Mr Stefaniak raised the suggestion that perhaps his amendment could be referred to the Community Law Reform Committee. I will give an undertaking that I will refer the transcript of this debate to the Community Law Reform Committee so that the ideas can be taken on board.

Amendment negatived.

Clause agreed to.

Clauses 31 to 36, by leave, taken together, and agreed to.

Proposed new clause 36A

MR STEFANIAK (5.03): I move:

Page 20, line 8, after clause 36, insert the following clause:

"36A. After section 139 of the Principal Act the following section is inserted:

Parental neglect contributing to child's offence

'139A. (1) A parent of a child shall not, by habitually neglecting to exercise due supervision, care or control of the child, contribute to the commission of an offence by the child.

Penalty: $1,000.'.".

Mr Speaker, this clause again has its genesis in discussions I have had with professionals in the area. Whilst it is not perhaps as crucially important as the fining provision, which unfortunately most members did not proceed with, it mirrors section 64 of the old Child Welfare Ordinance, which did give the court power to punish parents who, by their complete neglect of their children's welfare, basically allowed and indeed perhaps subconsciously but tacitly encouraged the commission of crimes by their children.

I can recall the old section 64 being used sparingly between 1979 and 1986, the time of my experience in the Canberra Children's Court. This is an offence, if enacted by this Assembly, which I would not expect to be used very often at all. On occasions, magistrates would comment on how atrocious the parents were in not providing any sort of guidance for their children and on how parents really must accept a very huge proportion of the blame for their children's activity. Often those parents might provide materially for the child, but that would be about it. Accordingly, the old section 64 was used, albeit sparingly, by the magistrate sitting in the Children's Court.

Proposed new section 139A would re-create that old offence under section 64 of the Child Welfare Act, to enable a court, on those rare occasions, to prosecute and convict parents who were in that category. I do not envisage it being used very often at all; but again this is certainly a problem which the professionals who work in the Children's Court, and some practitioners, drew to my attention and is something which, on balance, we in the Liberal Party thought should go back in, along with the other clause which members have seen fit to reject. I commend it to the house. I would stress that I do not see it being used very often, but certainly there is a need for it. There was in the past, and the professionals who operate in that jurisdiction perceive a need for it again.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.05): Mr Speaker, the Government cannot support this proposed amendment. What it effectively does is seek to make a parent criminally responsible for the act of a child. The criminal law basically is directed to making an individual responsible for their own conduct. We had a debate earlier on about whether prison was appropriate, in some circumstances, for fine default. Various members spoke about more effective ways of forcing young people to accept responsibility for their own actions, short of imprisonment - better counselling, community service orders, that sort of thing. Surely the least effective way of making children responsible for their own action is to impose criminal responsibility on their parents.

My advisers have come up with a number of fairly horrific possibilities that could occur from this type of legislation. Children may be encouraged to offend as a way of getting back at their parents. Perfectly normal and responsible parents of extremely difficult children could become liable. It may encourage parents to prematurely abandon their difficult youngsters who are starting to get into trouble, in order to avoid their own liability later on. In short, it is a counterproductive amendment.

The purpose of the Children's Services Act is to provide an enlightened regime for dealing with young persons who come into conflict with the law. To make the parent criminally responsible for the acts of the child runs counter to that approach and, rather than enlightened, would be taking us back in the wrong direction.

It is interesting to note that an equivalent provision which was in the old New South Wales Child Welfare Act is not present in the current New South Wales legislation. Victoria, I am advised, does have an equivalent in the current Children's Court Act, but when the Children's and Young Persons Act becomes effective, which it is expected to do this month, the provision will no longer be there.

So, again, this is going against the tide of reforms in Australia in relation to criminal law for children by trying to make the parent responsible for the acts of the child. In all areas of criminal law it is the individual who offends who is responsible, and the law should be directed to making the person face up to their responsibility in changing their behaviour, not putting a criminal penalty on someone else.

MR COLLAERY (5.08): Mr Speaker, this attempted amendment, I regret to tell Mr Stefaniak, will fail. It will fail because of the comments made by the Attorney, with which I mostly agree. I do not think we can run the legislature here by rubbing the lamp and asking for some genie to come back out.

I do not know what Mr Stefaniak dreams about at night, but clearly he wants to see some of the provisions that it took us years and years to get out of the statute books re-created. I do not know whether we want, in the early years of self-government, to reinvent some wheels. When you talk about prosecuting parents for neglect, you get back to those horrible old cases years ago when the outcome of even a successful prosecution often meant that the parents absolutely detested their own children as a result because the children became embroiled in providing the evidence against their parents. Those of us who saw some of this saw that it had a whole lot of horrendous results. It really is an untidy proposition - I say to Mr Stefaniak, through you, Mr Speaker - to try to bring this about.

You get to fundamental criminological questions here that were assumed in the nineteenth century but are no longer assumed. What is neglect of a child? Those of us whose children have grown up and gone away know that you never know at some times where you are with your own child - whether you have done the right thing; whether you have contributed enough to their sense of security, love and affection. There are many issues that arguably can be neglect.

There is a level of material provision that wealthy people can give their children that can be totally unmatched by the psychological and emotional support those children can give. We often see it, and Mr Jensen agrees with me. You will, as a lawyer, often see rich people's children in the Children's Court. I have defended them on many occasions or have been involved with those cases - not that I always had rich clients. I will come back to that.

Are we going to look at more modern concepts of neglect? We do in other legislation. Will we deal with psychological neglect, the wealthy parents who do not have time for their children? They begat them, provided well for them in terms of shelter and food and fast cars, but did not give them the emotional support. It is all very complex, Mr Speaker. It is not an issue, I think, that legislatures can lightly talk about in terms of punishment and getting parents into a proper role to look after their children.

Go back to the deprived classes. To use the language frankly and brutally, there are many cases of single parent families and people who are struggling in poverty in this community. Are you going to punish them for leaving the children unguarded because they have a double job, or they have a job on the weekend? It is neglect in a way, but is not the real neglect the neglect of a government which has promised to get rid of child poverty by a date and has not? Where are you going to fix your causal limits in a debate of this nature?

This is a preposterous proposition by Mr Stefaniak. It is the one that I do not think does him very well. I have been kind about all the rest. I say to Mr Stefaniak: Try to get a human face in the legislature. This one has so many issues of insensitivity about it that it is appalling. It is one that the Rally utterly rejects. This is not the way to approach child welfare. This is all about crime and punishment. This belongs in Dostoevski. It is nineteenth century thought processing.

Mr Humphries: Are you opposed to it, Bernard?

MR COLLAERY: I am sure that Bill has given me serves here in the past. He gave me a horrible serve here once when he just missed by a whisker becoming Attorney-General. I have not forgotten that one. Apart from that serve that he gave me, this is the only serve I probably will give him in the life of this Assembly. Other than that, we work very effectively together in a quite ironical sense. But I say to Mr Stefaniak: No, this one is really off; this is not on. Parents have to look after their children, but not at the crack of a whip.

MR STEFANIAK (5.13): I suppose I should be grateful for Mr Collaery saying that that is the last serve that he will be giving me, or the only one.

Mr Collaery: Subject to provocation.

MR STEFANIAK: Subject to provocation, Bernard? I see. But I think perhaps people are missing the point. Firstly, Mr Connolly seemed to be indicating that the parent, not the child, would be prosecuted. Far from it; the child would be as well, but on the rare occasions - I stress that they have been rare in the past, nevertheless they were there - when the court is so concerned about the role of the parent in habitually neglecting to exercise due supervision, care or control of the child, thereby contributing to the commission of that offence. If that occurs, under section 64 some action could be taken. That is all this does. I expect that it would be used very rarely.

I am concerned a bit at some of Mr Collaery's comments. He does not show very much faith in the people who administer our criminal justice system by assuming, as do some people who criticise some of these measures, that they are blind automatons who cannot exercise a discretion or commonsense. Far from it; the people who work in our jurisdiction, from the magistrates down, are called upon to exercise discretion and commonsense every day of the week and, invariably, in most instances do so. This would certainly be a case in point in which that discretion would have to be exercised. It was exercised under the old section 64 in the past by the magistracy, and I have no reason to doubt that it would be again.

Again, this proposed new clause was put before this Assembly by me because of concerns expressed by professionals in the system - practitioners and, again, the court staff. In my time in practice, concerns were expressed on occasions in certain individual cases by magistrates. These concerns have been expressed since 1986 when they did not have this power which this proposed new clause would give to them.

I think it is important, especially when we are talking about juveniles, that the parents' role is looked at. Parents do have a responsibility towards ensuring that they adequately care for their children. It is not a case, as Mr Collaery says, of any attempt to put, or likelihood of putting, child against parent. Far from it, because when you get to this stage there is no supervision at all being exercised by the parents. Basically, the parents in these instances could not care less. The child is running wild, and the situation would have got to such an extreme that the court would deem it fit to step in and punish the parent for what is basically atrocious conduct by that parent. So, I think Mr Collaery and Mr Connolly are somewhat off in their concerns in relation to this. Nevertheless, I hear what they say.

I again expect, as a result of what has been said here today, this proposed new clause not to succeed. I would impress upon the Attorney-General, and indeed I would impress upon Mr Collaery and anyone else in this house, the importance of listening to the professionals in the criminal justice system and the juvenile justice system. They know what they are talking about; they practise there, and their voices should be heard. Sometimes I feel like I am talking in this house to dumb rocks or breathing stones in relation to people's ability to just adopt a little bit of commonsense and listen and talk to the people who know, who deal with it day in and day out.

Those are the court staff, the magistrates, the practitioners who regularly appear in those jurisdictions, plus quite often the people who go through them, from victims to defendants and other people involved in the system, and of course police and parole officers as well. They know what they are talking about. Their voices should be listened to. They experience concerns and problems with Acts because they have to deal with the ramifications and the workings of those Acts day by day. A little bit of consultation, which is a phrase that both Mr Connolly and Mr Collaery are very keen to bandy about, should be engaged in here.

Mr Collaery criticised the Hawke Government's ridiculous claim that no child would be living in poverty by 1990. If he wants to blame the Labor Party, perhaps he could blame it for an attitude - - -

Mr Collaery: Are you defending the Labor Party?

MR STEFANIAK: No, I am not. I am going to hook into them, Bernard. Perhaps the Labor Party can be blamed for an attitude that developed 15 to 20 years ago - that was to get rid of a lot of old values, such as these provisions which were in the old Act. It was to get rid of things which had worked, which were tested and true, and put in a lot of trendy rubbish which clearly is not working. Perhaps Mr Collaery could criticise the Labor Party for that philosophical problem that they have of jumping away from reality, going against basic tenets of people's human nature, and living in cloud-cuckoo-land, and something more recent, which is the Hawke Government's abysmal failure to economically manage this country correctly.

So, I will finish this by saying to the Labor Government and Mr Collaery: Talk to your professionals; talk to the people who work in the system; and listen to them. Even if you will not listen to me, you might listen to them. I am sorry that this proposed new clause is going down as well. However, you might listen to some other people as time goes by.

MR COLLAERY (5.19): Mr Speaker, I wish to speak on the proposed new clause again, as I may. Your frown worries me sometimes, Mr Speaker.

MR SPEAKER: I beg your pardon?

MR COLLAERY: Your frown worries me. I can see it from here.

Mr Berry: I might frown a bit, too. Would it be enough to get you to sit down? I will frown, too.

MR COLLAERY: I am just making sure that I do not fall out of grace and favour, Mr Berry. Mr Speaker, I wanted to respond to Mr Stefaniak, in a way. I accept the genuine disappointment that he feels. I accept that this is not solely his idea and that there are responsible, informed people, particularly around the court system, encouraging Mr Stefaniak with it. But that comes from people who have been at the coalface, on the battlefield, and a certain level of fatigue sets in when you are dealing with what appears, in a sharp focus, to be an injustice and a cost to the purse.

But in a wider frame, every community has to deal with these lost causes; every community has to absorb the cost of them. You need to look at this issue in wider context, Mr Speaker, rather than the immediate concerns of seeing at the court parents who clearly could not care less about their children's behaviour. There are parents like that. But this provision does not seek to limit it to those who habitually neglect. I have already pointed out that those two words are not capable of proper humane description in a clause of this nature.

Mr Speaker, Mr Stefaniak has also overlooked the fact that even neglectful parents often line up and pay quite large legal fees to defend their children. That is particularly the case where we have these well-off parents involved. They will come flying in and expend a large sum of money to protest the innocence of their children. They are penalised in that sense: They are brought along to court; they share the ignominy of it all, and they do pay fees. It was generally my policy, Mr Speaker, to get young boys whom I defended to cut the prickly hedge outside my office. I certainly did not declare it as income, because it gave me no benefit at all; they usually broke my shears and ruined the hedge every time they did it.

Mrs Grassby: What did you do for the girls, Bernard?

MR COLLAERY: Mrs Grassby interjects: Did I ask girls to do it? Certainly not; they rarely appeared in the court lists, anyway. I raise that issue because the legal profession needs to look towards contributing to this function. One of the areas that the legal profession must consider in the child protection issues is whether this is an appropriate area for large professional fee earnings.

That is another factor that needs to be considered if we are talking about neglecting children. Where a gang of young boys has been picked up doing something after school, you will often find, among the seven or eight, three or four of them - - -

Mrs Grassby: Time, Bernard.

MR COLLAERY: I do not have a watch, Mrs Grassby. Three or four of them would have wealthy parents, and they would get all the defence in the world. A couple of others would slip through the net and be legally aided. Legal aid is under a massive strain; they give the most effective protection they can. But there is a question of equity in that circumstance. There are matters there for the private profession to consider.

Although I exaggerated earlier and said that I did those things, I was often inclined to do it but I did it only once or twice. Certainly, it was done when the parents had no money and could not afford it. The parents' means is also a matter to consider when you are talking about prosecuting children and parents and whether there is not an advantage in that situation when there is joint behaviour by a bunch of children and some of them can well afford to work the system and adjourn matters endlessly. Mr Stefaniak nods; he well knows the extent to which the profession sometimes gets in the way of these hearings that should be dealt with shortly, sharply, with reprimands and admonishments; the child is brought into a process of defence, adversity and pretty good gamesmanship. That is not a good aspect of this prosecuting process. I have said that to ameliorate, in some way, Mr Stefaniak's hurt at losing this proposed new clause.

Proposed new clause negatived.

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

Bill, as amended, agreed to.

ADOPTION OF CHILDREN (AMENDMENT) BILL 1991

Consideration resumed from 12 September 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

PUBLICATIONS CONTROL (AMENDMENT) BILL 1991 [NO. 2]

Debate resumed from 17 October 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

DR KINLOCH (5.25): This is an interesting Bill. I thank the Law Office for helping me to understand it better. Let me explain the circumstances by using as an example the film *Batman.* In Hollywood the film was made over a long period, and at the same time a publicity organisation would have been getting ready with the T-shirts, dolls, games, books, posters and all the other gimmickry that we associate with a film such as *Batman,* and you could pick many others.

When the film comes to Australia this publicity machine has been rolling for ages. Once the film has arrived, it then has to be seen by the film classification board, and this takes time. So, there may be a huge publicity campaign around the world while the film has not been classified. Part of that publicity campaign is the trailers, the previews.

The film distributors find themselves in the strange position of having a film awaiting classification while their publicity machine is rolling. They cannot show the trailer because it has not been given a G, M, or whatever, classification. The film companies need to show their trailers, their previews. My heart does not bleed for them; I do not see why they cannot be more patient. But I understand that technically it is costing them millions of dollars to try to get the films out to fit in with their publicity.

This Bill makes it possible for exemptions - only 30 a year - to be made by the Commonwealth Film Censorship Board, which would allow these advertising programs to go ahead without classification. It is a technical little procedure. In a way, it is somewhat experimental. Why 30? Why not 60? Why not 90? There is some attempt to put it in being now to see how it goes.

But there may be a worry, I hear you say. What if the trailer contains R- or X-rated material and this material is screened at a children's performance of a G-rated film? Some of us have heard worries from parents about this. They say that they may take their children to a G-rated film but that they may see in a trailer something that they do not want their children to see. But I draw the attention of the Assembly to proposed subsection 17D(2):

> The Censorship Board shall refuse to grant a certificate of exemption if, in the opinion of the Board, the film is likely to be classified as an 'R' or an 'X' film.

So, the process would be this: The film would be put in for classification, which takes time; meanwhile, they would put in for an exemption for the trailer, and the Chief Censor or someone whom the Chief Censor nominates would look at that quickly and decide whether the trailer is likely to be R or X, in which case it would be not allowed. So, there is protection against that. Please note that these exemptions are not given in connection with video films. This sensible amendment is therefore to be welcomed. It is a commercial matter, really, and I have no proposed further amendments.

Mr Connolly's explanation is excellent here. I would note that this carefully drafted Bill is another first for the ACT and our Assembly. Proposed subsection 17C(3) of the Bill states:

> The Censorship Board shall not accept an application for a certificate of exemption unless such an application is made to the Board under the law of each State and the Northern Territory ...

In other words, it is not just the ACT deciding this; every State, the Northern Territory and the ACT have to be applied to for this exemption, and only then can the process get under way. Although agreeing with the Bill, my only final thought on this is: What a pity it is that we do not have a national Act from the national parliament related to censorship and classification.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.30), in reply: I thank Dr Kinloch for his support, and I wish the Bill a speedy passage.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

PERSONAL EXPLANATION

MR HUMPHRIES: I have a short statement - - -

MR SPEAKER: Mr Berry, are you wishing to adjourn?

Mr Berry: I was going to move that the house adjourn.

MR SPEAKER: I have already been notified by Mr Humphries that he wishes to speak.

MR HUMPHRIES: I wish to make a short statement under standing order 46, Mr Speaker.

MR SPEAKER: Do you claim to have been misrepresented?

MR HUMPHRIES: Yes, Mr Speaker.

MR SPEAKER: Please proceed.

MR HUMPHRIES: Mr Speaker, earlier today, in question time, reference was made by Mr Berry to the report that was referred to yesterday in my statement to the Assembly. In particular, Mr Berry referred to the report by Mr Peter Macdonald to the ACT Ambulance Service and to the Government concerning the conduct of a particular officer in the incident that was raised. Mr Berry made the assertion that I had attacked that officer or in some way disparaged the report that that officer had prepared, and he implied that I had done so for political reasons, namely, that this officer was involved in the Save Our Schools campaign as it related to Higgins Primary School.

Mr Berry: Wrong officer, Gary. You got it wrong.

MR HUMPHRIES: Mr Speaker, that is what I interpreted Mr Berry as saying.

Mr Kaine: That is the substance of what he said.

MR HUMPHRIES: Yes, indeed. Mr Speaker, certainly there was some allegation that I had made comments or allegations against an officer on the basis of his participation in a campaign. I was not aware - and I am not aware at the moment - of any such connection between any particular ambulance officer and any school campaign. I will take Mr Berry's word for that, probably dubiously.

I also want to make it clear, Mr Speaker, that I have no quibbles with, and no objections to, the report that was handed down by Mr Peter Macdonald. It was a good report. I stand by it. I think it ought to have been acted upon by the Government. Any assertion that I was attacking Mr Macdonald or his report is completely without foundation.

ADJOURNMENT

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

That the Assembly do now adjourn.

United Nations Day

MR COLLAERY (5.32): Mr Speaker, I rise briefly to record that it is United Nations Day.

Mr Connolly: The flag is up there.

MR COLLAERY: The flag is up there, as Mr Connolly observes. There is every basis for every parliamentary assembly in this nation to mark that day in one form or another. The United Nations has done many things since its inception. After its translation from the League of Nations in 1945, a great Australian, Dr Evatt, gave a great speech in San Francisco.

We mention this every year, so I will cut it short, Mr Speaker. Yesterday in Paris a most important document was signed; it marks the beginning of peace in Cambodia. For the first time, except for special arrangements made in the Middle East, the United Nations will replace the entire civilian administration of that country and set that country going again in an orderly fashion, following the disgraceful exterminating activities of the hideous Pol Pot and Khmer Rouge people.

Mr Speaker, it is United Nations Day, and I believe that it is appropriate for me to say today that the United Nations needs further support, that the legal instruments that surround the United Nations need to be revised because the Big Five, as they are known, that is, China, France, the United Kingdom, the United States and can we say the Soviet Union or do we say Russia? - we are not sure - still have a stranglehold on the Security Council. That is not appropriate, and that caused the loss of the right initiative when the Balkan uprising started some months ago.

Now we have a situation in which, in international law, it is becoming even more difficult to deal with intervention by the United Nations and issues of sovereignty. It is a great shame that we have not yet refined the United Nations' head instruments. That is particularly so now that there is no real fifth member, the Soviet Union.

I say today that there has been a quietness from this legislature on the Balkan issues. I have not heard more than perhaps one or two of my colleagues here state a point of view on that issue. I believe that it is time for all Australians to stand up and state that the ruthless activities of the Yugoslav Federal Army at the moment in

Croatia are entirely inappropriate. We should be working as much as we can to get the United Nations involved; if necessary, to provide civilian administration or whatever has to be done in the aftermath, to draw those warring factions aside to allow an international boundary commission to be set up and to have that conflagration put out.

Mr Speaker, I am sorry to detain those members who have wanted to stay in the chamber tonight, and I am grateful to them. I believe that some of them have Croatian and Serbian constituents. They well know the sufferings that they are going through. They are losing family members; they are out of contact with their loved parents and other people. It is a dreadful situation.

I have stood on the back of a truck with Federal politicians of all persuasions on this issue in recent months. I have not seen enough members of this Assembly involved, even though we have a significant constituency from those areas. I believe that more members should become involved. It is appropriate for me, on United Nations Day, to say that I call for that in a peaceful, humanitarian manner - not in any context other than my criticism of an out of control, invading army that appears to know no master other than its old communist, hardline, conservative backers.

Visitors - Mr and Mrs Vigor

DR KINLOCH (5.36): Briefly, may I welcome former Senator David Vigor and Mrs Susan Vigor, who have been with us most of the afternoon. We know that he was particularly influential in questions of self-government in the past, and we welcome him and his wife here today.

Peacekeeping Force in Cambodia

MR JENSEN (5.37): Members may recall seeing television scenes last night of members of the Australian Army preparing to leave their country's shores again to go to Cambodia to get involved in the peacekeeping arrangements there. My advice is that those members will go across unarmed and they will be playing a very important role in maintaining communications between the various groups within that unfortunate country.

I think it behoves members of this Assembly to wish them well in their role and also to remember the families of those soldiers who will be undertaking that very important task in the future. Let us hope, Mr Speaker, that that task will be completed as quickly as possible. I know that those members of the Australian Army, particularly the Defence Force, will complete their task with the utmost professionalism.

Mr Gerald Gold

MR STEVENSON (5.38): I take the opportunity to respond to Mr Moore's tabling last night of letters from Mr Gerald Gold. I think it is unfortunate that Mr Moore has not taken the opportunity at any time to speak to me about the matter; or to speak to Mr Gill, as I gave him the opportunity to do so.

This morning the *Canberra Times* - on the front page - mentioned that Mr Gill carried a letter from the internal investigations department of the Victorian police force indicating that he was a consultant. It also suggested that Mr Gold had said that Mr Gill believed that he was protected by a permanent confidentiality clause of the Costigan royal commission. Mr Gold has suggested that Mr Gill might have some form of parliamentary privilege by working for me. I am not sure what those last two comments relate to. I do not see that they particularly have any validity.

I think it is worthy of comment as well that the *Canberra Times,* while very, very sparsely reporting on anything that I have said in the Assembly, put this particular matter on the front page. I think it runs true to form with the *Canberra Times.*

I think it is worth mentioning briefly the matters that I have put on public record in this Assembly. I tabled a contract between an American organisation that has been named as being controlled by the Mafia and a porn company in Australia. At no time has anybody suggested - and indeed it is not - that that contract was not exactly what I said it was. I also tabled a number of documents regarding the liquidation of a company for tax purposes.

I tabled further documents regarding the dealings with pornography companies and certain crime controlled companies in America by a solicitor in Melbourne. I recall reading a newspaper article that mentioned that that particular solicitor had indeed gone to America to deal on behalf of someone who was in Victoria at the time and whom I had also previously named.

What the *Canberra Times* records of Mr Gold's letters seems to be, basically, invective against Mr Stuart Gill; over 10 words were used in calling Mr Gill names, fully reprinted by the *Canberra Times.* Mr Gold, in his letters, has said that I have told lies about what I have presented. That is absolutely untrue. Everything that I have presented has been presented in total good faith, from the best information that I could get. He has also suggested that there has been some conspiracy. That, also, is untrue.

Mr Gold, in his letters, did confirm some associations that I had previously made. He suggested that I was attacking church laymen. I could not quite get any understanding from that. He did retract a suggestion that Mr Gill had been convicted of something, and he did, basically, confirm that he had been placed in bankruptcy by the Tax Office before the Federal Court. I had said, at the time, that he was about to be. *(Extension of time granted)*

I just wanted to respond very briefly to the matter. Mr Stuart Gill was indeed a consultant with the Victorian police force, and he still is. Victorian police have travelled to the ACT with regard to the matters that I raised in relation to the Publications Control (Amendment) Bill. They visited my office on at least two separate occasions at different periods and spent a number of days in Canberra visiting my office at different times.

Mr Gill has resigned from staff in my office. That was effective, I think, on 10 October. My staff funding will not allow me to employ anybody else, other than a secretary, for the rest of this term. That is a point that I mentioned that I had had some difficulty with. That is the third time that that has happened. There simply is not enough money to allow people to pay consultants. There is half a pay, if you like.

So, I think it is unfortunate that the comments were made on the front page of the *Canberra Times.* I have also been informed by Victorian police that, as I have said in the past, matters are being investigated in Victoria.

Yugoslavia

MR STEFANIAK (5.44): Whilst I was upstairs talking to a person with whom I had an appointment, I heard Mr Collaery speak in relation to the problems in the Balkans. I am supportive of any moves that can be made to bring peace to that troubled part of the world. I think it must be fairly obvious that the modern day state of Yugoslavia, especially, is an artificial creation and obviously cannot last.

So, the violence over there at present, as Mr Collaery says, emanating often from the Federal Army, is most disconcerting. That is probably the most dangerous trouble spot in the world at present. I think the rights of the people of the former state of Yugoslavia and their right to self-determination need to be respected. I hope that more steps will be taken by the international community, including Australia, to that end.

Mr Collaery, I note, was not alone in a couple of his demonstrations. There were politicians from the Federal Parliament - the local Labor and Liberal politicians - and members of this Assembly, as he stated. I think that is probably important to mention in relation to that issue.

Ambulance Service

MR BERRY (Minister for Health and Minister for Sport) (5.45): I rise to speak in relation to the matter that Mr Humphries debated in his personal explanation. He was very careful not to endorse the report of the then director of the Ambulance Service in relation to the complaint made about the Ambulance Service, which was the subject of debate earlier today. That clearly indicates to me that Mr Humphries is prepared to attempt to discredit that officer's report. That officer, as I explained earlier, was involved in the Save Our Schools campaign, and it causes me a great deal of concern that the Liberals would seek to - - -

Mr Humphries: Mr Speaker, on a point of order: I think Mr Berry came very close earlier today to making unparliamentary comments, and I think he is certainly doing so now.

MR BERRY: You are trying to soak up my time, Gary.

Mr Humphries: No, it is a very important matter, Mr Speaker. He is alleging that I have victimised a person in the ACT Ambulance Service because I disagree with that person's participation in - - -

MR SPEAKER: Order! Mr Humphries, I think you are making another personal explanation. It is not a point of order.

Mr Humphries: No, it is a point of order, Mr Speaker. I ask Mr Berry to withdraw the inference that I have victimised somebody on the basis of his participation in some school campaign. It is unparliamentary, and it is untrue.

MR SPEAKER: I think I uphold that objection, Mr Berry. Have you any comment to make on that?

MR BERRY: Mr Speaker, the Liberals have taken their eyes off the game and they are onto the individual. There is no doubt that they are attempting to discredit that officer's report. That officer was involved in the Save Our Schools campaign.

Mr Humphries: Mr Speaker, I ask him to withdraw. He has made an accusation of a quite serious kind about me. It is untrue, and I ask that it be withdrawn.

MR SPEAKER: I think the imputation is fairly serious, Mr Berry, and I would ask you to withdraw that.

Mr Jensen: Where is your proof, Wayne?

MR BERRY: The documents were tabled in this place. Mr Humphries has very carefully refused to endorse that officer's report. He endorses one officer's report but not another's.

Mr Humphries: It does not mean that I victimise him because he participated in a school campaign.

MR SPEAKER: Order! Order, Mr Berry and Mr Humphries!

MR BERRY: You are seeking to discredit his report.

Mr Humphries: You said that I victimised him because he was involved in a school campaign.

MR BERRY: He does not work in the Ambulance Service now; you cannot do it now.

MR SPEAKER: Order! Mr Berry, under the circumstances, I have asked you to withdraw. I think the imputation is serious, and I would ask you to withdraw that.

MR BERRY: I withdraw any imputation that Mr Humphries has actually victimised the officer. But, Mr Speaker, the facts remain that - - -

Mr Humphries: Mr Speaker, on a point of order: Mr Berry has not properly withdrawn. The inference was that I was attempting to victimise because of an involvement in a school campaign. He said that I have not succeeded. I ask him to withdraw the inference that I even tried.

MR SPEAKER: Yes, I think the inference that Mr Humphries was trying to do that was what he was asking to be withdrawn.

MR BERRY: Mr Humphries cannot have it all his way, Mr Speaker. Mr Humphries is trying to discredit that officer's report, and I say to this place that the officer was involved in the Save Our Schools campaign. If the cap fits, Mr Humphries will have to wear it.

Mr Humphries: Mr Speaker, I ask you to ask him to withdraw.

MR SPEAKER: Yes, I ask for an unqualified withdrawal, Mr Berry.

MR BERRY: I will not unqualifiedly withdraw. The facts, Mr Speaker, speak for themselves. I have said that I will withdraw any imputation that Mr Humphries has victimised the member. That is all I have to do.

MR SPEAKER: I would like to push that a little further and suggest to you that the inference was there that he had attempted to do so. Whether he had achieved that or not is irrelevant.

MR BERRY: No.

Ms Follett: You have heard him withdraw.

MR BERRY: I have withdrawn.

MR SPEAKER: I think you are still putting forward the proposition that a member of this parliament is victimising a member of the public service.

MR BERRY: No, I withdrew that.

MR SPEAKER: That is the inference that I - - -

MR BERRY: He is attempting to discredit his report.

MR SPEAKER: Order! If you have not done that, then please withdraw.

MR BERRY: I will say this: This member is attempting to discredit the report of a Government Service officer, or a former Government Service officer. That Government Service officer was involved in the Save Our Schools campaign. In my view, questions have to be asked about Mr Humphries' motives.

Mr Humphries: On a point of order, Mr Speaker: He is clearly repeating that allegation, and I ask you to either have him withdraw or name him.

MR BERRY: I withdraw, Mr Speaker, and then say that the Liberals are attempting to discredit the report of this officer. This officer was involved in the Save Our Schools campaign, and questions have to be asked about the Liberals' performance.

Mr Humphries: Can I ask you to name him, Mr Speaker.

MR SPEAKER: Mr Berry, you do not apparently understand that if you want to raise an allegation of such a serious matter you need to do it as a substantive motion. If you are not prepared to do that, I would ask you to withdraw unqualifiedly.

MR BERRY: I have withdrawn it, Mr Speaker.

Ms Follett: Mr Speaker, on a point of order: Could I ask exactly what it is that you wish withdrawn. I have heard Mr Berry withdraw three times the implication that Mr Humphries victimised an officer.

Mr Humphries: Can I answer that, Mr Speaker, or make a point?

MR SPEAKER: Yes, Mr Humphries.

Mr Humphries: On a point of order: The inference - - -

Ms Follett: Can I get an answer first?

Mr Humphries: I am making the point of order, Mr Speaker, that the inference that Mr Berry is drawing by making his second statement is that this particular officer has been victimised because he was involved in a school campaign. Those two matters were mentioned in tandem by Mr Berry, with the clear inference - and the "questions must be asked" comment would support that - that the two were connected in my mind. That is an unparliamentary inference, and it must be withdrawn.

MR BERRY: Mr Speaker, I will just add to this debate: If Mr Humphries is prepared to withdraw the statement that he made on radio today that questions need to be asked of the Government about a certain person knowing government members, then I am prepared to withdraw what he is on about. He will not do that because it is a smear campaign.

Mr Humphries: Mr Speaker, I ask you to make him withdraw.

MR BERRY: I have nothing to withdraw, Mr Speaker. I have withdrawn it.

MR SPEAKER: Mr Berry, I hereby warn you that if you do not withdraw - - -

MR BERRY: Withdraw what?

MR SPEAKER: Withdraw the inference that you have placed on Mr Humphries' character.

MR BERRY: Which inference is that, Mr Speaker?

MR SPEAKER: Mr Berry, I am sure that it is quite clear to the rest of us.

MR BERRY: It is not clear to me.

MR SPEAKER: The point is that you have implied that Mr Humphries has connected two unrelated issues, in my mind, for the purpose of a political point of view. I do not believe that that is valid without a substantive motion on this issue. The situation is that you have accused Mr Humphries of some underhand behaviour, and I think that is improper.

Mr Jensen: Improper motives.

MR BERRY: I think that is correct. Somebody yelled out "improper motives" across the floor. They probably know more about it than I do.

Mr Humphries: Mr Speaker, he is making a mockery of this chamber. I ask you to name him.

MR SPEAKER: Mr Humphries, I am waiting for this last word from Mr Berry.

MR BERRY: This is the last word on the matter. I said that the Liberals were attempting to discredit the officer. That officer was involved in the Save Our Schools campaign, and I think questions have to be asked of the Liberals in that respect. I cannot see how that is unparliamentary. If it is so, then it means that the only terms that we can use in this house are congratulatory terms about Mr Humphries and the Liberals.

MR SPEAKER: That is not what was placed on the record. I believe that you accused Mr Humphries of doing this in a particular manner.

MR BERRY: I withdraw anything else, other than what I said in the last statement.

MR SPEAKER: No, I do not believe that it has been withdrawn.

MR BERRY: Mr Speaker, I disagree with you. I have said repeatedly I - - -

Mr Humphries: Mr Speaker, he is arguing with your ruling.

MR SPEAKER: Yes, I realise that. Mr Berry, I now name you.

Mr Humphries: Can I move the motion, Mr Speaker, that he be suspended from the service of the chamber?

MR SPEAKER: You certainly can.

MR HUMPHRIES: Under the appropriate standing order, I move:

> That Mr Berry be suspended from the service of the Assembly.

Ms Follett: Mr Speaker, I think a couple of matters arise. First of all, we are in the adjournment debate, and I do not know that standing orders apply.

MR SPEAKER: I believe that it is appropriate. The house has not risen yet.

Ms Follett: Mr Speaker, can I repeat the point of order which I raised earlier, which is to ask you to specify exactly what it is that you wish Mr Berry to withdraw.

MR SPEAKER: Ms Follett, I am afraid that we have been through that, and I answered. There is no debate on this issue.

Ms Follett: There is no answer to my point of order, either.

MR SPEAKER: The answer to your point of order was that this action can be taken in the adjournment debate. That was your point of order in the first instance.

Ms Follett: No, my original point of order.

MR SPEAKER: I have explained that to the best of my ability, and if it was not understood I apologise for that. The circumstance is that I asked for a withdrawal and it has not occurred, and I now put the question.

Question put:

That Mr Berry be suspended from the service of the Assembly.

The Assembly voted -

AYES, 10	*NOES, 4*
Mr Collaery	Mr Berry
Mr Duby	Ms Follett
Mr Humphries	Mrs Grassby
Mr Jensen	Mr Wood
Mr Kaine	
Dr Kinloch	
Ms Maher	
Mrs Nolan	
Mr Prowse	
Mr Stefaniak	

Question so resolved in the affirmative.

MR SPEAKER: Mr Berry, you are suspended from the chamber for three sitting hours. I would ask you to depart the chamber at this time.

Mr Berry: The house is adjourned as well, isn't it?

MR SPEAKER: Not as yet. I would ask you to leave the chamber.

Mr Berry accordingly withdrew from the chamber.

Original question resolved in the affirmative.

Assembly adjourned at 6.01 pm until Tuesday, 19 November 1991, at 2.30 pm

ANSWERS TO QUESTIONS

ATTORNEY GENERAL

ACT LEGISLATION ASSEMBLY

QUESTION ON NOTICE

NO 479

Police Force Funding Reduction

Mr Stefaniak - asked the Attorney General

Although statements frequently made by members of the ALP assert that the cost of policing in the ACT is very high, the Chief Minister has stated that the police budget will not be cut

(1) Does the government propose to maintain the same number of police in operational areas.

(2) What are the current figures on operational and clerical staff, and what are the precise details of any proposals to cut staff.

(3) In what specific areas, if any, will cost cutting measures be undertaken.

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

(1) &
(3) The level of funding for ACT policing announced in the 1991/92 Budget is $53.4m. This represents a reduction of $1.2m on expenditure in 1990/91 or just over 2% which is significantly less than that applied to other government programs.

The day-to-day operation of the police force is the responsibility of the AFP Commissioner and it is his decision as to how resources are deployed. Consistent with the provisions of the Policing Arrangement, the Government will be consulted to ensure that the needs of the community are met.

(2) There are currently 706 police personnel attached to the ACT Region of the AFP, of which 46 are staff members providing support to operational policing.

On returning to office, the Government raised with the Commonwealth the need to review the number of positions fully paid for by the Commonwealth. The Commonwealth has agreed to fund an additional 42 police personnel. The ACT is now responsible for funding 618 personnel and the Commonwealth 88 personnel.

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Minister for Health
Legislative Assembly Question
Question No: 578

Smoke-Free Restaurant Guide

Mrs Nolan - asked the Minister for Health on Notice on 17 September 1991:

In the last financial year was the amount of $1 849 expended to produce a restaurant guide, for which the company Canberra ASH Incorporated received $2 500 from the Health Promotion Fund. If so,

a) what has happened to the remainder of the $2 500;

b) how many copies of the restaurant guide were produced;

c) where were they distributed; and

d) what were the conditions attached to this grant and was expenditure in line with those conditions

Mr Berry - the answer to Mrs Nolans questions are as follows:

a) An amount of $1 849 was spent by Canberra ASH Incorporated on the production of a "Smoke Free Restaurants in the ACT guide. An amount of $2 500 was provided to Canberra ASH from the Health Promotion Fund. The remaining $651 has been spent on a follow up survey to evaluate the guide. The survey has been completed and results are currently being collated. A grant acquittal and evaluation report are due to reach the Fund by 31/10/91.

b) 2 000 restaurant guides have been produced.

c) Canberra ASH have advised that the guides were distributed to restaurants which were part of the survey, the National Heart Foundation, ACT Division, the Restaurant and Catering Association, members of Canberra ASH, the ACT Tourist Bureau and the ACT Cancer Society.

d) The "Conditions of Grant" document attached to the grant is attached. Expenditure appears to be in line with the conditions however, the grant acquittal and evaluation report are due on the 31/10/91.

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24 October 1991

ACT HEALTH PROMOTION FUND
GRANT CONDITIONS
1990/91

CONTENTS

This document describes the conditions applying to the awarding of grants under the ACT Health Promotion Fund in 1990/91. This document should be read in conjunction with the letter of offer applying to each individual grant and, where specified in the letter of offer, the Special Conditions applying to each grant.

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ACT HEALTH PROMOTION FUND
GRANT CONDITIONS
1990/91

1. DEFINITIONS

"The Agency" means the person, unincorporated association or corporation receiving the grant.

"The Service" means the ACT Community and Health Service.

"The letter of offer" means the letter from the Service to the Agency, to which this document is appended, offering a grant of money subject to the conditions outlined in that letter and in this document.

"The Grant" means the money provided to the Agency in accordance with the letter of offer.

"The Special Conditions" means additional conditions applying to the grant, as specified in the letter of offer.

2. GENERAL CONDITIONS

2.1 The Agency will only use the grant monies for the purpose(s) specified in the letter of offer, unless otherwise agreed to by the Service.

2.2 The Agency must at all reasonable times allow the Service access to the Agencys premises and staff, in connection with the use of the grant.

2.3 The Agency must promptly notify the Service of any change in the Agencys address or any change in the principal office bearers of the Agency.

2.4 If the Agency is required by its constitution to hold an Annual General Meeting then within one month of the Annual General Meeting the Agency will provide to the Service a copy of the Agencys

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Annual Report or, if no Annual Report is produced, a copy of the minutes of the Annual General Meeting.

2.5 If the Agency commits any breach of any of the conditions listed within this document, the Service is entitled to stop the payment of any grant monies not already paid under the grant and, further, the Agency will refund to the Service any unexpended monies as are held by it at the time of the said breach (unless otherwise directed by the Service).

2.6 The Agency shall comply with all laws applying in the Australian Capital Territory and with the lawful directions and requirements of public and other authorities which are applicable to the use of the grant.by the Agency. -

2.7 The Agency must assume responsibility as the employer of any person employed using grants monies and must take out insurance for the duration of the project funded by the grant covering:

public risk

workers compensation

any other action, claims, proceedings or demands by the Agencys employees.

In addition the Agency shall, if requested by the ACT Service, indemnify the Service against any such claims.

FINANCIAL ARRANGEMENTS

The Service will normally pay grants in equal quarterly instalments. Alternative arrangements can be made by mutual agreement between the Service and the Agency.

Alternative arrangements may apply where a grant is for a specific capital purchase or is to cover less than a full years operations or activities.

Variations can also be made to allow for irregular cash flow or expenditure by agencies (ie large accounts on a non-quarterly basis, or seasonal peaks in service demand).

The Agency will pay the grant into a bank account or building society account in the name of the Agency, unless otherwise authorised by the Service.

The Agency must keep clear and precise records of the financial administration of the grant. The Service may ask to inspect and copy these records at any designated time during normal business hours

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3.4 Any monies unexpended from the grant as at 28 February 1991 are to be held by the Agency pending direction by the Service as to their disposal. The Agency must advise the Service of any unexpected monies prior to the 28 February 1991. The Agency must apply to the Service for approval to apply any unexpended surplus monies to related services and/or capital items.

3.5 Annual financial statements must be audited by a registered public accountant.

3.6 In the event of the Agency ceasing to function or dissolving (whichever date is the earlier) or ceasing to provide the service(s) or programme(s) specified in the letter of offer, all unexpected monies must be returned to the Service.

4. REPORTING REQUIREMENTS

4.1 FINANCIAL REPORTING

4.1.1 Unless otherwise specified by the Service or in the Special Conditions, the Agency must provide to the Service quarterly financial reports detailing expenditure of the grant monies by the date specified in the letter of offer.

4.1.2 The Agency must provide to the Service an audited financial statement of the expenditure of the grant monies. This report must be delivered to the Service by the date specified in the letter of offer.

4.1.3 The Agency must provide a completed acquittal of grant certifying that the Agency has achieved the purposes specified in the letter of offer. This must be received by the date specified in the letter of offer.

4.1.4 The Agency must provide to the Service a statement detailing any unexpended grant monies by 28 February 1991. (see also 2:5).

4.2 ACTIVITY REPORTING

4.2.1 The Agency must comply with any request from the Service for further information related to the grant for statistical, research or administrative purposes.

5. PUBLICATIONS/INFORMATION MATERIAL

5.1 Any pamphlets, booklets, publications, videos or other information or educational material produced by the Agency using grant monies must acknowledge

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the support of the ACT Health Promotion Fund unless otherwise agreed by the Service.

5.2 When producing materials which are to be charged against the Fund, the Agency should provide a reasonable supply to the Service for national and local purposes.

6. CAPITAL EQUIPMENT AND PROPERTY

6.1 Where equipment or property is purchased by the Agency using grant monies, the Agency must forward to the Service proof of purchase within 28 days of purchase.

6.2 In the event of the Agency ceasing to function or dissolving (whichever the earlier) or ceasing to provide the services) or programme(s) specified in the letter of offer, ownership of equipment or property purchased by the Agency using grant monies reverts to the Service, unless otherwise specified by the Service.

ACT COMMUNITY AND HEALTH SERVICE
NOVEMBER 1990

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MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION 581

Registration of Dietitians

Mr Humphries - asked the Minister for Health:

1. Has the question of registration of dietitians been discussed or been placed on the agenda of the Australian Health Ministers Conference or the Premiers Conference this year?

What has been the outcome of any discussions held on the registration of dietitians?

What position does the Minister hold on the registration of dietitians in the ACT?

4. What prospect does the Dietitians Association of Australia, ACT Branch, have of becoming registered in the ACT under their own registration legislation?

5. What arguments does the Minister present against registration?

Mr Berry - the answer to Mr Humphries question is:

1. I understand that the specific question of registration of dietitians has not been canvassed at the Australian Health Ministers Conference or the Premiers Conference this year. The general question of registration of all health occupations including dietitians was discussed at the Australian Health Ministers Advisory Council meeting on 24 October in the context of mutual recognition of standards however.

2. Representatives from the Dietitians Association of Australia, ACT Branch met with officers from ACT Health, the Vocational Training Authority and ACT Chief Ministers Department on 9 September 1991 to discuss the possibility of registering the profession. This was a very positive meeting where options were suggested and considered. The option of pursuing the establishment of a National Competency Standard for dietitians through the National Training Board was considered the most

favourable strategy. The Dietitians Association will encourage its National Association to pursue this strategy as soon as possible. It seems that the National Association is well advanced in preparing guidelines for such a standard and could expect early consideration from the National Training Board.

3. I believe that the advice given by officers at that meeting is sound. As you would be aware, the development of National Competency Standards is being encouraged by Health Ministers around the country. The National Training Board is progressing the concept as a matter of urgency in response to directives from the Special Premiers Conference of July 1991. I do not support the concept of registering dietitians when such an efficient, easily accessible and Nationally supported mechanism is available.

4&5. The possibility of registering dietitians in the ACT in the short term is small. It would be prohibitive in cost structure for a profession as small in number as dietitians.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 582

Noise Pollution - Fairbairn Park

Mr Jensen - asked the Minister for the Environment, Land and Planning
(1) In relation to the issue of noise pollution from the Fairbairn Park Motor Sport area what action, if any, is being taken to measure the effect of noise from the unmufflered vehicles in the track at the Ridgeway in NSW and at Oaks Estate.

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

(1) Noise levels from Fairbairn Park Motor Sport area affecting The Ridgeway.in NSW were assessed against the NSW State Pollution Control Commission environmental noise criterion for facilities predating relevant noise legislation. This criterion sets a maximum noise level of l0dB(A) above background at the nearest residence. The separate National Capital Motor Sports track which post-dates the ACT Noise Control Act has the criterion of CUBA) above background at the nearest residence applied to it.

No complaints have been .received from residents of Oakes Estate in relation to excessive noise from Fairbairn Park. One complaint has been received in relation to noise from the National Capital Motor Sports track.

To limitnoise output at Fairbairn Park and the National Capital Motor Sports Club to meet the respective criteria, joint interim noise guidelines were prepared by the State Pollution Control Commission and the Environment Protection Service. These imposed a noise limit of 95dB(A) measured at 30 metres from the source which in effect requires all vehicles to be muffled.. The guidelines were advised to the Fairbairn Park Control Council on 29 October 1990 and the National Capital Motor Sports Club on 11 February 1991.

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As a result of failures to comply with the guidelines the Environment Protection Service issued a Noise Direction-Notice to the National Capital Motor Sports Club on 13 May 1991, and a Noise Direction Notice to each of the Fairbairn Park Control Council and Canberra Automobile Racing Association on 24 September 1991. All Notices remain in effect for a period of one year from the date issued. .

Environment Protection Service inspectors, in conjunction with the State Pollution Control commission, are continuing to conduct a program of random noise level measurements to ensure compliance with the Notices.

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SPEAKER
LEGISLATIVE ASSEMBLY QUESTION

QUESTION N0.583

Legislative Assembly - Recording and Transcription Expenditure

MR COLLAERY - asked the Speaker upon notice on 15 October 1991:

How much did the Assembly expend in the last financial year on recording transcript services for all Assembly functions?

MR SPEAKER - The answer to Mr Collaerys question is as follows:

Actual expenditure for recording and transcribing Assembly and Committee proceedings in the 1990-91 financial year was as follows:

Recording $
- Assembly 14,535
- Committees 10.927

Sub total 25,462
Transcription
- Assembly 47,908
- Committees 32.075

Sub total 79,983
TOTAL 105.445

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MINISTER FOR SPORT

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 584

Suburban Ovals - Changeroom Facilities

Mr Kaine - asked the Minister for Sport

(1) How many suburban ovals, by name, do not have changeroom facilities?

(2) What is the approximate cost of a basic changeroom facility?

Mr Berry - the answers to the Members questions are as follows:

(1) It is the policy to provide changeroom facilities generally at district playing field complexes where there are a larger number of fields and therefore large numbers of people using the area for training and competition. Pavilions at these facilities provide team and referees changerooms, canteen, public toilets and sometimes storage areas.

Neighbourhood ovals, which are-generally located adjacent to primary schools, and which would usually have only one or two marked fields do not normally have change facilities. Some of these ovals do have toilet facilities. In some cases there is a district playing field complex and a neighbourhood oval in the same suburb and in these cases the smaller facility is indicated.

The list below sets out those ovals which do not have change facilities by suburb in alphabetical order:

Eastern Valley Way Oval - Belconnen Calwell West Oval Campbell Oval Chapman Oval Charnwood oval (neigbourbood) Chifley Oval Chisholm Oval (neighbourhood) Cook Oval Curtin South Oval Latrobe Park - Deakin Mint Oval - Deakin Hamden St Oval - Dickson

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Downer Oval
Duffy Oval
Evatt Oval
South West Evatt Oval
Fadden Oval
Farrer Oval
Florey Oval
Flynn Oval
Fraser Oval
Garran Oval
Gilmore Oval
Higgins Oval
Holder Oval
Holt Oval (neighbourhood)
Isabella Plains Oval
Kaleen South Oval (neighbourhood)
Causeway Oval - Kingston
Latham Oval
Lyneham Oval (neighbourhood)
Lyons Oval
Macgregor Oval
Macquarie Oval
Mawson Oval (neighbourhood)
McKellar Oval
Melba Oval (neighbourhood)
Monash Oval
Jerrabomberra Oval - Narrabundah
Mill Creek Oval - Narrabundah
Narrabundah Oval (neighbourhood)
Page Oval
Pearce Oval
Red Hill Oval
Richardson Oval
Scullin Oval
Spence Oval
Theodore Oval
Torrens Oval
Masson Street Oval - Turner
Watson Oval
Weetangera Oval
Weston Oval
Yarralumla Bay Oval - Yarralumla
Forestry Oval - Yarralumla

(2) In recent years the cost of a new change pavilion at district playing fields has been in the region of $280,000 to $300,000.

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MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 585

Reserved and Special Motor Vehicle Number Plates

Mr Kaine - asked the Minister for Urban Services:

(1) Does the Motor Registry store registration plates for private owners for up to two years.

(2) Is the fee $50 per month for two months maximum and then $25 per month thereafter.

(3) At the expiration of two years, do the plates then become available on the open market.

(4) Why are charges so high for storage.

(5) Why cannot owners retain registration plates for longer than two years.

(6) Why does the Motor Registry have to store such plates and not the owners.

Mr Connolly - The answer to the members question is as follows:

(1) & (2) The Motor Vehicle Registry stores number plates for private owners for varying periods. In the ACT, number plate reservation (and storage) procedures are divided into two separate categories: reserved number plates and special number plates.

Reserved number plates are plates such as the normal "Y" series or the two alpha-three numberic series, eg. MOO Reserved number plates may be held prior to allocation to a vehicle for a period of two years. Such reservations may be maintained indefinitely, subject to payment of the determined fee which is currently $225 for two years.

Special number plates embrace all numeric plates in the range 1-99999 and "A" series plates. The maximum period for which a special number plate or right to a special number plate can be reserved is five years. The fee to reserve rights and store plates for up to 12 months is $50 for the minimum reservation period of two months and $25 for each subsequent month. That is, for each 12 month period, the fee totals $300. No additional charges are made for the physical storage of number plates.

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(3) Reserved number plates become available on the open market after two years only if the fees are not paid. Special number plates become available after five years, or if the fees are not paid.

(4) There are no charges for storage, only for reservation services. Both registration reservation services provided by the Registrar are unique services which would otherwise not be available in the ACT. It is therefore appropriate to charge a premium. In the other Australian States and Territory, the registering authorities charge comparable fees for providing similar services to vehicle owners.

(5) See answer to (1) and (2).

(6) The plates concerned are reserved for individuals and have not been released for fixing to specific vehicles. Until this is done, and since the plates are the property of the Registrar of Motor Vehicles on behalf of the ACT Government, in line with the provisions of the motor Traffic Act 1936, it is appropriate that the Registrar is responsible for their storage.

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MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION 588

Private Hospital in Belconnen

Mr Humphries - asked the Minister for Health:

With regard to the answer to question on notice No. 432 in which the Minister for Health said that the number of expressions of interest received from the Belconnen private hospital project could not be divulged because the information was "commercial-inconfidence"

(1) What guidelines has the Minister used to determine that the number of expressions of interest is a matter that is "commercial-in-confidence".

(2) What precedent exists that suggests that the number of expressions received by the government can be deemed as a matter that is "commercial-in-confidence".

(3) If the number of expressions of interest received is revealed, in what way will it commercially affect the companies or organisations that have put in an expression of interest.

Mr Berry - The answer to Mr Humphries question is:

1. I have now released the information on the number of expressions of interest to the Estimates Committee.

2. Four expressions of interest were received.

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Appendix 1: (Incorporated in Hansard on 23 October 1991 at page 4203)

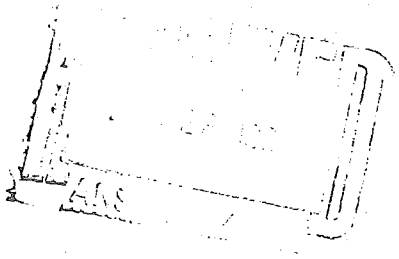
GERALD GOLD

First Floor,
8 Shelley Street,
Richmond North 3121

Telephone: (03) 427 1022
Facsimile: (03) 427 0332

24th September, 1991

Mr Michael J Moore, MLA
GPO Box 1020
CANBERRA ACT 2601



Dear Member,

On Monday, 23rd September, a member of the Assembly telephoned me in respect of the letters that I have been writing. The member wished to ask me a few questions to clarify some of my remarks, and to inform me of the failure of Mr Stevenson's bill.

Members of the Assembly, I wish to make it quite clear, the outcome of the deliberations of the ACT Legislative Assembly has no effect for me. In the Statuatory Declaration that I swore, I stated that the failure or passing of the bill did not concern me at all, and that I had no interest financially or otherwise.

My interest in Mr Dennis Stevenson's speech and its subsequent publication through the print media, was only sparked when he promulgated false claims of illegal acts attributed to me. These lies were master-minded by a crooked, discredited police informer Paul Dummett aka Stuart Gill aka etc.

Until this "person" and his "followers" have been brought to account, I will make every effort to clear my name and all the innocent parties who have been maliciously attacked because of their unfortunate contact with my name.

This treacherous "Mr White" aka Stuart Gill is, I assume, still employed by MLA Dennis Stevenson, so while this sick combination exists I cannot rest.

I live for the day when your Assembly will try and get to the truth of these terrible outbursts of insanity and bring this matter to a close.

Till then
I remain
Yours faithfully,

Gerald Gold.

P.S. To correct my letter dated 17th September, I made two errors - one is spelling of Walter Mitty and the other is in the same paragraph, I should have written "In THE last speech", not "In HIS last speech."

G.G.

GERALD GOLD

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27th September, 1991

Mr Michael J Moore, MLA
GPO Box 1020
CANBERRA ACT 2601

Dear Member,

Please believe me, I'm not paranoid over the Stevenson/Dummett/Gill situation, but I must not let it pass when I see the priviledges earned by so many be abused by a few.

A journalist from Canberra has sent to me two pages of 7 pages and claims that he received from "the office" of Dennis Stevenson MLA (true, it was some weeks ago). He says he would like to ask why the member states that "the speech can be used by the media in the same way any other HANSARD speech may be (used)". He wishes to know why is this speech different to others? Why the assurance???

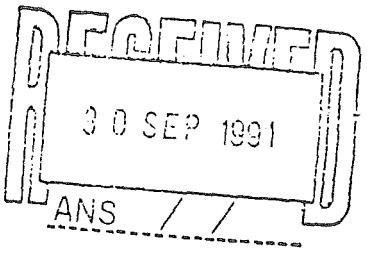
Referring to the speech of 7th August, I am still trying to locate the Senior Victoria Police officers who interviewed Mr Stevenson and who have COMMENCED a major investigation. NO branch of the Victorian Police have admitted to this and no branch of the Victorian Police have asked to interview me.

Members of this Assembly, I must protest at the utterance of this member who states that "Gerald Gold made a number of untrue statements and wild distortions ..." I have only made ONE untrue statement and that was when I wrote that Gill alias Dummett was a CONVICTED criminal. I did that before the Superintendant of Police told me that the charges had been withdrawn. I immediately wrote to the Speaker and all members of the Assembly and HAD THE GUTS to apologise.

All other statements I would freely swear to under oath. Can Mr Stevenson or his advisor Gill alias Dummett alias etc., do the same?

I remain
Yours faithfully,

Gerald Gold.



9th August, 1991

ALP POLITICIANS LINKED TO ORGANISED CRIME IDENTITIES

The debate surrounding the passage of the Publications Control (Amendment) Bill 1991 in the ACT Legislative Assembly took a dramatic turn yesterday when Independent MLA Dennis Stevenson linked the names of several prominent ALP figures to those of organised crime identities.

After obtaining special leave of the Assembly to present a fifteen minute speech in support of the tabling of fresh evidence of political links to the porn trade in the ACT, Stevenson was repeatedly heckled as he detailed the connections between several of the businessmen he has identified previously, and the ALP.

"It is essential that the public are aware that the political connections of this industry are capable of exerting enough influence to stall the passage of the legislation to ban X-rated porn videos," said Mr Stevenson.

"In the past, every time the Bill has been listed for debate, there has been the marked presence of the pro-X-video lobby in the Assembly precincts. Despite the fact that there was a much publicised rally against X-videos, and the debate was listed as an order of the day; the pro porn lobby were most notable by their absence ... and I ask why."

"The most blatant use of delaying strategies were employed to prevent enough time being left for the matter to be brought on."

"The voters of Canberra should ask ... WHY?" said Mr Stevenson.

"When I finally get the chance to bring the Bill for final debate, the answer to that question will be obvious."

Dennis Stevenson MLA Phone (06) 2758218/156 Fax (06) 2758155

Following is the 6 page Hansard speech of 7th August, 91 naming ALP connections

been involved in protecting and working for these people. The question that I raised in both my statements in this house is, why has nothing been done about the major group? There are many people in gaol but the major group continues unabated.

THIS SPEECH IS FULLY CORRECTED AND ITS CONTENTS MAY BE USED BY THE MEDIA IN THE SAME WAY ANY OTHER HANSARD SPEECH MAY BE.

R. Dennis Stevenson

R. DENNIS STEVENSON MLA.

N.B. IF YOU WISH TO BE SENT MY TWO STATEMENTS OF 16th AND 30th APRIL, 1991, JUST PHONE US ON (06) 27 58218.

GERALD GOLD

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3rd October, 1991

Mr Michael J. Moore, MLA
GPO Box 1020
CANBERRA ACT 2601

Dear Member,

In my letter dated 27th September, the question was posed as to why the assurance of Mr Stevenson was appended to his circular dated 9th August and to a copy of the speech dated 7th.

Was it to give the impression to the media that "THE CORRECTED PROOF" copy was tantamount the weekly "HANSARD" and thus coming under the protection of "Parliamentary Priviledge"? A most dangerous assumption for a purveyor of distortion and misinformation.

The same speech Mr Stevenson and his "advisor" Stuart Gill aka Paul Dummett brought to your attention in the last paragraph printed in HANSARDS, Page 2535 (7th August, 1991)

"A publishing Company ..... involved in organised crime".

This paragraph alone has caused a great amount of concern as to the use of "Parliamentary Priviledge" by persons other than Members, who by giving corrupted and malicious allegations to Members, can gain that priviledge.

The information which will be the basis of my accusations against Member Stevenson and his advisor Stuart Gill, will be contained in my letter to you dated Friday, 11th October for your consideration on your return.

Until then,
I remain
Yours faithfully,

Gerald Gold.

file

GERALD GOLD

First Floor,
8 Shelley Street,
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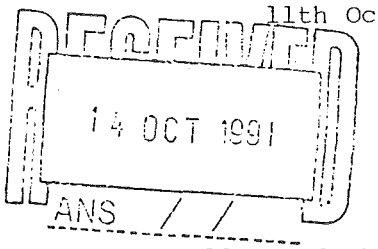
Telephone: (03) 427 1022
Facsimile: (03) 427 0332

11th October, 1991



Mr Michael J. Moore, MLA,
GPO Box 1020,
CANBERRA ACT 2601.

Dear Member,

On the 7th August, 1991, Member Dennis Stevenson addressed the House, the last paragraph recorded on Page 2535 in "Hansards" said:

"A Publishing Company "Care Publications Pty Ltd", involving publishing magnate Gerald Gold, also has as associates on its board of trustees, Labour Members, Mrs Joan Coxsedge, Edward Rush and others. In investigating organised crime control of the X-Rated Porn Industry, I have been struck by the number of times connections are made between Members of the ALP and identities named as being in organised crime."

This information was gathered in 1987 by the corrupt and discredited police informer Stuart Gill, and uttered by Dennis Stevenson.

Mr Stevenson's advisor Stuart Gill concocted the information with malicious intent. It was intended to incriminate Members of the community by submitting their names to the Assembly under "Parliamentary Priviledge", so that they could be found guilty by association.

Members of this House of Assembly, may I give to you the unadulterated facts that occured late in 1979 through to November 1980.

In 1979, Geoffrey M. Gold and Andrew McAuley were publishing executives of a tabloid weekly newspaper, titled "NATION REVIEW". Because of the editorial policy of previous owners, the newspaper suffered for want of advertising revenue and cash flow. Geoffrey and Andrew then planned to publish "NATION REVIEW" as a monthly magazine under licence.

To raise money for the new venture, Andrew sought sums of money from his, and the paper's friends. He raised $4,900.00 from nine doners. Geoffrey and Andrew then took a $3,000.00 loan each, which made $10,900.00. I consented to allow them to use a dormant Company - "CARE PUBLICATIONS PTY LTD" - so as to save the incorporation fees.

The 11 subscribers and the amounts were registered at the Corporate Affairs in Melbourne under a "Deed of Mortgage", together with details of change of Directors and Secretary.

The monthly magazine "NATION REVIEW" was published 11 times from January to November 1980, when it ceased publishing. I submit to you copies of the magazine, with a complete set going to The Speaker, and to the Attorney General.

Now comes the proof of the contempt that Stuart Gill aka Paul Dummett aka etc., holds for your Parliament.

Around November 1987, this degenerate, this criminal that masquerades as a police informer, an advisor to a Member of Parliament, conducted a search of all Companies that I, Gerald Gold had held office. This was done in order to obtain any evidence of guilt to lay at my door. Instead of this evidence, he found that I had been an officer of a Company that these good people had lent money.

Mr Dummett aka Stuart Gill aka etc., made up many stories over the years but this story in 1991 was the humdinger of them all.

This was the story that he fed to Dennis Stevenson. The story to prove "that leading Politicians, Members of the ALP and others, are associated with and connected to organised criminals involved in the X-Rated Video Industry."

To give you, the Members of this Assembly, further proof of Stuart Gill's complicity is the fact that during 1988 - 1989, Paul Dummett aka Stuart Gill assumed a further alias, that of ANDREW MACAULEY. He obtained credit under that name and did not pay. A Magistrate's Court Order was given against him in March, 1991. The name in the Court Register being ANDREW MACAULEY, also known as Paul Dummett; who as we know changed his name to Stuart Gill in 1986.

Members of this Parliament, we now have this person Stuart Gill, who is not an elected Member of this House conspiring with MLA Dennis Stevenson, to promulgate false and misleading information to destroy people's reputations.

Australians have fought in order to protect this Democracy, especially the freedom of speech as protected under the Westminister System of "Parliamentary Priviledge". This Priviledge has been terribly abused, your House of Assembly held in contempt. You have allowed your Parliament to be manipulated by an imposter, who is guilty of criminal deception - AND YOU HAVE BEEN SILENT!

When I read in "Hansards" that a Member has asked for me to be "held in contempt" of your Parliament, I have found it hard not to laugh. I cannot understand why 16 elected Members of this Assembly have not called me, Stuart Gill or Mr Dennis Stevenson to task, so that you can justify your position as Members of a Parliament of Australia.

I am hoping that, that day will be soon.

Until then,

I remain
Yours faithfully,

G. GOLD.

Enclosures (1) Nation Review
(2) Subscribers to Deed of Mortgage
(3) Directors of Care Publications - 1979
(4) Debtors List - March 1991

SCHEDULE OF MORTGAGEES

NAME	ADDRESS	SUM ADVANCED UNDER THE DEBENTURE
Edward R. Rush	757 Swanston Street, Carlton	$ 500.00
Joan Coxedge	Parliament House, Melbourne	$ 500.00
Bruce Petty	C/- "The Age", Melbourne	$ 600.00
Alexander E. Carey	C/- The University of New South Wales	$ 1,000.00
Michael Wilding	C/- University of Sydney, New South Wales	$ 250.00
Patrick Edgar	C/- Latrobe University, Melbourne	$ 200.00
Peter Blazey	C/- The National Times Newspaper, Sydney	$ 250.00
Andrew McAuley	11 The Esplanade, Alphington	$ 3,000.00
David Williamson	87 Jersey Road, Woollahra, New South Wales	$ 600.00
Gary Killington	C/- The Methodist Central Mission, Adelaide, South Australia	$ 1,000.00
Geoffrey Maurice Gold	33 Abbotsford Avenue, Chadstone	$ 3,000.00

$****20.00 — 250077-1-OCT-79

LODGED BY WANTRUP, SCHNIDER & KATZ
ADDRESS 316 QUEEN STREET
MELBOURNE.
PHONE No. 67-5747

FORM 43
Companies Act 1961
Section 194 (6)

COMPANY No. C-149537-V
DOCUMENT No. 8

PARTICULARS AND CHANGES OF PARTICULARS IN REGISTER OF DIRECTORS, MANAGERS AND SECRETARIES OF

CARE PUBLICATIONS PTY. LTD. ~~LIMITED~~

Present Names † (In the case of Directors give any Former Names in Brackets beneath Present Name)	Address ‡	(A) Other Business Occupation (if any) AND (B) In case of Directors Particulars of Other Directorships § (If none, state so)	Nature of Appointment or Change and Relevant Date ‖
DIRECTORS.*			
GERALD GOLD	7 Cato Street, Hawthorn East.	Company Director Nil	Continuing
CHARLES WANTRUP	41 Kneen Street, North Fitzroy.	Solicitor Nil	Resigned 2/7/79
ANDREW McCAULEY	11 The Esplanade, Alphington.	Business Manager Nil	Appointed 2/7/79
MANAGERS.*			
SECRETARIES.*			
CHARLES WANTRUP	41 Kneen Street, North Fitzroy.	Solicitor Nil	Resigned 2/7/79
ANDREW McCAULEY	11 The Esplanade, Alphington.	Business Manager Nil	Appointed 2/7/79

DATED this 31st day of July 19 79

Director *Secretary* *

See Overleaf for Notes

LODGED with the COMMISSIONER on
E. 9 OCT 1979
COMMISSIONER FOR CORPORATE AFFAIRS

Harrison, Partridge & Co. Pty. Ltd. Printers, Melbourne CA 13

First Floor,
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Richmond North 3121

Telephone: (03) 427 1022
Facsimile: (03) 427 0332

October 22, 19

TO ALL MEMBERS OF THE A.C.T.
LEGISLATIVE ASSEMBLY

Dear Member,

Today I received the printed copy of "Hansards" of September 18, 1991.

Following my reading of the speech and comments on pages 3444-3448, I wish to thank all Members who objected to Stuart Gill's accusations of criminality against me being uttered by Member Stevenson.

As your Assembly is only sitting until Thursday, I am, in haste, sending by facsimile, my reply to the lies written by Stuart Gill and spoken, under Parliamentary Privilege, by Mr Dennis Stevenson.

According to Stevenson/Gill:

> "In contradiction to his sworn affidavit, however, Mr Gold has been interviewed in connection with drug offences, money offences and various other matters."

This latest accusation is a deliberate and malicious misrepresentation; turning on its head the assistance I have provided police agencies in respect of their inquiries concerning other persons into a suggestion that the inquiries have been directed on me.

I STAND BY MY STATUTORY DECLARATION! Let Mr Gill (a.k.a. "Dummet", "Paul Seal", "Andrew MacAuley") or Member Dennis Stevenson swear a Statutory Declaration outside Parliament to the contrary.

Stevenson/Gill then go on to say:

> "In an interview with Superintendent Warren from the Victorian Police Force on 2nd September 1991, Mr Gold made certain statements. As a result of this interview, further inquiries have been commenced which include a review of all Gold's failed businesses dating back to 1969."

Upon reading this "inside" information at 11.00 am this morning, I immediately telephoned Superintendent Warren. The following are from my notes of what the Superintendent confirmed to me:

> 1. Gold requested the interview following the mention of my department in the ACT Legislative Assembly. I saw him on that day at around 11.00 am on Monday, August 26, 1991, at my office.

2. The only statements that Gold made to me concerned his knowledge of Paul Dummett also known as Stuart Gill.

3. I have not discussed his business with Dennis Stevenson and, to my knowledge, no inquiries are being undertaken as to any of Gold's businesses as a result of the meeting.

Stevenson/Gill then go on to say, after being cautioned by Mr Speaker:

"I have always been extremely careful in what I say."

What was really meant, was they are always careful WHERE THEY SAY IT!

They then go further:

"The investigation will particularly cover the list of 41 liquidated Gold companies that I tabled in this Assembly, and the fate of the assets of those companies."

What a beautiful McCarthy-style "shopping list". As I am not a Member of your Assembly, nor a KGB-style informer, I have searched your "Hansard" for the documents Stevenson/Gill claim to have tabled.

All I have discovered is Stevenson/Gill's statement recorded in "Hansard" of August 7, 1991, page 2534, which reads:

"I have a list of 41 companies, none of which operate any longer. They all have been liquidated, placed in bankruptcy, et cetera. Many of them would be well known: Channel 69, Private Screenings Pty Ltd, Unicorn Video, Video Pix Pty Ltd, Mr X Video, Hollywood House Video, Curbeydex Pty Ltd, Tag Video Pty Ltd, Liberty Home Video Pty Ltd and so it goes on."

I count nine companies tabled, not the fantastic 41. And, of the nine, only one, Unicorn Video, "suffered" my involvement - as I have previously your House. Stevenson/Gill continue to be so "extremely careful" with their "facts"!

How does this slanderous circus continue in your honourable forum? How can my civil rights continue to be ripped asunder in your House by a crooked, corrupt, undesirable, profligate, reprobate known, sometimes, as Gill. How can a Member destroy the respect of the ACT Parliament by continue with lies, lies and more lies.

Mr Connolly, taking a point of order, said:

"Mr Stevenson has been reading what purports to be a record of interview or an interview between a Victorian Police Officer and Mr Gold, and now he seems to be describing a Police operation by the Victorian Police."

Let me assure you that it is not so! And, if it were so, that is, a politician having access to confidential police interviews with citizens, then you might as well stop talking democracy and bring back the Gestapo.

I REITERATE:

GERALD GOLD

On my request, I met with Superintendent A Warren of the Victoria Police's internal investigations department on Monday, August 26, 1991 in respect of statements made in your House naming him in relationship to Gill.

On my request, I met with Inspector C Cosgriff of the Victoria Police's internal security department on Tuesday, September 3, 1991 on the same matter.

But all this going through "proper channels" doesn't seem to give an ordinary citizen an even break. Gill is still pushing his barrow through your House and, no matter how much information I provide to you, the abuse continues.

Give me a hint.

Why do you permit this perverse behaviour to continue?

I remain,
Yours Faithfully,

GERALD GOLD