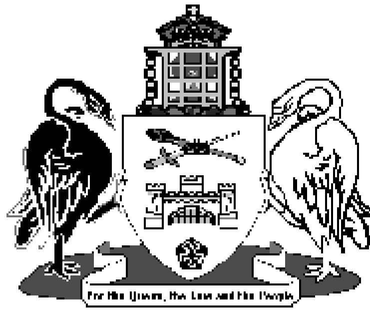

DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

19 May 1992

Tuesday, 19 May 1992

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Tuesday, 19 May 1992

MADAM SPEAKER (Ms McRae) took the chair at 2.30 pm and read the prayer.

PAPER

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): Madam Speaker, I ask for leave to present a petition which does not conform with standing orders as it does not contain a request.

Leave granted.

MR CONNOLLY: Madam Speaker, I present an out-of-order petition from 80 residents opposing the introduction of compulsory wearing of bicycle helmets.

QUESTIONS WITHOUT NOTICE

Royal Commission into Productivity in the Building Industry in New South Wales

MR KAINE: I address a question to Mr Berry as Minister for Industrial Relations. Has the Minister made arrangements to get early access to the Gyles report on the building industry, and will he be in a position to advise us of what the Government's position is in connection with that report by 29 May?

MR BERRY: Thank you, Mr Kaine, for the question. Madam Speaker, the Gyles report, of course, required no input from the ACT Government. The Gyles commission was a royal commission established by the New South Wales Government. As many would know, the inquiry was specific to New South Wales and was not a matter for the ACT Government to address. Accordingly, it is not appropriate that we seek any advance copy of that commission's report.

The report, of course, when it is released, will be examined to determine whether there is anything of interest or relevance to the ACT building industry. However, the ACT is party to the wider national reform process in the building and construction industry. I might add, Madam Speaker, that if the Liberals are real keen to get a copy of the report, if they have a look in the *Financial Review* of Tuesday, 19 May, on page 2 they will find an advertisement which says:

> Report of the Royal Commission into Productivity in the Building Industry in New South Wales. Advance copies of Mr Gyles' final report will be available shortly.

So, you might apply for a copy or two if you really want some.

MR KAINE: I ask a supplementary question, Madam Speaker. Since the Minister is obviously well aware of the availability of this report, and since he has taken no action whatsoever to get a copy, even though he has seen the advertisement, is his position that this has no relevance to the ACT?

MR BERRY: When we get a copy of the report and examine it, we will determine whether it is of relevance or not. But, if the Liberals want us to parrot what happened in New South Wales, do not hold your breath, because we will not parrot what the New South Wales Government has done. So, there you have it. We will have a look at the report, and if there is anything relevant we will do what governments do with relevant information.

Mr Kaine: Nothing about anything. We understand that.

MR BERRY: No, you are thinking about the Liberals. We will do what is appropriate, and it will be in keeping with Labor's policy on industrial relations, which I think is a very excellent one.

Graduate Nurse Programs

MR LAMONT: My question, Madam Speaker, is directed to the Minister for Health. Sir, do you have a response to Mrs Carnell's question about the purported employment of 30 male Vietnamese nurses in preference to ACT nurse graduates?

MR BERRY: Thank you for the question. This is a very important question, Madam Speaker, because it relates to a level of disinformation and misinformation which has been created by the Liberals and, in particular, by their health spokesperson. Of course, the Liberal spokesperson on health has developed the art of scaremongering and I think - - -

Mr De Domenico: On a point of order, Madam Speaker: Can I suggest that Mr Berry withdraw the word "scaremongering" because it is unparliamentary.

MADAM SPEAKER: Mr Berry will resume answering the question.

MR BERRY: Thank you, Madam Speaker. There might be a few other words that you are sensitive about as I go on. There have been quite a few claims and misinformation over the last few months about matters that have been going on in health, and this has caused some concern in the community. It does not do us any good and does not do the Liberals any good for these sorts of campaigns to be conducted. For example, it was claimed that a cardio-thoracic unit for 300 people in the ACT would cost only $750,000 to run. Wrong, wrong, wrong! A cardio-thoracic unit treating 300 ACT patients would cost about $4m a year. Mrs Carnell said that the ACT methadone program was no good, and, of course, the program has been proven. It is all misinformation.

Mr Kaine: I take a point of order, Madam Speaker. The Government is very touchy about the use of words, and I notice that they were springing to their feet last week every time anybody anywhere else in the Assembly used a word that they took offence at. There is no evidence whatsoever of the Liberal Party embarking on a misinformation campaign. That is not a statement of fact, and I would like the Minister to withdraw it.

MADAM SPEAKER: I think the Minister is answering the question appropriately.

Mr Kaine: Madam Speaker, I have asked that he withdraw the assertion that the Liberal Party is engaging in a program of misinformation. It is not true and I would like it withdrawn.

MADAM SPEAKER: Mr Berry did not say that the Liberal Party is engaging in a program of misinformation.

Mr Kaine: Yes, he did. The *Hansard* will show it.

MADAM SPEAKER: I think Mr Berry can continue to answer the question.

MR BERRY: The evidence is clear, Madam Speaker. The methadone program in the ACT is one of the most effective, with 19 per cent of clients remaining off heroin. The Tuggeranong Health Centre, it was claimed by the Liberals, was a centre for waste with a $240,000 per annum power bill.

Mr De Domenico: On a point of order, Madam Speaker: I recall that Mr Lamont asked Mr Berry a question relating to Vietnamese nurses. Can I suggest that Mr Berry answer the question he was asked.

MR BERRY: Indeed, I am just about to get to that. I am just coming to that. Of course, there is a full range of services at the Tuggeranong Health Centre and the claim was wrong. This claim about the Vietnamese nurses not only smacks of racism but again is a claim - - -

Mr Humphries: I raise a point of order, Madam Speaker. There is a very clear imputation here that Mrs Carnell's question was in some way racist. That imputation is a slur on a member of the Assembly, and I ask Mr Berry to withdraw it.

MADAM SPEAKER: Mr Berry has rightly pointed out that Mrs Carnell used a statement in relation to nurses, which was "30 Vietnamese nurses". That can be interpreted as a racist statement in that they could have been of any nationality whatsoever, including Australians of Vietnamese origin. It is within the bounds of interpretation to say that it has a racist slur.

Mr Humphries: Madam Speaker, on the point of order: The question is not what Mrs Carnell said on the last occasion this was mentioned. The question is what words the Minister is using today. The Minister said today that she had made a racist slur. The word "racist", in application to Mrs Carnell today, is out of order. It is an imputation against Mrs Carnell, irrespective of what she said on the previous occasion.

MADAM SPEAKER: I understand what you are telling me, Mr Humphries. Mr Berry said that it smacks of a racist slur. He did not say directly that she had made a racist slur. There is enough of a difference. Mr Berry, please continue.

MR BERRY: I said, and I will say it again, that it smacks of racism to suggest that there is something wrong with employing 30 male Vietnamese nurses instead of graduate nurses. That is the line that was taken by the Liberals. You have to wear it because that is the line that you took.

Mr Kaine: Madam Speaker, on a point of order: The Minister is making a statement that is not a statement of fact. That is not what happened last week. What happened was that Mrs Carnell asked him whether he was aware of the fact that these people were employed there. He is now putting his own interpretation on this. He is misrepresenting it. I believe that sooner or later you have to lower the boom on him, Madam Speaker. You cannot permit this to go on.

MADAM SPEAKER: Mr Berry, when you make reference to Mrs Carnell's question, make sure that you are talking about Mrs Carnell's question. I think that then the matter will be settled.

MR BERRY: Mrs Carnell asked a question about whether 30 Vietnamese nurses had been employed and clearly implied that they had been or could have been employed instead of ACT graduate nurses. In my view - and I think any sensible person in the street would come to the same view - this smacks of a racist statement. This clearly demonstrates the Liberals' lack of conscience when it comes to making unfounded claims such as the ones that I pointed out to this place as I led up to this issue. The Liberals continually make unfounded statements and this is another one.

What you ought to do is check your facts before you go on with this flow of misinformation. It is the same old story over and over again - stir up a bit of mud and hope some sticks.

Mr Kaine: She asked you for some facts, but you will not answer the question.

MR BERRY: I will give you some facts now. This points out the level of racism that has emerged. Of course, the Government does not employ staff on the basis of their ethnic background - it never has - and neither would we ask a question along those lines. The nursing division at Woden Valley Hospital has never employed a group of 30 Vietnamese male nurses. If you had checked before you asked, you would have known it. This is more mud slinging.

Ms Follett: She has admitted that she made it up.

MR BERRY: Of course, it sounds as if they just made it up off the top of their heads. That is a dangerous thing to do. The minimum requirement for employment as a registered or enrolled nurse is, as Mrs Carnell knows, that they be registered or enrolled with the ACT Nurses Registration Board. That is the minimum requirement. Neither the ethnic background nor the gender of prospective employees is requested or taken into consideration when making appointments to the nursing division. There has been no cost to the ACT Government - - -

Mr De Domenico: What?

MR BERRY: There has been no cost to the ACT - - -

Mr De Domenico: In connection with what? If they do not exist, how could it cost you anything?

MR BERRY: It was raised by Mrs Carnell. As part of our international obligations, ACT Health hosted World Health Organisation fellowships for eight Vietnamese nurses in August 1991 and four Burmese nurses in May 1992. These were funded by the World Health Organisation. All of this seems to have turned into some sort of a racial crack, and I tell you what - it goes along with the misinformation that we hear from the Liberals all the time. I have just about had enough and I think the people of the ACT have just about had enough. Take it easy.

Crane Drivers Dispute

MR DE DOMENICO: Madam Speaker, my question is addressed to the Minister for Industrial Relations, Mr Berry. It is about the current crane drivers dispute. Noting that the dispute has been before the Industrial Relations Commission already, will the Minister now intervene to ensure that the dispute is settled as quickly as possible, thus saving the construction industry many millions of dollars and perhaps some jobs in the ACT?

MR BERRY: Again the Liberals have demonstrated their lack of knowledge about industrial relations, and particularly industrial relations in this town. There is currently an industrial dispute between a union that is concerned with cranes in the ACT and an employer, and it is true to say that if the dispute is to go on at its current level for much longer there will be an effect on the construction industry. But, as Mr De Domenico knows, the best way to settle this industrial dispute is for the parties to settle it between them. It is not for governments to intervene and take the heavy-handed approach in industrial disputes. Unlike the Liberals, we are concerned about lasting, good industrial relations instead of flash in the pan heavy-handedness.

The current dispute is one which concerns me. I understand that officers of my department have offered their assistance. It is a matter so far which ought to be sorted out by the parties: I have said it over and over again. If the parties cannot sort it out, then the goodwill of the Industrial Relations Commission should be called upon to settle the matter. What I would add, Madam Speaker, is that people who are not directly associated with this dispute ought to keep their counsel, because if they do not they will only add to the tension which exists between the parties. You have to allow the parties to try to sort it out for themselves. Making political mileage out of it is not going to help anybody. So, I repeat: Keep your counsel.

Intellectual Disability Services

MS SZUTY: Madam Speaker, my question is addressed to the Minister for Community Services, Mr Connolly. Minister, in 1989 the member for Canberra, Ros Kelly, held a meeting with representatives of disability services in Canberra to highlight the need for urgent respite and other care facilities for adolescents with intellectual and psychiatric disabilities. In the light of recent articles in the *Canberra Times*, the situation apparently has not improved since that time. Can the Minister explain why there still appears to be a gap in service provision for adolescents with intellectual and psychiatric disabilities and their families, who find themselves coping with and affected by associated behaviour?

MR CONNOLLY: I thank the member for her question, which is a very sensible one. The problem is that, no matter what resources are put in, there remains an unmet demand for respite care. This Territory provides resources for intellectual disability care at a quite substantial level. We spend just under $8m - about $7,700,000-odd - per year on intellectual disability services, which is a substantial effort. Members would be aware that there is some criticism of the ACT from people such as the Grants Commission, who say that we spend too much on community services and welfare related areas of expenditure. I am sure that all members on this side of the chamber, and no doubt Ms Szuty, would take the view, as Labor does, that in a rich community such as Canberra we ought to be making a better than average effort.

But, that having been said, it still remains the fact that there can be unmet demands. With an ageing population, as we have in Canberra, those demands are increasing. One answer would be to pour more money into the problem; but, given the ACT budget and given that in the sector we currently overexpend, I do not think that is a realistic solution. The solution must be to move to better deploy the resources that we now have. At the moment the substantial sum of money that is spent provides for only 140 full-time care positions, which works out at a cost of about $55,000 per full-time care position. That is a very high cost compared with other parts of Australia. We have a staff-to-client ratio of 1:3. That is very high. Other States are working on ratios of between 1:4 and 1:6.

The move that has occurred over successive governments away from institutional care at places such as Bruce into community houses is addressing that problem. It is providing care at different ratios; it is providing a saving of money. But the most important reason why it is being done by this Government, as it was by the former Government, is not that it saves money but that it provides a significantly improved quality of life for the clients as well as spreading the resource across more clients. We intend to continue to go down that path.

At the moment what Ms Szuty says is true. There is an unmet demand for respite care. Respite care is provided directly from the ACT Government through Birralee for younger children and at Finniss Crescent for adults. But, because of increased demands, we are now providing that about one week in seven, as opposed to one week in four, which was the position some years ago. There is also home-based respite care provided through Fabric, which although a community-based organisation is funded through both the Commonwealth disability services program and the HACC program. That Commonwealth disability program is something that is likely to devolve to the States when all the States that are party to the disability agreement come into it. The Disability Services Act of the ACT, of course, was passed late last year.

While I cannot promise an instant solution - other than anyone saying "Well, we should just double our expenditure and thus double the resource", and I think that is an irresponsible approach - I can say that we are working towards deploying our considerable resources so that they are put into this problem in a more equitable manner. The dilemma, of course, is that that will not meet individual demands. All I can say on that matter from the Government's point of view is that we have to allocate resources in accordance with priorities. We will continue to do that. When a vacancy occurs, the IDS staff - who would at all times be aware of the individual circumstances of, say, the half-dozen most high-need families in the Territory - would make a decision based on who at the time of the vacancy has the most need for the resource. We will not be swayed by any media or other promotion to interfere in that priority allocation task.

Non-Government School Funding

MR CORNWELL: Madam Speaker, my question is directed to Mr Wood. His colleague Mr Berry referred to concern in the community in relation to another matter. Does the Minister support the call of the ACT Council of Parents and Citizens Associations that grants to non-government schools should be means tested, as put forward to the Berkeley inquiry into school funding and reported in today's *Canberra Times*?

MR WOOD: Madam Speaker, in broad terms I do not. I acknowledge the position from which they come. They present, in that statement, a longstanding viewpoint. However, our policy is such that we continue to fund non-government schools on the basis of need. That need is formulated on the Commonwealth 12-category system and we provide funds at half of what the Commonwealth provides. That is our policy, and at this stage we are not proposing to vary from that, though we have commissioned the report by Mr Berkeley that will be coming down shortly and we will attend to what he says.

We want to have a proposal in place, should the Commonwealth change its mechanism for determining allocations to non-government schools, and that could happen in the future, although I think it is unlikely that we would look at means testing. I add that means testing means that parents with greater income would presumably get less State-Territorial assistance. In some measure, on our needs basis but directed to schools, not to individuals, there is an element of awareness of availability of resources. But, to repeat what I said at the beginning, we do not accept their claim.

Industry Commission

MS ELLIS: My question is directed to the Chief Minister. I ask the Chief Minister: What is the Government doing about the Commonwealth proposal to move the Industry Commission to Melbourne?

MS FOLLETT: Madam Speaker, I thank Ms Ellis for the question. I state at the outset that the Commonwealth Treasurer's decision to move the Industry Commission from Canberra to Melbourne is a retrograde step, and it is not a step that I support in any way at all. I believe, Madam Speaker, that this decision fails to recognise the role of Canberra itself. Canberra is the creation of the Commonwealth Government in order to service its own needs and to provide close links between the politicians themselves and their advisers.

I believe that this move is a sign that the Commonwealth is not being a good corporate citizen in the ACT and, of course, not recognising its role as the major employer in the ACT. It is a sad fact that there are some 230 people in Canberra employed by the Industry Commission. The removal of those people from Canberra to Melbourne not only means the loss of 230 jobs but also means the loss of some $15m in salaries and so on to our local economy. So, there are important spin-off effects from that loss of jobs as well.

There are also, of course, social costs to officers and their families which ought not to be discounted. To uproot families from Canberra and move them to Melbourne can be an extremely costly business for those families, can mean disruption of children's schooling and, of course, can mean disruption of spouses' careers as well. I regard it as a very poor step.

I believe also that the Commonwealth's stated reasons for this move are extremely weak. They have stated that the move is in order to allow the Industry Commission to keep in better touch with the industries themselves. Madam Speaker, I would not put forward Melbourne or Victoria as the preferred option for keeping in touch with industry. In fact, it moves the commission further away from most of the industries to which it would need to relate and into one of the areas of strongest protectionism as far as Australian industry goes.

Madam Speaker, the Industry Commission has taken on a new role, and that is to work at removing impediments to growth and competitiveness. I am sure that all members here would support that, as indeed do I. But I think that in removing the commission to Melbourne it is putting at jeopardy the implementation of any of the policies that the Industry Commission comes up with, because those policies must be muted by distance. In terms of the commission's relations with the important Federal bodies - the Federal Treasury, Finance, the Department of the Prime Minister and Cabinet and so on - it is, I think, much more difficult to have good relations and readily implementable policies from Melbourne than it is from Canberra.

To conclude, I have written to the Prime Minister asking that he review this decision and expressing the grave concern of this Government on behalf of the ACT community.

Crane Drivers Dispute

MR HUMPHRIES: My question is addressed to the Minister for Health and Minister for Industrial Relations. Will the current crane drivers dispute have an effect on the hospital redevelopment project and, in particular, the budget for that project, and will any workers need to be stood down because of the dispute?

MR BERRY: I think I have already partially answered the question, Madam Speaker. I have said that, if the dispute were to go on at its current level, then it would impact on the building industry, and therefore it is likely that if it were to continue it might impact on some of the construction work which is occurring at the Woden Valley Hospital site. Of course, as Mr Humphries would know, if there are workers on site and there is no work to be performed because of missing services such as cranes, then work has to be rearranged to sort that out. I understand that there was some advance knowledge that this dispute was in the wind and that there was some planning to ensure that the impact of it would be as little as possible. Sensibly, the site people have made arrangements to ensure that there is as little impact as is possible.

It is a potentially serious dispute; but again I say that it is better for people who are not directly associated with it to keep their counsel. It is, no doubt, viewed seriously by both the parties - the union and the employer - and I will bet that

they both want to settle it, though they have not been able to agree on the terms yet. I hope that, in the interests of the building and construction industry, of the workers who are on strike and of the employers, they are able to come to a settlement very shortly in order that industrial peace may prevail.

But I think it is important for us - and I include all of us here - not to beat our breasts too much, because there is the potential to aggravate the problem. In my experience, sometimes negotiations reach very sensitive stages and the outside influence of parties not associated with the dispute can be very unhelpful.

MR HUMPHRIES: I ask a supplementary question, Madam Speaker. The Minister made reference to prior warning or prior notice of this dispute. Could the Minister tell the Assembly what the nature of that prior warning was and how much in advance of the dispute's commencement the Government had warning?

MR BERRY: I am not talking about the Government; I am talking about the people who are running the building site. I mean people who have their finger - - -

Mr Humphries: That is the Government, isn't it?

MR BERRY: No, hang on a minute. If you want the answer to the question, just sit there quietly and I will give it to you - with both barrels and when the occasion arises. People who are associated with the building industry have a perception about the development of industrial disputation within the industry; in other words, you can sometimes see it coming. My understanding is that there has been, as I said, in the wind some concern about the likelihood of an industrial dispute. Whether they told me or not is beside the point. The issue - - -

Mr Humphries: They did not tell you, then?

MR BERRY: I said to you that whether they told me or not is beside the point. The dispute is between two industrial parties. As I have said before - - -

Mr Humphries: Of which you are one - your Government, if you are involved in this matter.

MR BERRY: The dispute is between two industrial parties. The Government will assist wherever it can to settle the dispute, but essentially the dispute has to be settled between the parties. If they cannot settle it themselves and they prevail upon the Industrial Relations Commission with goodwill, then I am sure that the Industrial Relations Commission will assist them. But it will do absolutely no good for people who are not associated with the dispute to get involved in it and beat their breasts about it.

Mr Kaine: But you are involved in it. You are the Industrial Relations Minister. Didn't you know?

MR BERRY: In conclusion, as the Industrial Relations Minister, I will try to facilitate a sensible result wherever it is possible. But one thing I am not going to do is get out there and whip the matter up for political purposes, because it is too - - -

Mr Kaine: It took you a week to realise that there was a problem.

MR BERRY: No; come on. It is an important enough issue to allow the parties to try to settle it and use their best will to settle the matter. Let them get on with it.

Lake Burley Griffin - Motor Boats

MR MOORE: Madam Speaker, my question is directed to Mr Wood as Minister for the Environment, Land and Planning. Are there moves to extend approval for motor boats on Lake Burley Griffin and, if so, will a formal environmental impact study be done rather than allowing incremental degradation by stealth?

MR WOOD: That is a nice form of words with lots of implications, Madam Speaker. I think this is the sort of thing that could be approached more reasonably. I am not aware of any proposals to allow greater use of motor vessels on the lake. I have an inclination that would not facilitate or not permit that, should the question arise, though I would listen to any case that is presented before making decisions. But I note what you say and I will bear your views in mind.

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

UNPARLIAMENTARY LANGUAGE
Statement by Speaker

MADAM SPEAKER: Before we proceed I would like to make a statement. During the proceedings of the Assembly last week there was some discussion concerning possible imputations of improper motives and personal reflections on members. The standing orders include particular provisions concerning the use of offensive and disorderly words and personal reflections and the Speaker's duty to intervene when they are used. It is when members are canvassing the opinions or conduct of their peers that these standing orders have particular significance.

The practice I intend to follow in instances such as arose on Tuesday last is that it would not be appropriate for me to prevent a member from simply questioning the veracity of a statement made by another member. To prohibit members from stating that another member was wrong or that a statement made by another member was factually inaccurate could unduly inhibit debate in the Assembly. Members must be able to refute claims or statements they believe are wrong, either in debate or by way of a personal explanation.

I will, however, intervene when a member is accused of deliberately or knowingly misleading the Assembly, or of lying, or when there is a serious reflection on a member's character or motives. A charge of uttering a deliberate falsehood is a serious one indeed, and such a charge may be directed only upon a substantive motion which allows a distinct vote of the Assembly.

SUBORDINATE LEGISLATION
Papers

MR BERRY (Deputy Chief Minister): Pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for a regulation and determinations.

The schedule read as follows:

Land (Planning and Environment) Act - Land (Planning and Environment) Regulations - No. 5 of 1992 (S56, dated 8 May 1992).
Public Places Names Act - Determinations - Nos. 50 and 51 of 1992 (S55, dated 11 May 1992).
Taxation (Administration) Act - Determination No. 52 of 1992 (G19, dated 13 May 1992).

CONFERENCE OF COMMONWEALTH AND STATE LABOUR MINISTERS
Ministerial Statement

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport): Madam Speaker, I seek leave to make a ministerial statement on the Conference of Commonwealth and State Labour Ministers in Perth on 22 April 1992.

Leave granted**.**

MR BERRY: I should like to report to the Assembly on the Conference of Commonwealth, State and Territory Labour Ministers which was held in Perth. It was held on 22 April, and I represented the ACT Government. A number of issues were debated at the conference in which the ACT has a significant interest, including wages policy, the legislation framework, occupational health and safety, and industry reform.

Assembly members will be aware that the direction of national wage policy in Australia is towards enterprise bargaining. The feeling is that, following necessary restructuring at the industry level, the increases in efficiency and productivity necessary to improve Australia's competitiveness must now be achieved through reform at the workplace level. Although the national wage principles of the Australian Industrial Relations Commission now provide for adjustments in wages and conditions as part of enterprise based bargaining agreements, little use has so far been made of the new principle. No doubt, Madam Speaker, the industry parties at the workplace level need time to adjust to the new processes. Also, the recession has not been conducive to experimentation.

There was discussion at the Labour Ministers Conference on how workplace bargaining might operate in the public sector, that is, among the direct employees of governments. While enterprise bargaining can apply to government business enterprises just as it does to the private sector, its application to the public service raises issues which have yet to be satisfactorily resolved. The ACT is awaiting decisions to be taken by the Federal Government regarding an appropriate model

or models for enterprise bargaining in the Australian Public Service. The ACT Government will need to consider the applicability of the preferred Commonwealth model to the ACT Government Service. At the conference, it was clear that the States and the Northern Territory were also keen to see what approach the Commonwealth would be taking, as all are wrestling with the same issues in relation to their own public services.

The conference was addressed by Mr Laurie Carmichael, chair of the Employment and Skills Formation Council of the National Board of Employment, Education and Training. In his address, Mr Carmichael raised some key industrial relations implications of the recent report of his council proposing an Australian vocational certificate training system. Labour Ministers agreed that the issue of youth and training wages would best be considered following development of the training systems that might underpin the new entry level arrangements being proposed. Developments will occur at national level in consultation between government and peak employer and union representatives. The ACT will be monitoring these developments closely, as action on this front could have a significant impact on one of the major issues now confronting the Territory - youth unemployment. The ACT will also continue to monitor developments at the Commonwealth level in establishing an appropriate wage regime for workers with disabilities entering the mainstream work force.

Regarding changes to the industrial relations legal framework, the Federal Minister, Senator Peter Cook, informed the conference of the proposed amendments to the Commonwealth Industrial Relations Act, including variations to the provisions covering certified agreements and the provisions to deal with disputes over the use of independent contractors.

An important issue on the conference agenda was occupational health and safety. The Ministers from all the jurisdictions - that is, Federal, State and Territory - have reaffirmed their commitment to making every effort to remove barriers to the achievement of mutual recognition through national uniform outcomes by the end of 1993. There is no doubt that a national uniform and consistent approach to occupational health and safety standards and codes of practice will significantly improve the competitiveness of Australian industry. It was heartening to see that Labour Ministers across the political spectrum acknowledged this.

Ministers have endorsed a program of activity through the National Occupational Health and Safety Commission to develop and drive a strategy to achieve harmonisation of existing standards by the end of 1993. They have also endorsed a process by which senior officials from each jurisdiction will work towards developing legislative consistency so that operators of business in Australia will have the same obligations placed on them as regards their duties of care for their employees, and a consistent approach can be taken by governments in assisting them to improve their performance and in penalising them for breaches.

These were some of the key issues debated at the conference. In addition, useful information was exchanged on a range of other industrial relations issues. I shall be discussing a number of these at the forthcoming meeting of the ACT Industrial Relations Advisory Council, which next meets on 27 May. Consultation between government, union and employer representatives at that council will progress the debate on some vital issues which we need to address to improve the efficiency and the competitiveness of ACT industry and the capacity of our labour market to provide job opportunities for all Canberrans who are seeking satisfying work.

I present the following paper:

> Conference of Commonwealth and State Labour Ministers - Ministerial statement, 19 May 1992.

Madam Speaker, I move:

> That the Assembly takes note of the paper.

Debate (on motion by **Mr De Domenico**) adjourned.

HARE-CLARK ELECTORAL SYSTEM
Discussion of Matter of Public Importance

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

> The need for the implementation of the Hare-Clark Electoral System to be carried out as soon as possible by providing the following terms of reference to the Australian Electoral Commission:
>
> > That the Australian Electoral Commission prepares for the ACT a proposal for implementing the Hare-Clark system as used in Tasmania, including

(a) a fair distribution of seats;

(b) "Robson rotation";

(c) "Countback"; and

(d) removal of the use of "how to vote" cards.

MR MOORE (3.13): Madam Speaker, in beginning my speech on the electoral system I point out that because of a minor mix-up I would like to adjust the wording of the matter of public importance in a minor way. I shall not seek leave to make the amendment, because I think it changes it in only a minor way. Instead of demanding of the Australian Electoral Commission, the first paragraph should read: "The need for the implementation of the Hare-Clark Electoral System to be carried out as soon as possible by inviting the Australian Electoral Commission to respond to the following terms of reference". Madam Speaker, at the end of this debate it is my intention to seek leave to put a motion to that effect. I am quite happy to distribute to members a copy of the motion that I intend to seek leave to put, should that be an appropriate move to make.

Madam Speaker, you can refer back to a number of matter of public importance debates on the electoral system during the last Assembly which were raised by members, particularly by me. I did so because I felt that one of the most important issues affecting the people of the ACT would be the electoral system under which this Assembly is elected. It seems to me that the people of the ACT have overwhelmingly rejected the Labor Party preference of single-member electorates in favour of a much fairer and much more appropriate system, a system of proportional representation, and the best worldwide system of proportional representation available is the system used in Tasmania.

During the debate on electoral systems it became very clear that the single-member electorate system is a system that suits the party and the party machines rather than having an emphasis on suiting the people. It seemed to me that, as the Liberal Party chose to go with the proportional representation system, that indicated that they had a far fairer mind as to what was fairest for the people of Canberra than did the Labor Party, which single-mindedly set about trying to take advantage of people by convincing them that the single-member electorate system would be better for them.

The single-member electorate system has many advantages when there is a two-tiered system of parliament and people have available to them both a representative and a proportional representation system, as in the House of Representatives and the Senate. When we lose one of those systems it is appropriate, and the people of Canberra have indicated clearly that it is appropriate, that we lose the single-member representative system in favour of the system of ideas, and that is what a proportional representation system is. I distinctly remember promises by both Trevor Kaine and Rosemary Follett that whatever the result of the referendum - - -

Ms Follett: I was first.

MR MOORE: The Chief Minister interjects that she was first and I certainly accept that. I will rephrase what I just said and say that I recall promises by the Chief Minister and the Leader of the Opposition that - - -

Mr Kaine: I think I said it first.

MR MOORE: I now have an interjection from the Leader of the Opposition that he said it first. I do not care who said it first, but we do have clear promises from both of those leaders that, whatever the choice of the people of the ACT was, it would be implemented. I have no doubt about that commitment and I have no doubt about the integrity of that commitment.

What I do have some concern about, and this is the reason why I have raised this matter of public importance debate today, is how that would be implemented. The "how" applies to two things. Firstly, how will it be implemented and what form will it take? Should we have a consultant? Whom should we use? Should we appoint somebody from within the government system to arrange how the system should work, or should we invite somebody like the Australian Electoral Commission? I have nominated the Australian Electoral Commission to deal with it.

Secondly - I think that in many ways this is more important - are we going to have a system implemented as people understood it when they voted at that referendum? The system, as people understood it when they voted at that referendum, was the Tasmanian system, including a fair distribution of seats - and I do not think anybody would debate that - Robson rotation and countback. I have added another point which I think many people thought would be included but was not - it was not included in anybody's commitment - and that is the removal of the use of how-to-vote cards.

Madam Speaker, I will deal first with that removal of how-to-vote cards. I separate that point because I think it is not an integral part of Hare-Clark as it is used in Tasmania, even though the lack of how-to-vote cards is part of the Tasmanian system; it is done by a separate piece of legislation, as I understand it.

The advantage of removing how-to-vote cards under the Hare-Clark system, I think, will be of most benefit to the two major parties. With how-to-vote cards, what is bound to happen is that members of the parties will be competing with each other, by the nature of the system, in order to gain votes. I think that will be very awkward and will require a plethora of how-to-vote cards, much worse than we have seen over the last two elections.

It seems to me, Madam Speaker, that the great loser in this will be the trees; there will be no winners. In fact, the people who probably stand to get most benefit out of using how-to-vote cards will be people like me who can get workers out into the polling booths but who do not have to go into conflict with other members of the same grouping or the same party. I think that an environmental approach by this Assembly would be to remove the use of how-to-vote cards. However, I do distinguish that from being an integral part of the Hare-Clark system as it is used in Tasmania.

Why did I raise the issue of the Australian Electoral Commission? It seemed to me that during the first and second ACT elections there were many negative statements made by various members of the Labor Party about the way the Australian Electoral Commission handled the counting of votes and the election as a whole. I think those statements were unjustified. I think that the clearest example of that was when David Wedgwood called for a recount of a number of votes. I pointed out to him, as did others, and as did the Electoral Commission, that that would be unnecessary. Indeed, when those votes were finally recounted it proved just how accurately the Australian Electoral Commission had counted them and how well they had carried out their function.

Mr Cornwell: Did you declare your interest, Mr Moore?

MR MOORE: Mr Cornwell interjects and asks: Did I declare my interest in this? I do not think it was necessary. I think members here are very aware of just how important it was to me that the Electoral Commission did carry out their work in the most accurate way possible. In fact, we had scrutineers at all those places for quite a long time and they were watching very carefully just how well the Australian Electoral Commission carried out its function and its duties. Therefore, I have no difficulty in saying that the first people we should consider to set up the new ACT electoral system are those in the Australian Electoral Commission, should they be willing to do so. That is why there is a slight modification to the MPI as it appears on the paper in front of you when compared with the motion that I have foreshadowed that I shall seek leave to put.

The next item that needs to be dealt with is the fair distribution of seats. I think that we expect to see seats distributed in the order of five, five and seven in three electorates. That being the case, we need an independent group to determine where the seven seats should belong. For example, should they take in Tuggeranong or should the seven seats area go through central Canberra? This ought be done at arm's length, and I guess nobody would doubt that. I think that the Australian Electoral Commission is an appropriate body to deal with that at arm's length and to make recommendations accordingly. A fair distribution of seats is an important part of any electoral system, as we have seen right across Australia, to ensure that there is no attempt at gerrymander.

The next point I think is the most critical of all as far as the Hare-Clark system goes, and I refer to Robson rotation. The reason why Robson rotation is critical to our electoral system is that it moves some of the power as to who is elected away from the party machine and back to the people who are voting. That is a very critical fact, in emphasis rather than in black and white. Many of these things, of course, would be very easy to argue in black and white. I suppose that in many ways the proportional representation system and single-member electorate debate did get into black and white. With Robson rotation there is more emphasis on where the power goes. Of course, the parties will still select or preselect who is going to be on that ticket; it is just that they will not be able to position them on the ticket. Therefore, I think that the Hare-Clark system, as people understood it, included Robson rotation as it is an integral part of the Hare-Clark system as used in Tasmania.

Another integral part of that electoral system used in Tasmania is the system of countback. Many of us who were here in the First Assembly recall when Mr Whalan resigned. The method of choosing a replacement for Mr Whalan was for the Labor Party to select his replacement. In fact, they selected a fine member, Mr Terry Connolly, who is the only person so far to have performed in this Assembly without first being elected. Now that he has been elected and recognised by the people of the ACT he probably feels much more comfortable.

Of course, that system also applies currently. Should any member resign - should Mr Lamont, for example, resign or for some other reason not be able to perform his duty, perhaps through mental failure - - -

Mr Lamont: Resign? Heaven forbid! I would join the Independents first, Michael.

MR MOORE: I withdraw that, Madam Speaker. I withdraw "mental failure" because I do not see how that is possible. I withdraw any imputation.

Mr Lamont: That saves me rising to my feet. If that were to be the case, I would end up being on Michael Moore's team.

MR MOORE: Indeed. No doubt he would be welcomed with open arms. Perhaps he could be offered something like a ministry when we get enough defectors. Defectors? What a terrible word. Do you keep a diary?

Mr Lamont: An electronic one.

MR MOORE: I thought I had better ask before there was any movement.

Madam Speaker, the point about the countback system is that, instead of the party or grouping selecting the replacement for somebody who is not able to continue their function, for whatever reason, whoever would have been next to be elected under the proportional system - basically the eighteenth member who would have been elected - would become the member. Similarly, if that person was not able to fulfil their function, we would look back at the results and it would be whoever was nineteenth in the system. Therefore, I think we would have a far fairer system that applied as an integral part of that Hare-Clark system.

Madam Speaker, on many occasions this afternoon in this speech I have talked about Hare-Clark and these other parts of Hare-Clark as being integral to a system. I think it is that overall system that we are interested in. It is a system that we should now start moving on, to ensure, and to reassure the people of the ACT, that there is going to be a fair and open approach to our electoral system and that the fairest possible system in the world will be delivered to the people of the ACT in accordance with their wishes, as indicated by approximately a two-thirds majority at the referendum held at the last election.

MR HUMPHRIES (3.27): Madam Speaker, I do not think I need to tell most members in this Assembly what a fair system the Hare-Clark system is. I am sure that people either knew that before 15 February or know it now. Of course, those opposite realise how basically essentially wise our electorate is. The people quickly appreciated what a rum system it was that was being imposed on the ACT with the option of single-member electorates, and as a result took little time to swing around behind the view that there ought to be a Hare-Clark system available in the ACT.

That system has been described, I might point out, not by a member of my party but in fact by a member of the Australian Labor Party, as the fairest electoral system in the world. That was done by one Senator Terry Aulich, a Tasmanian Labor senator. So, we have it from the horse's mouth that this system that we are now considering in the ACT is undoubtedly an extremely fair one. It is one which has appealed to the people of the ACT. It is an Australian home-grown system, one which has overcome some of the difficulties of other electoral systems, and therefore is one which needs to be implemented as soon as possible.

We have had some discussion from Mr Moore about essential elements of the Hare-Clark system. Rather than add to what he had to say, I just refer to the words which appeared in the handout which was sent to each householder in the ACT before 15 February this year. Members will recall that the referendum ballot-paper described the two options as either the single-member electorate system or the proportional representation Hare-Clark system. Then, in small print underneath, it said: "As outlined in the Commonwealth's referendum options description sheet". That sheet was distributed to every household. It is this document I am holding at the moment. That sheet described both of the systems that were in issue in the election campaign.

That, it seems to me, Madam Speaker, is what we are talking about here today. Are we going to put in place what the electorate actually, at least in theory, voted upon when they went to the polls on 15 February and overwhelmingly endorsed the Hare-Clark electoral system by a two to one vote among the electors of the Territory?

Mr Lamont: A lot of Labor people must have voted for it.

MR HUMPHRIES: Indeed, a lot of Labor voters must have supported this system. I know of many who spoke to me about the matter and who obviously felt that - - -

Mr Kaine: At least four of those opposite must have.

MR HUMPHRIES: They must have, yes, on proportion. You are right, Mr Kaine; they must have. I wonder who they were. Would they like to volunteer? All right; I will respect their desire for secrecy.

The fact is, Madam Speaker, that we do have here a system with certain essential features and those features are mentioned in the description sheet. They do indeed refer to a system which is described here but which, in shorthand, Mr Moore has described as the Robson rotation. He referred also to the countback. I think I said "Fightback" earlier today in some reference. It is not quite as good as Fightback, but countback is very good nonetheless. Of course, it has some other features as well.

Mr Moore made reference to the use or non-use of how-to-vote cards. I might make reference to what is done in Tasmania. They do not actually ban how-to-vote cards, although they go some way towards that. What the Electoral Act in Tasmania says is that a person shall not within 100 metres of a polling station canvas for votes, solicit the vote of an elector, or induce or attempt to induce an elector not to vote for a particular candidate or particular candidates. That is in section 133 of their Electoral Act. So, it is fairly prescriptive there. What you cannot do within 100 metres of the polling booth is probably not worth very much.

It is also, as set out later in that same section, an offence to display or leave in any booth a card or a paper which has on it directions or instructions as to how an elector should or might vote at the election. So, we have to consider in due course, Madam Speaker, how much of that we pick up in the ACT; whether that provision is appropriate or is not. That will be something for us to consider in due course. I imagine that the parties and others in this chamber will have to decide what they think about that issue.

The thing which is important about this debate today is to emphasise the degree of urgency which this matter, I think, appropriately has. We have here an electoral system which will define the way in which the next Assembly looks. It will define the way in which we as members in the next Assembly, assuming we are all back here, act.

Mr Kaine: All of those present will probably be back.

MR HUMPHRIES: Probably, yes; I would not be surprised. We have to bear in mind that under the new arrangements there will be electorates. We will have local electorates representing members of the ACT community and we will be much more responsible, in this very real sense, for those local constituents, much more than our present responsibilities, which are very much broader.

I think that I can say without any hesitation, Madam Speaker, that the Opposition views the question of getting this electoral system in place as soon as possible as a matter of some concern. We would urge the Government to quickly address the issues that it needs to address and come to the position to which it needs to come to issue the appropriate instructions. How it does so is a matter, Madam Speaker, that I think the Opposition would prefer to leave to the Government. Having impressed on its mind the need for some speed in the matter, I have to say that I think it is up to the Government to decide exactly how it proceeds with that.

I have some concern about the proposal that the Australian Electoral Commission is necessarily responsible for deciding what format that legislation should take. I have no doubt that the commission has very great expertise in these areas. Involved as it is in the Tasmanian elections, it would have some capacity to advise us in the ACT on how we should proceed; but how exactly that is done is,

of course, up to the Government. It could decide that some worthy person such as Mr Malcolm Mackerras should be given a consultancy to implement our new electoral system. If it chose to do so, well, that is basically up to the Government. I must say that I have some concerns about the idea of necessarily handing this matter over to the Australian Electoral Commission, although if that were the chosen course of action by the Government I would not see that as being terribly inappropriate.

Madam Speaker, we certainly intend to stand by our promises during the election campaign and during the referendum campaign, and we look forward to doing that in this house when the legislation comes forward. As I said, I hope that that happens sooner rather than later, and I certainly hope that the same sense of urgency and obedience to the electorate's wishes is well impressed on the Labor Government's mind.

MS FOLLETT (Chief Minister and Treasurer) (3.35): Madam Speaker, I am sure that members in this Assembly know that this Assembly itself now has the power under the Australian Capital Territory Self-Government Legislation Amendment Act 1992 to determine the ACT's electoral system. This was a power that was sought repeatedly, not least through this Assembly as a result of significant pressure from the political parties here and, of course, as a result of the work of Assembly committees. It is a power that we actively sought to be transferred to this Assembly.

It is also the case, Madam Speaker, that there was wide support for a referendum to be held on the question of the ACT's electoral system. I take no small credit for the fact that that electoral referendum was held. I certainly was extremely active in seeking a commitment from the Federal Minister and in speaking on the issue, and I was very pleased indeed when the matter was put to the people of the ACT. I believe that it was entirely appropriate that they be asked for a preference on the question of the electoral system.

I was also very prompt to say that I would, in government, implement whatever the expressed wish of the people of the ACT should be, and I gave that commitment in good faith. I repeat it now. That is a commitment which I take seriously and which I will implement. Mr Kaine gave a similar commitment. Madam Speaker, the reason why both Mr Kaine and I gave that commitment was that we were, at that time, the alternatives for government of the ACT.

Mr Kaine: I still am.

MS FOLLETT: Mr Kaine still is, as he says, Madam Speaker. He represents the alternative government, and that is why his commitment was relevant, was sought, and, of course, was given. So, Madam Speaker, I would resile in no way from that commitment.

I do think it is surprising, though, that Mr Moore should seek, in effect, to hand over responsibility for this matter to a Commonwealth statutory authority. Madam Speaker, the Australian Electoral Commission is a body over which this Assembly, this Government, has no control, no real influence. Having fought so hard to gain the power for this Assembly, I can see no good reason to hand it back to the Commonwealth. It is clearly, as Mr Humphries has said, a matter for the ACT government, a matter for this Assembly.

In raising the matter Mr Moore may well be seeking to apply the spurs to the Assembly or to the Government, in which case I accept that he regards this as an urgent matter. His urging of us to deal with it quickly may or may not be deserved, but it is nevertheless a matter which must be dealt with right here. I do not consider that it is a matter which ought to be passed off to the Electoral Commission. We have a responsibility, which we sought, to deal with these issues, and I think that we ought to deal with them. I have no intention, Madam Speaker, of shirking my responsibility, my Government's responsibility, to the voters of the ACT in implementing their decision.

As Mr Humphries has pointed out, the course of action that ought to be followed is for legislation to come forward to this Assembly in order to give all members of this Assembly an opportunity to put forward their views and to be fully consulted on the implementation of legislation. That is another important point. I think that, if we were to pass on the responsibility to the Electoral Commission, there is no guarantee that anybody here would be consulted. Madam Speaker, as I have repeatedly said, I think it is very important that this chamber, this Assembly, take full part in important legislation like that.

I will be brief, Madam Speaker. I believe that Mr Moore's motion also goes beyond the terms of the referendum that was carried by the people of the ACT, and I would argue that the Electoral Commission does not really have a mandate to look at these issues, whereas they can quite legitimately be raised with the Government in this Assembly. They are matters which perhaps we might care to look at. But Mr Moore's view is only one of 17. Other members may wish a further range of issues to be debated. I think that we really ought to make sure that we all have that opportunity.

Madam Speaker, in closing, I would urge this Assembly to take the responsibility for the matters that have been transferred to it. That transfer was not undertaken lightly. At the time it was supported by everyone in the Assembly, all parties in the Assembly, with the possible exception of Mr Stevenson. I do not recall what his attitude was. The Assembly clearly has the responsibility upon it and the Government clearly has the responsibility placed upon it by the voters of the ACT. I intend discharging that responsibility. If Mr Moore is seeking to hurry the Government on this matter, I accept his admonishment and I will certainly seek to expedite the matter. But, I repeat, it is a matter for the Government.

MS SZUTY (3.40): I agree with Mr Moore that it is important that this Assembly move quickly to give effect to the wishes of the electors of Canberra for a proportional representation Hare-Clark electoral system to be used in future elections of the ACT Legislative Assembly. As members are well aware, two options were put to voters in the referendum. These options were single-member electorates and proportional representation Hare-Clark. An overwhelming majority of voters agreed with the proponents of Hare-Clark that it provides a fairer, more equitable and more appropriate electoral system for the ACT and one in which 90 per cent of votes cast count towards the election result.

I was pleased to hear, after the will of the people became known, that the Chief Minister has agreed to implement the chosen electoral system even though the ALP had preferred and promoted the single-member electorate option in the lead-up to the election and referendum on 15 February. Now, Madam Speaker, is the time for the Chief Minister to honour the commitment by adopting an appropriate timeframe and process to give effect to the referendum result.

One of the most important tasks that will need to be undertaken by the Australian Electoral Commission is the division of Canberra into a number of regional electorates. This task needs to be approached sensitively so that arbitrary boundaries are not imposed which would unnecessarily separate cohesive communities. Geographically defined areas of Canberra need to be seen as such within electoral boundaries. Weston Creek is a good example.

The Weston Creek community, although smaller than other geographical centres in Canberra, has considerable interest in the planning, health and education issues which affect it. It would be inappropriate for the electors of Weston Creek to elect some members, for example, to the electorate of central Canberra and other members, for example, to the electorate of Tuggeranong. The Electoral Commission needs to be given as much time as possible to consider possible electorate boundaries and to receive public input on those boundaries.

Canberra voters also have an expectation that Robson rotation will be a feature of the proportional representation Hare-Clark electoral system adopted for use in future ACT elections. By adopting Robson rotation, where candidates' names within party columns appear in a different order on different ballot-papers, voters effectively choose the people that they most want to represent them. Good parliamentary performance and representation can be rewarded and poor parliamentary performance and representation can result in a sitting member losing his or her seat. Party preselection processes become de-emphasised as all candidates must earn their right to be elected or re-elected.

As Mr Humphries has mentioned, to quote Senator Terry Aulich, "Robson rotation will make the Hare-Clark system the fairest in the world. The Hare-Clark system gives us a healthy balance between parties and individualism". The adoption of Robson rotation also means that the preparation of costly how-to-vote cards becomes unnecessary, all candidates being equally favoured on ballot-papers. When a member dies or resigns between elections the votes which elected him or her are re-examined and the available candidate with the largest proportion of next preferences is elected under a countback provision. The adoption of countback means that costly and potentially destabilising by-elections are avoided between elections.

Madam Speaker, the matter of public importance raised by Mr Moore today reminds us of our responsibility to voters in giving effect to their will for a proportional representation Hare-Clark system to be used in future ACT elections and raises a number of important issues to be considered by the Australian Electoral Commission. If there is no reason to delay, then this Assembly must put in train the procedures required to meet the expectations of Canberra voters; that is, to have the Hare-Clark electoral system in place, the new electorates well publicised, and all necessary public information campaigns completed before the ACT needs to go to the polls again.

The Chief Minister stated in her address that this Legislative Assembly has no control over the Australian Electoral Commission, although I believe that the foreshadowed motion, which has been circulated to members by Mr Moore, indicates that the Australian Electoral Commission has a role in providing the Legislative Assembly with advice only.

MADAM SPEAKER: The discussion is concluded.

Mr Moore: I foreshadowed that I would seek leave to move a motion in the terms circulated. I now seek leave to do so.

Leave not granted.

ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE
New Assembly Premises Inquiry - Alteration to Reporting Date

MS FOLLETT (Chief Minister and Treasurer) (3.46): Madam Speaker, I seek leave to move a motion to alter the reporting date and requirements of the Standing Committee on Administration and Procedures inquiry into the provision of new premises for the Assembly.

Leave granted.

MS FOLLETT: Madam Speaker, I move:

> That paragraph (3) of the resolution of the Assembly of 9 April 1992 referring the question of new premises of the Assembly to the Standing Committee on Administration and Procedures be omitted and the following paragraph substituted:

> "(3) The Committee shall report at the latest by the first sitting day of the Budget Sittings and, if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing and circulation. The foregoing provisions of this paragraph have effect notwithstanding anything contained in the standing orders.".

On 9 April the Assembly referred to the Standing Committee on Administration and Procedures, for inquiry and report, the provision of new premises for the Assembly. The reference required that the committee report to the Assembly by the last sitting day of the 1992 autumn sittings.

On 14 April, Madam Speaker, you wrote to me seeking two submissions from the Government to assist in this inquiry. The first submission was to address the options considered by the Government, other than the South Building, to house the Assembly, and that submission was forwarded to the committee on 4 May. The second submission is to provide detailed comments from the Government concerning all the issues addressed by the terms of reference, information on possible options for the redesign and refurbishment of the South Building, and an indication of the Government's preferred option. That submission was to be lodged by 15 May.

I wrote to you, Madam Speaker, on 14 May indicating that the Government would be unable to present the second submission by that date. I proposed that the submission be available by early June. I am conscious that as a result of the delay in the Government's detailed submission the reporting date for the

committee, of the last sitting day in June, is unrealistic. To allow the committee adequate time to properly consider this issue, I therefore propose that the previous reference to the committee be amended to enable the committee to report out of session during the winter recess or, at the latest, by the first sitting day of the budget session.

Madam Speaker, the Government has commissioned an architect to develop possible options for the redesign or refurbishment of the South Building, and that work is proceeding. Officers of the Department of Urban Services are also working closely with my department, with senior ministerial staff and with the Clerk of the Assembly to develop a detailed brief of the facilities needed to enable the Assembly to function efficiently, and that information will form the basis of more detailed work by the architect.

The results of this inquiry will have a major impact on the Assembly's ability to function effectively in the future. It would be unfortunate to rush this work and jeopardise the quality of the results which can be achieved. There are significant savings to be achieved by the Assembly in moving from our present leased accommodation into a building owned by the Territory. Those savings will be maximised by ensuring that the design of the new premises is adequate to meet the Assembly's requirements for the foreseeable future and avoiding the necessity to move again.

Madam Speaker, it is important not only that adequate design investigations take place but also that the committee have adequate time in which to consider the information against the submissions that we will receive from other sources. I therefore commend the motion to the Assembly.

MR KAINE (Leader of the Opposition) (3.49): Madam Speaker, I must say that I am quite equivocal about the amendment to the terms of reference now being put forward by the Chief Minister. I would remind members that the original program was put forward by the Chief Minister. She must have known at that time what the capabilities of the Government were to meet its own timetable.

Ms Follett: I thought it was optimistic.

MR KAINE: Well, it was optimistic. Now we are informed, quite incidentally, I must say, that despite the fact that the committee has not yet reported on this referral the Chief Minister has already engaged an architect to do work on the South Building. I thought part of the inquiry was to determine which building we should move to. No report has yet been submitted by the committee, but the Chief Minister has anticipated the outcome of the inquiry and is spending money on an architect to look at the South Building.

What happens, Madam Speaker? Dare I suggest that the committee might come up with another recommendation? How is it that the Government is so anxious to move into the South Building when at the same time it has asked the Assembly committee to report on the matter? It seems to me that the Chief Minister and the Government have not the faintest idea what they want. However, they do not mind spending a bit of money in anticipation of a certain expected outcome.

I am quite ambivalent, as I say. However, Madam Speaker, if the committee cannot report by the date that was originally set, there is no point in insisting that it do so. It is going to be totally unproductive. I can only conclude that the

Assembly is left with no option but to agree to this amendment. Whether it makes sense, whether it reveals a breakdown on the part of the Government itself that does not seem to be able to handle its own business, whether it reveals an intention on the part of the Government to do something irrespective of what the outcome of the report is and how much money is spent in the process, the Opposition is left with no option but to agree to the amendment.

I find that a rather odd position to be in, but I think it ought to be on the record that the Opposition has some very real concerns about the way this inquiry is going and the fact that the Government is clearly anticipating the outcome of it. "Why did we ever conduct an inquiry in the first place?", one might ask.

MR HUMPHRIES (3.51): Madam Speaker, I understand that the Government has sought the architect's advice in order to answer a number of technical questions. For example, how many storeys does the South Building have?

Mr Kaine: How many does it have?

MR HUMPHRIES: We will find out when the architect reports.

Mrs Grassby: No; Mr Connolly rang up and found out how many storeys it has.

Mr Connolly: I rang John Turner on the top floor and I said, "Which floor are you on, John?".

MR HUMPHRIES: Did you? I see. Are you sure it was the top floor?

Mr Connolly: He said "the top one".

MR MOORE (3.52): It seems to me, Madam Speaker, that this is a very simple and straightforward motion. It seems to me very sensible to appoint an architect who can assist the committee by working out what is feasible and what is not feasible. The Assembly committee have committed themselves to do so and, if they can be assisted by the work of an architect, that seems very sensible to me.

The most important part of the motion that we are talking about today, though, is the extension of the possible reporting date for the committee so that the committee can get on with the business which the Assembly has charged it with. Therefore, I think there is good reason to support this motion. That the Government has appointed, at its expense, an architect to advise the committee, I think, reflects a positive attitude on the part of the Government to the work of the committee. After all, it was the Government's motion that asked the committee to look into this. It all seems above board to me. It all seems quite appropriate. I am very happy to support the motion.

MS FOLLETT (Chief Minister and Treasurer) (3.53), in reply: Madam Speaker, I thank members for their support of the motion. If they feel that they are owed an apology, then I am happy to provide an apology for putting forward a motion which, as Mr Kaine has pointed out, they can hardly oppose. But I would like to repeat that the reason for our having engaged an architect is to look at options for the redesign or refurbishment of the South Building rather than in any way to pre-empt the committee's decision. Our reason for looking at those options is

that the committee asked us to and, indeed, to include those options in a second submission to the committee. So, we are in no way pre-empting the committee's own deliberations; we are merely responding to a request for that sort of information. Madam Speaker, I did make it clear right from the outset, though, that we in the Government have, in principle, given our support to a move to the South Building. It should not have come as a surprise to anybody that that is a building that is under active consideration.

I am sorry, Madam Speaker, that the work of the committee is delayed. I think this is a matter which we would all like to see progressed quickly, but I also think it is important that we get it right for the long-term future of the Assembly and the long-term financial efficiency of the Assembly as well. I think a good solution, at the moment, is better than a quick solution. I would like to commend the committee on the work that it is doing. I know that they are being exceptionally thorough. I know that they are consulting widely and effectively with all of the users of the Assembly's building. Again, Madam Speaker, I regret having to put forward this motion; but I thank members who have indicated that they will be supporting it.

Question resolved in the affirmative.

DRUGS - SELECT COMMITTEE
Alteration of Resolution of Appointment

MR MOORE (3.56): Madam Speaker, I seek leave to move a motion altering the resolution of appointment of the Select Committee on Drugs.

Leave granted.

MR MOORE: Thank you, Madam Speaker, and members. When the Select Committee on Drugs was appointed, Madam Speaker, there was some debate over the resolution of appointment and in discussion with Mr Berry at the time I agreed that if there was a problem we would be able to sort that out at a later date. That later date has come. The reason for seeking to be able to report from time to time is that the Select Committee on Drugs has, as announced in the press, taken on three major areas in its inquiry. The first area is methadone; the second area is tranquillisers and benzodiazepines; the third area is alcohol and youth.

It seems to us that, instead of doing one whole report on areas that are, in many ways, not related, although they are related in other ways, it would be appropriate for us to bring down probably three reports on those areas. The report on methadone is one that the committee believes we should be able to bring down fairly rapidly. Part of the reason for this is the cooperation of Mr Berry with the committee. He has made his officers available to us already to brief us. We would expect to be able to bring down that report quite quickly and that, I think, would add a useful element to an area that has been criticised recently, and criticised by me, amongst other people.

It is also appropriate that I discuss the issue of tranquillisers and benzodiazepines. The committee has decided to look at the use of tranquillisers and benzodiazepines - these legal drugs - and the side effects of and dependency on these drugs, and at establishing, perhaps, alternative health strategies for dealing with people who have found themselves dependent on these sorts of drugs which are often referred to in a generic way as tranqs.

Then the committee also considered it appropriate to deal with one of our major drug problems in the ACT, and that is alcohol, particularly alcohol use by young people. Often in the hype over illegal drugs we are inclined to miss the important factors that deal with under-age drinking, particularly binge drinking, as well as the social and health effects of alcohol on young people. The committee will seek to develop alternative social strategies that we can suggest to the Government and to the Assembly as appropriate strategies.

The committee has already called for public submissions. On 12 May I wrote, as presiding member, to the Chief Minister, the Minister for Health, the Minister for Education and Training, and the Attorney-General, seeking submissions from their respective departments on these issues. The committee hopes to receive all submissions by 5 June.

At this stage it is the committee's intention to report on the methadone program by the first day of sitting in the budget session, and to report on tranquillisers and benzodiazepines by mid-October. Our committee has a very tight schedule because its term of appointment is restricted to the end of this year. For that reason I think it appropriate that we have support for this motion. I move:

> That paragraph (3) of the resolution of appointment of the Select Committee on Drugs of 27 March 1992 be omitted and the following substituted:

"(3) The Committee shall report from time to time, and its final report shall be presented to the Assembly not later than the last sitting day in 1992.".

Question resolved in the affirmative.

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

MRS GRASSBY: Madam Speaker, I present reports Nos 2 and 3 of 1992 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement on the reports.

Leave granted.

MRS GRASSBY: Report No. 2, which I have just presented, was circulated to members out of session on 22 April 1992, pursuant to the committee's resolution of appointment. Report No. 3 details the committee's comments on five Bills and nine pieces of subordinate legislation. I commend the reports to the Assembly.

STATUTE LAW REVISION (MISCELLANEOUS PROVISIONS) BILL 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): Madam Speaker, I seek leave to present the Statute Law Revision (Miscellaneous Provisions) Bill 1992.

Leave granted.

MR CONNOLLY: I present the Statute Law Revision (Miscellaneous Provisions) Bill 1992.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, I move:

> That this Bill be agreed to in principle.

The Statute Law Revision (Miscellaneous Provisions) Bill 1992 makes various technical corrections to different ACT Acts. It is the first of what will be a series of technical revision Bills to update and improve the expression of legislation. This and future revision Bills will not change the substance of the law; they are to make technical corrections only. The Bills are an exercise in good housekeeping and contribute to the revision and modernisation of legislation of a kind similar to that taking place in other jurisdictions throughout Australia. These revision Bills are of crucial importance as they improve the accessibility of legislation through making its language more readable and remove sexist language which is still prevalent in ACT legislation.

Generally, the Government will introduce these revision Bills into the Assembly in the normal way, and they will not be treated with any particular urgency. However, it is important that this Bill be passed this week as it prevents errors in the Crimes Act, which would otherwise lead to confusion.

In 1990 the Assembly passed the Crimes (Amendment) Act (No. 3) 1990. This Act inserted new sections 152 to 154 into the Crimes Act, dealing with computer offences. In late 1991 the Assembly passed the Crimes (Amendment) Act (No. 2) 1991. Unfortunately, when this Act commences on 11 June 1992 - it must commence, pursuant to the six-month automatic commencement provision - it will renumber existing sections 358AA to 358AI of the Crimes Act as sections 152 to 160. These sections deal with escape.

Members who were present in the last Assembly towards the latter part of last year would recall that a member, who is no longer present, presented a flurry of private members' Crimes (Amendment) Bills. A perusal of *Hansard* of September and October last year would show that there was some confusion, as those private members' Bills amending the Crimes Act were regularly being amended by the member who is no longer present on the floor of the house.

Mr Humphries: Whom do you mean?

MR CONNOLLY: Whom could we mean? He was a former holder of my current office. It was one of those Bills which inadvertently duplicated the numbering of section 152, or it would have that effect when it comes into force next week. The joint effect of the laws, if not corrected, will be that, from 11 June 1992, escape and computer offences will have the same section numbers. This will lead to confusion as to the effect and structure of the Crimes Act and, I might add, could lead to some particular confusion in the preparation of indictments or prosecutions where a person is charged pursuant to section 152 if there are two sections to choose from.

The Statute Law Revision (Miscellaneous Provisions) Bill 1992 avoids this inconsistency by relocating the new sections inserted by the earlier 1990 amendments - that is, the computer sections - so that they will not conflict with the amendments made by the Crimes (Amendment) Act (No. 2) 1991 when it commences operation on 11 June 1992. While these amendments are of a purely technical nature, the Bill should be passed urgently in order to avoid a potential confusion in the criminal law of the Territory.

There are other changes. The present Bill is too lengthy to discuss in detail; but I commend to members the explanatory memorandum for this Bill, as it sets out in schedule form many of the particular minor amendments. The reasons behind these provisions are often self-evident. An example is references to years, months and days. "The fourteenth day of May in the year one thousand nine hundred and fifty-six" will be changed to 14 May 1956. Dollars and sections of Acts have traditionally been expressed at some length in words. The Bill expresses the same in numbers, to shorten and simplify the text. Most of the Bill concerns the correction of grammatical or printing errors or the removal of sexist language. Schedule 2 of the Bill repeals Acts which are now redundant, and obsolete sections or references to obsolete sections are similarly deleted from various Acts.

The Bill also removes unnecessary verbiage from Acts; for example, words that are much beloved of lawyers, such as "subject to this section", are removed where such a qualification is self-evident. Words such as "the last preceding subsection" are shortened to, for example, "subsection (1)". The Bill also makes corrections in relation to the process of self-government. A reference to the Governor-General as the authority for making regulations under the Removal of Prisoners (Australian Capital Territory) Act 1968 is clearly meant to be a reference to the ACT Executive; the Bill corrects this oversight.

Finally, the Bill makes clearer and more consistent various provisions relating to acting appointments to statutory positions and spells out some of the rules which apply by force of the Interpretation Act 1967. These amendments are further examples of how the Bill makes the law clearer and more accessible. I commend the Bill to the Assembly and present the explanatory memorandum for the Bill.

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

MILK AUTHORITY (AMENDMENT) BILL 1992
A.C.T. INSTITUTE OF TECHNICAL AND FURTHER EDUCATION (AMENDMENT) BILL 1992
CANBERRA THEATRE TRUST (AMENDMENT) BILL 1992
LEGAL AID (AMENDMENT) BILL 1992
NATIONAL EXHIBITION CENTRE TRUST (AMENDMENT) BILL 1992
LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION INDUSTRY) (AMENDMENT) BILL 1992
TEACHING SERVICE (AMENDMENT) BILL 1992
FIRE BRIGADE (ADMINISTRATION) (AMENDMENT) BILL 1992
ELECTRICITY AND WATER (AMENDMENT) BILL (NO. 2) 1992
CEMETERIES (AMENDMENT) BILL 1992

Debate resumed from 9 April 1992, on motion by **Mr Connolly**:

> That these Bills be agreed to in principle.

MR KAINE (Leader of the Opposition) (4.08): One might suppose from the fact that these several Bills have been linked together for cognate debate and looking at the proposed amendments to the original Acts that these amendments are perhaps not of very great importance. That could not be further from the truth because these amendments extend, in a practical way, the provisions of the Alliance Government's Discrimination Act to statutory bodies to which the Discrimination Act in its present form does not apply. The effect is that those provisions of the law which relate to the ACT public sector under section 22B and section 33 of the Public Service Act 1922 are, by these amendments, extended into our statutory bodies. So, they really are matters of great import, just as was the introduction by the Alliance Government of the discrimination legislation.

These amendments all provide benchmarks for certain required procedures. They all require guidelines to be established as soon as practicable, whatever that means, and within 12 months from the commencement of the relevant Acts. They also require the relevant agencies to provide details of the program to the Head of the ACT Administration and to take any action necessary to give effect to EEO programs within their organisations.

The Bills, although prima facie the same, are in fact not the same, because they seem to be tailored to the nature and the size of the agency or authority to which they refer. Obviously, the obligations that you are going to impose on a small organisation and the way that they are put into effect will be totally different from the way that they are done in a larger organisation. For example, you have the two extremes of the Cemetery Trust on the one hand and the ACT Electricity and Water Authority on the other. Obviously, they are organisations of vastly different orders of magnitude.

I have adverted to the fact that this is really a projection of the Alliance Government's Discrimination Act, and that is a reflection of the importance that the Liberal Party places on questions of discrimination and equal opportunity. This is not new. While in government, I think we had a very good record of implementing anti-discrimination and equal opportunity provisions - for example, in connection with the ageing, people of ethnic backgrounds, people who are disabled mentally or physically, and to give women their rightful place in this society.

I will take those one by one. In connection with those people of ethnic backgrounds, in September 1990 the Alliance Government issued a blueprint for a multicultural ACT, and we set up a multicultural advisory council and appointed a multicultural liaison officer in the Chief Minister's Department. The Alliance Government took a series of positive actions to take account of the concerns of the people with ethnic backgrounds, to make sure that they participate fully in this society and are not disadvantaged because of their backgrounds.

We did the same thing in connection with the ageing. It was the Liberals in the Alliance Government that, for example, instituted - I might add, against the Labor Party's objections - the Assembly's inquiry into the needs of the ageing and, from the results of that inquiry, the Liberals in government issued a blueprint for the ageing. That was largely based on advice from the ACT Council on the Ageing as well as the output of the Assembly's committee. It was the Liberals in government who instituted the seniors card, and we elevated the problems of the ageing to the topmost level of government by placing it within the province of the Chief Minister.

We have no apologies to make about our record in connection with the disabled and the disadvantaged in our community. In connection with the disabled, we had already begun action in government to make special provision for them. Again, under the Alliance Government, some people with mental impairment were provided with jobs within the ACT Government Service. I might note that an often and much maligned Minister in the Alliance Government, Craig Duby, had a very good record of placing people with mental impairment in the ACT Government Service. Often people are not credited with their achievements, but I think it is fair and reasonable to give credit where it is due.

We have a record, and I would like to think this Government could match our achievements in these matters. Regrettably, that is not true. I have said before that this Government is the most conservative in Australia; it is a no-change government, a status quo government. No initiatives come from this Government - not even this one. This is merely an extension into statutory bodies of the Alliance Government's Discrimination Act. It is hardly an initiative.

Although the members opposite make much of their position on this, their actions speak louder than their words - or, rather, their inaction speaks louder than their words. I refer, Madam Speaker, to a statement made by the Minister for Industrial Relations today. We have the Government's proposals to amend all of these Acts to extend equal opportunity into all of these statutory bodies; but in connection with the handicapped, the disabled, I note that the Minister said:

> The ACT -

I presume that he means the Labor Government in the ACT -

> will also continue to monitor developments at the Commonwealth level in establishing an appropriate wage regime for workers with disabilities entering the mainstream work force.

He is not saying that this Labor Government is going to do anything about it. As usual, it is waiting for the Commonwealth to take some initiative. It is monitoring what the Commonwealth might do, and once it has figured that out it might do something in the ACT. It is typical of this Government which does not come forward with any initiatives of its own; it merely projects into the future the things that the Alliance Government initiated, or takes over Commonwealth initiatives that arise from the Premiers Conference or some other agenda. If and when it gets around to it, it might do something.

Regrettably, Madam Speaker, the Government's actions in these matters leave a lot to be desired. However, once these projections of the Alliance Government's Discrimination Act are extended into the statutory authorities, as they will be at the end of this debate, then at least there will be some achievement; however, it is hardly one for which the Government can claim credit.

Madam Speaker, the only other comment that I want to make is in connection with a significant difference amongst these Bills. Of eight or nine Bills, one differs from the rest in terms of what is defined as "unjustified discrimination". I refer to the Fire Brigade (Administration) (Amendment) Bill. All of the Bills use standard phraseology in defining "unjustified discrimination", and it reads:

> 'unjustified discrimination' includes -

(a) discrimination that is unlawful under the *Discrimination Act 1991*; and

(b) unjustified discrimination on the ground of age or social origin.

When we get to the Fire Brigade Bill we discover that there are some additions to that. They relate to only the one Act. It says:

> ... but does not include -

(c) discrimination that is essential for the effective performance of the relevant duties, is not unlawful under the *Discrimination Act 1991* and is prescribed; or

(d) discrimination that is not unlawful under the *Discrimination Act 1991* and is in accordance with the equal employment opportunity program for the Brigade or a prescribed program.

Why is the Fire Brigade any different from all the other statutory bodies? Is it because Mr Berry is an expert on Fire Brigade matters and is influenced by his mates in the Fire Brigade union that they have to write this special prescription in this one Act which relates to the Fire Brigade? I am not sure what this means; but if it means that there are, for example, special physical characteristics that one can require of a fireman - - -

Mr Humphries: Don't upset your mates!

MR KAINE: That is true.

Mr Lamont: Fireperson.

MR KAINE: I am talking about only the male half. There is a female half, but the effect of this could be to exclude a woman because she does not match the special prescriptions that are set down for the Fire Brigade. The question that I have to

ask, Madam Speaker, is: Why only the Fire Brigade? There are Bills here that relate to the National Exhibition Centre and the ACT Electricity and Water Authority. I am sure we have all seen the excellent television advertising by the ACT Electricity and Water Authority in recent weeks. It was probably one of the best ads that I have seen on television for years. It shows the whole range of activities carried on by the authority. Some of those activities are very physical. I would submit that they are probably just as physical as some of the things that you might ask a fireman to do. But there is no prescription by the Electricity and Water Authority that redefines "discrimination" in the same sense.

Why is there the difference? I do not know what employees of the National Exhibition Centre Trust might do, but I can imagine that some of it would be quite physically difficult work; yet there is no special prescription for them. So, we have this unusual prescription that relates to only the Fire Brigade. It is not explained. Indeed, when Mr Connolly tabled all these Bills - I refer to *Hansard* of 9 April 1992, at pages 140 and 141 - he did not even note the different prescription for the Fire Brigade. He did not think it was worth mentioning.

I do not know what it means; it has not been justified. I think I have indicated that in my view there is really no difference between some of these organisations to which these Bills relate, in relation to the work prescription, in the kinds of things that can be required of employees. Therefore, why is there this special prescription for only the Fire Brigade? One can conclude only that a particular influence has been exerted on the Government in connection with the Fire Brigade and that the other organisations did not have a similar union to heavy the Government, so they miss out. Provided that the Fire Brigade writes a special EEO program and makes special prescriptions in there, if you read this correctly, that makes it okay. If the Fire Brigade can write its own EEO program and write out certain people, which is then considered to be justified discrimination, why cannot the other organisations do the same thing? I think Mr Connolly has some explaining to do.

Mr De Domenico: He can ask now.

MR KAINE: Whom is he going to ask? He is going to dash off and get some special advice from his staffers now. It is like it is at the Special Premiers Conference: You catch them on the hop and they do not know what to do next. They go and ask their staff, "What do I do now?".

Mr Connolly: Good staff work is very important, as you are about to learn.

MR KAINE: I hope that you get better advice from your staff than the Chief Minister got in connection with the Premiers Conference the other day; that is all I can say. I have been somewhat political in what I have said, but it really is not a political issue. There is a genuine question as to why the Fire Brigade is any different from some of these other organisations. Unless the Minister can explain what the difference is, I am not inclined to accept this unusual and special prescription in the Bill that relates to the Fire Brigade. Perhaps I will be persuaded by the Minister's explanation, but I will wait and see what he has to say in the continuing debate in principle on these Bills before I determine whether or not I will accept the Bill in the detail stage.

MS SZUTY (4.22): I am pleased that these amendments express in clear terms the requirements of employers, which are authorities, boards or trusts, to treat all potential and existing employees equally without discrimination of any kind. After all, it is the basic right of all citizens to participate equally in the life of the community, and this means access to paid employment.

The reporting requirements of the amending legislation, that EEO reports be made available to the Minister responsible, are to be commended. It is to be hoped that sufficient staff and resources are available to Ministers to ensure that these reports are more than just noted, that they are followed by the wider community with keen interest.

The Minister, in his speech, drew particular attention regarding EEO to the work of the Fire Brigade, the Teaching Service and the Electricity and Water Authority. It is particularly pleasing that promotion in the Fire Brigade is now on the basis of qualifications for the job, rather than seniority. This will encourage young potential firefighters and support staff to improve their qualifications and give them achievable goals to aim for. While an EEO policy has been in existence for some time in the Teaching Service, the amendment Bill gives more structure to those provisions.

The premises and philosophy of equal employment opportunity have been with Australia since the late 1970s. Equal employment opportunity was not an easy concept for many people to come to terms with, and still there are those few who would prefer to return to employment through patronage and promotion through length of service in the job, regardless of skills, aptitude or qualifications.

As a result of these EEO amendments, people from particular target groups applying for work with the various authorities, boards or trusts will be able to apply confidently for positions for which they are qualified, without the despair that comes from feeling that it is not worth the effort. There are also valid grounds for appeal so that everyone in the employment process knows their rights and obligations.

MS FOLLETT (Chief Minister and Treasurer) (4.25): I am very pleased to add my voice in support of these Bills. I will leave the detailed questions that Mr Kaine raised to Mr Connolly to address, which I am sure he will do with great delight. I would like to reiterate that, as a government, we see equal employment opportunity as a really integral part of our social justice agenda. I have said many times that, as far as EEO goes, the runs are not yet on the board. As a government, we have taken action to address that matter, and the Bills that are before us are part of that agenda. Earlier this year, I launched the ACT Government Service equal employment policy. It is titled "Setting the Agenda", and it introduces service-wide strategies to be implemented in all agencies.

These Bills, which formally extend EEO provisions to the ACT statutory authorities, are a further part of the Government's strong commitment to equal employment opportunity. I foreshadowed their introduction when I presented the Discrimination Bill last year, and they were identified in the course of the last election campaign; Labor mentioned them in our election platform.

The Government is taking this initiative as another step to ensure that all ACT Government employees are covered by equal employment opportunity principles and practices. The Bills provide for merit to be applied to the appointment and promotion of staff to the statutory authorities of the ACT. This involves the

prohibition of discrimination, according to the Discrimination Act, in the appointment of staff, as well as the establishment of equal employment opportunity programs for the development and promotion of staff within the authorities. Separately, the Government has taken steps to ensure that Territory owned corporations will comply with Commonwealth affirmative action legislation and will voluntarily comply with the ACT Government's EEO policy and strategies.

Madam Speaker, equal employment opportunity is not merely about complying with statutory requirements. If it were, we would have seen a great deal more progress to date. EEO is an essential component of best practice in modern management. It ensures that employees are able to pursue careers effectively. It also enhances efficiency by recognising and using the full productive capacity of our current and potential employees. Implementation of EEO will ensure that the diversity of the ACT community is reflected in the ACT Government Service work force. Thus, policy development and service delivery will be made by a more multicultural and gender balanced work force. These Bills are designed to ensure that employment principles are based on equal employment opportunity and merit. They complement the Discrimination Act and the ACT Government EEO policy. The Bills are also consistent with the EEO provisions in the Public Service Act.

Madam Speaker, these Bills provide that matters related to employment must be carried out without unjustified discrimination, as established by the Discrimination Act and on the grounds of age or social origin. There have been many barriers preventing those who are competent from obtaining employment or advancing in their field of employment. Exclusion has been on the basis of such grounds as race, culture, physical disability or sex. Perhaps one of the most blatant and notorious barriers was the bar to permanent appointment of married women in the Australian Public Service, which was not lifted until 1966.

However, prohibition of discrimination is not enough to provide equal opportunities for those concerned. Once the obvious barriers in employment are removed, attention needs to be turned to more subtle forms of discrimination, such as indirect discrimination and systemic discrimination. Indirect discrimination occurs when an employer sets a requirement of employment with which proportionally fewer designated group members can comply and which is not necessary or reasonable for the position involved. Complaints of indirect discrimination become more frequent during difficult economic times, such as those that we are going through now.

Systemic discrimination is often the unintentional consequence of administrative practices and rules that are based on outdated and erroneous assumptions about different groups of people. It is also based on the inclination to hire those who are similar to the hirers, instead of seeing the potential of those who come with different but useful experience and skills. It is not sufficient to make specific acts of discrimination unlawful. Relying on legislation to outlaw discrimination alone will not adequately remove the effects of discrimination. Nor is it sufficient to have a public service culture which says that it has been committed to EEO over a long period when this is not reflected in the work force today.

Madam Speaker, the Federal Government House of Representatives Standing Committee on Legal and Constitutional Affairs recently reported on its inquiry into equal opportunity and equal status for women in Australia. The report noted that women in Australia do not enjoy equal opportunity, nor do they have

equal status with men. Mr Michael Lavarch, MP, who was chair of the inquiry committee, concluded:

> Women are at best only half way to being equal.

He provided some startling statistics, and I would like to enumerate some of them: Firstly, women's wages are currently, on average, 87 per cent of those of men; more than half of the women in the paid work force in Australia earn less than $21,000 per annum, while two-thirds of men have an income greater than $21,000; and Australia's senior business managers, public servants and professionals are five to 10 times more likely to be men than women. Mr Lavarch commented:

> Evidence suggests that indirect discrimination is rife in both the public and private sectors. While the operation of EEO programs and related sex discrimination legislation has achieved much in improving women's equality of opportunity, the committee however expected greater gains, for instance, in the public sector given the apparent successful implementation of EEO programs.

Of course, Madam Speaker, women who are of non-English-speaking background, who are Aboriginals or Torres Strait Islanders or who have a disability are often doubly disadvantaged and are even less well represented in the workplace than men of those groups. Further steps are needed to relieve the effects of past discrimination, to eliminate present discrimination and to ensure that future discrimination does not occur.

This Government is committed to social justice. This commitment is spelt out at the beginning of the ACT Labor Party policy platform and includes equity in the elimination of disadvantage caused by unequal distribution of economic resources and power, as well as industrial rights, and equality in ensuring the effective exercise of these rights. Fundamental to this is the provision of equal opportunity in gaining employment and advancing in it.

Madam Speaker, the Government believes that equal employment opportunity makes good business sense. We are not advocating that people get jobs, or advance in them, because of their gender, culture, race, or physical or mental attributes. Equal employment opportunity aims to allow access to the full range of applicants and encourages open competition so that the best person is chosen for the position, giving the ACT an efficient and productive work force.

These Bills complete the legislative framework underpinning the Government's policy to promote equality of opportunity in the work force and provide the basis for the consistent implementation of EEO principles and practices across the ACT Government Service. However, our policy already recognises the point that Mr Lavarch made - that legislation and programs alone are not enough. We want to go further and change attitudes within the workplace to value diversity, especially the need for positive measures to develop an appreciation and understanding of different blends of values, cultures, races and gender.

We will introduce further training for managers and selection committee members. We have also released a practical guide for managers to implement EEO in the workplace. Although we are changing the face of employment in the ACT Government Service, we have a long way to go. Diversity within the work

force must be valued so that our work force represents the diversity of the ACT community. Having a consistent approach to equal employment opportunity across the ACT Government Service, with the backing of appropriate legislation, is an important part of these necessary changes for the future. Madam Speaker, I commend the Bills to members, and I thank those who have already indicated their support.

MR HUMPHRIES (4.35): Madam Speaker, I can indicate, as Mr Kaine did, that the general intention of these Bills is supported; but there are some questions which cross my mind and which I think need to be resolved.

The Bills make a careful distinction between the size and the activity of enterprises of the ACT Government in the way in which principles apply to those organisations, and that is important and necessary. It begs the question of how, in those circumstances, one applies EEO principles to non-government organisations, the private sector. There have been strong suggestions - one could almost say strong threats - to the private sector that if they do not get their act together on the question of EEO and anti-discrimination legislation the Government might at some point have to think about bringing in provisions to make them go down that path.

The Government is only in part directly regulating what is happening in our ACT Government workplaces - that is, partly through legislation and partly through programs that are developed within those workplaces. The EEO programs that are worked out within those workplaces are a crucially important part of making this whole scheme work.

The question has to be asked: How would this work in the private sector if these principles were to be applied there? Who would develop the EEO programs in the private sector? Would the Government in some way have to approve those programs before they were to be acceptable, if one were to apply these principles there? It raises some rather thorny and, I have to say, alarming questions which have not really been resolved. But today we are not talking about the private sector, so I will brush over that point and move to another.

I have to emphasise again, Madam Speaker, as I have said on previous occasions in debates of this nature, that avoiding the artificiality of these schemes is crucially important. An element of flexibility is built into these words, which I think one can appreciate quite readily by reading them. But it is dangerous to incorporate too much rigidity, too much inflexibility, into the way in which these programs operate, because they would surely fail.

Speaking as one of, I think, the minority of people in this place who have worked in the ACT Government Service, before it was the ACT Government, needless to say, I can say that on occasions I encountered the application of EEO principles and, on occasions, those principles were rickety, to say the least, in their operation. One particular exercise in which I was involved necessitated the involvement of a woman because that was part of the requirements of the particular matter with which I was dealing. Frankly, it was difficult to find an appropriately qualified woman to take on that role. The person who was found, in due course, was frankly not really willing and not really interested, and, as a result, the process being engaged in was undermined. We need to be flexible enough to make these principles work where they can work and not impose them where they are not relevant or will not work. That is very important, Madam Speaker.

The Chief Minister quoted figures from the committee that Mr Lavarch heads in the Federal Parliament to indicate, apparently, that discrimination against women is still rife. Up to a point those figures may indicate that; but they may also indicate other structural things about the nature of the positions, the nature of the work force in those particular areas, and other factors which might not point to discrimination, or at least not to direct discrimination, but, rather, as I think the Chief Minister said, to indirect discrimination or other factors that are outside the control of the organisation that is being targeted in a particular exercise.

I have to say that this is a major problem. We need to identify exactly how far the problem goes before we can say whether there is a serious problem with EEO principles not being complied with in the ACT. I would say, Madam Speaker, from my own experience, that I think there is very good adherence to EEO principles within the ACT public service. When I was Minister, I did not see any evidence that there was no commitment to those principles in our public service. But if one argues that the figures speak for themselves one may not come to that conclusion.

Another point is that throughout these Bills we have reference to the notion of unjustified discrimination. The Milk Authority (Amendment) Bill, for example, states that the authority's powers in relation to employment matters shall be exercised "without patronage, favouritism or unjustified discrimination". The other side of that coin is that there are occasions of justified discrimination, and Mr Kaine made ample reference to that fact. One has to ask oneself: What forms can justified discrimination take?

Let us take an example out of the air. I would argue, Madam Speaker, that perhaps favouring ACT trained professionals who are without positions in the public sector over overseas trained, perhaps non-paid, public servants would be a form of justified discrimination. We do not really know, because we have not got to the bottom of some examples of that; but there are real questions about what constitutes justified discrimination and what is unjustified discrimination. As we have seen today, the issue is one of such sensitivity - it is so difficult to raise in any kind of rational form - that we may not be able to get any clear statement from this Government on exactly how it intends to differentiate between justified and unjustified discrimination, if indeed it intends to make that clear to this Assembly at all; and I have my doubts.

Madam Speaker, the touchstone of these provisions appears to be what is called in the Bills the equal employment opportunity program that is developed in relation to each individual authority that is being regulated here. It seems to me that the arrangements vary from Bill to Bill, to some extent. Mr Kaine quoted the Fire Brigade Bill, referring to an EEO program mentioned there, which potentially is different from other programs potentially. That Bill refers to a program which is drawn up by the authority or which is a prescribed program. In the Milk Authority (Amendment) Bill, for example, and possibly in others, I cannot see any reference to a prescribed program.

What makes all this tick? The element that delivers in this whole package is this EEO program, and that is not actually part of the legislative package; it is only what the package is built around. It is a kind of philosopher's stone which turns words on a piece of paper into positive EEO action by our Government. It disturbs me slightly that this crucial element in the package is not subject to

review or analysis by this Assembly. We are not to see, for the most part, the essential element of these packages. The essential element is the EEO programs that are developed by the individual departments, which are not to be, for example, in the form of disallowable instruments laid before this Assembly. So, we have no chance to comment on those programs or see how they work, or offer to improve them. That is outside our control; it may also be outside the Government's control, to a large extent.

It is the administration which, in large part, develops these programs. The Head of Administration, for example, is empowered in some of the Bills to develop the programs and authorise their operation. One has to ask whether we are really putting in place a system which we fully understand and which we are fully confident will do the trick. We are relying on this flexibility, which is built into the scheme, to deliver something which is relevant and useful for the particular workplaces. I have some concerns about the way in which these things might operate on occasions.

I know that it is possible under some of these provisions for arrangements to be made to take account of the needs of women and designated groups to get proper promotion. For example, employment programs are deemed to be ones which provide for a program of appropriate action to eliminate unjustified discrimination against women and persons in designated groups in relation to employment matters. That means, I think, that it is possible for programs to be developed to encourage people in those programs to, for example, seek positions, take advantage of opportunities for promotion or be considered for particular activities within their band of employment. It is also indicated in the definition of an EEO program that it includes measures taken to enable employees who are women or who are in designated groups to compete for engagement and advancement and to pursue careers.

Those programs could do all sorts of things. They could, for example, provide that there ought to be arrangements in place which, in some way, positively discriminate in favour of women or people in designated groups. I very much hope that the Minister, when he is replying to these remarks, will indicate whether the Government has any notion of positive discrimination at work in this package. Is it his intention that these EEO programs, if he gets to see any of them, or if any of his colleagues get to see any of them, will contain elements of what has been called positive discrimination? That is a question which has not been touched on and in relation to which I would like some indication of the Government's intentions. We will not have the chance to look at it in any other way, so I cannot put anything in the legislation which reflects on this question. I would like the Minister, therefore, to indicate what the Government's policy will be with respect to that question when it actually gets down to putting those EEO programs in place.

Sitting suspended from 4.46 to 8.00 pm

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.00), in reply: In closing this debate, I suppose I should say at the outset that it is pleasing that in this Assembly there is total agreement, across the divide at the centre of the chamber, that equal employment opportunity programs are correct, necessary and just and that in this era there should be no area of government employment that stands apart from that principle. It is significant that in the ACT that is a matter on which both the major parties and the Independents are of one view.

Some concerns that were mentioned by Mr Humphries raised, to some extent, the old chestnut of positive discrimination. He was seeking some assurances that there would not be an excessive use of positive discrimination programs and was concerned that unfairness could be inflicted upon persons through a program that is designed to create fairness. I can advise Mr Humphries that we

are trying to model this legislation across the sector upon the current Public Service Act arrangements, the point of these Bills being to apply similar programs to areas of ACT Government employment that are outside of the Commonwealth Public Service Act but within the public sector.

At the moment there are in force only two sets of regulations which would exempt groups from discrimination and which, on one view, would allow for some form of positive discrimination. One is for a number of specific Aboriginal recruitment programs for which only Aboriginals can apply - in particular, cadetship and technical traineeship programs; that is, entry level training programs for that particular group of the community. I am sure that Mr Humphries would not quibble with that.

The other is an intellectual disability access program which is designed to employ people with intellectual disabilities in open employment. That is a program about which successive ACT governments have been quite enthusiastic, particularly with the Motor Vehicle Registry. On advice from the ACT Government's EEO adviser, they are the only areas in relation to which there could be said to be an element of positive discrimination. I hope that that satisfies Mr Humphries. They are very isolated.

Mr Humphries: If you do not add any more, that is fine.

MR CONNOLLY: It is not the current view to do that. We are talking about entry level programs for Aboriginal people, particularly focusing on training programs, and intellectual disability programs with which I am sure everyone would be happy.

I must deal fairly briefly with two major concerns that were raised by Mr Kaine. Mr Berry's Fire Brigade background seems to worry the Liberal Party; they always sense a conspiracy when they see anything to do with the Fire Brigade. If the Liberal Party headquarters were burning down, one wonders whether they would be happy to let the Fire Brigade in to deal with it or whether they would suspect that Mr Berry was at the bottom of some plot.

The issue that Mr Kaine raised is, I can assure the Assembly, without substance. He was focusing on the way "unjustified discrimination" is described in the Fire Brigade (Administration) (Amendment) Bill, at page 3, referring to the exemptions. Under the Bill, "unjustified discrimination" means:

(a) discrimination that is unlawful under the *Discrimination Act 1991*; and

(b) unjustified discrimination on the ground of age or social origin;

but does not include -

(c) discrimination that is essential for the effective performance of the relevant duties, is not unlawful under the *Discrimination Act 1991* and is prescribed; or

(d) discrimination that is not unlawful under the *Discrimination Act 1991* and is in accordance with the equal employment opportunity program for the Brigade or a prescribed program.

I think Mr Kaine was concerned that in the Fire Brigade Bill that was opening a door that is not present elsewhere. In fact, that definition of "unjustified discrimination" is repeated, verbatim, throughout all the Bills. The Cemeteries (Amendment) Bill is another useful one to look at. These Bills cover large employers, such as the Fire Brigade or the Teaching Service, and some fairly obscure areas of ACT Government employment in relation to which people may not be aware that we have statutory authorities and statutory employment provisions. Again, in the Cemeteries (Amendment) Bill "unjustified discrimination", which is defined on page 4, includes the two forms of unlawful discrimination but does not include:

(c) discrimination that is essential for the effective performance of the relevant duties, is not unlawful under the *Discrimination Act 1991* and is prescribed -

the same formulation - or:

(d) discrimination that is not unlawful under the *Discrimination Act 1991* and is in accordance with the equal employment opportunity program or with a prescribed program.

That similar formulation appears throughout the Bills. In the ACTEW Bill, which was another one that was mentioned, "unjustified discrimination" paragraphs (a) and (b) appear on page 2 and paragraphs (c) and (d) are on page 3. So, there is a standard form of words for "unjustified discrimination" which allows discrimination that is essential for the effective performance of the relevant duties.

I suppose the point that was made, to some extent, in Mr Kaine's remarks was that in a position in the Fire Brigade which may involve a lot of physical activity, for an active firefighter - I have just been out to see a training exercise in which the Fire Brigade and the police were involved in an emergency response at Narrabundah - at the sharp end of the fire service, you would need to have a fairly high level of physical fitness, which otherwise may be discriminatory. If the Fire Brigade were employing somebody for clerical duties, "a high level of physical fitness" would be discriminatory.

By way of contrast, Mr Kaine referred to the electricity authority. Again, for most clerical or administrative positions there one would not expect that there would be a problem. As he said, the ACTEW ads show what they do. The ACTEW emergency crews who are on standby may, at any hour of the night, be dragged out in a storm to put back some powerlines; so they need to be fairly fit and

.strong men or women, with the appropriate technical skills but also with a fair degree of physical fitness. That formula that allows "discrimination that is essential for the effective performance of relevant duties" appears throughout.

Mr Humphries picked up an ambiguity between the Fire Brigade Bill and the other Bills. I must say that, for the life of me, I cannot explain why it is there; but I can say that it makes no difference. That is in the definition of "equal employment opportunity program". In relation to the brigade, "equal employment opportunity program" means a program designed to ensure that:

> ... appropriate action is taken to eliminate unjustified discrimination against persons in designated groups in relation to employment matters;

whereas in the standard formulation in the other Bills "equal employment opportunity program" - I am citing from the Cemeteries (Amendment) Bill, at page 3, line 30 - means a program designed to ensure that:

> ... appropriate action is taken to eliminate unjustified discrimination against women and persons in designated groups ...

So, the Fire Brigade Bill states, "discrimination against persons in designated groups"; other Bills, uniformly, state, "discrimination against women and persons in designated groups". However, when we look at the definition of "designated group", the Fire Brigade Bill is different from all the other Bills because it states:

> 'designated group' means any of the following classes of persons:

(a) women;

then (b) Aboriginal or Torres Strait persons; (c) persons with a language other than English as their first language; (d) disability - I understand that some amendments to that term are coming - and (e) any other person who is prescribed to be within that group. If we look at the definition of "designated group" in the other Bills which say "women and designated groups", we have only Aboriginal or Torres Strait persons, non-English-speaking persons, persons with disabilities or other groups prescribed.

So, in the more common form, we have referred to an equal employment opportunity program meaning a program designed to ensure that you cannot have discrimination against women or designated groups, meaning Aboriginal persons, non-English-speaking persons, persons with disabilities or other groups yet to be prescribed. In the Fire Brigade Bill we have simply the reference to "unjustified discrimination against persons in designated groups", and when we ask "What is a designated group?" we find that it is "(a) women" and then those other four categories. So, it is saying precisely the same thing and is precisely of the same effect. But in one Bill one form has been used to put women as the first of the designated groups; the other is to say that we are talking about women and designated groups, being the other four.

So, it makes no difference, although if there were a view that one wanted to amend it I would be happy to take an amendment. I can assure the Assembly that it makes no difference in relation to that definition of "equal employment opportunity program". I have made it my business to ensure that in the first two

lots of trainees taken in while I have had responsibility for the Fire Brigade we have had women trainees. Members who have been out to see some of those graduation groups may have noted that we are starting to see more women.

Mr Humphries: We had the first woman, did we not, in our administration?

MR CONNOLLY: You may have.

Mrs Grassby: No, she came in with me.

MR CONNOLLY: No matter who had the first, I am making sure that it is continuing and, more to the point, that we are always having more than one woman in a program. It is fairly apparent that when you have a training group for a non-traditional type of employment and you have only one woman it is very difficult for that person to get through the group. It really is much easier if there is some peer support. I think there are three women in the latest brigade course whose members are due to graduate fairly shortly. Members will be happy to hear that the women are doing as well in that program as any male, and better in some regards.

I can assure Mr Humphries, in relation to his specific point about the definition of "equal employment opportunity program", that there is no difference, although there is a difference in language. In relation to this question of what is "unjustified discrimination" there is simply no difference in language; there is uniformity throughout. Now that those points have been made and the quibble of Mr Kaine has been dealt with, we should all be pleased that this package of legislation is receiving bipartisan support, and that is a measure of the maturity of the Assembly.

Question resolved in the affirmative.

Bills agreed to in principle.

Detail Stage

Bills, by leave, taken as a whole

MS SZUTY (8.12): I seek leave to move the amendments, which have been circulated in my name, together. The amendments are to the definition of "designated group" in each Bill.

Leave granted.

MS SZUTY: I move:

Milk Authority (Amendment) Bill, clause 5, page 3, line 21, proposed subsection 14B(10), (definition of "designated group", paragraph (c)), omit the paragraph, substitute the following paragraph: "(c) persons with physical or mental disabilities,".

A.C.T. Institute of Technical and Further Education (Amendment) Bill, clause 3, page 3, line 19, proposed subsection 19A(10) (definition of "designated group", paragraph (c)), omit the paragraph, substitute the following paragraph: "(c) persons with physical or mental disabilities,".

Canberra Theatre Trust (Amendment) Bill, clause 4, page 3, line 23, proposed subsection 22A(10) (definition of "designated group", paragraph (c)), omit the paragraph, substitute the following paragraph: "(c) persons with physical or mental disabilities,".

Legal Aid (Amendment) Bill, clause 3, page 3, line 14, proposed subsection 68A(10) (definition of "designated group", paragraph (c)), omit the paragraph, substitute the following paragraph: "(c) persons with physical or mental disabilities,".

National Exhibition Centre Trust (Amendment) Bill, clause 4, page 3, line 23, proposed subsection 18A(10) (definition of "designated group", paragraph (c)), omit the paragraph, substitute the following paragraph: "(c) persons with physical or mental disabilities,".

Long Service Leave (Building and Construction Industry) (Amendment) Bill, clause 3, page 2, line 14, proposed section 25C (definition of "designated group", paragraph (c)), omit the paragraph, substitute the following paragraph: "(c) persons with physical or mental disabilities,".

Teaching Service (Amendment) Bill, page 2, line 18, paragraph 6(b) (proposed definition of "designated group", paragraph (c)), omit the paragraph, substitute the following paragraph: "(c) persons with physical or mental disabilities,".

Fire Brigade (Administration) (Amendment) Bill, clause 4, page 2, line 19, (proposed definition of "designated group", paragraph (d)), omit the paragraph, substitute the following paragraph: "(d) persons with physical or mental disabilities,".

Electricity and Water (Amendment) Bill, paragraph 4(e), page 2, line 28, (proposed definition of "designated group", paragraph (c)), omit the paragraph, substitute the following paragraph: "(c) persons with physical or mental disabilities,".

Cemeteries (Amendment) Bill, clause 5, page 3, line 21, proposed subsection 19A(10) (definition of "designated group", paragraph (c)), omit the paragraph, substitute the following paragraph: "(c) persons with physical or mental disabilities,".

I will speak to them briefly. Madam Speaker, the proposed amendments refer to people with physical or mental disabilities. The use of the word "mental" covers both people with mental illness and people with intellectual impairment. It is somewhat unfortunate that the word "mental" still covers both groups; nevertheless, its use is appropriate in this context. The use of these words as proposed in the amendments, while not conforming with the Discrimination Act 1991, conforms with other relevant legislation, and it is more appropriate to use them in the proposed amendments moved by the Attorney-General than the present words "persons who are physically or mentally disabled". While this is a subtle change of wording, it is an important one, as the emphasis is with the word "persons" rather than their disabilities.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.13): Madam Speaker, the Government will be supporting Ms Szuty's proposed amendments. When she first looked at this problem and saw the phraseology that is currently used uniformly in the "designated group" definition - "persons who are physically or mentally disabled" - she approached me and suggested that it would be better to use the term "persons with impairment" to focus on the phrase "with impairment" which, as she correctly pointed out, is the current phrase that is preferred to be used by persons of that group, and, as Ms Szuty correctly pointed out, it is the phrase that has been used in the discrimination legislation.

While at first blush I was happy to accept that and I acknowledge that it is the preferred modern terminology, when officials looked at this in some detail I had to say, "Look, I do not think we should use the term 'impairment'" because we are picking up for these statutory authority employers a package that is in use throughout the ACT service because it is in use throughout the Commonwealth service, and it uses the terms "disability" or "disabled". That is using a term that has come up through some OECD guidelines, and there is a fairly massive body of documentation. Members who have seen EEO programs - Mr Kaine had responsibility in this area - would be aware of the fairly vast range of documentation that is generated through this. It would potentially create problems if we were to drop the use of the word "disability" or "disabilities" for this small area of employment and use it in the other.

As any lawyer will tell you, if you use two different words you will get a legal argument as to whether two different meanings were intended, and you can then have some quibbling about whether there were meant to be differences between one package and the other. That would be undesirable. The phrase that is proposed by Ms Szuty - "persons with physical or mental disabilities" - is a better phraseology insofar as it focuses, as she says, on the person. It does not make any difference; it still uses the term "disabilities", rather than "disability", but it is consistent with the Commonwealth package and the package that is used throughout other areas of ACT employment. If anything, it is making a marginal improvement, and it is certainly not creating any ground for difficulty. So, the Government has no difficulty in supporting those amendments, as circulated, in each of the parts of the package.

Amendments agreed to.

Bills, as a whole, as amended, agreed to.

Bills, as amended, agreed to.

TRAFFIC (AMENDMENT) BILL 1992

Debate resumed from 9 April 1992, on motion by **Mr Connolly**:

> That this Bill be agreed to in principle.

MR WESTENDE (8.17): Madam Speaker, we in the Liberal Party have consulted widely on this matter before coming to the conclusion that we will support the proposed legislation on the compulsory wearing of bicycle helmets. Unlike the Government, which we believe is simply following the initiative of the Victorian and other governments, we have consulted widely to make up our own minds on

this matter. This is not to politicise a matter on which we are in agreement with the Government; but, Madam Speaker, on such an issue the Government must consult the community, particularly those affected, that is, the cyclists.

We are informed that the Government has not consulted the Cyclists Rights Action Group, even after repeated requests from that organisation. Consultation is about talking to all interested parties, not just those who are in agreement with a proposed piece of legislation. We have spoken to both the proponents and the opponents. We have heard the views of the Cyclists Rights Action Group and we appreciate the thoroughness in the presentation of their viewpoint. However, the views that have been put to us by other sectors of the community are far more compelling.

Dr Ray Newcombe, chairman of the ACT Trauma Committee of the Royal Australian College of Surgeons and secretary of the Neuro Surgical Society of Australasia, has advised us that there is an unacceptable high level of injury from bicycle accidents. Dr Newcombe indicated that both of these organisations support the legislation for compulsory wearing of helmets. He has said that the incidence and severity of these accidents are clearly reduced by wearing helmets.

Dr Newcombe advises that every weekend people who have come off bikes are admitted to the Woden Valley Hospital. Last Saturday week a blood clot was removed from a 16-year-old girl involved in a bicycle accident. She was not wearing a helmet. Dr Newcombe further advises that another patient, a university student, was admitted to the Woden Valley Hospital after coming off a bicycle, but she was wearing a helmet and sustained only minor injuries. After some minor attention she was able to leave the hospital shortly after arriving there.

The ACT branch of the AMA, in a press release on 21 April, called for the compulsory wearing of helmets for youngsters. It stated that the AMA is concerned that the ACT is lagging behind the other States in making helmets mandatory for bike riders. The AMA refers to the data collected by the ACT injury surveillance and protection program which shows that head injuries account for nearly 40 per cent of admissions to hospital of injured bike riders not wearing helmets, but for only 10 per cent of admissions of bike riders wearing helmets. Clearly, this data reveals that many young people are injured in bike accidents and that the wearing of helmets dramatically reduces the risk of head injury.

The Child Accident Prevention Foundation of Australia has written to me expressing its full support for the introduction of this legislation. This organisation claims that each year, on a national basis, around 90 cyclists are killed on the roads, with approximately another 20 cyclists hospitalised for each fatality. The Child Accident Prevention Foundation of Australia has advised us as follows:

> Early research in Victoria, pre and post legislation, displays a trend for a lower proportion of head injuries presenting at accident and emergency departments of hospitals participating in the Victorian injury surveillance system.

> Correct helmet wearing has the potential to substantially reduce the extent of head and brain injury. For any helmet to offer maximum protection it must meet Australian standards and fit correctly with the straps and webbing adjusted.

I continue to quote:

> The foundation fully supports the introduction of the proposed legislation and considers that a comprehensive public awareness campaign to inform ACT residents of the new legislation thus encouraging compliance is necessary.
>
> The foundation also feels that cyclists and parents need to be aware of the importance of the correct fitting of helmets, the need to destroy helmets if they are involved in a serious impact and suitable maintenance.

While the local Council of Parents and Citizens Associations does not have a policy on the matter of compulsory wearing of bicycle helmets, the national parent organisation does. This organisation, known as the Australian Council of State School Organisations, has a policy on school bike plans and road use education which in part calls for legislation to make compulsory the wearing of safety helmets. We have received a letter from the Canberra High School Parents and Citizens Association Incorporated which supports the proposed legislation. This organisation has said:

> There have been several incidents recently involving Canberra High School students travelling to or from school which have brought home to us the value of helmets in saving riders (and especially young people) from serious injury or death.

Madam Speaker, we have heard arguments that this legislation is infringing the rights of freedom of choice. We have heard arguments that the matter of children wearing helmets is for parental supervision. Madam Speaker, as everyone knows, parents are not with their children 24 hours a day. They cannot be sure that their child will always remember to put on the helmet. This legislation will reinforce the educative process in making children more aware of the necessity to wear a helmet when riding bikes. I am equally sure that, when a child, or anyone for that matter, is involved in a bicycle accident, they would be well pleased to have a helmet on.

As to the matter of freedom of choice, there are limits. For instance, we are not permitted to drive as fast as we would like on our roads and highways, and we have to wear seat belts. There is a whole host of controls and restrictions in our society which the society has placed there for its own good. Wearing bicycle helmets may present a hassle for the cyclist; but, if that cyclist happened to ride in front of a vehicle, or a vehicle accidentally struck that cyclist, then I suggest that the driver of the vehicle would be very much relieved if the cyclist was wearing a helmet - and, let us be honest, so would the cyclist.

Madam Speaker, this legislation highlights that cycling, while an enjoyable and healthy pursuit, has its dangers. While helmets will make this safer, there is a further necessity for cyclists to observe other safety requirements. Madam Speaker, some cyclists tend to be a little lax when it comes to observing traffic rules. How many of us have seen cyclists riding at night without lights or even

adequate reflectors? How many of us have seen cyclists riding through intersections without observing traffic signals? Of course, they may well be the minority; but it does highlight a further need for regulation in terms of their safety.

Madam Speaker, we support the Government in this legislation; but we would urge that, prior to its introduction, the community should be well informed of what the legislation entails. We would also strongly advise that this awareness program should include all issues relating to safe cycling to which I have referred and especially a reminder to cyclists that riding a bicycle in the dark without lights is also an offence under the existing Act and one that carries a penalty fine.

Having said all that, Madam Speaker, we have some problem with agreeing to clause 6, whereby the Government wants to amend section 40 of the principal Act by omitting $100 and substituting $500. We believe that that is going too far, even though we realise that the last amendment was in 1984. Let me indicate some of these offences. One of these offences is riding a bicycle with insufficient brakes. We do not believe that that is worth a $500 fine. Others are: Having more than one person on a bike designed to carry no more than one; three or more horses abreast on a public street, with the exception of mounted police; and driving a horse and cart without control of the horse. Madam Speaker, I could go on, but I think this highlights why we have a problem with clause 6.

MS SZUTY (8.27): Madam Speaker, I oppose the amendments which have been proposed by the Government, on the ground that compulsion is not the way to go with this issue. I know that the action is being taken to honour a commitment made to the Federal Government in return for money given to upgrade a number of black spot intersections around Canberra. But, if there is an argument to compel cyclists to wear helmets, why does this same argument not apply to rollerbladers, rollerskaters, skateboarders, and even pedestrians? Statistics available for 1991 show that only one person died as a result of head injuries sustained in a bike accident; this in a total of 18 road fatalities in the ACT. On these grounds, maybe a case should be made for drivers and passengers also to wear helmets.

I feel that the way to bring bicycle helmets into use is not by compulsion but by education and role modelling. Victorian evidence suggests that the introduction of compulsory helmets for cyclists led to a reduction in the use of bicycles by some 15 per cent. At a time when we are all concerned with health, fitness and reducing the use of fossil fuels, introducing a measure which, it would appear, will lead to a fall in the use of bicycles for recreation and commuting purposes seems retrograde. That is not to say that I do not support the wearing of bicycle helmets. I would support an education program which emphasises the need for people to protect themselves. Children especially need to be given information, role models and incentive to adopt helmet wearing as a sensible practice.

Canberra's commuter cyclists appear already to be well aware of the advantages of wearing a bicycle helmet, without compulsion. A large proportion do wear helmets, and have done so without being told that to travel without headgear would incur a penalty. Speaking of that: Under the amendment put forward by the Minister, and remarked upon by Mr Westende, we have a final clause which does not draw attention to itself, but nonetheless will have a financial impact on a lot of Canberrans. It is here we find that the Government proposes increasing fines for a range of offences under the Act by 500 per cent.

Let me be more specific, as Mr Westende was. The general fine will increase from a maximum of $100 to $500, and this in a year when the Federal Government has achieved an inflation figure of less than 2 per cent. Fines were increased in 1984 from $40 to $100. At that time the increase was 250 per cent. Now the Government wants to fine people who have committed an offence under the Act, for which no specific penalty is prescribed, up to $500. This will increase the maximum penalty fivefold after eight years.

What are the types of offences that will attract this penalty? Under section 9 of the Act any person who, upon a public street, rides a bicycle which has not affixed thereto on some convenient part efficient brakes and a bell or other efficient approved appliance for giving warning of its approach, shall be guilty of an offence. If a rider does not have at least one hand on the bike handlebar, and if he or she does not have their feet on the pedals, they are also guilty of an offence. As well, carrying a pillion passenger on a bike not designed to take more than one person is an offence for both rider and passenger. Riding or driving two abreast, unless you are on a bike, is an offence in a vehicle. Having a projecting load and not obeying the directions of a police officer who is regulating the traffic are offences under the Act where there is no specific prescribed penalty.

While I realise that the discretion of the court can come into effect when offenders appear before a magistrate, are these offences worthy of such an onerous maximum penalty, particularly when the penalties spelt out for certain offences under the Act fall into the range of $40 to $100? Madam Speaker, I oppose the amendments.

MR HUMPHRIES (8.31): I wanted to rise in the debate to indicate that this is an issue which has vexed the Liberal Party for some few weeks. As I think Mr Westende indicated, we have discussed this issue at great length and we have come to the view that the legislation the Government is bringing forward ought to be supported. But we acknowledge that there are arguments either way in this matter, and that it is not as straightforward as it might appear on first blush. In particular, the Liberal Party examined with care the submission brought forward by the Cyclists Rights Action Group. It caused considerable soul-searching in our ranks. I want to address some of the arguments that were used - - -

Mr Berry: We would have to find a soul first.

MR HUMPHRIES: I will not take a point of order, Mr Berry. We examined the arguments in that, and I want to come back and touch on some of those in explaining why the Liberal Party has decided to support this legislation.

The submission makes a number of points about the question of liberty and the idea that people should be able to do what they wish when they are riding their bicycles down a path or down a road in the ACT. In particular, the words of John Stuart Mill, the great libertarian, were quoted in the same vein as I think an American judge some time after him who expressed the same principle in words to the effect that I have the right to swing my arm ends at the tip of another man's nose, the idea being that people should be completely free to do what they wish providing it does not affect any other individuals around them. That, to libertarian Liberals, is a very compelling argument. I think it has been quoted by the Attorney-General as well in this chamber in one form or another. So, it is a fairly compelling argument and needs to be addressed.

I think that the difference between what John Stuart Mill said and what we are doing here is that in a sense the social context in which people conduct their affairs has changed a great deal. Of course, in Mill's day, questions such as illness and penury and things of that kind were very much private matters. If I fell ill, if I was not able to pay my debts, these were matters purely between me and my creditors, or me and my creator in the case of illness. These were not matters in which general society was involved.

We take a different view today. People who are ill today are cared for by the community. People who cannot afford to buy food are provided for, to some extent, by the community. So, in a sense we have a society which intrudes, if you like, into that previously private world of an individual's well-being. I suppose one argues that the corollary of that interference is that the broader community has some right to protect its interest, if you like, in the health and well-being of that person. The argument goes that, because the community will pick up the tab if an individual falls off his bicycle and cracks his head open and has to be treated, then the community has some right to mitigate the damage or loss that flows to the community by virtue of that happening. As a result it is expected that people in those circumstances will take some measures to protect themselves, and, if they do not, then, in certain circumstances, the community will demand that they have sanctions imposed against them until they do.

The principle, I think, was established quite clearly when some years ago now the community supported the concept of seat belts, and that has already been mentioned, I think, in this debate. I think that was the initiative of a Liberal government at some point 20 or so years ago, and I cannot argue with that initiative. It certainly has caused the saving of many lives and it certainly has resulted in some small intrusion into people's private lives; but, I think, at a great saving to the public purse and no doubt to the purses of insurance companies.

There is a principle here, though, which is being invaded and which is quite important. We need to bear it in mind. We all must enjoy some right to do some things to our bodies which the community as a whole might not see as desirable. I suppose, in the same continuum, that eventually the Government could bring forward a Bill to ration the amount of cream that we all consume, on the basis that large consumption of cream will lead to heart disease which will have to be treated probably in our public hospitals, and that imposes some cost on the public purse. I, for one, would defend my right to consume as much cream as I wish. So, there is a real argument about how far one goes in defending the public's right to impose itself into the private affairs of individuals. I do not know where that line is drawn. I think that it is drawn such that we are entitled to compel cyclists to wear helmets; but it is a fine argument.

The argument is also put, Madam Speaker, that the number of people injured on our roads and our cycleways through not wearing helmets is relatively small compared with, for example, injuries in motor cars or even as pedestrians, and that again - - -

Mr Berry: They should wear helmets in motor cars.

MR HUMPHRIES: That again is a compelling argument. Mr Berry says, and I think the Cyclists Rights Action Group actually argue, that it would be as logical to make people in motor cars and on the streets wear helmets as it would be to make cyclists wear helmets.

Mr De Domenico: Only if you drove convertible cars, though, surely, because the helmet could be seen to be the roof of the car itself.

MR HUMPHRIES: I note that argument.

Mr De Domenico: Or jogging, perhaps, Mr Humphries.

MR HUMPHRIES: Or jogging, perhaps. I, frankly, am not sure what the answer to that argument is; I throw it up only to let people understand that that has been put forward. It seems to me that one is inherently more likely to injure oneself by having an accident on a bicycle than one is by having an accident in a car because one has some protection in a car. But it is not an argument that I think we can lightly put to one side.

The point is, Madam Speaker, that the community here stands to gain some protection. I believe that protection is the responsibility of a government and an Assembly which wishes to protect individuals. It is hard for us, in particular, to mandate that children wear helmets if we do not provide the example of adults doing the same thing and, of course, the ACT, frankly, does have the advantage of receiving some funding under the Commonwealth program by taking a part in this exercise.

Mr Moore: Bought out again.

MR HUMPHRIES: In a sense it is being bought out. We want to do something about our black spots which we do know cost lives. I think that that is a reasonable trade-off. If someone wants to pay me to do that, I am quite happy about that. I will be watching, as will my party, for any further intrusions, if you like, into the rights of individuals to do things by themselves; but I do not think this particular provision infringes unduly on that principle.

MR STEVENSON (8.39): Why does one not respond with ability in any situation that one deals with in life? If we look at responsibility, the key is that one can make up one's own mind. When we get a situation where someone constantly takes away our right to respond, takes away our freedom of choice, eventually there is little doubt that most of us would do things that are not sensible, that may not be responsible - responsible for others, or responsible for ourselves. This, I feel, is really the basis of the matter.

If you have children, if you continually do things for them, you will eventually find that they will become useless. If you have people who continually have things done for them, eventually they will become useless. Why is it that on a farm in the country people usually have a very high level of responsibility and usually have a very high level of productivity at a young age when that is not common within the city areas? I believe that it is because they have responsibilities pushed on them when they are younger.

Mr Humphries referred to a quote by John Stuart Mill but did not read it. I think it is worthwhile reading it, although we all have a copy. It reads:

> The only purpose for which power can be rightfully exercised over any member of a civilised community against his will, is to prevent harm to others. He cannot rightfully be compelled for his own good,

> or because, in the opinion of others, it would be wise, or even right. These are good reasons for persuading him, but not for compelling him.

I have always been a firm believer in education, not legislation. We do not necessarily all benefit in our lives from the three million rules and regulations and Acts and amendments that we have had since Federation.

Mr Humphries: We do here. We make them. It gives us something to do.

MR STEVENSON: Mr Humphries says, "We do here. We make them. It gives us something to do". I will not comment. So, the question, quite rightly, is: Where do we draw the line with legislation? This is the key with censorship as well. Where do we draw the line? I think we should really draw the line in the area of harm to others. With the wearing of pushbike helmets, it cannot be said, logically, that there is a potential for harm to be caused to others.

One difficulty that has been brought up to us again and again is that riding along Northbourne Avenue at peak hour may be a lot more dangerous than riding in one's local park, particularly when, as with most parks in Canberra, they are very well manicured and there are not too many potholes to hit and fall over on. What it really comes down to is whether or not individuals have the right to decide for themselves what they will do in their own lives.

If we take that away from them, what are the repercussions? What are we going to see in the long term? There is every right along this line of protecting people, as Mr Humphries debated, of telling people how much cream they will have. But I suggest that there are a lot of things within one's diet that are going to cause more problems than cream. You could well say that the average diet is not necessarily too good for people. When we look at the billions of dollars spent on health care in Australia, it does suggest that there is something we are doing that is probably not all that good, or not doing that we should be doing. One of the suggestions would be to get out and ride pushbikes, which brings us back to the problem that some people, unfortunately, will not ride pushbikes if they are compelled to wear a helmet.

There are different reasons for this. With some people, it is simply a matter of principle. They simply refuse to be told to wear a pushbike helmet. With others, it is some feeling they have of freedom, depending on how fast they can pedal, with the wind blowing through their hair and the joy of riding a pushbike. How I will - - -

Mr De Domenico: Do you support seat belts?

MR STEVENSON: Seat belts support people. Seat belts support me and other people. Let us look at some surveys that we did in March last year.

Mr De Domenico: Who is "we"?

MR STEVENSON: The Abolish Self Government Coalition, Mr De Domenico. We asked the question: Do you agree with pushbike helmets being made compulsory? Fifty-two per cent, to round it off, said yes; 43 per cent said no; and 5 per cent said that they were unsure. From a survey we did in the *Chronicle* recently, about a month ago, we had 48 replies, and 83 per cent said no and 17 per cent said yes. I realise that there are many people who are particularly concerned

about not being forced into wearing helmets. I realise that those people were more motivated and did write to us more frequently than the others. I fully acknowledge that. Our last surveys, over the last few days, resulted in 75 per cent of people saying yes, 22 per cent saying no, one per cent saying that they did not have enough information to make a decision, and 2 per cent being unconcerned about the issue.

Mr Connolly: Dennis, you have to vote with the Government.

MR STEVENSON: So, as Mr Connolly has suggested, I should vote for the compulsory wearing of helmets, and I will, regardless of my personal views. I think it is fairly clear that the majority of people in Canberra agree with the action, and I think that is the way it should be in society. If we, as a community, make a decision, we can then benefit or have some lack of gain on that decision, and I think that is the way it should be.

MR MOORE (8.46): I guess the irony that I find in opposing this legislation is that I am probably one of the very few people in this Legislative Assembly who ride a bicycle regularly and wear a bicycle helmet. It would be of interest to me to know just how many other people own helmets and ride their bicycles. It is one of those curiosities, I guess.

It seems to me that in making this decision it is very easy to say that there is a simple black-and-white argument as to whether one should be free to wear a helmet, or whether we should compel because of the measure of damage done in our society. It seems to me that we draw our conclusions, and we make our decisions, after weighing up the cost and the benefit. By and large, having weighed up that cost and benefit, a quite large number of members of the Assembly have come down on the side that the benefit outweighs the cost. That is really what we are talking about this evening.

I do not believe that that is the case here and it concerns me in terms of the precedent that is set. Ms Szuty raised the issue of the possibility of having helmets for people who are wearing rollerblades or who are riding skateboards. I imagine that, if we were to look at the statistics per mile or kilometre travelled on those types of vehicles, we would find a quite significantly higher percentage using bicycle helmets. No doubt in this chamber some time in the next decade we will see legislation that will provide for the protection of rollerbladers, and the users of whatever new invention comes, saying that they should wear helmets. Another interesting point that was raised by someone else is the possibility, if one looks at the statistics, that we should be insisting on helmets for passengers in vehicles, and that is the next logical conclusion.

In looking at these matters, we weigh up the cost and the benefit and make our decision accordingly. Somewhere along the line we are going to have to draw the conclusion that it is no longer our responsibility to interfere with those rights and freedoms of other people and that we should allow education to fulfil the role. That is the point made by Mr Stevenson.

If we were really serious about using the statistics to determine whether people should or should not be wearing helmets, there are some interesting statistics that many of you would have received. I do not know how many of you would have studied them. They were provided to all of us by the Cyclists Rights Action Group. These statistics on fatal crash types come from the Federal Office of Road Safety and are for 1988. These statistics do not tend to vary that much from year

to year. This body looked at road user fatality groups. Fatalities of cyclists, thanks to head injuries, accounted for 80 per cent of the fatalities. For pedestrians it was 78 per cent, and the statistics go on similarly. So, one could easily make an argument to say that we should be ensuring that pedestrians wear helmets. The arguments that we have heard put initially by the Government in introducing the Bill, and then from others who are supporting the Bill, could be applied quite easily to pedestrians.

Once we have pedestrians wearing helmets, I think we could look at what happens in the home with young children and try to ascertain how many head injuries occur at home. Then we could consider whether or not we should ensure that babies that are being carried around by their parents have helmets on because, after all, occasionally their heads are bumped and so forth. The point I am making, and it becomes clearest of all when you look at vehicle occupants, is that an argument is very easily made for ensuring that helmets are worn under those circumstances. I think there are very good arguments for wearing helmets in motor vehicles. It may well be that shortly we will see people doing that. If we think back a matter of 10 years, it was very rare to see a cyclist wearing a helmet, although, going back quite some years ago to when I was a child, I remember that there were people who wore leather helmets.

The real question is: Where are we going to draw the line? In the chamber this evening, in the final run and obviously after considerable consideration, the Liberals have come down on the side of saying that they will support this legislation and there is no doubt that the attempt by the Federal Government to bribe members of this Assembly with the black spot funding has been taken on. That in itself presents a quite significant style of precedent. The Federal Government will give us money if we are very good and do what they think is a good idea. I think that also needs to be questioned.

For myself, I have come down on the other side and would argue that there are some real costs in terms of cycle riding. One of the costs, of course, is the finding that where bicycle helmet legislation has been introduced there has been a reduction in the usage of bicycles. When you are looking at the overall health of the population, you cannot help but ask what that is going to cost us in terms of fitness and what it is going to cost the community in terms of extra hospitalisation and so forth.

It is too early to determine whether or not that result of the introduction of such legislation will diminish as time goes on. I quite accept that that is often the case; that as a reaction to a particular piece of legislation there is a drop-off, for example in this case, in the use of bicycles, but that use will in turn grow. That is a concern, and it is a concern particularly when there is such an emphasis, from an environmental perspective, on trying to get people to use alternative means of transport, cycling being one.

Another factor in this is people's vanity. There is certainly the argument that people will not now ride bicycles simply because they do not like the way it makes their hair go sweaty, turn into rat tails, turn frizzy, or whatever. I am very fortunate in that, with a bit of barbed wire on my head that counts for hair, it does not really matter very much. We put a helmet on and off and it makes no difference. We do not get too concerned about what our hair is like at any given time.

I think the point is best put in terms of the costs and the benefits. As far as I am concerned in this case, the benefits, while they are clear, can be attained through education, and the costs are simply too great. Therefore, I oppose the legislation. I would like to make a final point about something that has been raised by both the Liberals and Ms Szuty. Attempting to sneak an increase in the overall fine level into this Bill was inappropriate. I spoke to Mr Connolly about this after the Bill was introduced and his reaction at the time was something along these lines: "Well, we get inflation, and obviously there has to be an increase". But 500 per cent since 1984 is hardly in line with the CPI, even under a Labor government.

MR DE DOMENICO (8.55): Madam Speaker, I rise briefly to speak on this Bill. I did not intend to speak initially and I apologise, Mr Lamont, for getting up before you. I thought it was quite right to say, first of all, that as far - - -

Mr Kaine: As far as we can see, it is going to be eminently more interesting than what he was going to say.

MR DE DOMENICO: Thank you. My esteemed leader is right, as he usually is; but not all the time, mind you. I rise to say, first of all, Madam Speaker, that as far as the Liberal Party is concerned - I am sure my colleagues will agree - we do not have any feeling that we have been bribed by anybody in supporting this legislation. So, first of all, Mr Moore, we have not been bribed, as you so incorrectly put it.

Moreover, as Mr Stevenson correctly said, a person's right to respond is important. But I also say, without wanting to speak on other matters that hopefully will come up to this Assembly in the future, that we have to speak about the right to life of people riding bicycles and walking along footpaths, and riding or walking along streets. Also, no-one mentioned the right of protecting those who do the hurting. In other words, as Mr Westende said, quite correctly, what if you or I were driving a car and we happened to hit someone on a bike who did not have a helmet and did that person damage? I think the community has a right to protect people who, through no fault of their own, happen to be involved in an accident.

I speak with personal experience. Three or four months ago one of my sons, who in fact does ride a bike to school and does wear a helmet, was riding along the footpath and, lo and behold, a car came out of a driveway, backing out where there were bushes and hedges, and he was knocked off his bike. His head hit the car in front of him. I shudder to think what would have happened to him if he had not had a helmet on.

I conclude by saying two things. Even if we save one life, I could not give a hang what John Stuart Mill said 200 years ago, or whenever. He does not even vote in the ACT, for a start. I could not give a hang what anybody said. Whilst I also have certain philosophical bents from time to time, as you all will realise, as long as we can save one life I think that we ought to support this legislation. Therefore, the Liberal Party quite rightly and quite correctly supports it.

Finally, Madam Speaker, I just once again agree with everybody else who has spoken about the concern about clause 6 of the Bill and the penalty. Whilst the maximum penalty, I think, for not wearing a seat belt can be up to $75, we are now told that driving a horse and cart without control of the horse can bring a fine of up to $500. I would like the Government to look at that, and perhaps we may leave it as it is.

MR LAMONT (8.58): Madam Speaker, somewhat surprisingly - - -

Mr Kaine: This is going to be a long one.

MR LAMONT: It will be.

Mr Kaine: He even has a prepared speech, too. Look at this, a prepared speech.

MR LAMONT: I do believe that it is incumbent upon the Government to try to educate the Opposition. Somewhat surprisingly, Madam Speaker, the issue of compulsory bike helmets has become - - -

Mr Kaine: You are going to have a hard time educating us on anything.

MR LAMONT: I know that we are going to have a hard time trying to educate the Opposition. Somewhat surprisingly, Madam Speaker, the issue of compulsory bike helmets has become reasonably controversial. Members of this Assembly on both sides of the house have been assailed as threatening individual freedoms, and supporters of the Government's proposal have even had their commitment to democracy questioned.

Opponents of the Government's legislation have argued, inter alia, that because there are a greater number of head injuries to pedestrians and motorists, the Government is not justified in helmeting cyclists and that in doing so they are trampling on the individual rights of cyclists. Drawing heavily on the philosophical writings of the nineteenth century libertarian John Stuart Mill, they argue that the right to self-preservation is the right of the individual alone and that head injuries to cyclists are no-one else's concern. They deny that the law should be a mechanism for persuading children of the benefits of wearing helmets, saying that this is properly the responsibility of parents.

As an Assembly member, and as a father of three boys, I am extremely concerned that the outwardly sophisticated arguments of these critics could undermine community support for what I see as a very important measure by the Government to improve public safety.

Madam Speaker, the statistics used by the opponents of this proposal are quite misleading and, I would suggest, mischievous. Put simply, it does not necessarily follow that we should not legislate for the wearing of bike helmets before we have helmeted pedestrians and/or motorists. While it may be true that the absolute number of people incurring head injuries is greater for pedestrians and motorists, this says little about the true nature of the risks involved in cycling.

I doubt whether any medical statistics exist, or would be obtainable, to show the number of bike riders who regularly ride their bikes in public places. Therefore, we are unlikely ever to have any firm data on the number of head injuries as a percentage of bike riders and how this compares with the percentage for pedestrians and motorists.

While such information may be unobtainable, I suspect that the reason why there is such little community support for helmet wearing by pedestrians and motorists is that these activities are seen to be inherently less dangerous, in terms of

incurring a head injury, than bike riding. Without statistical data we cannot know for sure, but it is an intuitive position that I would accept as fairly self-evident.

The main opponents of the Bill, the Cyclists Rights Action Group or CRAG, also argue the question of the equity of introducing compulsory helmet wearing. They claim that they are being picked on as a small minority and that it is pure political cynicism to target a group which has less political clout than either pedestrians or motorists.

Madam Speaker, even if we accepted the premise that bike riding is not more dangerous vis-a-vis head injury than walking or driving - and, from what I have said above, I do not accept that premise - I believe that this argument is also flawed. It is not cynicism but simple commonsense that the Government should seek to ameliorate the head injury statistics wherever it is politically possible to do so. We would never make progress in any direction if governments were unwilling to move in one area because of political opposition in another.

Madam Speaker, CRAG also reject the idea that the proposed legislation is an appropriate way of ensuring that children wear helmets, saying that "protection of children is a parental responsibility". However, the protection of children in many areas is also a community responsibility. Governments are regularly required to intervene to protect children where parental responsibility has proven to be inadequate. In a letter to me on 11 May the president of CRAG pointed out that 41 per cent of cyclists killed in 1988 were under the age of 16. Surely this represents an example of the inadequacy of parental supervision on these occasions.

Another argument put forward is that, while the Government may be acting reasonably as far as the wearing of helmets is concerned when cyclists are on the road, it is not reasonable for cyclists to have to wear them when on arguably less dangerous terrain such as public parks. They also say that there will be problems in enforcing the law and that this will encourage people to be law-breakers. My view on this is that if we accept that government has a responsibility to protect children, and we do, it is important to ask: What is reasonable in the exercise of that protection? In this case I think we need to ask whether or not it is reasonable to assume that we can rely on children to always make a distinction between riding on the road and riding in other public places such as parks. I do not believe that it is reasonable.

There are, in any case, Madam Speaker, other practical difficulties in making a distinction between different public places and attempting to enforce such a distinction in the courts. It could be argued, for example, that, were the Government to legislate for the wearing of helmets only on roadways and were there to be a bike accident in a public park, the Government could be held liable for not extending the same protection to cyclists in parks that it had extended to cyclists on the roads. Whatever one may think about the logic or fairness of such reasoning - and I make no judgment about it one way or the other - the fact is that it is not unusual for the courts to find governments negligent where it is felt that reasonable steps could have been taken to avoid what are judged to be foreseeable threats to public safety. Given that bike riding in parks is not without risk, this could certainly be argued.

The opponents of this Bill have quoted, rather tendentiously, I might say, Madam Speaker, the words of John Stuart Mill's *On Liberty*, that the treatment of minorities is the measure of the quality of a democracy. Madam Speaker, I have serious doubts that when John Stuart Mill wrote those words he had in mind the compulsory wearing of bike helmets as an example of the oppression of a minority.

As a rule, Madam Speaker, I generally look for philosophical guidance not from philosophers like Mill but from philosophers like my dear old apple-cheeked grandmother, who always used to remind me that in a democracy there are certainly rights - we have in all democracy a basic fundamental principle of rights - but there are also obligations. As a matter of fact, Madam Speaker, I think that someone with the good sense and perspective of Mill would have agreed with the sage wisdom of Granny, and the opponents of this Bill would do well to do the same.

On balance, I believe that the benefits to public safety which this law will bring will outweigh any perceived loss of amenity to some cyclists. I accept that there may be a problem with enforcement of the law, but I do not believe that it is any greater than that which applies to the wearing of seat belts or motorcycle helmets. It is certainly no greater, Madam Speaker, than the problem which would pertain were the law to attempt to make an artificial distinction between different public places such as roads and parks. The Government has an obligation and a duty to protect public safety. This law is a reasonable measure by the Follett Administration to do so.

There has been much said this evening, Madam Speaker, about the statistics pertaining to deaths and head injuries sustained by cycle riders. I seek leave to table and to have incorporated in *Hansard* the statistics for Victoria, New South Wales and the ACT for the period 1988 to 1991.

Leave granted.

Document incorporated at Appendix 1.

MR KAINE (Leader of the Opposition) (9.07): I was not going to speak to this subject either, like my colleague Mr De Domenico; but, when Mr Lamont makes an 18-minute speech, with 15 closely typed pages, it strikes me that there must be something very important about this issue, so we should all make a statement about it.

I support this legislation. I do not support it because the Commonwealth is blackmailing me over black spot legislation or grants of money or anything else. I do have some respect for the notions of people like John Stuart Mill, who lived a long time ago but whose principles still hold good in today's society. Whether it is hard hats or anything else, the principle is still good. I do not think that it is the role of parliaments, however, to sit here in glorious isolation and make decisions about the community, unless it is the will of the community that we do so. There is a will of the community at the moment that has to do with the wearing of safety hats by people riding bicycles.

We do not have to go back too many years to see the argument about whether people should be obliged to wear seat belts in motor cars. There was legislation enacted to require that right across Australia - not because legislators said that it had to be done, but because the community finally realised that it was the

sensible thing to do. It is only quite recently that motorcyclists have been obliged to wear hard hats - again, not because we legislators sat here and said that we have to protect those people because they are incapable of protecting themselves; we did so because there was a public demand. Mr Moore, in that, is correct; the legislators, not only here but across Australia, made a judgment about the costs.

Now we are at the point where there is a rising public perception and a rising public demand that something be done to protect people riding bicycles. By and large, I think that flows from a concern for children who ride bicycles, as much as anything. But, as has been rightly pointed out, you cannot make artificial distinctions between 16-year-olds and 17-year-olds, or between public parks and public streets; so, you have to make a judgment about the costs and how far one should go in legislating for a person's safety.

I do not doubt for a minute that at some future time, as Mr Moore mentioned, we may well be discussing the question of whether people who ride skateboards should be protected in a similar fashion. I do not think that for the time being there is any evidence to suggest that it is anything like a problem - there is certainly no public perception that it is a problem - but at some future time it may well become so. It may happen during my time in this Assembly and we may well be sitting here discussing the issue of making people wear hard hats if they are going to use skateboards. That will be, again, because there is a demand from the public that we do so.

I have one final comment, Madam Speaker. I found it rather odd that Mr Moore argued against this piece of legislation, because I know that he is an ardent cyclist. I see him riding his bicycle to work in this building and I see him wearing a hard hat. He has made a judgment for himself that this is a prudent thing to do. Why should he argue that it is not equally as prudent to require somebody else to do the same thing? If you were one of the hardheads who are going to ride a bicycle without a hard hat and say, "I do not need to do so", there would be some logic to your argument that nobody should.

Mr Moore: Because I am a true liberal; that is why.

MR KAINE: Mr Moore is ambivalent on this subject, as he is with many others. He wants to protect himself when he rides a bicycle, but he does not think that anybody else should be protected. There seems to me to be a certain ambivalence in that.

For my part, Madam Speaker, I support this legislation - not because I alone think it is a good idea, but because I have had a lot of indications from the community out there that they think it is a good idea, that the public purse should be protected, that their tax dollars should be protected, in our hospital systems and elsewhere, and that there is an obligation, where parents do not protect their children, for the community to do so. For that reason, and that reason alone, I support this legislation. I do not think there is much more argument that can be mounted about it, Madam Speaker.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.12), in reply: I rise to close the debate on this matter. I think it has been a very constructive debate on both sides. One of the most telling things that were said was said in different ways by both my colleague Mr Lamont and Mr De Domenico when they both referred to their own children. Mr Lamont said that he was approaching this primarily from the point

of view of his three young lads; and Mr De Domenico said that only some months ago his son was involved in a spill while wearing a hard hat, he came off and was okay.

It is interesting that when this debate was first emerging we had one of the ACTION bus stoppages. On that day a young woman came off her bike on Adelaide Avenue, which caused a bit of confusion and chaos to traffic on that morning. I was taking a close interest in how traffic was flowing that morning, understandably. The police were able to advise me very quickly that this young woman was all right. She was wearing a helmet. Had she not been, she would have been very seriously injured, if not killed.

This argument essentially comes down to the legislature protecting lives and protecting against serious injury. Mr Kaine made a telling point; this is not a case of the legislature getting out there in front of the community. In large measure, it is a case of the legislature responding to community pressure.

I was interested to hear the Dennis poll results last year. There was about 50 per cent support. Recently, when there has been a fair degree of public debate on this issue, it has risen, on the Dennis poll, to something like 75 per cent. I could regret setting a precedent of citing with approval in a debate here a Dennis poll result, but that is indicative that there is general public support for this measure. That certainly is consistent with the views that we have been getting in terms of phone-ins, letters and calls coming in on the issue.

I am really grasping for an issue that was raised by opponents of this measure to respond to. The issue of liberty versus compulsion, I think, has been addressed well by a number of speakers. I think everyone has wrestled with this to some extent or other, but it essentially comes down to the same argument as about seat belts. I would have said rhetorically that nobody is against seat belts because they have been so proven to be a lifesaver.

I was intrigued to have delivered to me only this evening the latest missive from the Cyclists Rights Action Group - directed to Mr Brown but copied to me - which says that laws to compel the wearing of helmets and seat belts infringe civil liberties and have no place in a civilised society. I would have to say that I think that is simply wrong. I think that hardly any people would say that the compulsory wearing of seat belts, by legislation around Australia and virtually throughout certainly the developed world, is wrong. I think that is an extreme minority viewpoint that would find very few adherents. I could understand an argument that draws a distinction between seat belt and helmet, although I would disagree with it; but I think that sort of argument is an absolutist argument and can stand no support. I would be surprised if Mr Moore supports that, although perhaps he does.

Let us look at what we compel people to wear by way of safety. For seat belts there is virtually unanimous agreement. We have child restraints in cars. This legislature, during the former Government, I think, toughened up on some of the child restraint laws. There was unanimous support for that. It is a sensible measure that is saving young children's lives, and it has total support. As to motorcycle helmets, has there ever been an argument against the compulsory wearing of motorcycle helmets? I would find it extraordinary. It is accepted.

Mr Moore: Margaret Reid did, I think.

MR CONNOLLY: I think that related to lights, or wearing them at low speed. There was at one stage an exception; you did not have to wear the helmet if you travelled at below 15 kilometres per hour. That has now been outlawed and again generally accepted.

I thought of another example this evening when attending an Emergency Service exercise, namely, hard hats on construction sites. That fits in with what Mr Kaine was saying because the pressure for hard hats on construction sites came first from the union movement and first from workers demanding safety. They demanded that it be made compulsory. Legislatures were slower to move. Only recently, with occupational health and safety legislation, has the state stepped in and said, "You shall be protected". Before that, the workers themselves were demanding protection. So, I just cannot see an argument about compulsion versus optionism.

Mr Moore said that there was the problem of vanity; that people would not like wearing helmets because of their vanity. I am sure that people would rather have even an ugly helmeted head than a squashed and beautiful one. He spoke of a trade-off. He said that there was a trade-off involved here; that 15 per cent fewer people were riding bikes in Victoria. I am happy with a trade-off that has 15 per cent fewer people on bikes for 50 per cent fewer fatalities and serious head injuries; and that is what the figures show, if you want to talk trade-offs.

The issue of skateboards and rollerblades was raised. I think that what this Assembly or parliaments throughout Australia will be looking at before compulsory helmets for skateboarders and rollerbladers may be the issue of whether they are to be allowed on the roads. There is a strong argument that perhaps they should not be on the roads. That is the big difference now. Essentially, they are recreational activities and in the ACT we encourage them to be done in recreation parks that we provide and in skateboard rinks that we provide. It may be that either private members or the Government may bring before the Assembly something in the way of an element of compulsion. But skateboards and rollerblades are not used regularly on the commuter roads as bicycles are; so there is a distinction.

Madam Speaker, the safety arguments are overwhelming. The statistics tabled by Mr Lamont make a case which most members agree with, and the overwhelming public support for the measure makes even Mr Stevenson vote with the Government on this occasion. I am sure, incidentally, that the 75 per cent popular support would be about par for popular support for most actions of this popular Government. We will wait for other Dennis poll results on that giving us more good news.

The other issue that needs to be addressed in my summing-up is this issue of penalties. The first thing which I really must take exception to is Mr Moore's remarks about this being sneaked through, because this was made abundantly clear in the presentation speech. The paragraph says that the general penalty provision in the principal Act currently provides for a maximum penalty of $100 for offences committed against the Act where no other penalty is provided. This provision was last reviewed in 1984 and it is proposed that the penalty be increased to $500. We made this abundantly clear in the introductory speech; so there can be no question that this is an attempt to sneak penalties through.

I must concede that perhaps presentationally it was unfortunate that we dealt with the two matters in the one Bill, because it has provided some comfort for people who are opposed to helmets to raise some spurious arguments about penalties and cycles and suggest that this is all part of some anti-cyclist conspiracy. The reason why this was brought in in the same Bill was that I, personally, have a dislike of getting into a situation that we got into in each of the first three years of the Assembly where, by December, we were debating the Traffic (Amendment) Bill No. 6 because amendments to the motor vehicle laws and the traffic laws tend to have to be dealt with fairly regularly. I am trying to institute a practice whereby, when we bring one measure before the Assembly, we take the opportunity to deal with a few matters in one amending Bill in order to reduce the clutter on the legislative program. That is why we rolled the two matters up, although they are disparate.

The sensible reason why the Government thought of increasing penalties was that this has not been dealt with since 1984. In that time inflation has moved along; other penalties have been increased. We are constantly being told by the Liberal Party that we have to get tough and increase penalties. Well, here we have one. If the Liberal Party, when confronted with the issue, does not want to increase penalties, that is fine. They are maximum penalties, and that is important. That is very important. These are matters not dealt with by on-the-spot fines. These are matters dealt with before a court and we are talking maximum penalties.

There was some glee from Mr Moore and, I think, Mr Westende when they picked up a couple of the more obscure sections of the Traffic Act, such as that three or more horses are not to be ridden abreast, which perhaps seems a little trivial. The offence of loads being insecure is not a particularly trivial offence. If you have a semitrailer or a trailer with large planks or drums rolling off, I would hardly think that that is regarded as a trivial offence. If we go further down, there are some quite substantial matters here which I would certainly like the Liberal Party to think about before they toss this out.

Some of the more substantial offences are not dealt with by a specific penalty in the Act and so are caught by this general provision. One is the provision that requires a driver to stop a vehicle when required to by a member of the police force. That is section 33. Another is the provision that a driver is to give their name and place of address to the police. That is section 34. Another is section 35, relating to furnishing information to the police officer. Most importantly, there is section 32, whereby a driver is to stop in the case of an accident. That is, in effect, a hit and run, although if anyone is injured or killed you would deal with the driver under the more serious provisions.

Failure to stop in the event of an accident and failure to stop when required to by a police officer are matters that would be caught by this increased penalty. While we can laugh at the outlandish possibility that you would get the maximum penalty for the three horses abreast on Northbourne Avenue, and we can jest about that, I would have thought that there would be general agreement that failing to stop after an accident or failing to stop when directed by a police officer to do so are matters that may be regarded as more than trifling and more than a joke and that $100 may seem to be a little low, particularly when we think that the current $100 was an increase from $40 back in 1984, which probably itself traces back to about 20 pounds. A lot of these penalties were around for a long time.

The point is that we have a general offence provision that covers a range of offences, from the potentially trivial and laughable - the three horses abreast offence - to really quite serious offences. The section 32 offence - driver to stop in the case of an accident - is a matter which I think most people would regard as fairly serious. The section 33 offence - driver to stop a vehicle when directed by a police officer - is a reasonably serious matter. I would ask the Liberals whether they think that $100 should be left or whether it is reasonable, in a context in which penalties generally have risen over the years, to increase these penalties.

I would restate that it is the Government's intention to pursue a matter that I addressed, I think, in my introductory speech when I first came into this Assembly; that is, to move to the regime of penalty units whereby we can do a sort of once and for all review of penalties in ACT legislation, quantify them and decide whether we think that failing to stop when a police officer tells you to is a matter that is three times more serious than riding horses three abreast on the footpath, set the penalty by way of penalty units, and then have a single Act that allows us to increase the monetary quantum of those penalty units with inflation.

The Government does intend to pursue that course; but, for the instant, we have this Bill before the Assembly to debate the issue of cycle helmets. The opportunity was taken to review a penalty provision that has been there for some years. While it is possible to trivialise this and say that we are being excessive in talking about $500 for not having a bell on your pushbike, which is at the most trivial extreme, on the other hand there are some quite substantial matters here, such as not stopping in the case of an accident and not stopping when required to do so by a police officer. For these matters, really, a $500 maximum penalty - and in every case it goes before a magistrate - is not unreasonable. I will leave that matter with the Liberal Party. They are always lecturing us about increasing penalties and getting tougher. We will see what they do.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

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

Clause 6

MR MOORE (9.26): Clause 6 relates to the issue that Mr Connolly has just been speaking on - the penalties for offences. They are increasing the penalty by amending the Act to omit $100 and substitute $500 - a 500 per cent increase. Mr Connolly drew attention to substantial matters and referred to sections 32 and 33 of the Act and other substantial areas. What this actually indicates is his own inadequacy. If there were a particular reason to distinguish between substantial matters and far less substantial matters, it would be appropriate for the amendment to this legislation to be drawn accordingly. That was not done. It was simply done in this manner, and that is why it is appropriate for us to vote against it.

It seems that Mr Connolly has been consorting with the credit card merchants to arrive at this figure. Are the offences so heinous? Will the threat of this fine deter people in the ACT from committing such horrible acts as riding their bikes within 10 metres of a shop? It is well understood to constitute wanton behaviour, often conducted by minors and those unable to afford a proper vehicle, and obviously they should be stamped out.

Mr Connolly: Not if you are a pensioner and you are almost bowled over by some kid on a pushbike.

MR MOORE: This conduct obviously has outraged the Attorney-General, Crusher Connolly, who also believes that other deviant forms of behaviour - - -

Mr Lamont: Madam Speaker, I rise on a point of order. The terms used by Mr Moore are unparliamentary. He has been skating on the brink since he commenced this diatribe. I would seek that he withdraw.

MR MOORE: I could understand his point of order if I had said "Liar Lamont" or something, but I did not and I would not. I also withdraw that.

Mr Lamont: I ask that he also withdraw that.

MR MOORE: It is a spurious point of order.

MADAM SPEAKER: Mr Lamont, I am handicapped somewhat by the fact that I did not actually hear what was said.

MR MOORE: "Crusher Connolly" was the term I used, Madam Speaker. Especially consider the tone of my speech tonight. I also believe that other deviant forms of behaviour are to be discouraged at all costs.

Mr Lamont: Madam Speaker, I rise to the same point of order. He has repeated it. I seek that he withdraw it.

MR MOORE: What point of order are you talking about? What standing order number?

Mr Lamont: Referring to the Attorney-General as "Crusher Connolly" is not appropriate. It is unparliamentary.

MR MOORE: Come off the grass! How sensitive! Deterrence for deviant - - -

MADAM SPEAKER: Order! Mr Lamont, let me consider it tomorrow, please.

MR MOORE: Deterrence for deviant forms of conduct also include subsection 8(2), which says:

> A person shall not -
>
> (a) drive, ride or wheel a vehicle, other than a bicycle; or
>
> (b) drive, ride or lead an animal on a footpath.

This means that offenders will include those renegades who dare to ride in wheelchairs, push children in prams and walk dogs on a footpath. One has to ask: Is Mr Crusher Connolly suggesting that they use the road instead? Or will he instigate a fine of a further $500 for using the road, thereby gaining a sure fund-raiser? That, of course, would be one of the major advantages of this.

Had this fine been in force last week, the revenue raised at my expense would have been in the vicinity of some $10,000. As an obvious recidivist, I was culpably pushing my wheelbarrow full of bricks - old Canberra commons, I might say, too - across the lawn, onto the footpath outside my house and around to the driveway where I was paving my driveway. I now discover, to my great sensitivity, that I was flouting the law. It was certainly not on purpose. It was an opportunity missed for revenue raising that would leave ACTEW for dead.

When we look at section 10 we see this:

> Any person who, upon a public street ... rides a bicycle -
>
> ... ...

(b) without having his feet on the pedals thereof ...

Fair enough; we should aspire to the safe riding of bicycles. But $500 is the fine. Section 22 of the Act says:

> Any person who, in any public street in the vicinity of any sale-yards, inconveniences passers-by or obstructs traffic by causing or permitting any animals -

(a) to assemble and remain standing ...

We are pleased to see that cats are not included in the definitions in the Bill, as I believe that cats are very difficult to train to take a sitting position, which would render their congregating legal. It is fortunate that sheep and dogs, who are a little easier to train, will not necessarily incur such a draconian fine, providing they do not remain standing.

These are the sorts of things that are covered by this increase from $100 to $500 in the Bill. Quite clearly, the amendment to the Act is entirely inadequate. If Mr Connolly believes that there are some serious areas that require an increase in the level of penalty, then appropriately he should legislate in that area. This general increase is entirely inappropriate and I urge members to vote against it.

Debate interrupted.

ADJOURNMENT

MADAM SPEAKER: Members, the time is now 9.30 pm. I propose the question:

> That the Assembly do now adjourn

Ms Follett: Madam Speaker, I require the question to be put forthwith without debate.

Question resolved in the negative.

TRAFFIC (AMENDMENT) BILL 1992
Detail Stage

Clause 6

Debate resumed.

MR HUMPHRIES (9.31): The Liberal Party, as it indicated before, will be opposing this clause. I think that we can accept that there is some force behind the argument that the Attorney-General has put, that some of the offences provided for in the Traffic Act do require stiffer penalties than presently are provided for. I think we would accept that. There are certainly some fairly serious provisions in there which need to be considered.

An increase of 500 per cent is a rather stiffer penalty than the Liberal Party generally supports; nonetheless, there might be circumstances in which we would support such an amendment. We will not support the kind of blanket amendment which has been talked about here, however. It is simply too broad. It is simply a sloppy way of dealing with a whole series of very sensitive issues to which individual thought should be given.

I am quite happy to indicate that we will be rejecting that clause of the Bill at this time. If the Minister comes back at another time with more sophisticated amendments dealing with each of these sections, instead of this ham-fisted style, as Mr Moore puts it, I am sure that they will be supported by this party. We do believe that there are a number of quite minor and probably irrelevant provisions in the Act which ought not to attract penalties of that size, and for that reason we think that a little more sophistication is called for.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.33): Madam Speaker, it would seem that this measure is doomed to failure. The Liberal Party, despite their regular calls for us to get tough on virtually every offence under the sun, when given their first opportunity retreat at breakneck speed, no doubt influenced by Mr Moore's very entertaining speech - entertaining and amusing, but somewhat at odds with the Act.

The offences he was referring to relate to vehicles. The Act uses the phrase "vehicle or motor vehicle". "Motor vehicle", in the definitions section of the head Act, the Traffic Act, has the same definition as in the Motor Traffic Act. It essentially means motor vehicles. "Vehicle" is defined to mean a bicycle or a carriage drawn by an animal, which I think would exclude the wheelbarrow that Mr Moore - - -

Mr Moore: I am an animal.

MR CONNOLLY: Indeed, it would, because "animal" is defined to mean any horse, cattle or sheep generally, apart from, interestingly enough, the provision requiring a person to stop when a vehicle or animal that they have been riding is involved in an accident. When you are riding an animal which is involved in an

accident, you are required to stop, whether that animal is a horse, cattle, sheep, pig or dog; whereas generally, "animal", for the purposes of the Act, in the interpretation section, means a horse, cattle or sheep. So, members should be aware, if they feel free to ride a sheep or pig down Northbourne Avenue and believe that - - -

Mr Kaine: If you are riding your sheep around London Circuit, be careful.

MR CONNOLLY: No. You see, for riding a sheep you would, of course, be caught, Mr Kaine. You would assume that you would be caught, because of the general definition of "animal" meaning horse, cattle or sheep. Members may think that by riding a pig or dog on the streets of Canberra they could avoid the provisions of the law and the $100 penalty if they were involved in an accident; but they could not because some earlier draftsperson has very thoughtfully provided an extended definition of "animal" to cover pigs or dogs as well as other matters.

Essentially, the extreme matters that Mr Moore was referring to simply do not apply. Pushing a wheelbarrow is not caught. He referred to a wheelchair being caught. In fact, there is a specific provision relating to wheelchairs which has a specific penalty of $100. That simply is that a person shall not either walk on a public street or use a wheelchair on a public street without due care and attention, or without reasonable consideration for other persons using the street. I think that is a sensible provision.

What is interesting is that, in relation to what was put up as a trivial matter - the riding of a bike within 10 metres of a shop - I have on a number of occasions received constituent inquiries about this. Elderly Canberrans in particular have said that this is a real problem and that things should happen about it. No doubt I will be delighted, when dealing with future constituent inquiries, to respond saying that we tried but the Liberal Party rejected the increase in penalties. I think that will be grist for many a ministerial letter going out in the future.

As I say, without trivialising the matter, an opportunity was taken when this matter was before the Assembly to review penalty provisions. While there are specific penalty provisions, the general penalty has been sitting there since the early 1980s. We thought it was too low. While there may be some cases that seem trivial, there are more substantial matters. I was particularly drawing attention to failure to stop in the case of an accident and failure to stop when called upon by a police officer to do so. The matter that was raised by Mr Moore as a trivial matter is really, I think, a matter of some substance. In cases where the person on a bike may cause real concern or alarm to an elderly pedestrian, I would have thought a $500 maximum would be appropriate for a court; but the matter is in the hands of the Assembly.

MR MOORE (9.38): I could not help having my attention drawn by Mr Connolly to the definition of "animal", which means any horse, cattle or sheep. That indicates to me a further inadequacy of the legislation. It would be expected in Australia that we include camels in the definition.

Question put:

That the clause be agreed to.

The Assembly voted -

AYES, 8	*NOES, 9*
Mr Berry	Mrs Carnell
Mr Connolly	Mr Cornwell
Ms Ellis	Mr De Domenico
Ms Follett	Mr Humphries
Mrs Grassby	Mr Kaine
Mr Lamont	Mr Moore
Ms McRae	Mr Stevenson
Mr Wood	Ms Szuty
	Mr Westende

Question so resolved in the negative.

Remainder of Bill, by leave, taken together, and agreed to.

Bill, as amended, agreed to.

ABORIGINAL DEATHS IN CUSTODY
Ministerial Statement and Papers

Debate resumed from 14 May 1992, on motion by **Ms Follett**:

That the Assembly takes note of the papers.

MR HUMPHRIES (9.41): I was concluding my remarks on the last occasion concerning the Chief Minister's statement on the response of the ACT Government to the report of the Royal Commission into Aboriginal Deaths in Custody. I had only a few remarks left to make. I repeat the last set of remarks I was in the process of making. In the section on legislative reform, the Chief Minister stated:

> Legislation enforcing the principle that imprisonment should be utilised only as a sanction of last resort is also being prepared.

Despite what Mr Connolly might think about the Liberal Party, I certainly agree with the concept that imprisonment should be a sanction of last resort. That is certainly a view that I would share. But there is something in the terminology used there which sets alarm bells ringing in my ears and the Liberal Party's ears. It is a question of concern about whether there is to be, under legislation coming forward, a retention of the principle that all are equal before the law.

As I said on the last occasion, we certainly accept that individuals may have different penalties applied to them when they come before a court of law, because of their social condition. It may well be, for example, that an Aboriginal person should, for various reasons, be treated more lightly on conviction by a court than should another person, because of social circumstance. I accept that principle. That may be justifiable in the circumstances.

But, if it is inherent in this notion that the Chief Minister referred to that there should be, in effect, different laws or different legal standards applying to Aboriginals and non-Aboriginals in this community, then the Liberal Party and the Government would part company quite dramatically. We would certainly not accept that certain classes of individuals in the community are not subject to the same laws as other classes of individuals. That is repugnant to the concept of the rule of law and it denies the entitlement to protection that the whole community is entitled to believe it has. There is no room, in our view, for double standards, and we will certainly scrutinise any legislation which comes forward to ensure that it does not infringe on that principle.

Madam Speaker, in concluding, let me say that, although these provisions are, as I indicated before, welcomed on a bipartisan basis, we believe that seeing these through to the end is important in improving the general condition of Aboriginal people who find themselves in custody; but still we have an essential underlying problem which, in a very real sense, these provisions only scrape the surface of. Our general record on Aboriginal treatment in this country is not good and we need to improve that basic question of their treatment before we can say that we have dealt with the fundamental root cause of the problem.

There are 10 OECD countries in the world which have significant indigenous peoples. Unfortunately, in terms of our treatment of our indigenous people, Australia ranks tenth on that list. In other words, we perform worst of all the OECD countries. That is a matter of some concern. Whether it is a fair criticism or not I will not say. All I am saying is that that is the perception. That is the general consensus, and it is a matter of some concern and perhaps shame to us. Let us commit ourselves to doing something about the underlying causes of that problem. Let us commit ourselves to finding some way of involving Aboriginal people in a sense of partnership with the white community. I believe that these measures are a good way of starting down that path.

MR MOORE (9.46): In dealing with Aboriginal deaths in custody and the royal commission's findings, I think it is appropriate for us, first of all, to establish the basic premise in making policy for Aboriginal people of Australia. I think there must be a great deal of care to ensure that those people are in a position to decide for themselves what their needs are for both the short and the long term. We run the risk of perpetuating the existing patronising and chauvinistic attitudes of the past unless we provide the possibility of more active participation in policy making and implementation so that they have a real say in the direction of their own lives.

In dealing with this issue, Madam Speaker, I would like to begin by referring to data collection. Serious deficiencies in existing statistical information on Aboriginal and Torres Strait Islander people abound. In response to the Federal Government's decision to allocate $4.4m to the Australian Bureau of Statistics, which is recommendation 49 of the royal commission report, the Centre for Aboriginal Economic Research Policy and the Academy of Social Sciences of Australia identified major problems with existing statistical information and raised serious doubts about whether a one-off survey would fully rectify this situation.

The quantity and quality of statistical information on the Aboriginal population has declined over the last few years, for a range of political, cultural and methodological reasons, despite an increase in government spending on special programs. Commonwealth departments appear to have downgraded their efforts to maintain accurate data. The Department of Social Security no longer has accurate information on Aboriginal recipients of benefits, the CES no longer publishes statistics on Aboriginal unemployment, and special Australian Bureau of Statistics surveys do not contain Aboriginal or Torres Strait Islander identifiers. Dr John Altman, director of the Centre for Aboriginal Economic Policy Research, stated:

> It remains unclear whose interests are being served by the current data void and why the Government tolerates this lack of information on indigenous populations.

Behind the royal commission's recommendations was a belief that more accurate presentation of the socioeconomic situation of indigenous Australians would result in a more urgent focus and a greater government financial contribution to addressing underlying issues. What was needed was ongoing data to assess the effectiveness of government policies and programs; to gauge the extent to which Aboriginal and Islander people have equality of access to mainstream programs and citizenship entitlements; to assess housing and community infrastructure backlogs and monitor the extent to which different levels of government are meeting function responsibilities in these areas; to make rational decisions about the allocation of public resources, especially under the institutional umbrella of ATSIC; and to assess overall Aboriginal and Islander disadvantage in the context of the royal commission and the Council for Aboriginal Reconciliation Act of 1991.

The following problems face ABS attempts to collect accurate information if it is approached in the traditional way. First is the nature of indigenous populations. The normal mechanism to collect statistical information is to focus on the household; but such an approach may be inappropriate, given the geographic and cultural diversity of Aboriginal and Islander populations and difficult socioeconomic status of significant components of these populations. The second point is the issue of the appropriateness of standard social indicators devised for mainstream Australia for populations that are both heterogeneous and in some circumstances fundamentally different. The third point is how to define "Aboriginality" for data collection purposes, and how to target Aboriginal and Islander populations for special data collection exercises outside the context of the national census.

Before the ABS goes ahead with a special survey it should develop a clearer idea of the real data needs of Australia's indigenous population and policymakers. There is a need for a wider perspective, advocating the streamlining of existing administrative databases and the need for ongoing comparative data. Finally, such a survey would have to be thoroughly negotiated with Aboriginal people and their organisations, and the resulting data should be readily accessible to them.

I want to refer now to uniting Aboriginals and Islanders with their families, culture and spiritual links. It seems that all States responded positively to upgraded funding for programs such as Link Up, which is reuniting Aboriginal people with families following government enforced separations of families, communities and cultural groups. However, acknowledgment is still to be

publicly made of the fact that this process is continuing in many ways under the heading of social welfare; that is, pressure is still being applied by social welfare agencies to remove children from parents and families in the best interests of the child. The supposition, I think, that still exists in many minds is that being brought up in a white affluent society is often in the best interests of the child.

The question that should be asked, and is asked by many, is whether your children would benefit from being away from you, from your family and, in Aboriginal communities, from the broader community. The best interests of the child are served in a secure, integrated environment in which the whole family can contribute to the rearing of that child within their own culture and within their own spirituality.

I want to move back for a moment, Madam Speaker, to some of the issues raised by Mr Humphries in his speech. When he dealt with data and statistics in the ACT I had some difficulty with some of the points he made, although the conclusions he came to, I think, were appropriate. The Royal Commissioner into Aboriginal Deaths in Custody really based his whole argument not on deaths in custody, not on Aborigines in prison, but more on the fact that that was merely a symptom of a wider problem. If it so happens that the statistics on Aborigines in custody in the ACT are at the same level as with the rest of the community, that does not necessarily mean that the problem is resolved here.

The point made by the royal commissioner was that there is a structural problem, and that structural problem is what needs to be resolved; that the deaths in custody and the appalling number of people of Aboriginal descent who are in custody are simply a symptom of that wider problem. It is a conclusion that the royal commissioner came to and I guess it is a conclusion that, in many ways, Australians have been waiting for for some time. That is why I believe that this royal commission has had so much impact on Australians.

Aboriginal people reared in a foreign urban society are disconnected from their stabilising environment, their family, friends, community support, and their respect for social and moral behaviour, and are much more likely to demonstrate behaviour that is unacceptable to that foreign and urban society. This is part of the same structural problem.

In schools and education, I think that history has demonstrated that white, Anglo-Saxon, Christian culture is at odds with a wide range of expressions of Aboriginal culture and their spiritual, legal and community beliefs. Curricula throughout Australia must address understanding of the local Aboriginal culture, which differs enormously from region to region. Education systems can only be guided by informed local Aboriginal people in formulating these curricula, which should be taught to Australians. Input must be encouraged, and participation must be accessible. There have been examples in terms of the ACT at Jervis Bay and Wreck Bay. Questionnaires were put in *Eduspeak*, and there was no response from the Wreck Bay community because the language was designed in a specific way almost to exclude them.

Madam Speaker, I consider myself very fortunate that in my teaching career I spent two years teaching in a school that had a strong Aboriginal community. I believe that my understanding of Aboriginal people was increased significantly at that time. My understanding of the needs that they desire to be met has also increased.

Aboriginal customs and culture are very diverse. To impose one Aboriginal culture on another is paramount to Croatian culture being imposed on Serbs under the heading of a Yugoslav culture. That, I think, is a very good current example of what in some ways Australians perceive when they speak of Aboriginal people. Aboriginal children should be empowered through their education, rather than humiliated and ostracised. *(Extension of time granted)* Thank you, members. I shall try to wind up. Disenfranchisement and oppression lead to illegal and violent solutions. Race riots such as those witnessed in the United States are the ultimate expression of a people frustrated, disempowered, disconnected and embittered. The fact that these sorts of riots do not happen in Australia is really probably because there are fewer Aboriginal people and they are more scattered. Their lot, however, has been, in many ways, the same as that in the United States.

In some Australian States primary and high schools are still being placed in geographical positions requiring families to relocate to areas foreign to them and which offer no support. Their language, their customs and their land ties are very location specific in many areas. We certainly would not insist that children from our culture move to a completely foreign location for basic education yet; in many ways, that is exactly what has happened throughout Australia over the past few years, and is still happening today.

Teacher education is a very important factor. Aboriginal people need to be actively involved in teacher training and in recognising diverse and location specific cultures. Australian history must be re-examined, much like the exhumation of women's history that took place with people like Dr Anne Summers. The same re-examination of Australian history is beginning to take place now, and badly needs to take place so that we can look at Australia and our Aboriginal culture from a different perspective.

In summary, the recommendations of the report have extremely important ramifications for the ACT. The issue is not whether Aboriginal people should or should not be incarcerated or have different laws, et cetera; as the report rightfully points out, this is an indicator of the need for enormous social reform. There are some 2,500 Aboriginal and Islander people in the ACT. Many have direct and very strong links to the Ngambra region which was the forerunner of Canberra.

The Pialligo and Ngunawal tribes have deep and passionate feelings about the land in this region, and anger and resentment that many of them were systematically severed from their families and heritage. They are cynical of a government that continues to impose decisions without consultation on issues that vitally affect them. Without their stories, without their input, Australian history, and certainly the history of the ACT, will be based on the lie of omission, which is to do all of the Australian people an injustice.

MS SZUTY (9.59): It has been 12 months since the report of the Royal Commission into Aboriginal Deaths in Custody was tabled in Federal Parliament and, from the reading of the report on the response by State and Federal governments to the recommendations, it appears that there has been considerable progress made on introducing measures which address the main problem identified by the commission - that of "the disadvantaged and unequal position

of Aboriginal and Torres Strait Islander people in our society, socially, economically and culturally". I quote there from the overview of government responses.

The Federal Government has shown a commitment to the recommendations of the commission by allocating $4.4m to the Australian Bureau of Statistics for a national survey of Aboriginal people. This measure effectively implements recommendation 49 of the commission's report, as Mr Moore outlined. A workshop was recently held at the Australian National University to discuss this allocation of funds to the Bureau of Statistics and I would like to emphasise some of the comments put to that forum. The *ANU Reporter* has quoted Dr John Altman, director of the Centre for Aboriginal Economic Policy Research, as saying that the quantity and quality of statistical information on the Aboriginal population has declined for a number of reasons in the past few years. In a recent attempt to analyse the Aboriginal employment situation, he and a researcher were unable to find reliable data postdating the 1986 census.

Dr Altman and other participants in the workshop voiced a concern that, even with a royal commission recommendation ready to be acted on, there had never been any clear indication of what might be included in a survey of Aboriginal people. Dr Altman went on, in the *ANU Reporter* article, to say that the general view emerging from the participants was that before the special survey was undertaken the Bureau of Statistics should develop a clearer idea of the real data needs of Australia's indigenous population and policymakers. The actual recommendation asks that:

> Proposals for a special national survey covering a range of social, demographic, health and economic characteristics of the Aboriginal population with full Aboriginal participation at all levels be supported. The proposed census should take as its boundaries the Aboriginal and Torres Strait Islander Commission boundaries. The Aboriginal respondents to the census should be encouraged to nominate their traditional contemporary language affiliation. I further recommend that the ATSIC national regional councils be encouraged to use the special census to gain an inventory of community infrastructure, assets and outstanding needs, which can be used as data for the development of their regional plans.

It appears that Dr Altman and the commission are in agreement on the point that Aboriginal people should have input into the drafting of this special census, and that there should be an inventory not only of the people affected but also of the ways in which Aboriginal communities are structured.

The ACT, I know, is not involved in the development of the census; but I think a role must be played by all State and Territory governments in ensuring maximum input for the local Aboriginal population, and the starting point for this is contact. While the Federal Government may have passage of this particular recommendation of the report into aboriginal deaths in custody, the ACT Government has a major role to play in ensuring that the voices of the regional ASTIC council and other Aboriginal groups are heard in the debate over the census, and that it provides real and valuable information that will, as Dr Altman calls for, assist both the indigenous population as well as policymakers.

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

That the debate be now adjourned.

The Assembly voted -

AYES, 9	*NOES, 8*
Mr Berry	Mrs Carnell
Mr Connolly	Mr Cornwell
Ms Ellis	Mr De Domenico
Ms Follett	Mr Humphries
Mrs Grassby	Mr Kaine
Mr Lamont	Mr Moore
Ms McRae	Ms Szuty
Mr Stevenson	Mr Westende
Mr Wood	

Question so resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 10.07 pm

19 May 1991

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ANSWERS TO QUESTIONS

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No 19

Casino Project - Allocation of Premium

Mr Cornwell - Asked the Treasurer upon notice on 7 April 1992:

In relation to the estimated $19 million premium payable by the successful bidder for the ACT casino licence, which will be used for "community facilities" (Hansard 12 December 1991):

(1) Will this money be used exclusively for capital works.

(2) If not exclusively for capital works, what proportion, if any, will be allocated for capital works.

(3) What is the definition of "community facilities".

(4) Who will decide upon the allocation of this money.

(5) Has consideration been given to investing the whole, or part, of this money and applying just the interest on the investment for "community facilities" use.

Ms Follett - The answer to the members question is as follows:

(1 &2) It is intended, in accordance with the Governments electoral commitments, that the $19 million casino premium will be directed to capital projects for cultural and heritage facilities.

(3) The facilities will be major cultural and heritage projects.

(4) On 19 February 1992 I published a notice in the Gazette identifying arrangements that have been made for the provision of community facilities associated with the development of the casino. 1 have requested my Ministers to submit community facilities projects for consideration. These projects will be considered and cost estimates made.

The proposed allocation will be submitted to the Assembly for passage within the annual Appropriation Bill.

(5) The option of investing the premium and using the interest for community facilities is not currently under consideration by the Government.

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CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question Number 49

Treasury Portfolio - Consultants

MR KAINE - asked the Treasurer upon notice on 8 April 1992:

(1) In the period from 31 October 1991 to 31 March 1992, what consultants were employed other than for public relations, media, advertising, promotional and related tasks by (a) the Minister; and (b) each agency in the Ministers portfolio.

(2) For each consultant employed, what was (a) the purpose; (b) the duration; and (c) the cost of the consultancy.

MS FOLLETT - the answer to the members question is as follows:

(1) (a) Over the period 31 October 1991 to 31 March 1992 no consultants were engaged by theTreasurer.

(1) (b) & (2) Details of the consultants, the purpose, duration and cost of each consultancy service engaged by each agency within the Treasurers portfolio over the period 31 October 1991 to 31 March 1992 is attached.

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CONSULTANTS PURPOSE DURATION COST
ACT; TREASURY $
Westpac-Banking Casino Consultancy - 15 Oct 1991 168,809.25
Corporation Finance Panel 11 Feb 1992
Towers, Perrin Actuarial Services March 1991 8,610.00
Forster & Crosby to ACT Treasury (on-going)

Syneroom, Development of ACTOR 10 Mar 1992 10,080.00
Computer System 6 Apr 1992
o Harris Van Meegen Staff Selection Services/ 26 Mar 1992 (est) 900.00
r Senior Officer Position
(on-going)
Mr Brendan Harper Advice on financial managements Nov 1991 39,000.00
systems (on-going)
Synercom/Unisys Assessment of management March 1992 16,250.00
financial information est. completion
requirements May 1992
Department of Development of a functional March 1992 32,500.00
Finance Consulting specification and review of Jdne 1992
Services Unit options for financial systems

MINISTER FOR URBAN SERVICES

QUESTION ON NOTICE No 54

Urban Services Portfolio - Consultants

MR KAINE - asked the Minister for Urban Services on notice:

(1) In the period from 31 October 1991 to 31 March 1992, what consultants were employed other than for public relations, media and advertising, promotional and related tasks by (a) the Minister; and (b) each agency in the Ministers portfolio.

(2) For each consultant employed, what was (a) the purpose; (b) the duration; and (c) the cost of the consultancy.

MR CONNOLLY - the answer to the Members question is as follows:

(1) la) Nil.
(b) See table attached.

(2) See table attached.

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CONSULTANT PURPOSE DURATION COST

ACT CITY SERVICES

Trevor Daniel Review of Runoff And Flow Training Simulation 12/11/91-15/2/92 $4 509
model for the ACT
ARC Cadcentre ARCANE Functional specification 12/12/91-31/1/92 $4 000
Darryl Sheedy Review of Office Procedures 15/12/91 - no fixed Ester 000
date for completion

Sinclair, Knight & Partners Environmental/engineering audit of Landfills 19/12/91-13/4/92 Estate
700

James K Lorimar Quantity Survey Titles 1/2/92-14/2/92 $2 852

Arup Transportation Planning Drafts Needs Assessment Manual 1/1/92-5/92 $9 500
Pak Pay Kneebone Geographic Information System 6/1/92-3/92 $9 850
Dwyer Leslie P/L Review of transport information needs 3/92-8 or 9/92 $50 000

PUBLIC WORKS AND SERVICES

Van Steyn Structural Drafting Phillip College - renew ceilings, provide drafting 11/91 $2 520
Phillip/Stirling Colleges - replace ceilings, 11/91 - $142
provide plans
Woden Bus Depot - Upgrade Supervisors Office, 12/91 $410
provide drafting

Belconnen Remand Centre, drafting of preliminary drawings 12/91 $295
G J Sonderen Lift installation at Royal Canberra Hospital 11/91 $950
Lift maintenance specifications 2/92 $1 000

Decoin Design & Drafting Telopea Park Primary School - Upgrade toilet block 11/92 $882
Services

Alternet Systems Installation & maintenance of computer systems 9-11/91 $2 360
Upgrade & maintenance for local area network 11/91-3/92 $5 270
Eric Taylor Acoustics Renew ceilings, acoustic design 1/92 $2 500
Archline Design Ainslie Primary - Upgrade ablutions, prepare tender drawings 2/92 $932
Bird Moore & Partners Telopea Park School - Preparation of drainage plan 3/92 $1 302
Sopherim Enterprises Scribing and report writing services 12/91 $1 170

Peter J Burgess & Associates ACT Pavement Investigation 10-11/91

$2584

CORPORATE SERVICES BUREAU
Public service commission SES recruitment services 10,18,19/2/92 $3 655
Bev Sweeny & Associates Committee Secretary for Staff Selection Exercise 7/2-18/3/92 $630
Australian Federal Police Fire Arms Training 4/2/92 $1 373

Stanton Partners Costs/benefits and funding implications of ARMS project 13-27/3/92 $16 600
Malcolm Rayment Advice on enhancements to PERSPECT 3/3-29/5/92 $27 000

ACTION

Denis Johnston & Associates Undertake the Gungahlin Bus Study for ACTION & ACTT 2-11/91 $20 000

Crosstech Pty Ltd Industrial workplace facilitator aiming to achieve Est 4 months Est $24 000 productivity savings

Unisearch Ltd Evaluation of bus chassis vibration and driver seats 1 month $ 6 040
C J Richards & Associates ACTION Corporate Plan Facilitator 3 months $15 000
John Collins Consultants Undertake review of ACTIONs management & 31/3-31/5/92 $26 900
Pty Ltd organisation structure
ACTEW
Acoustical Consultants Control of noise within vicinity of proposed Gold
in Assoc Canberra Creek Zone Substation 20/12/91-31/1/92 $5 500

Aquatech Pty Ltd Canberra Review of water archive quality at LMWQCC 5/11-31/12/91 $10 000

Australian Electrical Testing Investigation of failure mechanisms and options for
Centre (SA) correction action on Krone Switchgear Equipment 27/11-24/12/92 $4 560
Australian Water & Coastal Corin Dam Safety Review
Studies Pty Ltd (NSW) 11/12/91-3/92 $32 000
Deloitte Ross Tohmatsu (NSW) Information Systems strategic planning 2/3-4/9/92 $75 500
MEET Consultants Pty Ltd (NSW) Impact study of the energy savings and returns on investment related to alternative leels of demand management within the ACT commercial and government sectors

Fraser Spence Consultants (ACT) Welcome Reef Dam - future water supply 22/1/92 $9 000
Hunter Water Corp Ltd (NSW) Canberra water supply taste and odour investigation 26/3-6/5/92 $6 520
SERA Water Treatment Pty Ltd LMWQCC grease trap oil interceptor waste disposal 13/2-4/92 $13 400
(NSW) facility
SMELL (Snowy Mountains Engineering Corporation Ltd) Canberra GDS file clean up 19/2/92 $2 500
Techway Solutions Pty Ltd Develop computerised data retrieval system for
Canberra discharge licence compliance reporting to
Pollution Control Authority 1/11-1/12/91 $16 465
University of WA - Centre of
Water Research (WA) Development of an acoustic doppler current meter (ALCM) 2-3/92 $10 000
Alan S White Pty Ltd (ACT) Provision of a management system for planning and
project control by Major Projects Branch 1/3/92 $4 600

CORPORATE DEVELOPMENT GROUP

Brian V Potter Review of Pierces Creek Fire 1 week $4 447
CSIRO Forestry Division Review of Pierces Creek Fire 1 week $6 686
Travers Morgan Sinclair Knight
Jorgensen Road Maintenance Evaluation Study 6 months $79 000
Purdon & Associates Fire & Emergency Services Study Consultation Process 8 weeks $14 725
McCann & Associates Review of a selection of Parks Depots 3 weeks $5 400
Peter May David Flannery Review suitability of Childers St Theatre for 2 weeks $7 600
Pty Ltd continued public use
Ray Davis & Company Review value of Callum St building 2 weeks $2 500
Dorrough Britz & Associates Prepare Draft Master Plan for Consideration of
Colin Stewart Urban Design Proposals to- Improve Public Access to Civic Square 4 weeks $8 700
Building Assets Management Prepare a Condition Assessment and Maintenance
Service Plan for the Building and Grounds of the Hospital
Site at Acton Peninsula 4 weeks $30 000
Building Assets Management Building Investigation Report - North Curtin Primary School 2 weeks $2 500
Service
Juliana Madden Editing Department of Urban Services Annual Report 3 weeks $ 5 070

FIRE AND EMERGENCY SERVICES

Technway Solutions Write software program to collect fire data 26&27/3/92 $770

CHIEF MINISTER
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 64

Chief Minister Portfolio - Public Relations Consultants

Mr Kaine - Asked the Chief Minister upon notice on 8 April 1992:

What consultants have been engaged in public relations, media, advertising, promotional and related tasks in (a) the Chief Ministers Office; (b) the Chief Ministers Department; and (c) each agency for which the Chief Minister has responsibility in the period 7 August 1991 to 31 March 1992.

Ms Follett - the answer to the Members question is as follows:

(a) Chief Ministers Office

Morris Guest Pty Ltd: ACT budget public information

(b) The Chief Ministers Department

Economic Development Division:

Arthur Mastoid, Photographic Services

Editsweet Video Productions, Production of two videos

Molonglo Cottage Productions, Production of Japanese language videos

ACT Tourism Commission

Jo Spencer, Organisation of Tourism Awards and other public relations functions.

Industrial Relations Branch

David Howe and Associates, Production of video for Occupational Health and Safety Prevention Awards.

(c) Each agency for which the Chief Minister has responsibility

No consultancies during the period

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