



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

23 June 1992

Tuesday, 23 June 1992

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The Assembly met at 2.30 pm.

ABSENCE OF SPEAKER

The Clerk: I wish to inform the Assembly that the Speaker, Ms McRae, is absent from the Assembly. In accordance with standing order 6, the Deputy Speaker will perform the duties of the Speaker.

MR DEPUTY SPEAKER (Mr Cornwell) thereupon took the chair and read the prayer.

PETITION

The Clerk: The following petition has been lodged for presentation:

By **Ms Follett**, from 29 residents, requesting that the Assembly repeal the ACT Termination of Pregnancy Act 1978.

The terms of this petition will be recorded in *Hansard* and a copy referred to the appropriate Minister.

Termination of Pregnancy Act

The petition read as follows:

TO THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY:

The petition of certain residents of the ACT draws to the attention of the Assembly:

The ACT Termination of Pregnancy Act (1978) currently prohibits the establishment of an independent abortion clinic in the ACT. The current system for obtaining abortions is restrictive, time consuming and distressing for women. As a result the great majority of women are forced to travel to clinics in Sydney for abortions each year. This situation is inequitable, and is not in the best interests of women's health.

Your petitioners therefore request the Assembly:

To repeal the ACT Termination of Pregnancy Act (1978).

Petition received.

QUESTIONS WITHOUT NOTICE

Budget Consultation

MR KAINE: I address a question to the Chief Minister. I refer back to her budget strategy statement of recent date, at which time she said, in connection with the budget:

It is now time to start a wider consultative process, reaching out to the whole community. The community must have a say in our planning for the future. Indeed, the plan cannot succeed unless it has the confidence and support of the community.

I ask the Chief Minister: Is this just another Labor con, or is it real? Secondly, if it is real, what are the mechanisms through which this consultation is intended to take place? Do they exist, or have they to be created? If they do not exist, when will we see them, and how will the public be informed of what they are?

MS FOLLETT: Mr Deputy Speaker, I thank Mr Kaine for the question. I can assure him that the statement that I made is not a con. In fact, I take exception to that word. I am happy to elaborate on the consultative process that I have traditionally put in place around budget time in order to involve the community more broadly in the decisions which affect them. Members who have read the statement, as Mr Kaine has, will be aware that I have had a preliminary round of consultations, particularly with peak organisations such as the Canberra Business Council, the ACT Council of Social Service, the Trades and Labour Council and so on. Now that the strategy statement has been made, that statement will be made available to anybody who wants it but, most particularly, will be sent to the organisations whom I will be seeking to consult further.

Mr Deputy Speaker, I know that many copies of the statement have already been sent out. I repeat that it is available to anybody who wishes to have a copy. I am very genuine in my view that people have a right to have their say on matters to do with the budget. I hope that the further round of consultation will lead to the same sorts of discussions as I enjoyed before the strategy statement was released. We are very fortunate in our community, in that there are a great many organisations that not only seek an involvement in the budget and in government decisions but also have an extremely valuable input to make. That has been my experience to date. I expect that it will be my experience in relation to the strategy statement which has been made. Indeed, I look forward to hearing from as many people as wish to make a comment.

MR KAINE: I ask a supplementary question. That means, I take it, Chief Minister, that the only people who will comment are those who, first of all, know that you are seeking inputs and, secondly, belong to a community organisation through which they can make such a submission; and the rest of the people do not count.

MS FOLLETT: I think that I have made the point that anybody who wishes to have a copy of that strategy statement is welcome to have one.

Mr Kaine: They have to know about it first.

MS FOLLETT: As Mr Kaine points out, they do have to know about it first. But, given that it has attracted not some little public attention, I think that people's chances of knowing about it are pretty good. As I say, I welcome anybody's comments upon it, including those of Mr Kaine should he wish to make any further comments.

Electoral System

MRS GRASSBY: My question is directed to the Chief Minister. Can the Chief Minister explain to the Assembly what steps the Government has taken to implement the new electoral system for the ACT?

MS FOLLETT: I welcome Mrs Grassby's question, Mr Deputy Speaker. Could I at the outset reiterate, as I have done many times, that I accept absolutely the decision of the people of Canberra as to their preferred electoral system. As members know, I and my party campaigned for a different system. We did not win on that issue. As I said before the referendum and, as I have repeatedly said afterwards, I will implement the decision of the people of Canberra.

Far from doing nothing about it - as I heard Mr Humphries claiming over the weekend, I believe - the Government has been giving consideration to the best way, the most effective method, of bringing about the change to the electoral system that the Canberra community has so clearly sought. Mr Deputy Speaker, what the Government has done is to set aside some funds in order to engage an independent expert to advise us further on the fairest way of implementing the decision of the Canberra people. I believe that it is important that we get an expert in electoral matters, and we have sought to find such a person and to recruit that person for the purpose of assisting the Government. I also think, unlike Mr Humphries, that it is very important that that person be independent and be seen to be independent. Mr Humphries's proposal for a working group which has been spawned by the Liberal Party is doomed to being coloured in a partisan way. I am seeking to avoid that kind of partisanship in implementing the new electoral system for the ACT.

When I have further information to convey to members, I will certainly do so, because I would welcome input from all sectors of the community on the implementation of the referendum decision. I would certainly welcome input from Mr Humphries's working party at the appropriate time. But I repeat, as Mr Humphries himself said, that progress on this matter is for the Government; and we are acting conscientiously to implement the community's decision.

Murrumbidgee River Corridor

MS SZUTY: My question is addressed to the Minister for the Environment, Land and Planning, Mr Wood. I did give your office notification of this question, I believe, on Thursday, Mr Wood. As you will be aware, Minister, the preservation of the Murrumbidgee River corridor was the key part of a regional strategy plan put forward by the New South Wales-ACT Consultative Forum in July 1991. Will the Government support a detailed study of the Murrumbidgee corridor between the ACT and Burrinjuck Dam, to be undertaken under the auspices of the New

South Wales-ACT Consultative Forum, prior to any consideration of a rezoning application for ribbon development along the corridor north of the ACT, due to be discussed by the Yarrowlumla Shire Council at its meeting on 14 July 1992?

MR WOOD: Yes, the Government will give support to that proposal. Indeed, it has already done so in the sense that, when the Chief Minister some months ago went to the regional committee, we supported the draft strategy that has been prepared. By our acceptance of that strategy we support what you say. It is the case that the proposal impinges on that strategy's definition of what the Murrumbidgee corridor is. We certainly agree that we ought to expedite that study and establish the priorities for that corridor ahead of any development. I am not aware that that study is yet under way, but following your question I will undertake to see what I can do to expedite that matter.

Land Fill Sites

MR WESTENDE: My question is directed to the Minister for Urban Services, Mr Connolly. I refer Mr Connolly to the announcement that the recycling plant for crushing building waste of bricks, concrete and bitumen would save 30,000 cubic feet of land fill space. Was any consultation with the industry held before making that announcement? What in fact is the current position with land fill space? What is the expected life of the Mugga Lane and Belconnen tips? What plans are in place for further land fill areas in the ACT? Will there be consultation with the community and the industry before any decisions are made?

MR CONNOLLY: I thank Mr Westende for his question. The question relating to future land fill sites is obviously one on which there would be extensive community consultation. It would involve Mr Wood's department, which has responsibility for planning, as well as my own, which has responsibility for waste management. But the real goal of this Government is to avoid that decision for as long as possible. If we can avoid new land fill sites, we save the community vast sums of money. We also save a major environmental problem, no matter how well managed a land fill site is. The technology and work involved in managing our two land fill sites are quite significant. Simply driving past and seeing a few bulldozers at work does not give you a true impression of the work that goes in for environmental protection.

Consultation for this particular project really occurred between industry and my department. The principal Canberra private sector demolition contractor approached government some time ago with the suggestion that some money could be saved in terms of land fill and that a valuable environmental contribution could be made if we entered into a recycling program for building rubble. As is the hallmark of this Government, we will listen to private sector proposals for sensible reform initiatives. This matter was discussed with my department and with Mr Wood's department. It is now a reality. We have a program running on a site at Pialligo - Bega Recycling. We made it clear that we would not be happy if this were a monopolistic situation, if only one particular contractor had access to the site. We have assurances that other demolition contractors, small builders doing demolition work, can also deposit their material there. So there was some consultation on that. The big issue of future waste management land fill sites is quite some way down the track. We hope to keep it further down the track.

Disability Services

MR LAMONT: My question is addressed to the Minister for Housing and Community Services. Today the Minister signed an agreement with the Deputy Prime Minister, Mr Howe, on the transfer of disability services. What are the implications of this agreement for the delivery of disability services within the ACT?

MR CONNOLLY: Yes, this morning the Deputy Prime Minister and I signed the Commonwealth-State disability agreement for the ACT. Members will recall that in July of last year the Chief Minister and other heads of government put their signatures to the head Commonwealth-State disability agreement. The purpose of that agreement was to rationalise services for disabled people and avoid duplication. At the moment both the Commonwealth and the States provide accommodation and accommodation support services in a fairly confused manner, with a considerable degree of overlap and duplication. Similarly, both the Commonwealth and the States run employment and rehabilitation programs, again with some duplication and overlap.

The purpose of the agreement, essentially, is to combine the responsibility between the two levels of government. The principal effect of the agreement is that the Commonwealth transfers to the ACT responsibility and long-term funding for accommodation services. It means that a number of services well known to members - the ACT Society for Physically Handicapped resources at Hartley Court, Sharing Places at Pearce, Focus and the Pegasus riding facility - will come across to the ACT. There will be some net additional resources available for this type of service in the ACT. Importantly, we are committed to maintaining real services at 1989-90 base levels; so we are committed to maintaining the delivery of those services.

Members will recall that late last year this Assembly passed the ACT Disability Services Act. That is the real base. Obviously, inflation affects that; but that has been agreed nationally as the standard base from which everyone will operate - which means that in the long term, with States facing difficult budgets, there is a guarantee that we will continue to do at least what we were doing then. You will recall that this Assembly passed the Disability Services Act, which is a basis for this. For members' information I table the disability services agreement that was signed this morning. I extend an offer to any members who are interested to contact my office. A briefing will be arranged and senior officers of my department will take any members who are particularly interested through the details of this agreement and its implications.

Abortion Clinic

MR HUMPHRIES: My question concerns the Government's failure to enter into meaningful consultation with the community. It is directed to the Minister for Health. An ABC radio news report this morning stated that the Minister would neither confirm nor deny a claim that he intended to fund an abortion clinic in the Territory. Given this Government's claim to be a consultative one, will the Minister make his intentions clear to the house and unequivocally state whether he will or will not fund an abortion clinic following passage of the Termination of

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Pregnancy (Repeal) Bill this afternoon or this evening, or will he continue to refuse to enter into meaningful consultation with the community about this extremely important issue?

MR BERRY: Mr Deputy Speaker, I thank Mr Humphries for the question, because it is a very easy one to answer, and one that even Mr Humphries would have found easy to answer when he was in government for a short time. Mr Humphries well knows that Cabinet consideration of matters concerning the provision of services is not something that will be canvassed by government members in the lead-up to the budget process. I do not intend to canvass it, and neither would he if he were in government. The Termination of Pregnancy Act is a matter for this Assembly to determine this evening.

MR HUMPHRIES: By way of a supplementary question, I ask the Minister, therefore, whether the claim in today's *Canberra Times* that \$400,000 is to be set aside for this purpose is not true. I take it that it is not true and the Minister will take steps to disabuse the *Canberra Times* of the misinformed source of this leak.

MR BERRY: I do not speculate about leaks from my department.

Petrol Prices Legislation

MR MOORE: My question of Mr Connolly refers to his announced intention to table petrol price control legislation on Thursday. Will the legislation try to control the wholesalers, the oil companies, or will it be directed towards the small business people who retail fuel in the ACT, the people who are often caught in the middle?

MR CONNOLLY: I do not think it is appropriate for me to comment on what will be in legislation I will be introducing, other than to say that the legislation has already been tabled, although it has not been introduced. We produced an exposure draft for members late last year. Mr Moore would have received a copy. We have always made it clear that our intention is to introduce price control over the wholesale price, to the extent that we have constitutional power to do so, and the retail price and/or the retail margin. The principal players in this game who are affecting the Canberra community and whose practices we want to change are the major oil companies, who are treating this market totally differently to markets in every other major metropolitan city. However, we will be introducing legislation to give us a range of options, and we will be making sure that our quiver is as full of arrows as possible to deal with the oil companies.

MR MOORE: I ask a supplementary question, Mr Deputy Speaker. Is there any intention to declare that legislation urgent - for example, under standing order 192 - or will it sit over the winter recess?

MR CONNOLLY: This is legislation of some significance. To take on the oil companies is something that one does not do lightly, and I would expect that members would want to look at the legislation in some detail before it was implemented. So the intention is to bring it on later this week and give members plenty of opportunity to look at it, and to give the oil companies - who keep lecturing us and saying, "Price control is unnecessary; let the market show competitive forces at work" - a last opportunity to demonstrate competitive forces at work. The Liberals like the rhetoric about competitive forces. Let us see whether the oil companies deliver real competition.

Sport Policies

MS ELLIS: My question is addressed to the Deputy Chief Minister in his capacity as Minister for Sport. Is the Minister aware of comments on sports administration made recently at a Canberra sports luncheon by Senator Michael Baume? What effect would the policies announced at the luncheon have on the administration of the ACT sport portfolio?

MR BERRY: Thank you, Ms Ellis, for the question. Mr Deputy Speaker, this is an important issue for the ACT. It will, of course, make the Liberals' sport spokesperson ashamed to be a member of the Liberal Party. What they plan with the "frightpack" will do great damage to sport in Australia. Senator Baume has for some time used opportunities such as the sports luncheon at Canberra to gloss over the concerns that sporting groups have expressed with regard to the Liberals' goods and services tax. If the Liberals were to win the next election, Mr Deputy Speaker, one could reasonably predict that ACT sporting bodies could need additional grants of the order of 25 per cent to counter the effects of the "frightpack" and the goods and services tax. There is no question about that.

The Hewson tax manifesto, at supplement 5 - and I see that Mr De Domenico denies none of this - clearly spells out how the tax would affect local sporting clubs. I quote:

The club bills its 300 members at an annual subscription of \$100 each, plus 15% G.S.T. making the final subscription \$115 per member.

So there is one increased cost. And the 15 per cent tax would be attached to every action by the club.

Mr Kaine: On a point of order, Mr Deputy Speaker: We have a Minister who is interpreting a Liberal Party policy of which he clearly knows nothing. I submit that he is expressing an opinion, and he is out of order. He does not know what the Liberal Party intends to do about the Fightback package.

MR BERRY: Neither do the Liberals, it appears.

Mr Kaine: You are merely speculating, Minister, and that is not on.

MR BERRY: There is a little bit of a blister under the old saddle there.

Mr Kaine: You are expressing an opinion, and I do not value your opinion on this or anything else.

MR BERRY: No, you will not, because it is close to the truth. That is your problem.

MR DEPUTY SPEAKER: Mr Berry, I draw your attention to standing order 118, which states that answers to questions without notice shall be concise and confined to the subject matter of the question. If you were straying into opinion, I suggest that you desist from that.

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MR BERRY: Mr Deputy Speaker, this of course is a complex issue, and it will get a concise answer which reflects the gravity of the situation as it may affect sports in the ACT as a result of what the Liberals intend to do with their GST tax, unless they change the ground rules again. As I have said, the 15 per cent tax will apply to travel, uniforms, tracksuits, affiliation fees to parent bodies - deny it - referee fees, coaching courses, auditors' fees. Even fundraising events such as chook and meat raffles would be affected by the Hewson money grab. Sadly, donations, prizes, scholarships and sponsorships would also be subject to the tax. Deny it. This will have the effect of reducing this avenue of assistance by 15 per cent.

Even the health aspects of sport will not escape the ravages of this tax - - -

Mr De Domenico: Cheaper cars, cheaper petrol.

Mr Connolly: Much cheaper Ferraris.

MR BERRY: Yes, that is right - much cheaper Ferraris. Medical fees, player insurance and work undertaken on behalf of the ACT Government by the Australian Sports and Drug Agency will be subject to the tax. This is how serious this matter is. Swimming lessons conducted by the Royal Life Saving Society will be subject to the tax, as will the heating costs of our swimming pools. How much extra will it cost to get into a swimming pool under the Liberals? It is still unclear whether the annual sports grants administered by my department will be free of the 15 per cent.

Mr De Domenico: They will have more money in their pocket, though. They will have jobs too. They do not have jobs now.

MR BERRY: My, you are agitated about this, and so you should be. Shame on you! Sports groups will have the additional cost of employing tax auditors to keep their books. Recipients under the ACT Government's unique sports loan subsidy scheme will have their grants diminished by 15 per cent overnight. Senator Baume has also made it very clear - - -

Mr Kaine: Mr Deputy Speaker, I raise a point of order. I almost pulled up Mr Connolly for this and I let it pass, but I think that Mr Berry really has to make his ministerial statements at the appropriate time. The appropriate time for that is not question time. If he wishes to make a ministerial statement on this issue - he has page after page of notes there - I suggest that he do it after question time when, in accordance with the standing orders of the Assembly, he is entitled to do it.

MR DEPUTY SPEAKER: Mr Berry, I uphold the point of order. Would you please bring your answer to a close. Also, if I could have fewer interjections from the Opposition we will get through this a lot faster.

MR BERRY: I regard this issue so seriously that I intend to raise the negative effects of this dreadful tax at the State and Territory Sports Ministers meeting in July.

Mr Kaine: You are petrified at what it is going to do to you at the next election, aren't you?

MR BERRY: I know what it is going to do to the people of the ACT. It will damage the sports industry in the ACT, and the Liberals should be ashamed of it.

Acton Peninsula

MR DE DOMENICO: Mr Deputy Speaker, my question without notice is addressed to the Chief Minister. I refer the Chief Minister to this document that she says everybody else knows about - and I will give it another plug - her budget strategy. On page 12 she says:

We also need to pursue the selective sale and redevelopment of land and buildings that are not benefiting the community or the government.

I ask the Chief Minister in connection with that statement: Has her Government held discussions with the Commonwealth about the future use of the Acton Peninsula; and, if so, will she inform the Assembly, as she has said so much about consultation, about the outcome of those discussions?

MS FOLLETT: I thank Mr De Domenico for the question, Mr Deputy Speaker. I would like to make it clear, if I need to, that my comments about selective sale and redevelopment were not referring specifically to Acton Peninsula. What I have asked in relation to that part of the budget strategy statement is for Ministers to advise me on what they believe could be made better use of for our whole community. Of course, that is a matter upon which we need to consult. In particular, consultation is to occur if there are unions involved in, for instance, depots.

Mr De Domenico has asked me specifically about Acton Peninsula. I can advise that I have written recently to the Federal Government about Acton Peninsula. We must bear in mind that the peninsula is designated land and that anything that my Government might wish to do with it does need to be agreed to by the Commonwealth. Members will be aware also that my Government has given a number of commitments in regard to Acton Peninsula, in particular to the provision of a range of health facilities on Acton Peninsula. That is one of the matters which I have canvassed with the Federal Government. Members may also be aware of the general view by the National Capital Planning Authority about some redevelopment, some housing, that they believe might be appropriate on Acton Peninsula. I have indeed had informal discussions with the NCPA on that matter.

I have to say, Mr Deputy Speaker, that the short answer to Mr De Domenico's question is that we have first to ask the Commonwealth, the Federal Government, what their plans are and how they view the future of the peninsula, because basically they have the whip hand in this matter. I have taken that step, and I have not yet heard back from them.

MR DE DOMENICO: I have a supplementary question, Mr Deputy Speaker. The Chief Minister did say in her answer that she canvassed two matters in particular. One was health services and the other was housing. What other matters were canvassed in her communique with the Commonwealth?

MS FOLLETT: From memory, Mr Deputy Speaker, none.

Abortion Clinic

MR STEVENSON: My question is directed to the Health Minister, Mr Berry. Would Mr Berry confirm or deny that arrangements already exist within his department to reorder health priorities so that the new No. 1 priority will be the establishment of a taxpayer funded abortion clinic in the ACT; that this clinic has been fully costed; and that the planning for this abortion clinic is largely complete, save for the stamp of approval by the Cabinet?

MR BERRY: No.

MR STEVENSON: I ask a supplementary question. I have in mind a question I asked in December last year of the Health Minister to do with whether or not there was a secret meeting with certain women's groups to establish taxpayer funded abortion clinics in the ACT and the importance in our community of the Minister making matters known when they have been decided or when the intention is there, so that people in Canberra and members of this Assembly can take the necessary actions.

MR BERRY: First of all - - -

Mr Kaine: Tell us about this secret meeting.

MR BERRY: Mr Stevenson has kept it a secret from me; that is the difficulty. I have met with various groups and individuals who are concerned about the provision of termination of pregnancy services in the ACT. Most of their views have been consistent with that of the Government. That is why the Termination of Pregnancy (Repeal) Bill will be before this house later on today.

We have no secret meetings with groups about the provision of services. But, as I said to Mr Humphries earlier on, the Government process - and Mr Humphries would know about this - very clearly makes provision for Cabinet to deal with matters concerning health across a whole range of services. Cabinet has not considered them. Until Cabinet considers them, there will be no announcements in any respect. So it is silly to suggest that there are any secrets being especially kept, or to set up straw men so that you can knock them down in the termination of pregnancy debate. You will have to fight Mr Humphries for the ground, it appears.

This is an issue of community concern, one which we have dealt with in accordance with our policy. That is why the Bill is before this chamber, and that is why members - who cannot wait, it seems, to debate the issue - will have the opportunity to debate the issue this evening. But as for secret deals with anybody, do not try that stuff on us, because it is phoney. You are not going to whip up a storm about those sorts of phoney issues. There are no secrets. There are no deals.

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

AUDITOR-GENERAL - REPORTS NOS 1 AND 2 OF 1992
Information Technology Management Policies in the
ACT Government Service and Financial Audits with
Years Ending to 30 June 1991

MR DEPUTY SPEAKER: I present, for the information of members, Auditor-General's report No. 1 of 1992, Information Technology Management Policies in the ACT Government Service; and report No. 2 of 1992, Financial Audits with Years Ending to 30 June 1991.

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

That the Assembly authorises the publication of the Auditor-General's reports Nos 1 and 2 of 1992.

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

That the Assembly takes note of the papers.

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

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 notice for determinations - and call upon members to note the colour of the new folder.

The schedule read as follows:

Co-operatives Societies Act - Determination of fees - No. 67 of 1992 (S86, dated 19 June 1992).

Dentists Registration Act - Determination of fees - No. 63 of 1992 (S84, dated 12 June 1992).

Land (Planning and Environment) Act 1991 - Determinations of criteria eligibility for certain classes of leases - Nos. 61 and 62 of 1992 (G24, dated 17 June 1992).

Medical Practitioners Registration Act - Determination of fees - No. 64 of 1992 (S84, dated 12 June 1992).

Optometrists Act - Determination of fees - No. 65 of 1992 (S84, dated 12 June 1992).

Public Place Names Act - Determinations - Nos. 59 and 60 of 1992 (S81, dated 12 June 1992).

Veterinary Surgeons Registration Act - Determination of fees - No. 66 of 1992 (S84, dated 12 June 1992).

PAPERS

MR BERRY (Deputy Chief Minister): Madam Speaker, for the information of members, I present the following papers pursuant to section 9 of the Territory Owned Corporations Act 1990:

Explanatory statement.

Memorandum and Articles of Association of Totalcare Industries Ltd.

Statement of shareholders and principal activities to be carried out by Totalcare Industries Ltd.

LAND (PLANNING AND ENVIRONMENT) ACT LEASES Papers and Ministerial Statement

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, for the information of members, I present the following papers:

Land (Planning and Environment) Act -

Leases granted pursuant to section 161, together with explanatory statements -

Ainslie, section 33, block 44.
Chifley, section 25, block 4.
Garran, section 11, block 11.
Greenway, section 54, block 1.
Kambah, section 250, block 21.
Lyons, section 13, block 9.
Melba, section 14, block 8.
Oxley, section 21, block 10.
Scullin, section 2, block 54.
Spence, section 26, block 3.
Wanniassa, section 162, block 43.
Watson, section 54, block 9.

Lease granted pursuant to section 163 for Belconnen, block 1257, together with an explanatory statement.

I seek leave to make a short statement.

Leave granted.

MR WOOD: Madam Speaker, in accordance with the Land (Planning and Environment) Act 1991, which commenced on 2 April 1992, I am pleased to be tabling in the Assembly the first leases to be granted direct to a lessee under the terms of that Act - not the first leases ever to be granted, I might tell you. Previously, there was not a requirement to do so, but it is government policy that we should table these. The tabling of these leases satisfies the provisions of sections 161 and 163 of the Act, which require leases that have been granted directly to be tabled in the Legislative Assembly. Disallowable instruments

which have been previously tabled in the Assembly set out the criteria for the granting of various classes of leases under these sections. The provisions recognise the need for greater public accountability in the direct granting of leases. Members may be interested to know that the lease for block 1257, Belconnen, was also the last freehold lease to be acquired by the Government.

PASSAGE OF BILLS **Discussion of Matter of Public Importance**

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

That the brief time allowed for the passage of many Bills through the Assembly is insufficient for adequate public discussion and consultation to take place.

MR STEVENSON (3.07): The question I pose is: How are Canberrans to find out what it is that we do in this Assembly or what legislation or other actions we are taking or propose to take?

Mr Berry: Haven't you been reading the *Canberra Times* lately?

MR STEVENSON: Mr Berry asks whether I have been reading the *Canberra Times* lately. It is probably a good question. I commend the *Canberra Times* for the greater detail that they are giving in reporting matters in this Assembly. That is an excellent thing and fully worthy of commendation. I have certainly mentioned over the years other things about the *Canberra Times*.

In a democracy one of the vital roles of public servants, including members of parliament, is to make sure that the public are informed of matters that they are considering - matters that the public should know about so that they can also consider them. Simply put, we should let constituents know what is happening with their community. There have been many occasions when people have not known. One example was the Door-to-Door Trading Act that was passed in this Assembly. Months later, after it started to bite in the community, I am sure all members of the Assembly received letters from concerned organisations involved in door-to-door trading or multilevel marketing, saying that they knew absolutely nothing about this legislative proposal that makes it extremely difficult for them to operate their businesses. We had a number of letters stating things such as, "I could not believe that such legislation was being introduced in the 1990s in the ACT or in Australia".

So, what needs to happen when we make a proposal? Let me make the point that the real trigger for public consultation is when the fine print is tabled, when a Bill is proposed in the Assembly. It matters not that there may have been discussions about various aspects of particular subjects for many months, for many years, even for decades. That is not the important thing. What is important is laws that are passed in the Assembly. The only time we can truly understand what laws are proposed for passage is when the Bills for those laws are tabled. It is at that time that people in the public arena have a right to know and have a right to have the time to do a number of things. Let me look at what those things are.

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First of all, they should have the time to find out that there is such a proposal. If it is not reported in the media extensively, or if they happen to be away for a couple of days or do not particularly watch the media, then they might miss it. They need time.

Mr Berry: They will inevitably miss something.

MR STEVENSON: But, Mr Berry, though they might miss something, our role is to ensure that constituents understand what is going on. We should take every action that we can to make sure that that happens. When people find out that there is a proposal, they need the time to obtain the Bill. An important Bill will be debated later on today - the Termination of Pregnancy (Repeal) Bill. They need not only time to obtain that Bill but also time to obtain the Act that it repeals - and that could be harder, I think you would agree.

Once they have the Bill, they need to be able to read the Bill. They also need to study the legislative proposals - the fine print, and all aspects of all clauses of the Bill. They then may wish to hold group meetings within their organisation. They may also wish to hold public meetings to present their case to the broader public or to hear what people generally feel about the different proposals or the legislation that has been presented. At that time they should also have the opportunity to fully consider the implications of such a Bill. It is not just what is said within the Bill. I think the perfect example of that is the Termination of Pregnancy (Repeal) Bill. Mr Berry has been asked, "Does this mean that in the very near future a taxpayer funded abortion clinic will be established in the ACT?". The fact that there is a Bill before the house may not be the whole point. There may be other implications that people need time to find out about and to discuss and to talk over with their members.

It is well known that some people have extreme difficulty in seeing some of the members in this Assembly. I have had a number of people approach me and tell me that a number of members simply refuse to see them. When I first heard these things, I thought they could not be right. That was slightly naive of me, but I could not believe that public servants, members of this Assembly, would not see the people who hire them and pay their salaries, the people they are supposed to serve. But it has happened all too often for me to disbelieve it any more. I am quite convinced that it happens, although I wonder how regularly it happens. So we need time for consultation with MLAs. I fully grant that there might be times when all members are busy, are away, are in meetings and so on, and they may not be able to talk to a person at that time. But there should be time for people to make an appointment and then see their MLAs.

As members would well know, we poll Canberrans on many issues. That takes considerable time. It is not always easy to ask a fair question. I suggest that the best time to design the question is once the legislation has been proposed. A couple of times we have asked questions and then the legislation has been tabled, and we have found out that we have actually been asking the wrong questions. The proposal has been different from what has been discussed in the community or what had been suggested at an earlier time.

Another important factor is that once Bills are tabled members of this Assembly, or members of the community, may feel that there are worthwhile amendments to be made. We all know that, on the last day when Bills are about to be debated,

there are likely to be half-a-dozen or even more amendments tabled by different members. I suggest that that is absolutely no time to consider those amendments genuinely. It happens again and again.

Mr Berry: If you have some policies when you are elected, it will make it easier.

MR STEVENSON: Mr Berry raises a point about having clear policies when one is elected. I will not refer again to the abortion clinics in the ACT. But I will say that most people do not know the policies of most parties. One could not necessarily expect people to fully understand all the ramifications of policies, particularly when they may not have all been printed until immediately before the election. It is not the policy; it is also what the suggested law is. When a Bill is proposed, people have a right then and there to discuss the matter.

It was mentioned earlier that the media have a valuable role to play in this, and indeed they do. Members of the community also should have the opportunity to write letters to the media. The media should have the opportunity and the time to fully discuss both sides of the issue. This is usually not possible in a few short days, or a week or two, to say the least. We have polled hundreds and hundreds of people in Canberra as to how long they think should be allowed from the time a Bill is tabled in the house until its final passage through the Assembly. What we find is that the large majority of people believe that that time should be between 60 days and 90 days. Let us have a look at some of the problems that have been caused in this Assembly because Bills have been rushed through. One would have been the Dog Control Act.

Mr Berry: Let us go back to the fluoride debate when you had the numbers, Dennis.

MR STEVENSON: Only last week a Dog Control (Amendment) Bill was introduced because there were major problems with the Dog Control Act that had been passed in this Assembly last year. It put much too stringent requirements on many dog owners. Indeed, the amending Bill that was tabled last week was valuable. However, it is an example of what happens when there is not sufficient time. Who would disagree that, if there had been more time for the initial Dog Control Bill, those people who found the regulations too stringent would have had time to come along to members, and amendments could have been made then, not last week?

Mr Berry said, "What about the fluoride Bill when you had the numbers?". The truth of the matter is that there was a suggestion by the *Canberra Times* specifically that the initial fluoride Bill in 1989 had been rushed through the Assembly. It appears that Mr Berry believes what he has read in the paper, but I would suggest a referral to the list of Bills that had passed through this Assembly at that time. Up to that time, 14 Bills had passed through the Assembly. One was passed in one day, one in two days, a couple in five days, some in under a week and some more in under two weeks. If the fluoride Bill had been passed in that time, indeed I would agree with comments about rushing the fluoride Bill. But it was not rushed. Some Bills were not passed until three weeks had elapsed. Interestingly enough, the fluoride Bill was not one of those either. Every one of those Bills, except the fluoride Bill, was passed through this Assembly in three weeks or less. Remarkably, the fluoride Bill, which many people in Canberra have been misled to believe was rushed through, was not rushed through this Assembly. Indeed, its final passage took five weeks. That is a valuable point.

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But let us take the more recent fluoride Bill, the Bill to double the level of fluoride from 0.5 to one part per million. Let us have a look at whether there was any problem with that Bill. We all know in this Assembly that when the Bill was introduced it was going to be debated - until it was realised that, if it proceeded in the particular form it was in, it would make it an offence for workers within ACTEW to deliver fluoride to our water supply at anything other than exactly one part per million. That Bill had to be changed.

Can I suggest that once again here is an example of Bills being moved through the house too quickly. If we miss all these things - and that is possible because we propose Bills that already have errors in them - why not allow the community time to pick up the problems? We cannot get it right. People in the community have as much capacity as we do to read and study proposed legislation, but they need the time. I think that is particularly important, as I have said before, because the ACT parliament, like the Queensland Parliament, has no house of review. I am not suggesting that we should have a house of review. I think members well know my belief about the entire Assembly. But because of that it is important that, when we introduce legislation that might be here for 10, 20, 50, 100 years or more, we do it correctly and allow people time to have a say.

This is the fourth time I have raised a matter of public importance on this issue. I give notice that I am proposing changes to our standing orders. I will seek to do that tomorrow morning during private members' business time. I finish by saying that public consultation, or democracy, is not achieved by talking about it, but simply by delivering it.

MR HUMPHRIES (3.22): Madam Speaker, the Liberal Party is also concerned about the issues that Mr Stevenson has raised in this place, in particular the program of business which the Government has delivered to us for this week. As I have said on previous occasions in this place, the Government likes to think that the work in this Assembly is really less important than the work that goes on in the Cabinet room; that, once the Executive makes a decision about something, that really is all that matters. After getting it through caucus and letting the factions have their say on the matter, dealing with it in this place is really just a minor second step like signing a Bill into law.

Mr Connolly: That is a good speech in a majority parliament, but it does not really work in a minority Assembly.

MR HUMPHRIES: You shake your head across there about this matter. You do not behave like a minority government. You are putting legislation before this place at such a rate that it is not possible for members of this place to properly consider it. It is not possible to properly consider the legislation, and that is a fact.

There are three Bills that we are about to consider. They are three long, complicated pieces of legislation, making reference, I understand - I say "I understand" because I have not had time to read them myself - to very thick, complicated legislation in Queensland. It would seem to me appropriate - - -

Mr Connolly: I can feel another study trip coming on.

MR HUMPHRIES: Perhaps the Attorney-General has a different view about this, but it seems to me appropriate that somebody in here actually reads the Queensland legislation to make sure that it really is what the ACT wishes to incorporate by reference into its own statute books. The Chief Minister nods her head. Perhaps she has done that. Perhaps her Attorney has done that. But members outside the Government, whether in the Opposition or on the Independent crossbenches, I can guarantee you, have not done so. We are going to be asked to pass those three Bills into law in this place in a matter of minutes. I think that is scandalous.

Mr Berry: What did you do over the weekend?

MR HUMPHRIES: I had other legislation to read through over the weekend, Mr Berry. I had plenty to do over the weekend. I had other Bills to look through. Nobody, short of Superman, could have gone through in a weekend all the Bills that were introduced by your Government into this Assembly last time. Even if we could, simply reading legislation is not enough to satisfy us, any more than it should be enough to satisfy you, that it is good enough to be passed by this parliament. We have a responsibility to the people of the ACT to make sure that what we are doing in this place is in accordance both with their wishes and with their interests. There is no way that what we are doing in this Assembly this week, putting legislation through with such scandalous speed, can possibly meet that criterion.

Mr Berry laughs and shakes his head; "Ha, ha, ha; we do not really need to worry about things like reading Bills carefully and talking to people in the community. We have done all the consultation we need to do about these Bills". The fact is, Madam Speaker, that those opposite have not done their consultation. They were caught out last week. They are probably going to be caught out again this week. I have no doubt that we will be back in this place some time in the next sitting, or perhaps early next year, considering amendment Bills because you have botched it; you have rushed legislation and you have botched it. That is not a handsome record. Mark my words, we will be coming back to look at one of these pieces of legislation at some time in the next 12 months because you have not got it right.

Madam Speaker, there is a serious question at stake here. It is not just a question of how much time members have to sit down and read legislation when they go home at night after a day in this parliament. That is not the real issue. The real issue, I would suggest, is the question of balancing the respective powers and privileges of different arms of government, one with the other. Mr Justice McGarvie published an article in a recent edition of *Quadrant* which canvasses this very important issue. He referred to a recent review of the Victorian Parliament which was prepared by its presiding officers - the President of the upper house and the Speaker of the lower house. I want to quote some of the conclusions that that particular parliament reached. I concede that it is one of the few parliaments in this country which have a majority government, but I will come back to that point in a moment. I quote:

These arms of government are not static in relation to one another, and commentators on constitutional development frequently discuss the relative movement of one arm with relation to another. The three arms are in fact in a dynamic tension with one another, and the workings of the system can be seriously jeopardised if one arm achieves total dominance over the others.

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In Australia there has been a serious tendency toward untrammelled executive dominance. We -

that is the presiding officers -

consider that the underlying principle of executive dominance and the weakening of the other arms of government is a problem in this state, and we also consider that improvements need be made to better allocate powers and responsibilities among the arms of government in a number of areas in Victoria ... Unless the implications of the need to balance the arms of government are fully understood and acted upon, there is a real danger that the executive branch will make the other branches subservient, and the checks and balances required in the constitution will be lost.

I would argue that the forces at work in the ACT are no less apparent, no less real, than the forces to which those presiding officers referred in Victoria. There is a very real question about how much accountability, how much responsibility, the executive arm of government has to the other two arms, in this case, in particular, the legislative arm of this Assembly.

There are a number of ways in which that balance can be eroded in favour of the executive arm - small matters, perhaps, but very pertinent ones, very real ones. There is, as Mr Stevenson has pointed out, no house of review in this parliament. There is no second chamber to check what we might be doing. Question time grows exceedingly short. Not infrequently in the last few months we have found question time cut off before 3 o'clock. Questions are a way of keeping an executive arm of government accountable and responsible to the parliament. We find fewer questions in the average length of question time. In the previous parliament it was possible for every member not in government to get one question. Not these days, Madam Speaker. These days it is very rare for all members of the Opposition, and perhaps even members of the back bench of the Government, to get the opportunity to ask a question.

The fact of life is that there are signs, very real signs, I would argue, that the executive arm of government is increasing in its power relative to the legislative arm in this Assembly. Nothing more tellingly points up that accretion in the power and the position of the Executive than the proposals it brings forward to this parliament to rush legislation through the Assembly. Look at the program. Three financial institutions Bills were introduced last Wednesday and are to be debated into law six days after their introduction. The same with the Land (Planning and Environment) (Amendment) Bill. Four domestic violence Bills were introduced last Thursday. The second day they appear on the notice paper they are to be debated into law. Six days after their introduction they are to be debated into law. The same with the NRMA-ACT Road Safety Trust Bill. The same with the Essential Services (Continuity of Supply) Bill.

Mr Connolly: What an impressive list of law reform measures. It shows government hard at work.

MR HUMPHRIES: It is an important piece of legislation, I grant you. It is too important to rush through; too important to make a mistake about. When you people opposite assume the mantle of infallibility - that you do not make mistakes; that you cannot possibly get something wrong - then I and my

colleagues will accept that there is no need for us to carefully scrutinise legislation. We have, with the greatest respect, a long, long way to go before we reach that point. It was the same with legislation on Thursday. A Rates and Land Tax (Amendment) Bill introduced on Tuesday was to be debated into law on Thursday. That is not a happy situation. I really wonder how the Government, in particular the Chief Minister who introduced this Bill, can feel happy about that state of affairs.

The people of the Territory have some right to be exposed to these arguments as well. They have precisely 48 hours to work out what is going on and to encourage or not encourage their representatives in this place to pass that legislation. That really is not good enough. I do not want some flippant remark from across the chamber about how we have great legislation and we are really clever and so on. I want to see some real reason why we have to do these sorts of things in this way. It is just not good government.

Madam Speaker, I accept, of course, that some items on this program are important. It has been suggested, for example, that we need to put the essential services legislation through in this week of sitting because it is the last sitting week before we rise for our winter recess. That may well be. But, of course, by doing so we send an unmistakable signal to the public servants who attend the Government that this Assembly will put up with being the last and shortest phase of discussion and debate about proposed legislation. It is no mistake, it is no accident, that this legislation has come in so late when, in some cases, similar legislation in other jurisdictions has been debated long before this, or the issues being raised here have been canvassed long before this.

It is no coincidence that we are getting these things so late because, in effect, the public service, the bureaucracy, knows that this is the least important phase as far as it is concerned for getting approval. It is also the one that needs to be most avoided because it is the one where they might actually lose out if amendments are moved which are unacceptable. It may be, Madam Speaker, that some amendments that get made in this place are done in haste. We have seen already the Animal Welfare Bill amended at its eleventh hour, or proposed to be amended at its eleventh hour, because of a serious flaw apparently discovered in the scope of the Bill. These things do not just happen because someone has forgotten. They happen, in part, because there has not been sufficient time to make sure that we do the job correctly.

I hope, Madam Speaker, that I have said enough to convince those opposite that there needs to be a serious reconsideration of this policy. It really is not in the interests of democratic government and responsible decision making for us to be engaged in this kind of practice. I hope that the Government's act can be got together sufficiently for this not to be repeated in the next sitting of the Assembly. I indicate that if it is repeated in that sitting this Opposition will be far less prepared to accept those kinds of Bills, however urgent they might be, merely because the Government considers that the final stage, the legislative exposure stage, is the least important of all the stages legislation goes through.

MS SZUTY (3.35): As one of the two members elected to this Assembly as an Independent, I feel strongly about the issue of the time that needs to be taken to carefully consider Bills and to have input from relevant groups and individuals. I feel that it is a very important matter of principle that Bills are tabled in the Assembly and then allowed to lie on the table for some 60 days prior to final

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debate. Members of this Legislative Assembly have a responsibility to the electorate to carefully consider issues brought to their attention by their electors, the Government, other Assembly members and interest groups.

It is therefore important, especially for me and for the other Independent member of this Assembly, Michael Moore, to ensure that there is then sufficient time to read the draft legislation, hold meetings with interested parties, if needed, discuss the issue with other MLAs, draft amendments and prepare speeches, ideas and thoughts on the issue for presentation to the Assembly. This, of course, all takes time. Let me reiterate that I feel that this procedure, in the vast majority of cases, should take due time; but I do concede that there will be times when it is essential that a matter be dealt with expeditiously. This in no way contradicts the commitment given by the Michael Moore Independent Group in the lead-up to the election. We felt then, and do now, that most Bills need at least 60 days for proper consideration. However, in the interests of the community, which we are elected to represent, we understand that some matters need to be dealt with quickly.

I agree wholeheartedly with the leader of the Abolish Self Government Coalition in his press statement, released on Friday, that "Public consultation is achieved by delivering it, not by talking about it". The general public have a right to scrutinise what is proposed as legislation. There are exceptions to this general rule, one example of which is the proposed repeal of the termination of pregnancy legislation. In this case the Government's intentions were known shortly after the election and, as the Bill before the Assembly seeks to repeal existing legislation, I do not believe that it is necessary to prolong what is a divisive debate.

The termination of pregnancy legislation has been in the public arena for 14 years and the issue is one that I am familiar with. There is no need to prolong debate on an issue on which the vote is ostensibly a conscience vote. I would put it to members of the Assembly that the Bill dealing with this issue should not be allowed to sit on the table for a greater length of time, allowing the escalation of bitterness and acrimony of public campaigns which many people have found distressing and which would continue for another two months. In this instance the Canberra public are not served by undue delay.

While agreeing that public consultation is achieved by delivering it, not by talking about it, I must query the leader of the Abolish Self Government Coalition's methods of consultation. A survey taken in a shopping centre or over a telephone in response to specific questions may be of some assistance when the sample size is large enough and when the questions are broad-ranging enough to canvass the whole issue; but brief questions with brief answers, of an indeterminate and inconsistent sample size, are of little or no help in gauging public reaction on a matter of importance. I would argue: If the Bureau of Statistics can claim that youth unemployment figures taken in the form of a survey can have a large standard error and are, therefore, at the least, unreliable, how much more so are the innumerable survey results provided by the Abolish Self Government Coalition?

Returning to the substance of this matter of public importance debate, I feel that it is imperative that the Government retain the prerogative to identify a particular Bill as urgent, and to have its reasons for doing so heard. It is then up to the Minister responsible for the Bill in question to justify the swift progress of the Bill through the Assembly. On the matters that the leader of the Abolish Self

Government Coalition has mentioned in his press statement, I have my own opinions on why they should or should not progress through the Assembly with any urgency. As mentioned before, I feel that there has been sufficient time given for the community to discuss the repeal of the termination of pregnancy legislation and I have held discussions with the Right to Life movement and the representatives of Options. Both groups were lobbying on the issue long before the current Bill was tabled. On the matter of the display of exotic animals in circuses, I have stated that I do not intend to be rushed, as the amendment tabled has sought to completely change clause 5 of the Animal Welfare Bill currently before the Assembly, and I have not had sufficient opportunity to canvass these issues with the relevant interest groups.

Mr Moore and I have declared ourselves Independent members of this Assembly. We have not split portfolios. We do discuss matters before the Assembly, but each of us reads and follows through on issues to bring our own point of view to the matters at hand. That is what Independents do. If you look at the number of Bills passed into legislation in the sittings to date, members will see the range of issues we have had to deal with - Crimes Act amendments, the Bail Bill, the Agents (Amendment) Bill, a host of amendments to Acts to bring them into line with current EEO practice, the Powers of Attorney (Amendment) Bill, the Supply Bill, and the list goes on. Twenty-six Bills have been passed and 26 more are on the table. If the interests of the Canberra public are to be served, we need as much time as possible to become familiar with the issues and to ensure that we are well informed.

There is no question that the proposed legislative program for the current sitting period is heavy, with the Government introducing a host of legislation last week, with some expectation that most of it would be passed this week. In this regard, some of these Bills, which have had less publicity than others but will equally affect the residents of Canberra, will suffer if there is no attempt made to sensibly prioritise them. The Government needs to ensure that, similar to any other management practice, priorities are set and action is then taken on the basis of those priorities.

The leader of the Abolish Self Government Coalition has foreshadowed a motion to change standing orders to enshrine the notion that Bills lie on the table for 60 days before final debate. I do not see the need for this action at this time. What is needed is an expression of goodwill by the Government that recognises the needs of all members and that there is a lot to be gained from non party-political practices becoming the normal mode of operation of this Assembly. There is no need for the Government to ambush the other members of the Assembly with legislation by the metre. Politics aside, all MLAs need to cooperate as much as possible to determine the legislative program. This Government has been given a mandate to govern, not to railroad legislation through the Assembly.

MR MOORE (3.42): It seems to me that, on the face of it, Mr Stevenson's MPI does raise some very important issues. Of course, the very easy way for a simple mind to deal with issues is to put them in black and white, to polarise the ideas and to say that one thing is okay and another thing is not. But the reality is that very rarely can such polarisations occur and be successful in the way we deal with things. The ideal, as the leader of the Abolish Self Government Coalition points out, is that a Bill should remain on the table for something in the order of 60 days. This is something that I have spoken of before in this house, as indeed has Mr Stevenson.

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I think it is important, first of all, to distinguish between the types of Bills that we are dealing with. Secondly, it is also important to deal with the government business program. It is imperative for us to recall that the Liberal Party, in particular, spent some time in our last sitting session asking the government members where was their business, when were they going to do some real business, when were they going to deal with some legislation? When I look back through the Bills list, when I look at the legislation that they have tabled and that we have passed, and then the lag between tabling and passage that is available to us, we simply cannot have it both ways. You cannot have the Government bringing on all these Bills and debating them and also have a time lag. You cannot fulfil all of those things at the beginning of an Assembly. However, it is important that this issue is raised because it is the ideal that we are aiming for.

It seems to me, in dealing with it, that we have to deal with three types of Bills: Firstly, machinery Bills; secondly, urgent Bills; and then, thirdly, what I will call normal Bills. For example, the Supply Bill, a machinery Bill, is going to come in. It can be tabled. Quite clearly, it will be nothing more than exactly what is set out. It is to provide supply until the time that the budget is passed. It is appropriate that it be debated, and it is appropriate that the budget issues be raised as part of the debate on the Supply Bill. But there is no particular need for the Supply Bill, as such, to sit on the table for 60 days. That would be quite inappropriate. There are other types of machinery Bills that fit into that category. I will be interested to see this afternoon, when Ms Follett tables the Rates and Land Tax (Amendment) Bill, whether that also fits into that category - a Bill that she is going to suggest should be dealt with urgently.

That brings me to the second category of Bills - Bills that need to be dealt with urgently. I think they, in turn, fit into two categories. There are those that are of immediate need and are declared, under standing order 192, to be urgent Bills and therefore are dealt with immediately. There are times when we must be able to do that and when it is appropriate for us to do that. There are Bills that also provide some urgency. I think that one good example of Bills that require some urgency in our dealing with them is the essential services guarantee legislation which Mr Connolly introduced last week and which we will debate later this week. We are in the middle of winter and it is appropriate for us to provide, for people who are in an awkward position, the right to be able to keep warm and to be able to keep their families warm. I think that that is a matter of some urgency and such a Bill ought not necessarily be on the table for 60 days. At the same time we should also recognise that in that instance the Law Reform Committee in fact put out a draft Bill, and that draft Bill basically was adopted by the Government quite some time ago. I have had it for most of this year anyway. Therefore, that has been available to us to scrutinise.

I come now to the third category of Bills, the normal Bills that really ought be on the table for 60 days. I think that that should be the normal time. Some people have raised in particular today the Termination of Pregnancy (Repeal) Bill and I would like to distinguish that Bill from the amendment that Mr Lamont has raised in respect of circuses. In dealing in politics for the last three or four years I have never come across such an unchristian, nasty movement as the Right to Life movement. They came and visited us to lobby for their point of view close to three months ago. It is certainly over two months ago. Therefore I will not support any adjournment of the Termination of Pregnancy (Repeal) Bill this evening.

There is another factor about that Bill that is most important. The Bill does not introduce anything other than what has been declared will happen - it has been on the table for over two months - and that is that the Termination of Pregnancy Act will be repealed. That is all it says and that is all it does. That is what people have known is going to happen and I think that that is a fairly straightforward case. In that sense, had Mr Lamont said two months or so ago, "I am going to introduce an amendment that will prevent exotic circus animals from being able to come to Canberra", then I would also support that going through the Assembly this evening.

Mr Lamont: We said it four years ago. The report said it four years ago.

MR MOORE: Mr Lamont interjects, "We said it four years ago". Mr Lamont was not here four years ago. In fact his Minister, his Labor Minister, tabled a Bill that did not do what he is talking about. So, there was an indication to the public that that would not be the case. The animal welfare legislation did not do what Mr Lamont said. Therefore that Bill is going to sit on the table, as far as I am concerned, until the next session. Had Mr Lamont announced that circus animals were going to be banned at the same time that Mr Berry announced that there was going to be a change to the Termination of Pregnancy Act, then perhaps we could have a very good reason to put that Bill through in this session as well.

It seems to me that the role of the Independents in this Assembly - perhaps I will reiterate here what Ms Szuty has said - is undermined by cutting the general process short. I think that in this first session of the Assembly there have been some reasons - I started by saying that it is not all just black and white; it is not so easy - for some Bills to be put through faster than would be appreciated. I think this MPI comes in at an appropriate time to raise the issues and to say, "Okay, it is not black and white, but at least you should understand that it is our feeling that generally we should have appropriate time to be able to undertake due research in order to get an understanding of the short- and long-term ramifications of legislation".

Time, energy and resource wasting is exactly what goes on when we find that we have very short notice to deal with such Bills. Of course, the public generally view members of the Assembly as irresponsible if something goes wrong when we have tried to put that time, effort and resources into it. The truth of the matter is that most of us do not have the general resources to back us up to do that sort of thing. We are starting to run out of time and energy in many ways, as well. We are making decisions that affect many lives. I believe that our responsibility is quite awesome. Public consultation and informed debate are vital to the process, so Assembly members must have time to research the consequences of each proposal and to consult with the community before being asked to vote on those issues. It certainly is my wish that that become the general practice. The general practice up to now has been the opposite.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.51): Madam Speaker, I suggest that there is no matter of public importance. This is a political debate. The first issue I want to deal with is the way that the policies of the various groups have affected the course of this debate. The Liberals, on the one hand, have a set of policies which they have developed over a bunch of years. They were elected on those policies and they each share the responsibilities of this house.

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Mr Kaine: But we tell the community what they are before the election.

MR BERRY: They repeatedly interject when speakers from the Labor Party get up. They are very rude, but that is something we have grown to expect from them and nothing changes much from day to day. On the policies question, they are an established party; they were elected on a group of policies and one can expect that they will deal with matters in government in a different way from, say, Mr Stevenson.

Mr Stevenson was elected with a policy to abolish self-government and now finds himself without any more policies, except the sinister ones which we hear about from time to time. He now has to develop policies by way of the Dennis poll. I respect his wish to do it that way; that is what he is entitled to do as a member. But he expects the Government to govern by Dennis poll. Well, I am afraid that waiting 60 days for a Dennis poll to be concluded is not the way a government governs. Whilst it might be an interesting way of making contact with the community - good on you - it is not the way to govern and to put forward responsible legislation.

The Labor Party, on the other hand, has a range of policies. We know exactly what we were elected to do and the people who elected us know what we are about to do. In fact our policies are well developed and well known, and the processes and the courses that we will follow are entirely predictable. In relation to our other Independent members, they were elected with policies. They made clear what their policies were before they were elected, and what they will do in relation to any legislation is fairly predictable.

For Mr Stevenson to argue that there is a matter of public importance before this place because he has no policies and has to pursue a different course from the other parties, I think, is somewhat of a joke. The parties and Independents make a choice about how they deal with business in this house. Those who wish to be elected by way of parties share resources in the Assembly and deal with matters in the Assembly as individuals. The Liberals divide themselves up to deal with different policy areas. The Labor Party, in minority government, is divided between the Executive and its backbench members, and they all participate in the committee system.

Mr Stevenson does not participate in the committee system. I suggest that you would have more time, given your resources, to do work in this Assembly than many others, and I do not know why you are complaining. I would suggest, with the greatest respect, that you would have more time to deal with matters in this Assembly than many other members. I think it is a point of some embarrassment to you that you should raise an issue of public importance about considering matters in this Assembly when you have refused to participate in the ordinary workings of this Assembly. I think I would be embarrassed, anyway.

Mr Humphries: It is hard to believe that you would be embarrassed about anything.

MR BERRY: Now we come to the debate. I think the Liberals have a bit of a credibility problem here because we hear them grizzling about the Labor Party bringing on lots of legislation - quality, socially-just legislation, much of it. Some of it is machinery legislation. But the Government is getting on with the job. It was not long ago, and you cannot have it both ways, that the Liberals were squealing that there was not enough business; they were not busy enough.

Mr Kaine: If you cannot program it, do not put the load on us.

MR BERRY: The Liberals are as well resourced as anybody in this Assembly. They ought not complain.

Mr Kaine: Except you.

Mr Humphries: You have 20,000 public servants behind you.

MR BERRY: You are not the Government and you have to get used to that, I am afraid. You are well resourced compared to the other members; so how can you complain? How can you complain that you cannot deal with the business? A little while ago you were complaining that you could not find enough work for yourself; now you complain that you have too much. Make up your mind. How are we going to please you? I am afraid that we cannot.

In relation to Mr Stevenson, he is well resourced and is underoccupied. The Independents, dare I say it, are well resourced, in my view. Other people have a different view. In my view, they are well resourced. They have chosen to part and become Independents in their own right. There is a penalty for that - they cannot share the workload. I guess they have to wear some of the responsibility because that is their choice. Everybody around this place has made their choice.

It strikes me as a silly argument, dare I say it, that people would disagree now with a good raft of responsible legislation coming before the Assembly. Why are they complaining about having to deal with it?

Mr Humphries: Because it is too soon. We have not had time to look at it properly.

MR BERRY: This is a regurgitation of the same old tired theme that Mr Stevenson raised in November last year. He just dusted off the old MPI. On that day I was able to expose flaws in Mr Stevenson's argument. You only have to look at the *Hansard* to see what occurred. If you refer to pages 5079 and 5080 for a brilliant speech I made on that day, you will find all of the information.

Given the time constraints for the Government implicit in an MPI raised on a Tuesday, I have not been able to do the same detailed assessment of the issue; but I will just go through some of the figures. A sample perusal of the Bills list shows that, of the 23 government Bills introduced into the Assembly this year, there was a period of over a month between the introduction and passage of 20 of them. Of the remaining three, only one was introduced and passed in the same week, and that was the Statute Law Revision Bill.

Mr Humphries: That is one too many, Wayne.

MR BERRY: No, no, no; you said that that was not enough work. Now we are giving you some more work and you are still complaining. When are you going to give up? Heavens above! This is just the Liberals grizzling about quality legislation coming before the Assembly and the Labor Party doing well.

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Mr Stevenson is operating in a policy vacuum, which he has to do because of the way he approached the election. The Independents have chosen to work on their own and, whilst I think they are well resourced, that makes it more difficult for them. As an Independent, if you want to cover everything that happens in the Assembly it is harder work. There is no question about that. That is a choice that Independents make.

Madam Speaker, I will conclude with a statement of the obvious: If the members of this Assembly think there is not time to consider various bits and pieces of legislation that come before this chamber, it is in their hands. It is ultimately in their hands. They can defer legislation. As has been indicated by the Independents, they wish to defer a particular piece of legislation. I do not know why, but that is something we will hear about later on. It is ultimately in your hands. I submit to you, Madam Speaker, and to all members, that there is no matter of public importance before us today.

MR CORNWELL (4.00): Madam Speaker, I thought Mr Berry spoke very moderately on this matter of public importance, and I think he has every reason to speak moderately on it. I believe that Mr Stevenson, the Liberals, Ms Szuty and Mr Moore have all made the same point, and that is that after a comparative drought of legislation we now have a flood of it.

Mr Berry: You cannot have it both ways.

MR CORNWELL: I am sorry; we can have it both ways. Under your Government we do have it both ways. It is not a question of can; we do. The fact remains that we have two days of this sitting to go before a 40-day recess and we suddenly have a large amount of legislation on the books. As Mr Humphries rightly pointed out, this must raise some suspicion that some of this legislation is simply to be railroaded through, because we will not have sufficient time to examine it in detail. It is not a question of condemning the Government in terms of all legislation. I would remind you that Mr Stevenson's MPI reads:

... the brief time allowed for the passage of many Bills -

not all of them, but many -

through the Assembly is insufficient -

and this is the important thing -

for adequate public discussion and consultation ...

This Government prides itself on consultation; it keeps telling us how much it consults with people. Well, I do not think it is consultation. I do not think you consult with people; I think you tend to insult them, Mr Berry, because you do not consult enough. This is what Mr Stevenson is talking about, and we support him. I might add that I have some reservations about his 60-day rule. I think that is possibly a little too much in some cases; nevertheless, as has been pointed out, it is always possible, of course, to bring on a Bill and declare it urgent. I would hope that that would be the exception rather than the rule; nevertheless, the opportunity is presented to do that.

Unlike perhaps some other members, I do not believe that all legislation, even short legislation, needs to be held over. I think it is possible to pass quite rapidly some of the shorter legislation. I would, I suppose, go along with Ms Szuty's view, even on the termination of pregnancy legislation, which after all is a short piece of legislation, if I thought that it had been introduced at this time for that reason. I do not believe that it is being brought on today for that reason. The purpose of passing the termination of pregnancy legislation today is that we then go for a nice long recess and it is the Government's hope that many in the electorate will have forgotten it by the time we resume in August.

However, at the same time, I must support the views of Mr Moore and Ms Szuty in relation to the animal welfare legislation. This is not something that can be easily looked at, even by people with the resources of the Liberal Party, as opposed to these Independents, in a short space of time. It is therefore right and proper that that matter should be deferred for more serious consideration. We in the Liberal Party have the advantage of party policy which we are never afraid to put forward in election campaigns, unlike the Government.

Mr De Domenico: Other parties tend to copy it and adopt it from time to time.

MR CORNWELL: Indeed, they do. Unlike the Government, we are quite happy to put forward our pieces of legislation and to let the electorate know of them before they vote. We do not get the election out of the way and then pull a few rabbits out of the hat. I appreciate the difficulty that the Independents face, but I have some sympathy with Mr Berry's comment that that is their choice. They have elected to be Independents. If they wish to cover the waterfront on all legislation, they are just going to have to work a bit harder. Otherwise they will have to be selective. Mr Moore is nodding agreement.

Nevertheless, I do not believe that any of us here can support the way the Government has been handling its legislation; that is, by introducing far too much far too late, and expecting this Assembly to agree to it unquestioningly in a short time. In fact, I go one step further and say that some of this legislation should have been anticipated anyway. What about the essential services legislation? We all knew that winter was coming. Why do you suddenly bring this on and expect us to debate it with speed? I can understand that there are people out there who are cold, and we wish to assist them; but it could have been done a month ago, Mr Berry. We all knew that winter was coming. Why was it not anticipated? You really should go and talk to some of your officers, I suggest, and make sure that this type of thing is not repeated next year.

It is not a satisfactory arrangement for the electorate, and it certainly is not a satisfactory arrangement for the majority of their elected representatives. By that I am speaking of the nine members of this Assembly who do not represent the Government - the majority. They do wish to consult with people out there in the community. Even the Liberal Party does not have a policy on every item that comes before this Assembly. Of course, in the case of the Independents, they have even greater problems.

I urge you to consider the points that have been made today. I believe that they are made quite validly and fairly. I would also urge members to consider very carefully Mr Stevenson's proposal, as a private member's Bill tomorrow morning, on this 60-day rule.

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Mr Berry: Sixty days. What a joke!

MR CORNWELL: I have asked that it be considered, Mr Berry. Let us hope that in the next session of this Assembly the Government will be a little more considerate of the needs of the other members of the Assembly and the needs of those people to conduct adequate public discussion and consultation with the community, and that we do not see in December of this year yet another avalanche of legislation coming forward after we have sat around for weeks dealing with nonsensical ministerial statements simply to take up the time.

MADAM SPEAKER: Order! The time for this discussion has expired.

**SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION -
STANDING COMMITTEE
Report and Statement**

MRS GRASSBY: I present report No. 7 of 1992 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and I seek leave to make a brief statement on the report.

Leave granted.

MRS GRASSBY: Report No. 7, which I have just tabled, details the committee's comments on 18 Bills and 20 pieces of subordinate legislation and a government response. I commend the report to the Assembly.

RATES AND LAND TAX (AMENDMENT) BILL 1992

MS FOLLETT (Chief Minister and Treasurer) (4.09): Madam Speaker, I present the Rates and Land Tax (Amendment) Bill 1992.

Title read by Clerk.

MS FOLLETT: I move:

That this Bill be agreed to in principle.

Madam Speaker, this Bill amends the Rates and Land Tax Act 1926. In proposing the municipal rates and land tax to apply in 1992-93 the Government has sought to balance the impact on the community with the need to respond to the reduced level of funding from the Commonwealth and to address the overall budget gap the ACT faces in 1992-93. The new property values assessed by the Australian Valuation Office to apply in 1992-93 as the basis for determining liability for rates and land tax show some very substantial changes from those which applied in 1991-92. There has been an overall increase in the value of land in the ACT of 18.4 per cent, from \$6.2 billion to \$7.4 billion, including an increase in residential property values of over 26 per cent and a decline in commercial valuations of more than 5 per cent.

The current forward estimates are based on an assumption of maintenance of the average rate payable in 1992-93 in real terms compared with 1991-92. Whilst higher growth is now expected to increase rates revenue by about \$1m more than assumed at the time of compiling the forward estimates, maintaining rates in real terms would make no other contribution to reducing the 1992-93 budget gap. Municipal rates, Madam Speaker, are one of the few broadly based taxes available to the ACT. Additional rating effort can avoid the need for reliance on other taxes, particularly those which act as a disincentive to employment. Accordingly, the Government is proposing that a real increase in rating effort of 2 per cent is needed and is appropriate. This will result in an average increase in rates payable of 5 per cent. The new rate we are proposing is 1.019c in the dollar. This will mean that the rates bill for the average private residential property will increase by \$73. However, individual ratepayers can expect their rates to rise or fall in line with the movement in individual property valuations. The rate for rural properties will continue to be set at half the general rate.

The rating system is based on the principle that the distribution of the rate burden should be determined in accordance with independently assessed land values. The reduced valuations in the commercial sector will mean that many businesses will receive some relief in this year's rates bill. The Government is proposing no change in the rate of land tax, currently set at one cent in the dollar. Whilst the land tax will impact on income earning residential properties, this reflects the rapidly increasing capital values in that sector.

Madam Speaker, turning to the details of the Bill before the Assembly, the Rates and Land Tax Act provides for the imposition of municipal rates and land tax in the ACT. The Act is being amended to change the rating factors used to calculate general rates as a consequence of the new valuations. The general rate will be set at 1.019c in the dollar. Rates on rural land outside the city area which is permanently used for primary production will be 0.5095c in the dollar, that is, half of the general rate. As I said, the land tax rate remains unchanged.

The Act is also being amended to clarify the legal obligation to pay full rates and land tax on rural leases within the city area that are being used for purposes other than primary production, for example, retail nurseries. This amendment will not result in any property being categorised differently in 1992-93 in respect of rates and land tax than was the case this year. It will, however, continue to ensure that some businesses do not have an unfair advantage over similar businesses operating from commercial leases elsewhere in the ACT. This amendment will not alter the liability of genuine primary producers holding rural leases within the city area. Such properties will continue to pay rural rates by a determination under section 28 of the Act. In addition to the changes set out in the Bill, the Government will be reducing the discount currently provided for early payment of rates from 5 per cent to 4 per cent, reflecting the general reduction in interest rates. In the present climate of lower interest rates, this is an attractive concession.

Madam Speaker, before I present the explanatory memorandum for this Bill I would like to advise the Assembly that the Government is today announcing a number of other taxation measures. Tobacco tax is to rise, in line with New South Wales, from 50 per cent to 75 per cent of the wholesale value of sales. The new rates will take effect from the licensing period commencing on 1 September 1992 and will begin to reflect in prices of tobacco products from 1 July. The increase in

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the tax is estimated to raise an additional \$4m in the coming year. Tax arrangements for liquor are to be changed to encourage the consumption of low alcohol beverages, in line with recent changes announced in New South Wales. The existing 10 per cent flat rate will be replaced with a concessional rate of 7 per cent for low alcohol and a 13 per cent rate for high alcohol products. This scheme will be introduced with effect from 1 January 1993. Additional revenue is estimated at \$0.9m in the coming year. With regard to the petroleum franchise fee, the Government has decided that the additional 3c a litre fee introduced by the Alliance Government in the 1990-91 budget will be retained. Petrol franchise fees are an important source of revenue which is used for the capital budget. Retention of the additional 3c will, therefore, reduce the need to borrow.

The combined effect of these measures, Madam Speaker, including the proposed increase to the rates, will be to raise an additional \$18.3m in 1992-93 and \$19m in a full year. Even with these measures there is still a long way to go in achieving a balanced budget for the next year. Finally, Madam Speaker, changes to TAFE and to charges for ACTION and parking will also be announced today. I now present the explanatory memorandum for the Rates and Land Tax (Amendment) Bill. In doing so I give notice that this Bill, as well as the Gas Bill, is essential for passage this week, and both Bills will therefore be declared urgent by the Government on Thursday.

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

FINANCIAL INSTITUTIONS (APPLICATION OF LAWS) BILL 1992

[COGNATE BILLS:

FINANCIAL INSTITUTIONS (SUPERVISORY AUTHORITY) BILL 1992
FINANCIAL INSTITUTIONS (CONSEQUENTIAL AMENDMENTS) BILL 1992]

Debate resumed from 17 June 1992, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

MADAM SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Financial Institutions (Supervisory Authority) Bill 1992 and the Financial Institutions (Consequential Amendments) Bill 1992? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to orders of the day No. 2 and No. 3.

MR KAINE (Leader of the Opposition) (4.17): This package of three Bills is legislation which in principle the Liberal Party accepts. It flows, obviously, from an agreement that was made amongst the Premiers and Chief Ministers last year to introduce uniform legislation for the regulation of certain financial institutions. We have no difficulty at all with that proposition; so in principle, as I said, we agree with the Bill. But just a little while ago, Madam Speaker, we finished a debate on the time being allowed to this Assembly to debate important legislation, and this is a classic case of important legislation which this Assembly has been given too little time to analyse and understand. The Chief Minister has told us that the decision to do this was made last November. What we are

apparently doing - I say "apparently" because it takes a lot of reading of this material to find out what we are in fact doing - is adopting two pieces of Queensland legislation and turning them into ACT legislation, with some exceptions. There have been some bits left out. That may or may not be a good thing.

The interesting thing is that the Queensland legislation was enacted in March of this year. Now here, in June, five sitting days before 1 July, this legislation is put on the table. We were expected to come back today and please the Government by endorsing it. Madam Speaker, I find that very difficult to do. When you look at the Queensland legislation - there it is - there are two separate Acts. One of them runs to 432 sections and the other one runs to something of the order of 140 sections, both of them with considerable schedules, attachments and the like. In the period since last Wednesday, apart from anything else members of this Assembly have had to do - there are a few trifling matters on the agenda like debates on abortion and animal welfare, and a few other minor, inconsequential matters like that - the Government has expected us to fully analyse that major legislation, that I remind them has been on the books since March, and come back today and debate it intelligently. I submit, Madam Speaker, that that is totally unreasonable.

I have to ask the Chief Minister: Under those circumstances, should she not have given the Assembly a bit more information about this legislation than she gave us last Wednesday? What she said was fairly innocuous stuff - that this, in broad terms, in principle, is what this legislation does. I would ask: How the heck do we know that that is what it does? How do we know what the ramifications of these Bills are? I discovered that at clause 13 of the Financial Institutions (Application of Laws) Bill of 1992 we are conferring jurisdiction for some matters arising from this legislation on the Queensland Supreme Court.

Mr Connolly: Yes, as is everyone.

MR KAINE: Mr Connolly sits there. He obviously has had months to consider this. He knows what the ramifications of that are, presumably. Mr Connolly, of course, is a bit of a genius. He had months to look at this before dropping it on the table and telling us, "Just come back in four sitting days" - in fact, not four sitting days; it is only two sitting days since this was dropped on us - "and endorse it for us. We do not care whether you understand it. We do not care whether you have an opportunity" - as Mr Stevenson was saying earlier - "to consult with anybody on the matter to see whether anybody else has any objection to it. Just come back and give it the tick".

I do not know why, from a reading of these documents and the Chief Minister did not tell us, it is necessary to confer on the Supreme Court of Queensland jurisdiction in connection with an ACT law, and I do not know what the ramifications of that are.

Mr Connolly: Because all the other States have agreed.

MR KAINE: You will get your chance, no doubt, to give us the benefit of your wisdom, Mr Connolly. I do not know what the benefit, if any, of that is to the residents of the ACT. I just mention that one aspect in particular.

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We are told in the Bill that the AFIC Code set out in section 21 of the AFIC Act, as in force for the time being, applies as a law of the Territory and may be referred to as the AFIC (ACT) Code. Well, that is all very nice. If you have time to read it, it is in there - a great deal of information. But it says that section 39 of the AFIC Code set out in section 21 of the AFIC Act does not apply as a law of the Territory. If you go to section 39 of the AFIC Code, it talks about the effect of incorporation on certain bodies. I would think that is a fairly esoteric matter. It says:

On notice of the issuing of a certificate of incorporation being given under section 37(1)(a) ... the company is taken to be incorporated under this Code ...

It goes on:

... the property of the company vests in the new body incorporated under this Code ... the debts and liabilities of the company become the debts and liabilities of the new body.

What on earth does it all mean? If this is good for uniform legislation right across Australia - presumably New South Wales, Victoria, South Australia and the rest of them are picking all this up - why are we excluding section 39, in particular, of the code from ACT law?

Mr Berry: If you cannot cope, move to adjourn it until Thursday.

MR KAINE: Mr Berry may know. He is like Mr Connolly. He no doubt has had a long time to examine this matter. It has been before the Government, obviously, for a long time. But I do not know, and the Chief Minister did not tell me in her explanatory notes. The explanatory notes, as usual, are fairly brief. Her speech does not even advert to these matters. So I am having great difficulty, quite frankly, with the proposition that I should endorse this today without really understanding what it does.

Mr Berry: Take it over until Thursday and then you will understand it.

MR KAINE: If we defer this until Thursday and then you declare a number of other Bills urgent, as you said you are going to, we are not going to get time to debate it on Thursday. Yet we are told that this law has to be in place by 1 July. Presumably you are going to declare this urgent as well. If you are not, I do not know how you are going to get it through this chamber.

Mr Berry: If you do not want to deal with it today, do it on Thursday.

MR KAINE: We are right at the crunch point that Mr Stevenson was referring to. Everything is urgent. You had three months after you took government and you produced nothing. Now everything is urgent and we are supposed to deal with it overnight. I think that is unfair; it is unreasonable and you do no service to the community. I would remind you, Mr Berry and Mr Connolly, that the Executive did not cease to exist over the hiatus of the election and afterwards. The rest of us were not here, but you were here. You very smartly made it clear that you were not going to step down from your Executive role. Why did you not do something? Why did you leave it for three months before you started putting some of this stuff on the agenda? Quite frankly, I am appalled.

Mr Connolly: Because you insisted that we not take decisions.

MR KAINÉ: You and Mr Berry can make your snide remarks such as, "Haven't you enough work?". Whether the members on this side of the chamber have enough work is not the question. The question is, "Are you serving the interests of the community out there?". They are the people who elected you. They are the people who elected us, and I try to do the right thing by them. I know that the Labor Party does not care. I ask the question: With whom did you consult in the ACT on this issue?

Mr Connolly: You signed up for it. You signed the AFIC agreement as Chief Minister.

MR KAINÉ: I may have done, but that was only an agreement in principle. Rosemary Follett, as Chief Minister, last November agreed to adopt a uniform law.

Mr De Domenico: When did she do it? Did you say "last week"?

MR KAINÉ: Last November. It is very interesting, because she does claim the credit for it. She does not say, in her tabling speech, that the previous Chief Minister was any part of this deal. No, this was the Labor Party. When we start chucking some rocks at you because of your absolutely appalling performance, you start remembering that I had a hand in this. Madam Speaker, I did not have a hand in producing this legislation. I did not have a hand in producing also a series of regulations. This is just the Bills. A bunch of regulations are called up by this legislation also. Where are they?

Mr Berry: What were you doing all weekend?

MR KAINÉ: That is an interesting question. I am not going to answer it. To be serious, the Government is asking us to take a great deal on faith on this issue. I do not know whether I should. I do not know whether I ought to accept that this Government is a government of such integrity that there is nothing in this mass of legislation, that I have not had time to fully comprehend, that I should object to. There is nothing here that suggests that the people of the ACT know about this. There is nothing that even says that the financial institutions of the ACT know about this and what the consequences are for them. Have they had an opportunity to analyse this and make their comments to the Government - that they find some aspects of this legislation reasonable or unreasonable? I do not know; the Government has not told me.

I suggest to the Chief Minister that when she sums up at the end of this debate she might choose to give us a little more information about the background and about the ramifications of this legislation, not only for the financial institutions which will be profoundly affected by it but also for the people whose money is invested in these financial institutions. There must be thousands of them. What do they know about this? The answer, I suggest, is absolutely nothing. I do not think that is good enough. If the Government committed itself last November to putting uniform legislation in place by 1 July, it is a little too late, four sitting days before we go into recess, to ask this Assembly and the community to analyse, consider and adopt it. I think that is just asking too much. I will be interested in the Chief Minister's response on these issues.

It simply is not good enough to say to the Opposition, "Go and do your homework". It is not good enough if you do not have the time, if you do not have the resources and if you do not have the information available to you to do that. The onus, I submit, is on the Government to persuade and convince the other members of this Assembly that what they are doing is right. The Government should not just throw it on the table and say, "Take it or leave it". I think that is too much to expect. It is significant legislation. It is important legislation. It is important to a lot of people who are residents of this community. I believe that they have a right to know what the legislation is about, and they do not know it now.

MS FOLLETT (Chief Minister and Treasurer) (4.30), in reply: Madam Speaker, if there are no further speakers I will close the debate on this matter. I would like to say at the outset that it was in fact Mr Kaine, as Chief Minister, who first signed the heads of agreement on this matter, and that was at the May 1991 Premiers Conference. That conference committed State and Territory governments to the preparation of the legislation and the formal agreement that was subsequently endorsed by the Premiers and Chief Ministers in Adelaide in November 1991. It was really the implementation of the agreement to which Mr Kaine had already been a party. So, Madam Speaker, I take Mr Kaine's comments with a grain of salt in view of that fact.

I think it is fair to say that this proposed legislation has attracted the very strongest support from national industry associations, building societies and credit unions. They have long felt that there was a need for higher prudential standards, for uniformity in standards, and for supervisory practices that would apply across all States and Territories, and that is what this legislation gives effect to. Madam Speaker, the legislation really does ensure that the community is afforded greater protection through the regulation of these non-bank financial institutions. There will be uniform standards, there will be improved standards and there will be greater protection for the depositors. There will also, of course, be provision for the well-managed institutions to provide a wide range of financial products. That is the short explanation of what this legislative package is all about, Madam Speaker.

I would like to comment also that the Northern Territory and all States except New South Wales and Tasmania have already enacted their legislation. This is a national scheme and the ACT is part of that national scheme.

Mr Kaine: New South Wales has not yet.

MS FOLLETT: New South Wales has not, Mr Kaine interjects, and, indeed, I just said that. New South Wales and Tasmania have not yet enacted their legislation. New South Wales, I am informed, expects to do so this week. The Tasmanian Parliament will not be looking at the legislation until July, I am informed; but Tasmania will be the last of all of the States and Territories to enact this uniform legislation.

I think it is important that we acknowledge that this is a national scheme and that the ACT is a relatively small player in that national scheme. We have, I believe, in the ACT six credit unions and one building society, so we are not looking to be one of the larger players in this national scheme. Nevertheless, I accept Mr Kaine's point that we should be very careful in enacting legislation that is appropriate to our particular circumstances. Members can be assured that that is what we have done.

Mr Kaine raised particular issues concerning section 13 and the conferral on Queensland of jurisdiction of certain matters. This simply is a reflection of the fact that this is a national scheme and that, rather than set up eight separate tribunals, all jurisdictions have agreed that these matters should be heard by Queensland. It is a national scheme and some State had to take responsibility for those matters. In this case it is Queensland, and other States and Territories have agreed to that.

Mr Cornwell: You certainly were not going to give it to Victoria, were you?

MS FOLLETT: I note Mr Cornwell's comment with great interest, Madam Speaker. The section 13 provision is not a cause for alarm; it is merely a reflection of the national nature of this scheme. Mr Kaine has also raised the question of section 39 of the code. In regard to this matter, Madam Speaker, what is reflected is the particular status of the ACT in relation to the self-government Act. We have limited powers over corporations and our implementation of section 39 of the code has to reflect the fact that we do not have total control over corporations law in the ACT. That is reflected.

Madam Speaker, those were the only specific issues raised in the debate. I assure members that this legislation, whilst it is complex, is for the good of the community. If members wish to be further briefed on this legislation or, indeed, on any legislation of which I have carriage, Madam Speaker, I am always amenable to a request for further briefing - always, and I mean that very sincerely. I certainly do not intend members to be mystified or uninformed on legislation that I put before this Assembly. This is complex and it is a quite large wad of legislation; but I think members can take some comfort from the fact that it is a national scheme, that we are one of the later jurisdictions to be implementing this national scheme, and that, in fact, it is a scheme that is being proposed in order to better protect the depositors in the ACT and to ensure much better standards of non-bank financial institutions in the ACT. I would urge members to support the legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

FINANCIAL INSTITUTIONS (SUPERVISORY AUTHORITY) BILL 1992

Debate resumed from 17 June 1992, on motion by **Ms Follett:**

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

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FINANCIAL INSTITUTIONS (CONSEQUENTIAL AMENDMENTS) BILL 1992

Debate resumed from 17 June 1992, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL 1992

Debate resumed from 17 June 1992, on motion by **Mr Wood**:

That this Bill be agreed to in principle.

MR KAINE (Leader of the Opposition) (4.38): Madam Speaker, the Liberal Opposition has no objection to this Bill. When the land Bill was put in place I said publicly that I thought that this was merely a new benchmark from which change would occur. Of course, it has not taken long, since the Bill has been in place, effectively, only since April. The explanatory memorandum indicates that this is merely making minor amendments to provide for consistency and to remove ambiguity. We accept that that is the case and accept the Bill in principle.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.39), in reply: Madam Speaker, I do not know whether Mr Moore was going to make some comment on this. We may extend a privilege to him if he comes in. I thank Mr Kaine for his comments. The Bill does make clear, or more clear, what was intended. I think it is sensible to take this action. It may be that there would be some legal doubts aroused and there could be some dispute about what exactly the words meant. I note that the Scrutiny of Bills Committee had no trouble with this; so I do not think there is a problem in the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 4.40 to 8.00 pm

TERMINATION OF PREGNANCY (REPEAL) BILL 1992

Debate resumed from 16 June 1992, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

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

That the debate be now adjourned.

The Assembly voted -

AYES, 7

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine
Mr Stevenson
Mr Westende

NOES, 10

Mr Berry
Mr Connolly
Ms Ellis
Ms Follett
Mrs Grassby
Mr Lamont
Ms McRae
Mr Moore
Ms Szuty
Mr Wood

Question so resolved in the negative.

MR HUMPHRIES (8.02): Let me say, first of all, Madam Speaker, how dismayed I am that this debate has been brought on tonight, just seven days after this Bill was introduced in this Assembly. We have already had many words across the chamber this afternoon about haste in government legislation. Nowhere is this haste more evident than here in this debate about this fundamental question of the value we place on human life. I have rarely seen an issue stir the conscience of this community as the issue of whether the ACT should change its abortion laws has. No issue has generated so much mail, so many phone calls, so many personal representations as this has. Every indicator - letters to the editor, demonstrations outside the Assembly, whatever - demonstrates unambiguously that this is an issue on which massive debate is possible within the ACT community.

Yet what debate on the specifics of this Bill has been allowed by this Government? Until the Bill was introduced last Tuesday there was intense speculation about what it would actually do. Would it redefine the circumstances in which abortion was acceptable? Would it, for example, provide a power to the Minister to prescribe certain places outside public hospitals where abortion could occur on the same terms as within hospitals? Would it set up a freestanding abortion clinic? In fact, Madam Speaker, it does none of those things. It simply repeals another older Act.

Madam Speaker, I would argue that in a debate where there are so many alternatives it took the actual tabling of the Bill to know exactly what option was up for consideration by this Assembly, and until that point real focused debate on this question eluded us and the community. How long is this informed phase of the debate to last, now that we have seen the final version of the Bill? Seven days.

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That is about 170 hours. There are 170 hours for this community to understand, in the welter of a complex and emotional debate, what this Government has in mind for thousands of human lives yet to be born. You should be ashamed of yourselves.

We never saw, I believe, before last week the full scope of the Government's intentions, and I am not convinced that we have seen them even now. According to the front page of the *Canberra Times* today, apparently more is in store for us. Apparently new abortion facilities are at the top of the new spending agenda in the health portfolio. Why can we not be told what this Government has in mind for this community?

Mr Moore: Because it is not relevant to this Bill.

MR HUMPHRIES: It is relevant to this Bill. What is happening in our city today, Madam Speaker, I would say, is a vicious mockery of the promise that self-government brought to this community. The Federal Government said that with self-government we, the residents of the ACT, would be able to make decisions of our own, set standards of our own, and pursue goals of our own. The promise was that no longer would the Federal Government need to interpret our requirements and our priorities. Now it was up to us to make our own decisions.

We have to ask how was this opportunity to make our own decisions actually to take place. The answer, of course, is that we would have the same power that other citizens in other States have to determine their priorities, namely, by parties and by candidates in ACT elections setting out their respective visions of how our city should appear, and then inviting the electors to choose which of those visions most suit them. Of course, Madam Speaker, we had an election in the ACT in the last five months. We had an election and a Labor government was elected. Who can recall in that recent election the ACT Labor Party, in its statement of its vision for the ACT, saying, for example, that it planned to build a freestanding abortion clinic? I cannot. Neither, apparently, can those opposite.

Mr Berry: The debate is not about that.

MR HUMPHRIES: The debate is about that, Mr Berry. The debate is about that and the whole question of whether we, in this Territory, are going to tolerate high levels of abortion of unborn people. Did the Labor Party table a press release saying, "We intend to make abortion a major issue in the life of the Second Assembly"? If they did, would they please table that press release. Where is the newspaper report? Where is the tape of the interview? Where is the evidence that there was something about this?

Mr Connolly: You paid for a full page ad.

MR HUMPHRIES: You denied those reports, Mr Connolly. You denied those reports, remember? You said that they were not true. Well, they were true, were they not? Did you deceive the people of the ACT when you said that? I will leave it to the electors to decide whether you did or you did not. Nobody would recall it being said by the Australian Labor Party, because it was not, in fact, said. It was apparently so ashamed of this part of its branch platform that it made not one reference to it during the entire ACT election campaign that ended in February.

The Chief Minister said earlier today that she took exception to ALP consultation processes being described as a con. Let me ask her what better word describes a process where an issue which is patently of tremendous sensitivity goes unmentioned during an election campaign, suddenly surfaces a few days after polling day and then gets fast-tracked into the statute books? I can think of only one word to describe that. Madam Speaker, in fact the Chief Minister had the good grace to be embarrassed about the matter when the issue surfaced a few weeks after the campaign ended. She admitted that yes, actually, new abortion laws were in her party's platform - a document not published during the campaign - but they had not been highlighted during the campaign because, and I think I quote her here, they were not a priority. Apparently no-one told the Minister for Health, Mr Berry, in whose portfolio this matter actually falls, because a few days later he announced that new abortion laws were in fact on the Government's legislative program for the coming session of the Assembly, and here they are in black and white.

Of course, they were listed in this document, Madam Speaker, as third priority, no doubt justifying the Chief Minister's assurance to alarmed citizens that indeed this was not a priority for the Assembly or the Government. But was it, in fact, a third priority piece of legislation? More particularly, I think we have to ask ourselves: Where is the legislation promised in the first and second categories that was supposed to come before this piece of third priority in importance legislation? The third priority Bill, in fact, appeared in this Assembly before any of the Bills appearing in the first or second category of legislation. Is it not reasonable to assume, Madam Speaker, that calling this Bill third priority was, in fact, a public relations stunt designed to get the Chief Minister off the hook?

Madam Speaker, no wonder people feel cheated. No wonder people feel that self-government has not done much for them when the processes that were set up to allow Canberrans to reject these sorts of degrading options for our city are deliberately sidestepped. Every politician should be concerned when this happens, because all our jobs are that much harder when our constituents become cynical and lose faith in the political process. Let me cite just one illustration of the sort of disillusionment that behaviour like this produces. I quote from a letter which one constituent sent to the Chief Minister after the sudden elevation of this issue to political prominence. I want to read from that letter. I quote:

On the political level, I wish to express my utter contempt for those elements in your party who so carefully concealed from the public, in the lead-up to the recent elections, their intention of bringing forward this proposal. They then showed their complete disregard for voters by announcing it post-haste after the elections. Nor is it any defence to claim, "it is in the platform"; there are many things in the platform and the gullible public is not to know which of them is suddenly to be sprung on it, unless they are openly canvassed during an election campaign.

Mr Berry: Who is that?

MR HUMPHRIES: You know who it was, Mr Berry. You got the same letter as I did.

Mr Berry: Just tell us who it was.

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MR HUMPHRIES: You know exactly who it was. Madam Speaker, I table the letter and seek leave to have it incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 1.

Mr Moore: Tell us who it was. Are you embarrassed about who it was?

MR HUMPHRIES: No, I am not embarrassed about who it was. It was the Reverend John P. Kelly.

Mr Moore: Ah, right.

MR HUMPHRIES: It makes a difference, does it, Mr Moore? Members of the church are not entitled to those sorts of views? Their views are debased? Madam Speaker, there is real anger in that letter, as there was in many letters that I have received and I am sure other members here have received over the last few weeks.

The proposition that we should free up abortion, as well as the way in which that proposition has been deceitfully advanced, debases this community. What does it say about us and the ambitions we hold for our future when we destroy human life with potential as a matter of public policy? It is little short of astonishing that this debate should seriously have arisen at a time when we are pressed in so many other ways by far worthier needs. Even if one were to accept, as I do not, that abortion is a woman's right and that opportunities for it in Canberra are limited, does the Minister for Health really believe that an abortion clinic is anywhere near the top of our health shopping list? I can point to many things, Madam Speaker, that surplus cash in our hospital system could be better spent on. Waiting lists to enter our public hospitals today stand at almost 2,000 patients - longer than they have ever been before in Canberra. Should not reducing that waiting list be our top priority for our health dollar?

We have only 820 beds in our public hospitals, as last advised - goodness knows what they actually are - the lowest number for many years. For the cost of an abortion clinic you could create an awful lot of beds. We have no facilities for cardio-thoracic surgery in this city. We have no slow-stream convalescent unit. We have no medical teaching facilities. We have no hospice for the terminally ill. But this Government wants us to have an abortion clinic. Madam Speaker, no thank you. To borrow some of the Prime Minister's words, what we are doing here is elevating a tenth order issue into a first order issue. There are more important, more dignified issues for this Assembly to be working towards.

The argument over abortion, Madam Speaker, must face a threshold question. The question is, essentially, how you view the unborn foetus. If you accept that from the moment of conception a distinctly human life has been created, you have no choice but to concede that life should be protected. In my view, there is no clear place at which to draw the line between oblivion and life, except at the point of conception - certainly not at the point of birth. Ultrasound technology demonstrates quite clearly that distinctly human characteristics and traits are present from the earliest stages of pregnancy. The potential of a fertilised ovum to develop into a fully developed human is very great. That of an unfertilised ovum is nil.

At the point in gestation where abortion commonly occurs a uniquely human heartbeat is already discernible. The assertion that the foetus is mere tissue, as easily disposed of as an appendix or a fingernail, is a premise tailor-made to reach the desired conclusion that there is no difference in men's and women's biological responsibilities in the gestation of children. Freely available abortion is, in my view, Madam Speaker, the product of a society hooked on instant gratification, ensconced in selfishness, endlessly defining new and various rights. I am prepared to tolerate such attitudes, except where they come at the expense of human life.

Let me address, in advance, Madam Speaker, an issue which already has been raised in interjections across the chamber and which I am sure will be raised again. It will be pointed out that abortions occurred in our public hospitals while I was Minister for Health. That is perfectly true; they did. Madam Speaker, even the present law which I, as Minister for Health, operated under, and which I assume the present Minister operates under, allows abortions to be carried out in limited circumstances, and that, in my view, is unsatisfactory. If I had had the remotest chance of further restricting the availability of abortion during the life of the First Assembly by changing the law under which all Ministers have to operate, I would have done so. Unlike others in this place, I am not fond of flogging dead horses.

Madam Speaker, the duplicitous way that this issue has come into the political agenda proves that the local proponents of abortion reform are out on a limb. If the Government really thought that Canberrans wanted new abortion laws it would have promised at the last election to deliver them. Mr Berry's claim, "We forgot to mention it; it slipped our mind during the election campaign; if we had thought of it we would have said it, but we did not think of it", is just too pathetic for words. This Assembly, Madam Speaker, has no mandate to devalue human life. I believe that the citizens of Canberra have higher ambitions than the creation of slaughterhouses in this community. I believe that most are fostering a community which champions the sanctity of all human life. In short, I see us still as a society with values, values which are not to be legislated away and which we, as legislators, must fight to keep. That is what I, certainly, Madam Speaker, hope to be doing tonight.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.16): Madam Speaker, I am happy to enter the debate. There is probably no more fundamental and difficult issue to debate in an Australian parliament than the issue of abortion. It is certainly an issue that causes, and has caused me, some real concern. It is an issue which all parties, all major parties, respect as a difficult issue by guaranteeing their members a conscience vote. On the issue before the Assembly tonight, which is the repeal of the Termination of Pregnancy Act, I have no difficulty in exercising my conscience vote in favour of the Bill before us. I should point out that this is not a debate about publicly funded abortion clinics. This is not a debate about freestanding abortion clinics. If we were to have such a debate, my conscience vote could well be cast in an opposite direction because I do not favour such developments; but that is not what this debate is about.

I know that there are many members of my party, whom I respect and work with, who take a different view on this issue. I know that one member of this Assembly may take a different view on this issue from our party, and I can respect that. But I must say that I have great difficulty in respecting the remarks

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that Mr Humphries has just made, because Mr Humphries has used all the rhetoric. He has used the slaughterhouse rhetoric. He has said that there is no clear point at which to draw the line on the issue, except the absolutist point that abortion is fundamentally wrong; that life begins at conception, and the state must intervene to totally outlaw abortion. I can respect that point of view from anyone apart from a man who, for 12 months or almost 18 months, had the responsibility for running the health service in this Territory. Mr Humphries, you were, in your own terms, the Minister for slaughterhouses for 18 months, and you did nothing. I find that position very, very difficult to accept. You can run the rhetoric here and play to the gallery, but you will have to examine your own conscience about that period for which you were the responsible Minister.

Madam Speaker, this is essentially a matter in which every member must examine their own conscience on this proposal or on any further proposal. I am quite happy with my conscience on the proposal currently before the Assembly. The proposal is to repeal a Bill which currently says that abortions are not unlawful, because the law in Australia is that abortions can be lawful in certain circumstances defined by the common law. The law in the ACT, Madam Speaker, is the same as the law in New South Wales, in Queensland, in Victoria, in Western Australia and in Tasmania. There are different laws in South Australia and the Northern Territory. The law in all those other States says, under the Crimes Act or its equivalent, that an unlawful abortion is a criminal offence, punishable with quite severe penalties, and properly so.

The law does not say what is an unlawful abortion; we have to look to the common law on that. The common law in Australia, at least since the 1960s, has been that where the physical or mental health of the woman is endangered an abortion is lawful. That is the position in the ACT. The ACT differs from all other parts of Australia in that a law was passed in the 1970s to give a government monopoly for abortion; to say that only abortion performed in a public hospital system is lawful. I certainly see no justification for a public monopoly on abortion. I certainly see no justification for a hypocritical law which sends over 1,000 Canberra women to Sydney. It is really the Dublin situation, Madam Speaker. It is the law that the Supreme Court of Ireland struck down, in effect, by saying that it was unconscionable to have a law that purported to say, "We are taking a high moral stance on abortion; but we know that people, in fact, are fleeing this jurisdiction and having abortions performed elsewhere". I can see no comfort in that.

I could respect any member who got up here and moved a private member's Bill to actually impose restrictions on abortions. I could respect a person who said that their conscience dictated that they say that the law should totally ban abortion. I would not support that. My belief is that it is a matter that someone could conscientiously put forward; but I would take the view - almost the view that John Kennedy took in his famous speech in the 1960 election campaign in the United States on the relationship between the church and the state - that there are some issues that are properly an issue between an individual and their conscience and their church and their God, and there are other issues for the state. I think that this issue is one that is essentially one between the individual and their conscience and their God and their church, and the state should not be imposing one particular view on that. I am certainly comforted, Madam Speaker, in the view that whenever there have been opinion polls on this and whenever public opinion is tested, the absolutist ban, which Mr Humphries says he supports although he did quite the contrary when he was Minister, does not find wide favour.

Madam Speaker, it is an issue of fundamental difficulty. It is an issue on which I can respect people of a different view. I can understand their point of view and I would not claim ill of anyone who takes a different view on this. But I would say, while respecting their view, that it is fundamentally a matter for a woman to decide between herself and her conscience. It is an issue on which I, as a man, have some difficulty, almost, in entering the debate. It is easy for men to get into this debate. We do not have the same responsibilities. If we lived in a society, Madam Speaker, where men and women were equally responsible not only for the physical act of conception but also for all the consequences that followed, it would perhaps be an easier society in which to respect men's views; but this is not the case.

It is not the case that we live in a society where there is a perfect method of birth control. I would never say that abortion is a sensible method of birth control. Of course it is not. In a sense, abortion is an acknowledgment that our society has not provided a foolproof method of birth control. Our society has not provided a method of allowing women more control over their own fertility. It is almost an acceptance of failure. But, Madam Speaker, that decision, and the enormously difficult moral issues involved in it - I acknowledge those difficulties and I respect those difficulties - is fundamentally, I think, one for a woman to make.

I will, with a clear conscience, Madam Speaker, be supporting the Bill currently before the Assembly tonight, which is a Bill to repeal the Termination of Pregnancy Act, to lift a government monopoly on abortions; not in any way to alter the law in respect of the availability of abortions; not to provide for abortion on demand; not to alter the Menhennitt and Levine rulings, which currently provide the common law in respect of abortion; and most certainly not to provide a publicly funded, freestanding abortion clinic, for that, Madam Speaker, is not before the Assembly. What is before the Assembly is a Bill to lift a hypocrisy, a Bill to say that the law in the ACT ought be the same as the law in New South Wales, as the law in Victoria, as the law in Queensland, Tasmania and Western Australia. Madam Speaker, I, in a clear conscience, comfortable with that, will support the Bill.

MR KAINE (Leader of the Opposition) (8.24): I must say that it is a matter of considerable regret to me that we are here tonight debating the termination of human life. The legislature of the Territory, in my view, should be dealing with questions the solutions to which enhance life for all people, born and unborn. It should not be dealing with questions the likely outcomes to which serve only to degrade us all. That happens to be my view and I express it forcefully.

It seems to me quite incredible that we are doing this in a time when we should properly be debating important issues of genuine concern to this community; issues that are on the top of the community's agenda, but clearly not on the top of this Government's agenda, such as unemployment, homeless youth, small business breakdown, the plight of the disabled, the needs of the ageing, equality of women in all aspects of society, and the poor in this community. Where are these on the agenda? No; what we are dealing with, the matter that has come to the top priority in the terms of this Government, is one which involves the termination of life. You cannot disguise that. No matter how you look at it, that is the outcome of tonight's debate. We are going to debate that issue.

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I have heard the arguments for and against abortion on demand and other catchphrases in great detail and over many years. I was a member, Madam Speaker, of the first ACT Legislative Assembly, along with Greg Cornwell, when these issues were debated in 1977 and 1978 and the outcome of which was this legislation which the Government seeks to repeal tonight. The arguments were put forcefully then, and in my view they have not changed since. At that time abortion on demand, freestanding abortion clinics, and everything that is going to flow from the repeal of this Act, were rejected at the conclusion of the debate. That was an interesting debate because the disposition of people around the chamber, in terms of numbers - Labor, Liberal and the like - was not so different from what it is now.

Madam Speaker, I see little point for me in debating the arguments for and against abortion. Those arguments have been conducted around the world for decades. People in this chamber tonight have made up their mind, one way or another, before now, as to what their attitude to abortion is. That ought not be what we are debating here. You are either pro-life or pro-choice, and I think most of us have made up our mind. Because there is no likelihood of any reconciliation of the two extreme opinions on this issue, as I say, I see nothing to be gained in attempting to seek such a reconciliation here tonight. We, sitting around this chamber, will not agree, no matter how long we stay here and debate it, on whether abortion is acceptable or not acceptable. It has not been resolved anywhere else in the world, and it will not be resolved here tonight.

I would prefer, that being the case, to deal with some fundamental issues that could be resolved here tonight, that just might achieve some agreement between people on the floor of the house. I would like to dispel, along the way, some of the red herrings that have been drawn across the trail here over the last few weeks leading up to this debate. For example, there have been some suggestions that the debate is aimed at making abortion legal in the ACT. That is a fiction. Abortion in the ACT is already legal. When people go out and say, "This debate tonight is about making abortion legal", they are perpetuating a fiction. That is not what the debate is about at all. It has been argued, and Mr Connolly threw it up tonight, that, because of some alleged failing in our law, a large number of women are forced to travel to Sydney to have their abortions. That is a fiction.

Mr Connolly: What is he on about?

Mr Berry: They could have them if they wanted to.

MR KAINE: Listen to what I am going to say; you might be surprised. All, or almost all, of those women who go to Sydney for their abortions could have them legally in Canberra today. They could, under the law. The thing that is missing is not the law that enables them to do so; what is missing is the resources that make it possible to have those abortions. Mr Berry says that only 150 women a year have abortions in Canberra. That is because our public hospital system has resources to deal with only that number. The solution lies not in repealing the law - it is a good law - but in providing resources to enable those women who are entitled under the law to have abortions to have them.

Mr Connolly talks about getting our law in kilter with the rest of Australia. It just might be that our law is the best law. Why then should we follow New South Wales, Queensland, Tasmania, or anywhere else? The argument has not yet been put forward that our law is unacceptable. I see a great deal of hypocrisy. I see

people wearing "no coat-hangers" badges. Mr Berry is wearing one. Yet Mr Berry made this point when he tabled this Bill the other night - and I quote from his own speech:

One simple fact is forgotten in the emotion of the abortion debate. The procedure to terminate a pregnancy is a safe and relatively simple procedure.

I do not agree with that, but he goes on and says:

The incidence of maternal deaths associated with legal termination of pregnancy has reduced drastically since the days when legal abortions were not available.

He is acknowledging himself that, with the legalisation of abortion in the ACT in 1978, the loss of life due to abortions has dropped drastically. He goes on to say:

NHMRC figures show that 45 maternal deaths associated with abortion were reported in the three-year period from 1964 to 1966, compared to one in the 1982 to 1984 period.

What is this coat-hanger stuff?

Mr Berry: What about the 1,100?

MR KAINE: If you, Minister, provide the resources - where there is smoke there is fire; you are talking about \$400,000 to fund an abortion clinic in Canberra - and provide along with it the necessary counselling services that go with it, the problem, in my view, is solved. You do not need to do anything more. You do not need to repeal the law. I submit that the law is a good law. Let us get down to what the debate ought to be about, to what is possible, to where we can get a reconciliation of views, and act in the interests of this community. Let us be clear; let us act in the interests of the women who need abortions, because, generally speaking, they can have abortions in Canberra under the existing law if only the Minister will provide the resources that will allow them to do it.

Madam Speaker, I really do take exception to Mr Connolly's attack on Mr Humphries. I find it unworthy of him, quite frankly. To assert that Mr Humphries was somehow remiss because he administered the law, the law that has been in place since 1978 and which this Government seeks to repeal, is a pretty low trick. The Minister unilaterally could not change it. He was obliged to administer the law. Whether he agrees with it or not, he was obliged to administer it, just as you are, Mr Connolly, and just as Mr Berry is at the moment. To assert that somehow Mr Humphries is a hypocrite, or somehow was failing in his duty because he administered the law, is an underhanded blow, and, Mr Connolly, it is unworthy of you. I suggest that you ought to be asking Mr Berry the same question. If you really believe that Mr Humphries is culpable, why do you not ask your Minister the same question? Mr Berry was the Minister in 1989, and he has been the Minister again for a year now. Instead of talking about hypocrisy, you should cease practising it, I suggest.

I take issue with this whole debate. I do not think it is a debate that we can resolve. There are some fundamental issues here. If we were of a good mind, if we really wanted to solve this problem in today's world instead of last decade's or next decade's, we would be examining what can be done under the existing

law; we would have on the table tonight a Bill that addressed those issues, not issues that are incapable of solution because people have their minds made up and they are miles apart.

I think I have said just about everything that I want to say. For heaven's sake, let us not have an emotional, divisive debate on a subject on which we will never all be reconciled. Let us look at the smaller issues where there is the possibility of some reconciliation of view in the interests of this community. If we could only achieve that, we would be setting a milestone in the ACT. We would be setting the lead for the rest of Australia, instead of blindly following what others have done, which is not necessarily in the best interests of their communities either.

MS FOLLETT (Chief Minister and Treasurer) (8.35): Madam Speaker, I respect the views of members opposite; but I really think it is important that we focus, and continue to focus, on what this debate this evening really is about. We are not debating the threshold issue of termination of pregnancy. Mr Humphries made that almost singly the issue which he focused on in his remarks, and Mr Kaine strayed into it as well. That is not the issue that we are debating. We are not debating whether abortions may or may not be performed in the ACT. We all know that they have been performed here for many, many years. They were performed under Mr Humphries as Minister for Health; they were performed under the Tasmanian, Mr Hodgman, who I believe drafted the current legislation which we seek to repeal. We are not debating whether abortion should or should not occur. It has occurred over many years. It will continue to occur. I might say, Madam Speaker, that it will continue to occur regardless of our vote this evening. It is not the issue, so put that aside.

Nor are we being asked to define the criteria under which terminations may occur. We have all mentioned what those criteria are. Mr Kaine knows them; he has told us what they are. The criteria before tonight, and after tonight, will remain that a termination is not unlawful if it is carried out in the honest belief that that termination is necessary to preserve the woman from serious danger to her life, or to her physical or mental health. No-one is going to change all those criteria this evening. No-one proposes to change them at all. So that is not the issue either.

What we are debating is whether terminations in the ACT should continue to take place exclusively in our public hospital system and whether they should, therefore, take place under the protocols and the administrative arrangements laid down by the hospital system. That is the issue. It is an issue of whether the public hospital system has the exclusive right in the ACT to undertake terminations. I think members ought to be very clear on that and not stray into emotional references to slaughterhouses and all the rest of it.

Madam Speaker, I believe that the most important point that we can make this evening is that of the rights of the woman involved. We have heard an awful lot about the rights of the unborn child. We have heard almost nothing about the rights of the woman. I would like to advise members of the current arrangements for terminations of pregnancy in the ACT, as I understand them. There does appear to be something of a lack of understanding. In our hospital system, under the current system - this is my understanding, Madam Speaker - a woman may, of course, have a termination in a public hospital. She must first find a doctor

and then a specialist who will decide that she should be allowed to have such an operation. Permission then has to be given by the medical superintendent of the hospital. If the woman has had her termination approved under all of these processes, she is then booked into a day ward, usually under a general anaesthetic, and she has her termination performed.

I put it to you, Madam Speaker, that this is more than an inconvenience. It can result in some very, very grave consequences for that woman. The first of those consequences is the delay that takes place in all of that permission. It can make for later terminations. This is a serious matter. Also, Madam Speaker, a woman undertaking a termination in those sorts of circumstances may feel that her privacy is not as protected as she would have liked. A public hospital system - we have all been in those systems - is not the most private of all possible places, and some women feel that very deeply indeed. Nor is there, in my view, the necessary recognition, as a matter of course, of the woman's need for psychological and emotional support in what is an extremely traumatic time. I have heard no-one in this chamber try to say that a termination of pregnancy is a matter which any woman would undertake lightly, and nor is it.

So, for all of those reasons, Madam Speaker, I believe that the current system is not ideal for those women - 150 or so a year - who have a termination performed in our public hospital system, although the service, as Mr Kaine says, is available and is legal. The other more than 1,000 women of the ACT who undertake a legal termination of pregnancy go interstate. I put it to members in the chamber that this is a far from satisfactory solution to what is an extremely serious problem for those women. For them to have to go to the expense and the difficulty of travel to Sydney to have a termination of pregnancy performed, when many of them are in extreme distress, suffering perhaps from poverty and finding difficulty in raising the fare to go to Sydney, is a very serious matter and one which we ought not to dismiss in this chamber. I believe that it is incumbent upon all of us to show compassion for those women, and to recognise the difficulty of their situation and the gravity of the decision that they face.

I believe, Madam Speaker, that we must also, through our actions in this chamber, seek to dignify the lives of ACT women. We have heard a lot about enhancing life and enhancing the life of the unborn child this evening. We have heard very much less about enhancing the lives of our ACT women, and that is, Madam Speaker, for me, the overwhelming reason in support of this legislation. ACT women must have the same sorts of facilities, the same sort of care, available to them as their counterparts in other States. It is not acceptable that they do not, particularly those women who are forced, under the current system, either to go interstate or to face the prospect of a rather later termination under demeaning circumstances. I would say that what we ought to be doing is looking at the counselling, at the care that those women need, once we have, in fact, got over this threshold issue of where terminations may occur.

Madam Speaker, I believe, as I say, that the debate here is being skewed in a way that is not helpful. I agree with Mr Kaine that, on the threshold issue of whether or not terminations may be performed, we are not going to agree; we never will. On the issue that Mr Humphries raised, of whether or not human life begins at conception, we are never going to agree. I think that the issue of whether Canberra women deserve our compassion and deserve the same kinds of arrangements that their counterparts in other States face is an issue on which members opposite in their heart of hearts would agree. I do not believe that they wish to see Canberra women disadvantaged in this way.

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Madam Speaker, I would urge members to put aside the parts of this debate that are not pertinent to the issue that we are actually debating. It is a very specific issue that we are debating. I will be supporting it wholeheartedly because I think it is only fair. I think Canberra women do deserve the same sorts of rights to adequate health care in their own Territory that other women have. For me that is the overriding issue in this debate, and I commend the Bill to this Assembly.

MR CORNWELL (8.44): Madam Speaker, in 1977 the then advisory Legislative Assembly brought down report No. 26 on pregnancy termination. It followed a major public inquiry, as my colleague, Mr Kaine, will remember all too vividly. The inquiry - - -

Mr Moore: It recommended a safe and successful abortion service and never delivered it.

MR CORNWELL: Madam Speaker, Mr Moore continually interjects. I know that Mr Moore fancies himself as a SNAG, a sensitive new age guy; but I do suggest that he will have his opportunity to talk in due course.

It followed, as I say, a major public inquiry. It involved 119 submissions, over 40 hours of hearings by the Standing Committee on Education and Health, and in fact took some three months, as opposed to seven days which we are looking at now. Of the five members on the committee, I, as chairman, am the only one still in political life. Following a marathon sitting of the Assembly till 3 am, the Assembly agreed to the committee's 47 recommendations.

I must admit that to the disgust of all members of the Assembly - there were, as Mr Kaine indicated, differences of opinion on the report - the Federal Government implemented only the first two of those recommendations. They were, and I quote:

That free-standing abortion clinics, that is outside public hospital grounds, should not be permitted in the ACT; that a permanent Termination of Pregnancy Ordinance be made to ensure that private free-standing abortion clinics do not operate in the ACT.

Those recommendations formed the basis of the legislation that this Labor Government is seeking to repeal this evening. I believe that in so doing the Government has allowed the moral pendulum to swing from the sublime to the ridiculous. If the Federal Government in 1977 cynically closed the doors on freestanding clinics, then this Labor administration in 1992 has just as cynically thrown them open. It is sophistry to suggest otherwise, as Mr Berry tried to claim when he said in the presentation speech:

The effect of repeal of the Termination of Pregnancy Act will not therefore of itself make termination of pregnancy legal.

If repeal of this legislation will not of itself make termination of pregnancy legal, how then will it advantage over 1,100 ACT women who you claim in your presentation speech annually go interstate for termination? Clearly, repeal of the legislation will have a profound effect upon the availability of local pregnancy terminations or abortions. It is deceptive, Mr Berry, to suggest otherwise. Hence my concern, because nowhere do you attempt to qualify, far less control, this termination procedure.

I am not arguing with the Menhennitt ruling which Ms Follett and Mr Connolly mentioned earlier. I am speaking not on moral grounds but in the interests of simple health safeguards which were adverted to by our Chief Minister. For example, do you propose allowing abortions only in the first trimester, or do you propose allowing them in the second trimester as well? Have you considered the relative dangers between the two trimesters? Do you propose that abortions up to, say, 11 weeks of pregnancy be performed in a day care clinic, but that abortions after 11 weeks and up to 20 weeks have to be performed in a hospital and be subject to approval by a terminations committee? Do you propose that prior to having an abortion the woman be counselled and that this counselling be non-directive? Do you propose a cooling-off period of seven days between counselling and the actual termination? Do you propose a compulsory, four-week post-termination examination?

All seven of these questions are addressed in this report No. 26 and recommendations are made about them - all of them important - and I suggest that all of them have been completely ignored by this so-called responsible Labor Government. All could just as easily be ignored, I remind members of the Assembly, by the private freestanding abortion clinics that this repeal will allow to operate in the ACT. This, members of the Assembly, comes from the champions of women's rights opposite, the advocates of luxury safe houses for domestic violence victims. This comes from those who profess concern for the status of women and from a Chief Minister who gives quite unqualified support for and belief in affirmative action. These are the people who have bowed, I believe, to the insistent demands of their left wing and thoughtlessly rushed through this totally inadequate repeal.

By this one line piece of legislation - that is what it is, I would remind members - you have placed women at risk and you have oversimplified an issue of great consequence to the community. Let us not argue that question. The Chief Minister referred to that earlier and I agree with her. It is of great consequence to the community irrespective of the community's view on abortion. This headlong rush to appease, I suggest, your left-wing, radical feminist supporters has provided the community you purport to listen to and to consult with no safeguards and no direct accountability. This lack of thought in your impatient rush to placate this left wing, I believe, approaches a dangerous flippancy when, again in your presentation speech, Mr Berry, you said:

Not by tinkering with the legislation to further regulate approved places for terminations, but by repealing the legislation altogether so that terminations can be performed in a range of appropriate locations thereby giving women more choice about the procedure.

I am not sure what procedures you are referring to, Mr Berry; but I assume that you are talking about the numerous methods of pregnancy termination, such as dilatation, curettage, vacuum aspiration, maybe the intrauterine injections or pastes. These again are from report No. 26. Your proposal for a range of appropriate locations, I am afraid, puts the whole business, I think, in rather bad taste. It sounds rather like boutique shopping. It also shows an alarming ignorance of supply and demand, and it fails to address the question of cost and who will pay. I would like to mention that a little later.

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Even your Government's acknowledgment that prevention is better than cure is both belated and inadequate. Why, now, do you talk in your presentation speech about contraceptive methods, including, I note, perfect contraceptive methods, which even Mr Connolly had the sense to disclaim? Perfect contraceptive methods - this must be a world breakthrough, Madam Speaker. Yet, in spite of the report of these methods, perfect or not, you make no recommendations whatsoever. Again I would refer you to report No. 26, where there are eight contraceptive recommendations listed. They are sensible; they are humane; they are responsible. Why do you not incorporate such recommendations in your proposed legislation?

I suggest, again, that it is because you are in too much of a hurry to satisfy Labor Party ideology and, I would suggest, to get this policy up well before the next Assembly election or, indeed, the next Federal election. After all, Mrs Kelly and Mr Langmore will not be too happy with this. I noticed Mrs Kelly's expression when she was at St Peter's College on Sunday when Archbishop Carroll spoke out against this proposal. She was not too happy at all, and I wonder why anybody else would have confidence in you people. You simply do not know, I believe, what you are doing on this divisive community issue. I predict that even some of your supporters will be concerned at the irresponsible way in which you have not addressed very fundamental aspects of abortion and the safeguards. I have no confidence whatsoever in what appears to be your solution, and that is to leave it in the hands of whoever might take up the task of providing the service. I do not believe that that is the right way or indeed the safe way to go.

I say this, mindful of the fact that 1,100 ACT abortions per annum - your figures, Mr Berry - might not provide sufficient profit for a private clinic. If that is the case, the prospect of the service falling into the hands of a local sisterhood is both very real and very worrying. Whilst they are very strong on the idea of women controlling their own bodies, they are not too enthusiastic, in my experience, about women accepting the financial consequences of such control. To date, I have yet to see any women's health service here that is not heavily government sponsored. I fully expect, therefore, to see the taxpayer footing the bill for a government funded but female run abortion clinic, no doubt listed as supported accommodation and thus shrouded in secrecy. What I do not expect to see is any evidence coming before this Assembly listing the checks and the balances, the controls and the safeguards that formed the basis of report No. 26 in 1977 and are just as relevant today as they were 15 years ago.

For this reason I will certainly be opposing the repeal. I believed 15 years ago that the Federal Government was wrong when it opted for the pragmatically sublime, and I believe in 1992 that you people in the ACT Labor Government are just as wrong for swinging to what I regard as the dangerously ridiculous.

MS SZUTY (8.56): Madam Speaker, we in the ACT Legislative Assembly have before us today a Bill to repeal the termination of pregnancy legislation, which for the past 23 years has meant that women in the ACT who wanted and needed an abortion had either to go through a rigid and humiliating process or to travel interstate, where they were able to undergo the procedure but were in many cases denied adequate health and counselling follow-up. Abolishing this legislative dinosaur will not establish an abortion clinic in Canberra. That is a question for another day and no doubt there will be lengthy debate before that becomes a reality.

Today we seek to abolish a law which sets women in the ACT apart from other women elsewhere in Australia. As the Minister, Wayne Berry, stated in his speech:

The repeal Bill will ... allow for a termination of pregnancy to be carried out at a place other than a hospital conducted by the Board of Health if the termination would otherwise be lawful. Under sections 42 and 43 of the Crimes Act 1900 it remains illegal for a pregnant women to unlawfully procure her own miscarriage or for any other person to unlawfully procure a woman's miscarriage. The question of what is unlawful is left to the common law.

The basic premises on which I stood for election included the idea that all people are entitled to the highest quality health care, that individuals should have as much control as possible over their own health choices, and women's health care needs special attention and funding.

Why should one of the most civilised and highly educated cities in the country treat women who seek pregnancy terminations with such disdain? In Sydney, by contrast, a woman can ask for information about abortion in the event of an unwanted pregnancy. She will receive counselling about her decision, support while she undergoes the procedure, and health checks afterwards. As well, most centres have available contraceptive counselling which can help women avoid future unplanned pregnancies by finding the most appropriate form of contraceptive for their needs and lifestyle.

What does a woman who pursues the same procedure in Canberra face? The current position, as Ms Follett has outlined, as stated in the Act, is, "A registered medical practitioner shall not carry out treatment for the termination of a pregnancy otherwise than at a hospital conducted by the Board of Health". So, for a start, she has to find a doctor who will refer her to a specialist who can recommend the procedure, and then that recommendation has to be put before the hospital's medical superintendent, who has to give permission for the abortion to take place. If she gets this far, the woman is then booked into a day ward where the procedure is carried out under general anaesthetic. There is a lack of coordinated follow-up, which means that, unless the woman's specialist or doctor provides counselling and support, there is no assurance that proper follow-up health checks are carried out or contraceptive advice given. Is this the way we want to treat Canberra women?

While it may be seen as just an inconvenience to some for a woman to have to travel interstate for a procedure they themselves do not agree with, is it their right to intervene to make abortions less accessible here than in Sydney? What about women in adverse situations, those who become pregnant through rape, or whose family situation does not allow them to travel? What are their options? They have the same legal right to abortion services as women in New South Wales, but this right is thwarted by a law which regulates the number of abortions and which sets draconian conditions for provision of the service. What we do today by repealing this piece of legislation is prevent women from continuing to be at the mercy of administrators and the medical profession, and empower them to make decisions for themselves.

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Underwriting my comments on this issue is an acceptance of the fact that the decision to have an abortion is never an easy one. A woman who finds herself pregnant and feels that her situation does not allow her to proceed with the pregnancy needs support and understanding regardless of her decision. Given that women do seek pregnancy terminations, what removing this legislation will do is give support and counselling to women under stress, without adding the trauma of interstate travel and time away from support networks.

To address one other point, the anti-abortion lobby seems to feel that by making abortion hard to get, or by eventually outlawing it altogether, they will stop the practice. What they appear unwilling to accept is that, whether services are provided legally or illegally, the demand for abortion has continued and always will continue. Romania tried unsuccessfully to outlaw abortion and introduced mandatory pregnancy checks under Nicolae Ceaucescu. We were all affronted, confronted and saddened at the images which came from orphanages after the fall of the regime, but a part of the story that did not reach our screens was the number of women who died as a result of illegal abortions.

While there are no figures available, experience in other countries shows that the mortality rate is high but the demand has not lessened. In Brazil it is estimated that one-quarter of women who have had illegal abortions have died as a result of the procedure. *Beyond 2000* recently estimated that more than 200,000 women worldwide die each year as a result of illegal abortions. The only country in recent times to reimpose restrictions on access to pregnancy terminations is Iran, which outlawed abortion after the fall of the Shah. So what do we, as a community, want for ourselves? Do we want equality of access, to stand on the same footing as women interstate? Or do we want to continue making women in this community suffer because they choose to live in Canberra?

Let me clarify one point in this debate. Abortion is not an illegal procedure in Australia. It is a procedure that is carried out on an estimated 1,500 ACT women each year. The injustice of the present system is that this is conducted in Sydney, in Melbourne, and more widely - in fact, anywhere else but here. The necessary follow-up services are not properly coordinated and it is women's health that is suffering. As I have stated, I believe that the decision to terminate a pregnancy is never an easy one. What Canberra eventually needs, I believe, is a comprehensive service for women choosing to terminate their pregnancies. Today we take a small step in that direction by removing the extra trauma that comes with being an ACT woman who chooses to terminate an unwanted pregnancy.

MR WESTENDE (9.03): Madam Speaker, for me it is a tragedy that we have to have this debate, because I owe so much to this country and this community. When I came to Australia we wanted more people, not fewer, and that is the case today. When I arrived I was convinced that you get out of life what you put into it; but, to be as lucky as I am and as I have been, you have to be born first.

Madam Speaker, of all the matters that I will address in this Assembly there will be no issue more important than this one. All the other issues I will address will be about a great many subjects to do with how we live, how we can improve our lifestyles, how we can improve our environment and how we can preserve our past. However, Madam Speaker, the matter before us now is to consider life itself - life, the beginning of life, the sanctity of life, the meaning of life, life itself.

This Bill, however, Madam Speaker, is about the further dismantling of our society. A government that would defend the rights of animals and preserve the trees but views human life as being dispensable has lost its way. Let there be no mistake; our response to this Bill will be a reflection of how this society regards its most precious resource.

For my part, I strongly oppose this Bill. I realise that the Bill will not necessarily change the existing law relating to unlawful abortion, but the mere fact that it will provide for greater accessibility for those requiring abortion sets in train a whole new situation. It is not hard to imagine that the automatic extension of this will be the establishment of abortion clinics, and a further extension of this will be the ready facilitation of abortions virtually on demand. There is no question about it, in my mind.

The Minister for Health, by his own admission, in his introductory address to this Bill, pointed out that the termination of a pregnancy is a safe and relatively simple procedure. What is the Minister trying to say in pointing this out? Is he saying that because it is so easy it really is not a problem? What an indictment of our society if this is how we view the beginning of life. It can be dispensed with quickly and easily, like having your tonsils out. It is just a routine operation. This admission of the Minister's is why so many people in the community are very concerned about this matter and why they are vehemently opposed to it. This is why we have all received so many letters strongly opposing it.

The Minister goes on to say in his speech that the termination of pregnancy is a reflection of our society's failure to provide perfect contraceptive methods. I would like to reply to Mr Moore about this. My church did not tell me to stand up here and say this. What nonsense! What a stupid statement! Madam Speaker, it is also a reflection on this society's very poor attitude towards the sanctity of life. Those who support this Bill speak of convenience, costs, and the woman's right to choose. What are we on about when this question of life can be weighed up against the question of convenience?

This is a very arrogant view of life and the particular role that the woman plays in it. For a start, it takes two to produce a child, but many of the pro-abortion groups would have you believe that the male has no rights in this matter. If you ask them whether the male should be consulted prior to an abortion, they will claim that it is the woman's right to choose. A husband and a wife cannot even open a joint bank account, or close it for that matter, without the approval of both. But a woman may obtain an abortion - - -

Mr Connolly: Madam Speaker, I raise a point of order. I have to question the relevance of a husband and wife opening a joint bank account.

MADAM SPEAKER: Mr Westende, I would remind you to remain focused on the debate. Please continue.

MR WESTENDE: A woman may obtain an abortion without any requirement of consent from her husband or partner. It is relevant, Madam Speaker, in that respect. I have no argument with a woman's right to choose how she conducts her own life and how she wishes to look after her own body, but I do object to the view that the woman should have the sole right to choose over the life of an unborn child. Ready accessibility for abortions will unleash a very grave situation that threatens the very fabric of our society. Greater convenience, economy, a simple solution to an unwanted pregnancy, is not the way to go.

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Madam Speaker, the difficulty one always faces when speaking on a subject such as this one is that they are very emotionally charged, and rightly so. They are issues that deal with attitudes, opinions and beliefs. They are clearly not easy issues to confront as a community. There is a natural diversity of opinions. There is the pressure of keeping up with the times. There are the fears of letting go aspects of the past. You are either a radical or an ultraconservative. The greatest danger, however, is sitting on the fence, not having an opinion either way and drifting with the tide of public opinion. I am quite prepared to express my views on this matter quite openly and unashamedly.

Madam Speaker, I feel sure that this Government feels very strongly that it is doing something quite significant for an important sector of the population. Its members feel quite sure that they are assisting women with a very difficult aspect of their life. I can see why they feel this way, because clearly an unwanted pregnancy does create enormous problems for some women and I can see that an abortion is an option to solve the problems. I can also recognise that if we go down this path it would be much better to have a clinic to handle this in Canberra because it is convenient and less costly. I can see all these arguments; but, Madam Speaker, this is not the right path to go down.

If the Government is so sure about the majority feeling about this way, why not have a referendum? Life has many pitfalls, disappointments and hardships. The good Lord knows that I have had my share. The solutions to these difficult times, in my experience, have not always been readily available to me. However, my abiding belief in the ever changing fortunes of life has strengthened my resolve to never underestimate the strength of the human spirit to come through victoriously over any situation that comes along.

The greatest measure of one's success in life is not the difficulties that one faces, because there will be many and they will come from quite unexpected quarters, but how one handles them. What we need to do instead of furthering the cause of abortion is to encourage people in their pregnancy, offer them good counselling and support, and improve education. I have heard of many cases of people who have had an unwanted pregnancy, but through strong family support, and the support of the community and friends, they have completely changed their view once the child has been born. We must remember that if we approve greater accessibility for abortions we, as a society, are supporting the view of the pregnant woman who does not wish to proceed with the pregnancy. We too are copping out. Clearly, there are exceptions and there is a need for abortion where it is necessary to preserve the woman from serious danger to her life, and I believe that these facilities are in place already. If these facilities are inadequate, then the Government should get its act together and improve the capability in its hospitals.

I have approached this subject with some very simple rules in mind. I love life. I know that whatever start you have in life it can turn out wonderfully well. There is no such thing as a difficult problem that cannot be worked through. Life has a wonderful way of twisting and turning and coming out on top. There is no such thing as an easy life. Children are our future. Life is a gift from God and should therefore be regarded with the utmost respect and thankfulness. Against these simple but tried and true rules, there is no way that I can, in all honesty, agree with this Termination of Pregnancy (Repeal) Bill 1992. We cannot have a

proliferation of readily accessible abortion clinics, and I believe that if there were a referendum on the matter it would show an overwhelming objection to the Bill. The Government knows that, because it purposely withheld announcing its policy during the election.

MS ELLIS (9.15): I rise to speak very briefly on this Bill before the house tonight. Over the past few weeks I have met with a number of people representing both viewpoints on this issue. I have also, over the past few weeks, been placed under extreme political pressure in an effort to make me oppose this Bill. However, much as I respect the views of others, I expect and would hope for a similar respect from them of the view that I and others share.

I strongly endorse the remarks already made by my colleague the Chief Minister, and I will not go to the time-wasting effort of repeating those. I also endorse the remarks already made to this house by the Attorney-General in his legal interpretation of what the repeal of this Act actually means. I have very carefully considered the Bill before the house, and I feel very confident in my decision to support it.

MR DE DOMENICO (9.16): Madam Speaker, I will try not to get emotional, but I believe that I am not going to succeed. I have heard a lot said about a definition, and I quote what Mr Berry, our esteemed paragon of medical knowledge in this town, said:

Abortion is a safe and relatively simple procedure.

Let us make no mistake about what this debate tonight is about. It is about abortion.

Mr Moore: It is about control.

MR DE DOMENICO: It is about abortion. You sit down and give me the courtesy of listening, and I might do the same for you.

Seeing that it is about abortion, let me tell Mr Berry that I do not believe that it is the safe and relatively simple procedure that he believes it is. Let us talk about what abortion is all about, and I will give a couple of examples. The most common method is suction aspiration, which is usually performed during the first 12 weeks, or the first trimester, of pregnancy. The entrance to the woman's womb, the cervix, is dilated by inserting rods, dilators, of increasing size. A hollow tube, a cannula, with a sharp-edged tip is inserted into the womb. The unborn child is shredded and pulled through the tube by suction many times more powerful than a household vacuum cleaner. About 93 per cent of abortions in South Australia were performed by this method in 1983. Who knows how many by now?

There is another method for this safe and relatively simple procedure.

Mr Moore: Coat-hangers.

MR DE DOMENICO: It is dilation and curettage, or D and C - or, as Mr Moore suggests, the coat-hanger. Let the record show that that is what Mr Moore said - the coat-hanger approach. We are talking about human life, and you say, "Coat-hanger". Shame on you! In dilation and curettage, the next most common

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method of abortion, the womb opening is enlarged with dilators and a loop-shaped knife is inserted. The unborn child is cut into pieces and scraped out of the womb. About 4 per cent of South Australian abortions are performed in this way.

Mr Connolly: Did you talk to Mr Humphries about this when he was Minister?

MR DE DOMENICO: I am talking to you. You are the Government. You are presenting the Bill in the house, Mr Connolly, not Mr Humphries.

The saline method is the most common for second trimester - three to six months - abortions. A concentrated salt solution, hypertonic saline, is injected into the amniotic sac which surrounds the unborn child after the removal of some of the amniotic fluid. The unborn child may breathe in the salt solution, which may burn the unborn child's lungs, and it may swallow some, which burns its stomach and intestines and may poison the unborn child. The salt solution also burns the skin of the unborn child. The child struggles, haemorrhages, goes into convulsions, and dies what is apparently an extremely painful death in a few hours. The mother, of course, goes into premature labour and delivers a dead or dying child. These are the things that Mr Berry has called "safe and relatively simple procedures". There are many more, Mr Berry, but I will save you the rest that I have here.

Other questions have been raised in this Assembly. When does human life begin? Some people say that that has nothing to do with the debate. It is a very fundamental issue in this debate. When does human life begin? When the human egg is fertilised by human sperm and the 23 chromosomes of the father join with the 23 chromosomes of the mother. Mrs Carnell is laughing; she might listen and learn a thing or two as well. Thus, by fertilisation a genetically individual human being is created.

Other things have been said - that these appendages are just part of a woman's body. The unborn baby may, for example, be dark of skin and male with AB+ blood type while the mother is fair skinned with an O- blood type. The baby cannot be part of the mother; it is indeed foreign tissue to the mother.

Ms Follett: What is this about?

MR DE DOMENICO: It is about abortion, Ms Follett. That is what the debate is all about. Whether people accept it or not, it is about abortion, about human beings. When does the heart start to beat? The baby's heart starts to beat 24 days after conception - conception, I am sorry.

Government members: Ha, ha, ha!

MR DE DOMENICO: You are all laughing on that side. I have made a mistake; I am terribly sorry. I am getting emotional. I am terribly sorry. It is a very emotional issue. It is about the killing of unborn babies, Mr Connolly. It gets very emotional, I agree, and I get very emotional from time to time.

When does this baby look human? The baby's arms and legs, fingers, toes, feet, ankles, head and trunk are all present and distinguishable by the fifth week, yet the baby is only one centimetre long. Already the face looks human. Eyes develop from 19 days and the mouth, ears and nose take shape from five weeks.

Ears may even resemble a family pattern by seven weeks. At two months the unborn child has the same physical proportions as a newly born child and almost everything is present, except that these characteristics are much smaller. People say that we should not get emotional. That is what this debate is all about. It is about the possibility - a greater possibility than we have now - of killing future Canberrans. There is no doubt about this.

Let us get political now, because it is also a political debate. That is why we are here. What did the ALP say about abortions before the election? The answer is zero, zilch. When the Liberal Party had a look at the ALP platform and we dared to tell the community what it had in store, we were called all sorts of things. The first thing is that they denied it: No, not true, not on, nothing. People in the community - some of them are outside - have points of view. There are a heck of a lot of them out there. They were not told what this Government was going to do; no-one was told. Yet here we are debating this supposedly crucial issue that cannot wait. So much for consultation. What double standards! What hypocrisy, Madam Speaker!

Mr Moore: What was in your platform?

MR DE DOMENICO: It was not to kill unborn babies, Mr Moore. What was in yours?

Mr Moore: Nothing; the same as yours.

MR DE DOMENICO: What was in yours? What would you do? Nothing; like you usually do.

MADAM SPEAKER: Mr De Domenico, please address your remarks to the Chair.

MR DE DOMENICO: I will. I am sorry, Madam Speaker, and thank you for protecting me from the people that interrupt from time to time. Let us look at what the community has to say. Like all members of the Assembly, I have been written to by a number of people. Let me say that these are letters written to me for and against.

Mr Moore: Is that all?

MR DE DOMENICO: I have some more as well, Mr Moore. Overwhelmingly - - -

Mrs Grassby: You did not get many.

MR DE DOMENICO: Let us listen to what your views are, Mrs Grassby, and what you are going to do about this Bill. Let us listen to what you have to say.

Ms Follett: Madam Speaker, on a point of order: Mr De Domenico is continually addressing his remarks to members other than the Speaker - and in a fairly intimidatory manner, I might add.

MADAM SPEAKER: I have pointed out the rule. I do require you to address your remarks to the Chair, Mr De Domenico.

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MR DE DOMENICO: Thank you, Madam Speaker; I shall respect your ruling, as always. The ALP did not have a mandate from anybody to introduce this legislation. Let us make no bones about it. This is the first step to freeing up abortion in the ACT. There is no doubt about that. We have talked about all sorts of things tonight. A lot of people may think it is strange that we should talk about this issue in the way I am talking about it now. Let me quote just part of a letter I received:

Those who stand up for life against abortion and euthanasia are quickly branded as anti-choice, anti-women, single issue fanatics. The Church -

and Mr Moore will agree -

is told to keep out of politics -

Mr Moore always tells it to keep out of all sorts of things -

and to stop trying to impose a Catholic morality. The issues are far more fundamental than that and we should never allow such unpleasant reactions to close our eyes to the horrendous reality that abortion brings in the untimely death of unborn babies.

That is not some right-wing troglodyte; that is the Archbishop of Canberra, Francis Carroll.

Mr Lamont: A fine Australian.

MR DE DOMENICO: A fine Australian. Let the record show that Mr Lamont says, and I agree with him, "A very fine Australian". Madam Speaker, I will do one more thing while I am on my feet. I will plead, from the bottom of my heart - and here is where I get emotional - that all of you in this room face the facts. We are here tonight to make it easier for women in the ACT to obtain abortions.

Ms Follett: Hear, hear!

MR DE DOMENICO: Ms Follett says, "Hear, hear!". Let the record show that Ms Follett says, "Hear, hear!". We are here, and Ms Follett agrees, to debate whether it is going to be easier for women in the ACT to procure abortions. I have three beautiful kids. Could those of you that have children imagine what life would have been like without those children? Of course that is emotional; it is a very emotional issue. All the people, including Mr Berry, who is smiling and laughing under his breath across the table, would say that - - -

Mr Berry: You are a clown, Tony.

MR DE DOMENICO: He says that I am a clown. If being a clown is standing up for human life, a clown I shall be and a clown I shall continue to be. There is nothing you can do or say to stop me being that, Mr Berry, thank you very much. I say, Madam Speaker, God forgive the people that are going to support this Bill tonight.

Mrs Grassby: Come on, Tony!

MR DE DOMENICO: God will forgive you; but I tell you who will not forget, Mrs Grassby, and that is the people in the ACT, who were not consulted about this. They have very long memories. May God bless you and may God forgive you.

MRS CARNELL (9.27): I think it is important to start by restating what we are debating. We are not debating whether abortion should or should not be legal or even which women should be able to seek an abortion. Those important issues, as Ms Szuty rightly said, have been left to the Crimes Act and to the common law interpretation. Justice Levine in 1971 established a legal precedent when he held that an abortion should be considered lawful if the doctor honestly believes that "the operation was necessary to preserve the woman involved from serious danger to her life or physical or mental health". What we are debating is whether women who are legally entitled to seek a termination should be able to do so in the ACT.

Before the Termination of Pregnancy Ordinance 1978 was passed, an inquiry was held to decide how best to handle this vexed issue - a topic already covered by Mr Cornwell. Substantial community consultation was carried out to ensure that the interests of women and the interests of the community were considered. Interestingly, most of the 47 recommendations made by the inquiry concerned the establishment and operation of an outpatient clinic service within the grounds of a public hospital for first trimester abortions and an in-patient service for terminations during the second trimester. The inquiry recognised the need for counselling and support, a choice of local or general anaesthetic, post-termination check-ups, and the provision of contraceptive information and advice. Unfortunately, again as Mr Cornwell said, the Federal Government of the day rejected all but two of these recommendations, so the ACT got legislation restricting terminations of pregnancy to a public hospital and the ACT missed out on a properly supported service.

The question we must ask ourselves is: Has the Termination of Pregnancy Act been successful? It certainly has stopped the establishment of private clinics, but has it in any way protected the interests of women or of the community? The average rate of abortions per 1,000 ACT women aged between 15 and 44 years for the year ended June 1991 was 16.6. The Australian average was 17.1. These figures are based on Medicare claims and therefore exclude abortions done in public hospitals. These figures indicate that the Termination of Pregnancy Act has done nothing to reduce the number of ACT women obtaining abortions each year.

Debate interrupted.

ADJOURNMENT

MADAM SPEAKER: It now being 9.30 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

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TERMINATION OF PREGNANCY (REPEAL) BILL 1992

Debate resumed.

MRS CARNELL: There is also nothing to suggest that the Act has resulted in more women choosing to continue with their pregnancies with a view to either keeping or adopting out the child. The only thing the Termination of Pregnancy Act seems to have achieved is a situation in which more than 1,100 ACT women annually are forced to go interstate to seek to exercise their common law right - a safe termination. This situation is particularly discriminating against women on low incomes or with no incomes at all of their own or those who are trapped in violent relationships. By any measure, it would seem that the 1978 legislation has been a failure. It would be remiss of any government not to re-examine legislation that has so obviously not achieved its aims. It is for these reasons that I support the repeal of the Termination of Pregnancy Act 1978.

I am confident that every person here today shares my view that abortion is a tragedy and something we as a community must do everything in our power to reduce the need for. Abortion is a tragedy, but this does not mean that we should turn a blind eye to the problem. If we believe that by ignoring the problem or by allowing unrealistic obstacles to stand in the way of women seeking a safe termination somehow the problem will go away, we are making the ostrich with its head in the sand seem positively open-minded.

As an Assembly we should not let our personal views on the morality of abortion, no matter how strongly these views are held, get in the way of our capacity to deal with the reality of the moment. The reality is that women are still being raped, both inside and outside of marriage, that contraception still has a failure rate, that education on fertility control is still inadequate, and that many women still do not have the self-esteem required to exercise their rights in relationships. While we fail to address these issues we also fail to address the problem of abortion. No amount of moralising or pontificating will make this problem go away.

This repeal Bill gives this Assembly the perfect opportunity to set goals for the future, a vision, if you like, to reduce the number of unwanted pregnancies and at the same time to improve the general health and welfare of ACT women. I strongly believe that this can be achieved only by a holistic approach to women's health and fertility needs. We must encourage the provision of an environment in which women can make the decisions that are relevant to their own personal circumstances. This includes the provision of support services for those women who choose to continue with their pregnancies as well as for those who find themselves unable to do so. It includes advice and education on fertility matters, particularly for the at-risk groups, the very young, and educationally and socially deprived women. It also includes the provision of adequate and appropriate counselling services. Let us set this goal and work towards having the lowest abortion rate in Australia, based on knowledge and support but not on prohibition.

MRS GRASSBY (9.34): I rise tonight to oppose this Bill. As I do this, I want to pay tribute to my colleagues in the Labor Party and thank them for their understanding of my point of view, in particular for not subjecting me to a barrage of pressure regarding this very important conscience issue. The respect with which my beliefs have been treated is appreciated and I in turn respect their decision, no matter what that may be. This debate should not turn into a nasty debate. We are all adults here. Yelling at one another does not do this house proud. We cannot change the Act on abortion as it is already legal in all States. To be yelling and screaming at one another across the house does not make anybody who has not been in this house before - there are such people in the gallery tonight - see us in the light in which we should be seen.

I have not come to my decision overnight or even in the past few weeks. The consideration I have given to this debate has taken much longer than that; it has lasted my whole adult life. I would rather see no change in the law as it is in the ACT. The first time I was forced to confront this issue was when I was working as a nurse and came in contact with the victims of abortion. Make no mistake, there are two victims in every abortion - the mother and the child. The child is the immediate victim. However, it often takes years for the mother's problems to be diagnosed and addressed - never cured. I wish woman never had to go through this. Abortion used to be illegal in all States in Australia. In the past women found doctors and, worst of all, backyard clinics that would assist them in this procedure. This often ended in the death of the woman as well as the child. I think this is a great tragedy. In fact, it is for this reason that the current laws were developed. I believe that the law as it now stands is adequate to protect the women and children of Canberra.

Nothing I have seen or been told has convinced me that we know when life begins. I do not believe that anyone actually knows. I have heard the educated guesses and read the arguments, but in such an important area I want to err on the side of caution and give life the benefit of the doubt. This is the way in which we approach our legal system, and I think this is the way in which we should approach the subject of changing the law on abortion in the ACT. To me, abortion is not just a religious matter; it is also a human rights matter. If we believe that life begins at conception, we must believe that this person also has rights - rights that I, as an elected member, must consider in law-making.

I have given careful consideration to this issue and have come to the conclusion that the abortion law as it stands is appropriate for the ACT. I am a woman, a mother and now a grandmother. I have always thought that the responsibility when a woman becomes pregnant is too often left with the woman and that the man involved seems to get off scot-free, other than a contribution of cash towards the termination of the pregnancy. It is the woman who goes through the pain of making the decision and then suffering the operation, while the man suffers nothing more painful than a cash donation. Therefore, I would agree that she should be able to make a decision on her life, but I feel that counselling is a better way to go.

I am not advocating that men be castrated for this act. Copulating is as old as Adam and Eve, and I do know that it takes two to tango, otherwise none of us would be here. But I do wish there was some way that a man could be made to understand and feel the way a woman does about having to undergo an abortion. If there is no danger to the life of the mother, then it is a pity that this is the way it has to go.

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The waiting list in this country for adopted children is over five years, if you are lucky enough to get on the list. This shows us all that, while half the world is trying to abort children, the rest of the world is trying to have them. To me, children are the only heritage worth leaving in this world. In a situation where a young woman or a married couple who are struggling to make ends meet see an abortion as their only solution, such beliefs do not reflect on the people involved but rather on us. I see this as an indictment of our society. Children should be cherished, loved and wanted.

I was perhaps very lucky; my mother was 46 when she had me and my father was 59 at the time. I was the last of six children and perhaps they could have been excused had they decided not to go ahead and have me. However, I am very glad that they decided not to have an abortion, although I am quite sure that there are members opposite who might not agree. My heart goes out to any woman who feels that she has only this path to travel down. I hope that more education and prevention will be taught, not only at school but also in the home. Perhaps if this were the case we would not be sitting here today needing to pass this Bill, because the Act already in place in the ACT would cover it.

I have come to terms with my decision and I will vote as my conscience dictates. I have made this decision as a believer in human rights, as a practising Catholic and as a woman. But I will fight for the right of every member of this house to vote according to what he or she believes is right. After all, that is what democracy is all about. Again, I thank my colleagues in the Labor Party, who have treated me at all times with great respect on this subject.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (9.41): Madam Speaker, I will be supporting this legislation. If I was in any doubt - and I was not - I think the debate tonight would have convinced me. I am much convinced by the weight of the arguments expressed by those in support. I have to say that over many years I have not been an immediate supporter of the provision of abortion. Like others, it is a matter that I have given a great deal of attention to over many years and my views have been formed after quite earnest debate within myself and with many other people.

I will reflect only briefly on some of the major attitudes that were instrumental in my making the decision I have, instrumental in my exercising my conscience vote. First of all, I do not accept that human life begins at conception. I do not believe that. I do not think it is the case. I do believe that individuals, men and women, as far as humanly possible should accept responsibility for their actions. Where people have control over those actions, they should accept the outcome. For me, this is an important principle. I believe that, increasingly, in too many circumstances we pass over to others the responsibility for what we do.

I know that in many circumstances a great number of people have very little control over what happens around them, but for those who can exercise control I make that point. Where something is undertaken that results in a known outcome, then people should accept the repercussions of that outcome. I know that society, quite properly, does intervene to allow people to recover from their foolishness; but I repeat that, for me, that is an important principle.

I would add to what Mrs Carnell said about abortion not being a preferred outcome. I do not think that has been said enough by people who are supporting this legislation. We believe that, but it has not been emphasised. It may be that the necessity for this Bill is an admission of failure in other areas. I am most anxious that the rate of abortions should decline. That, for me, is a very important issue. It is the case that the nonsense of our Irish situation at the moment - sending women to New South Wales to do what we will not do here - requires this change. There is no question about that.

I place strong emphasis on the need for birth control education and extensive campaigns on contraception. It is clear that we need a much greater emphasis on prevention of conception. That is a factor to which I will be giving increasing attention and talking extensively to my colleague Mr Berry about, and also doing what I can as a Minister to promote. All in support of the Bill, I am sure, would agree with me that a reduction in the number of unwanted pregnancies is a key issue and one we must attend to with great emphasis.

MR MOORE (9.45): Madam Speaker, I draw attention to the letter Mr De Domenico waved around before and to the letters that I and other members have received both for and against this legislation. Those letters, added to the phone calls, still do not add up to the number of women who have to go to Sydney in one year.

In many ways it is very strange to be a male debating an issue that is surely a woman's issue - the right to her own body and to make her own choices about her own future. It is really only in the last century that men have dared to become involved in a practice that has gone on for a millennium. It would be just as logical for women to sit around trying to decide whether or not men should be allowed to ejaculate, for example, on a Sunday. I think we need to highlight the fact that when men get into a debate on abortion they do so at the risk of arguing their case for control over women's bodies, and that is the bottom line of the agenda in the debate on abortion.

There is a belief amongst many people that life begins at conception. Mrs Grassby, while respecting other people's points of view, said that she would prefer to err on the side of safety. It seems to me that there are many other people who believe that that is not the case. When it comes to a conflict between those two beliefs, there is only one person left who has the right to decide what kind of impact that belief can have on her life, and that is the woman whose life it is going to affect. We are talking about belief; we are not talking about knowledge. If you do not know the difference between belief and knowledge, it is the difference between being a mother and being a father.

Abortion is an issue for those who really know what it is like to be pregnant and to give birth; to be wholly financially and emotionally responsible for another human being; to have been torn apart perhaps by losing a child to adoption; for those who face losing their economic and emotional choices, their future and that of their dependants. For those who have argued that funds would be best spent in pregnancy support - and many of the people I have listened to over the last two months have - I point out that the problem is not one of pregnancy alone. Support is required on emotional, physical and financial levels for perhaps 25 years or longer. I often wonder about those people. I often wonder whether they really believe that all the woman's problems are over once she has given birth.

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Prevention of unwanted pregnancies, and women's control of their own fertility and bodies, is the most desirable course for women, and here is where I would like to reiterate what Mr Wood has said. There is nothing I would like more to see - and I imagine everybody here agrees - than a reduction in the number of abortions. I do not believe that any woman takes that decision lightly. Of course, no contraceptive is 100 per cent effective. Some women have difficulty persuading their partners to use any contraceptives at all, and there are groups in our society who also attempt to persuade people not to use contraceptives.

Unwanted pregnancies are a fact of life and, as such, so is abortion. The real issue is not whether abortions will take place, because they will; the real issue is about how safe and appropriate are the conditions under which women can obtain them. Under the ACT Termination of Pregnancy Ordinance 1978 abortions are available in certain legally defined conditions, as long as they take place in a hospital operated by ACT Health, and other people have spoken about those conditions. Those hospital regulations ensure that the procurement of an abortion in the ACT is so cumbersome, time consuming and emotionally distressing that most women - we know this - are forced to travel to abortion clinics in Sydney.

Under the present system it is completely at the discretion of individual doctors whether or not a woman is allowed an abortion. It is not a question of her choice; it is a question of whether or not she is allowed by some doctor, who has no understanding at all of the ramifications of her particular situation. Perhaps it is unfair to say "no understanding"; perhaps a doctor does have an outside peripheral understanding. The system of referrals is time consuming and can add weeks to the pregnancy, with more potential for complication of the operation and, of course, more emotional stress for the woman.

Because the operation takes place in routine surgery times in hospital there is no privacy. The woman is often placed in an inappropriate part of the hospital. I have even heard of cases where a woman has been placed in a postnatal ward. There is no choice of operating procedures offered. Medical staff who disagree strongly with abortion are forced to assist with the operation, which is distressing to them, of course, and also to the patient. Support services for women in hospitals - psychological and emotional support, counselling, contraceptive advice or post-termination checks - are also not there. The sorts of important things Mr Cornwell referred to in his report are largely missing.

It is quite clear why women choose to go to Sydney. However, many cannot make the journey. What about women on low incomes or with no income of their own, or no network of support and no experience in dealing with a strange city? What about women who are trapped in violent relationships or have family or other commitments which they cannot leave? For some it may be prohibitively expensive and intimidating beyond contemplation to make that journey to Sydney. Mrs Carnell spoke about the relationship that some women have with their partners which would make it too intimidating in the first place. Those women are often forced to continue with an unwanted pregnancy and are often those who are most disadvantaged in our society.

The current situation in the ACT is not a minor inconvenience but one that can and does have tragic human consequences. Repealing the legislation as it stands means that the woman who is faced with an unwanted pregnancy makes the decision regarding her own body and her own future - not a doctor and not a

Board of Health committee. No referrals are necessary, no humiliation, no waiting for weeks. With the removal of the necessity to travel to Sydney, the woman does not have to rely on financial support or cover for the home, nor does she have to suffer interference by those who do not have to bear the consequences of her action.

My hope for the future is that termination will take place in a supportive, non-judgmental environment, one where confidentiality will be maintained, one that will be supported by staff who choose to work in this area, one where there can be a choice of operating procedures, one where there can be receipt of follow-up support, of counselling, of contraceptive advice, of post-termination checkups.

A good pregnancy termination service should put the physical and mental well-being of the woman first. I think it should be independently managed and staffed by people who are appropriately trained and supportive of the physical and emotional needs of women who use the service. In response to Mr Cornwell's great fear that it may turn out to be a majority of women who control it, it just so happens that 51 per cent of taxpayers in our society are women. So perhaps it is reasonable for them actually to have control of it, if you want to take an economic perspective, as I often hear you do.

Such a service should offer a holistic view on women's health needs and provide an environment in which women can make the best decisions for themselves. It should include pre- and post-termination counselling, advice on reproductive health, a choice of operating procedures and post-termination checkups. It should offer a service that is affordable to women on low incomes. These provisions might assist in reducing the trauma of abortion. The decision whether or not to continue with a pregnancy is obviously a distressing and difficult one for almost any woman. The traumas of continuing with a pregnancy one cannot afford financially, emotionally and physically are far greater than any traumas encountered through supportive, non-judgmental, safe pregnancy terminations.

In my office today a man claiming to be a Christian minister came in and sought an interview. I made time and within the first minute he told me that ten years earlier his wife had had two abortions and that now she suffered greatly. I suggest to you that the reason she was suffering greatly was the psychological pressure that people like him put on her. His whole approach was one of accusing her of murder, in the same way that he then accused me of being a murderer. If he wants to take that line, that is fine. I feel very proud to be able to support this termination of pregnancy legislation and I feel very proud to be part of ensuring that this legislation goes through.

Why is it so important to see counselling as an integral part of the abortion service? Women are encouraged to own their own decisions, and consequently there will be fewer of those emotional complications later. Women who are being coerced into an abortion have a chance to talk about their needs and their options and to make an informed choice on whether to continue with that termination or not. Future unwanted pregnancies are less likely with proper contraceptive information.

Although this Bill repeals the existing oppressive legislation, it is only the first step. Providing the service so desperately needed by so many women in the ACT in an environment which is secure, supportive and safe and which offers counselling, contraceptive advice and many other related services needed by

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women wishing to control their fertility is the second. There are many organisations currently in existence which could be harnessed to work together to provide this much needed service. The repeal of the ACT Termination of Pregnancy Act could pave the way for the establishment of an independent private clinic, should that assist. However, we must be on guard to ensure that clinics offer a holistic approach to women's needs and can guarantee that the service will be appropriate for and affordable by all.

MR LAMONT (9.58): Madam Speaker, the people opposing this legislation say that the question we are addressing is a moral issue, and I agree. It is a moral issue, but it is not a moral issue as they have worn it on their sleeves this evening or as they have attempted to portray it over the last number of weeks and, as Mr Berry pointed out, the last 14 years. I need to interpose one point in relation to a comment by Mr De Domenico. I am the father of three boys. I believe that I understand the joys of parenthood and what it means, not only to me but also to all other people in Canberra as far as their own children are concerned. Let us not suggest that one has the upper hand, as it were, in relation to expressing that type of sentiment.

The legislation before the Assembly is about morals. It is about empowering people to make moral choices, for without choice there is no morality. I quote a well-known British philosopher of this century, A.J. Ayer, who said:

There is no such thing as an individual morality which is enforced by authority.

On this occasion that authority is enforced in this town by the Termination of Pregnancy Act. The opponents of this legislation want me, as a member of this Assembly, to make a moral judgment for any ACT woman seeking an abortion. Madam Speaker, I cannot do that. I cannot and I will not, for two very good reasons. First, I believe that it is not the place of governments to interfere with what is, after all, the private and internal being of a woman. Secondly, even if I thought I could make judgments about such intimate matters, I cannot and should not pretend that I can make moral judgments on behalf of every ACT woman in every circumstance, and that is what people here are being asked to do.

While I respect the right of the opponents of this Bill to put their view, I reject completely the moral absolutism of some of their arguments. I am concerned about the dangers that arise when we presume that moral questions are absolute and that we can make moral judgments on behalf of others. I do not believe that any woman would contemplate and then proceed with the physical and emotional trauma of an abortion without the deepest personal reflection on what such a decision means. Statements by some anti-abortionists that abortions are undertaken by young mothers without due regard for the decision, I believe, reflect poorly on those who make such statements.

What can governments do? Wash their hands of the matter because it is politically unpalatable? The reality which anti-abortionists seem unwilling or unable to accept is that for many women no amount of support services will deter them from their decision, a decision which only they can make, to terminate their pregnancy. Historically, the social cost of trying to ignore this fact has been great and has been counted in terms of dangerous backyard abortions, suicide and infanticide, to say nothing of the economic and social costs.

At the moment, some 1,500 ACT women - four ACT women a day - leave the ACT to have an abortion. If we all just get up here tonight, if we all just rise, those 1,500 abortions will still take place. If we stay and change the law, in all likelihood those 1,500 abortions will also still take place. The question for the Assembly is simply whether the ACT, as a community, is going to accept its burden of responsibility. We have an obligation to ensure that morality does have an opportunity to prevail, that choice is available, that a moral position is able to be determined; but by not repealing the Termination of Pregnancy Act we succeed only in continuing the moral vacuum of the present law.

This issue raises strong emotion in me, and so it should when I hear some of the arguments that have been put forward here this evening, which I had believed that in this country we left behind four and five decades ago. Nevertheless, it is not an issue I propose running away from because others have an opposing view to mine. I will most certainly, and with much pride, support the repeal of this Act.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.05), in reply: I rise in this debate to make it clear that it is the Government's view - a government that has a basis in social justice - that this legislation has to go. I was interested in some of the earlier debate. I was, I guess, bemused by what Mr Kaine said, because it did not seem to make a lot of sense in the context of some of his male Liberal colleagues; but I was disgusted by the tactics of Mr De Domenico, who chose the tactics of the extremists to put an argument in this place - the sorts of extremists that drive to shame women who have sought a termination of pregnancy in the past. I must say that I too felt some shame that a member of this Assembly would resort to those tactics.

In the case of Mr Humphries, I was angered at the odour of hypocrisy which again permeated the atmosphere. I had to look only to the legislation which covered the health services in the ACT to see how clear that hypocrisy had become. Section 6 of the Health Services Act states:

The Board has the following functions:

- (a) to provide health services for the residents of the Territory and, as appropriate, for the residents of the surrounding region;

... ..

Among other things, it goes on to say in section 7:

The Board shall exercise its powers in accordance with any directions given by the Minister.

This is the legislation that was introduced by Mr Humphries, and he was able at any time to direct the board to carry out services in a way that he determined they ought to. Mr Humphries now seizes upon this political issue, ignoring the realities of the past. The hypocrisy here is shameful. I should also refer to something that I found rather curious. Mr Stevenson, whilst he indicated in an earlier debate this day an interest in this matter, has chosen not to speak this evening. I am curious about that. I suspect that the Dennis poll supports those who want to remove this law.

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History shows us that, whatever the legislation relating to termination of pregnancy is, the procedure will still be carried out. It is not because termination is a preferred method of contraception but because contraception has failed, for whatever reason. Once we acknowledge this simple fact, the rest becomes clear. The community then has an obligation to ensure that women have the best advice on how to deal with unplanned pregnancy, including advice on termination of the pregnancy, and access to safe and effective termination of pregnancy services.

From a Labor government's point of view, we must provide better options for women in the ACT. Repeal of the Termination of Pregnancy Act 1978 in the ACT will simply remove the restriction of the procedure to a hospital conducted by the Board of Health, as has been said many times in this debate; but, most importantly, it will improve the options available to women. It will ensure that a sensible approach is taken to this issue. This will mean that the situation in the ACT will be similar to that in New South Wales and Victoria where, under common law, termination of pregnancy is not unlawful if it is done with the honest belief that the termination is necessary to preserve the woman from serious danger to her life or physical or mental health.

We have heard about the 1,100 women who are forced to go interstate. Some of those, I suspect, even with the repeal of this legislation, might choose to exercise that option. But that is what it is all about - improving the options available to ACT women. Why should they be discriminated against? Why should male members of the Liberal Party and other sections of the community argue that they should continue to be discriminated against? They should not. Repeal does not mean that backyard abortionists will flock to Canberra to terrorise the women of the ACT, as has been suggested by Mr Cornwell. Services in the ACT will be safe and professional and will include adequate counselling before, during and after the procedure. The medical profession is strictly controlled by its own registration boards, and soon in the ACT there will emerge a very comprehensive complaints unit for dealing with these sorts of matters. So it will be comprehensively regulated. Mr Cornwell need have no fear.

Repeal of the Act does not mean that more Canberra women will choose to terminate their pregnancies. In fact, with proper counselling, women will be able to make more informed choices. I hear the men muttering, "Yes, it does". Again, men are experts in these matters. Four of the five women in this Assembly have indicated their support for the repeal of this legislation. I suggest that you take some notice of the experts, Mr Humphries. Repeal simply means that, if a woman decides to terminate her unplanned pregnancy, she has the choice of a number of different termination of pregnancy services in the ACT, instead of only one service in the public hospital system, and that clearly has not worked, as was adequately explained by Mrs Carnell. Women in the ACT find the current legislation so restrictive that many go interstate.

For some women, it will continue to be appropriate for terminations to be carried out in the public hospital system, and that is why this Government will continue to provide those services in the public hospital system, as Mr Humphries did. For others - the majority of ACT women - the idea of undergoing a termination of pregnancy in the institutional setting of a hospital is not acceptable. Labor will ensure that counselling and support services are available and accessible to those in need, whether they have the procedure in a hospital or in a community setting.

Under the current restrictive legislation in the ACT, women go to Sydney to the special purpose clinics, ranging from small scale feminist collectives through clinics run by medical practitioners to private clinics catering for larger numbers of women seeking terminations. There is no reason why that cross-section should not occur in the ACT. These pregnancy termination clinics offer safe, efficient, timely and non-judgmental - I emphasise that - services for the termination of pregnancy. Again, it improves the options for women. The question of pregnancy termination is not new. It is not new for the Labor Party, even though members of the Liberal Party might try to create the impression that it is. It has been part of Labor's platform for a decade. The issue was raised by the Liberals during the election campaign earlier this year. However, it generated little debate at the time.

Mr Humphries: It was not raised by you; it had to be raised by us.

MR BERRY: You could not get it to kick off because it was not a matter of interest. This shows that most Canberrans are not opposed to liberalising pregnancy termination. That is the clear position. Back in the days before self-government the debate raged about the provision of pregnancy termination, as has been discussed. I am talking about the examination by the Standing Committee on Education and Health, to which Mr Cornwell referred. Since that time, and the time of the House of Assembly report, many groups have lobbied for a change in the ACT law. These groups have played a key role in promoting the arguments in favour of a woman's right to choose. That is what I stand for - the woman's right to choose.

I would like to thank all those who have put their shoulders to the wheel in pursuing this course and who have put a lot of their personal time and energy into pushing for the repeal of this very old-fashioned law. They recognise, as many progressive people recognise, that community support for the right to choose has increased massively. It is clearly time to reform this outdated law and to ensure that women have access to safe and professional services locally.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 10

Mr Berry
Mrs Carnell
Mr Connolly
Ms Ellis
Ms Follett
Mr Lamont
Ms McRae
Mr Moore
Ms Szuty
Mr Wood

NOES, 7

Mr Cornwell
Mr De Domenico
Mrs Grassby
Mr Humphries
Mr Kaine
Mr Stevenson
Mr Westende

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1 agreed to.

Clause 2

MR KAINE (Leader of the Opposition) (10.18): I move:

Omit the clause.

The amendment is a simple one; that is, that clause 2 be deleted from this Bill.

Mr Connolly: Madam Speaker, I raise a point of order. Standing orders provide that an amendment cannot negative the Bill. As this is a repeal Bill and this is an attempt to drop the repeal Bill, I would submit that that is inappropriate within the forms of the house. If it is not in the standing orders, I suggest that we look at the practice. An amendment to a Bill cannot negative the effect of a Bill, as I understand the position.

MR KAINE: Madam Speaker, the standing orders do say that each member is entitled to speak twice for 10 minutes in the detail stage of the Bill, and I wish to speak only once.

MADAM SPEAKER: Mr Kaine, would you give me one minute while I consult the standing orders and speak to the Clerk.

MR KAINE: On a point of order, Madam Speaker, if you are unable to make up your mind that you can rule against - - -

MADAM SPEAKER: Mr Kaine, I was not receiving advice from anyone but my Clerks, and I am about to rule on the point of order. I am upholding your right to run that amendment.

MR KAINE: Thank you. I am glad you made that clear. I think it is appalling that members seek to influence the Speaker - - -

MADAM SPEAKER: Mr Kaine, I have already noted that that was not the case, and I will not have my judgments impugned in that way. I was listening to the Clerks.

MR KAINE: My apologies, Madam Speaker; but I suggest that the Minister keep away from the Speaker in such circumstances.

MADAM SPEAKER: I am sure he has heard that advice.

MR KAINE: The reason why I have moved this is very straightforward. We have heard a lot of debate, and this is the last opportunity for members of the Assembly to consider their vote. Once they vote on this clause, the Bill will pass. I seek to have members consider this very carefully. I would like to refer to a few things that came out during the debate and draw the attention of the people who made those statements to one fact.

Mr Wood spoke very earnestly about reducing the number of abortions - a very worthy, very commendable objective - but repealing this Act will not achieve it. The simple repealing of this Act will in no way affect the number of abortions. Mrs Carnell spoke about setting in place - - -

Mr Moore: On a point of order, Madam Speaker, under standing order 52: I believe that the Leader of the Opposition is reflecting upon a vote of the Assembly that has already been taken.

MR KAINE: Mr Moore does not want to debate the detail stage of the Bill. He wants to ram it through without further debate.

Mr Moore: No, I am just raising the issue of standing orders. If you want to say that the standing orders will do it, fine.

MADAM SPEAKER: The standing order Mr Moore is referring to states:

A Member may not reflect upon any vote of the Assembly, except upon a motion that such vote be rescinded.

Mr Kaine, proceed, and just keep that in mind, please.

MR KAINE: Thank you, Madam Speaker. I am not reflecting on the vote; I am reflecting on what people said in connection with that vote. I think it is a rather different matter. Mrs Carnell spoke about setting in place a full process relating to abortion - again, a commendable and worthy objective - but repealing this Act does absolutely nothing to achieve it. This Bill is about repealing a Act. Other members spoke about arrangements that would remove the necessity to travel to Sydney for an abortion. Repealing this Act will not affect that one iota.

Mr Connolly: On a point of order, Madam Speaker: Having had the opportunity to study more carefully the standing orders, I draw your attention to standing order 141, which says:

An amendment shall not be moved if it is inconsistent with a previous decision on the question.

As we are debating a repealing Bill and as the Assembly has taken a vote and recorded 10-7 in-principle agreement on a repealing Bill, I would draw your attention to that standing order. The question that must arise is: Is not an amendment to remove the operative repealing provision inconsistent with a previous decision on the question, the Assembly having just voted 10-7, in principle, in favour of a repealing Bill?

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MADAM SPEAKER: My advice, Mr Connolly, which I think is interesting, is that we have not voted on the Bill. We have voted only that we agree to it in principle. It is the right of any member then to move amendments until the whole Bill is dealt with. That is my advice, so we will proceed that way.

MR KAINE: Madam Speaker, I would have thought that, on an issue as sensitive as this and one which is going to have profound effects for the community, Mr Connolly - - -

MADAM SPEAKER: Mr Kaine, there is also a standing order, the number of which I cannot remember at the moment, that does ask you to address the Chair. Would you please do so.

MR KAINE: I am addressing the Chair, Madam Speaker.

MADAM SPEAKER: You are addressing the chamber.

MR KAINE: Madam, it does not require that I face you. It requires that I address you, and, Madam Speaker, I am addressing you.

MADAM SPEAKER: Thank you, Mr Kaine. Please proceed.

MR KAINE: Mr Lamont talked about empowering people to make choices. Repealing of this Act does not do that. They have the same choices now as they will have once the Act is repealed. Mr Berry said, "Labor will ensure that counselling is available". Repealing this Act in no way affects whether counselling will or will not be available. Those points are not relevant to the repeal of this Act. All of those things can be achieved with this Act in place, but by changing other procedures and other Acts.

I submit that, before people vote on this final clause of the Bill, they need to think carefully whether the repeal of this Act serves any useful purpose and whether it will achieve the objectives they have set. If they agree that repealing this Act will not achieve the objectives they are talking about, then they are in honour and conscience bound not to vote to repeal it.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.25): Madam Speaker, the Government will oppose this amendment.

Amendment negatived.

Clause agreed to.

Title agreed to.

Question put:

That this Bill be agreed to.

The Assembly voted -

AYES, 10

Mr Berry
Mrs Carnell
Mr Connolly
Ms Ellis
Ms Follett
Mr Lamont
Ms McRae
Mr Moore
Ms Szuty
Mr Wood

NOES, 7

Mr Cornwell
Mr De Domenico
Mrs Grassby
Mr Humphries
Mr Kaine
Mr Stevenson
Mr Westende

Question so resolved in the affirmative.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 10.27 pm

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ANSWERS TO QUESTIONS

MINISTER FOR HOUSING AND COMMUNITY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION N0.88

Chapman Hostel

Ms SZUTY - Asked the Minister for Housing and Community Services

- (1) What is the level of staff provided?
- (2) How many full-time, part-time and casual staff are employed?
- (3) Are ancillary staff available to meet residents needs, such as physiotherapists, occupational therapists or speech therapists? _.
- (4) How do current staffing arrangements compare with the staffing arrangements in place when Chapman Hostel was opened?
- (5) what formal qualifications and training are required of staff prior to commencement of work?
- (6) Is there a requirement for staff employed to have a first aid certificate?
- (7) Do all staff currently employed have first aid certificates?
- (8) If all staff currently employed do not have first aid certificates, what is the reason for this?
- (9) What ongoing training is provided for staff?
- (10) what are the arrangements for the briefing of staff commencing shifts by staff completing shifts?
- (11) What staffing arrangements are made for the employment of new staff following the termination or retirement of staff?
- (12) what staffing arrangements are made in the interim period between the retirement of current staff and the commencement of new staff?
- (13) Is a communication book used for the transfer of messages and information between staff?

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- (14.) How does the management ensure that all relevant information pertaining to residents is recorded in the communication book?
- (15) How is confidentiality maintained on behalf of the residents?
- (16) Which members of staff are responsible for dispensing medicine to residents?
- (17) Are these members of staff qualified to dispense medicine?
- (18) What are the security arrangements for the holding of medicine?
- (19) Has there ever been any occasion where medicines for residents have not been screened?
- (20) What arrangements are in place for the safe ..
keeping of residents clothing and personal belongings?
- (21) On the occasions when set procedures are not adhered to by staff members. to the detriment of residents what follow up action is taken by management.
- (22) What activities are organised for residents apart from their daily program and attendance at special schools?
- (23) What do the fees cover which are paid by residents?
- (24) In 1990-91 what were the total costs involved in the running of Chapman Hostel, less the money paid by residents?
- (25) In 1990-91 what would the total costs have been for maintaining Chapman Hostel residents in the hospital system?
- (26) To what extent are the parents of residents involved in decision making?
- (27) Has the Minister announced any plans to close Chapman Hostel in the near or distant future?

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

- (1) The current staffing level in Chapman Hostel is 4 staff to 8 clients at peak times (i.e. 7am 9am and 4pm - 7pm each day of the week). In addition, nursing staff are employed 24 hours a day by the ACT Board of Health, Community Nursing -Intellectual Disability Program (IDP).
- (2) Intellectual Disability Services (IDS) employs staff in the Technical Officer (TO) and General Service Officer (GSO) streams. In Chapman Hostel the following staff are employed:

T03 x 1 Full-time House Manager

T02 x 2 Full-time -

TO1 x 2 Full-time

TO1 x 1 Part-time

GS04 x 3 Full-time

GS04 x 3 Part-time

GS04 x 3 Casual

Nurse x 3 Full time

- (3) The IDS Resource and Assessment Team provide ancillary services on a consultative basis. The following staff are usually available:

- Physiotherapist - Occupational Therapist - Occupational Therapist Aide - Psychologist - Speech Therapist - Recreational Officer plus an assistant - Social Worker

- (4) When Chapman Hostel opened in 1988, eleven clients resided at the facility with a twelfth bed occasionally being used for respite clients. The staffing arrangements at that time were 4 staff during the hours of 7am to 10pm each day of the week with two staff on night duty. In addition, a GS02 housekeeping position was employed. The Hostel now accommodates 8 clients and current staffing arrangements are as outlined in Answers 1 and 2

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above. The GS02 housekeeping position no longer exists because it has been subsumed into the Developmental Service Officer structure and has been reclassified to a GSO4. The staff:resident ratio has increased.

- (5) Since implementation of the Developmental Service Officer career structure in August 1990 the following circumstances apply to IDS employment of staff. Officers employed in the General Service Officer (GSO) stream should have sufficient relevant experience to undertake the duties required. Officers employed in the Technical Officer (TO) stream at the TO1 level are expected to obtain the Advanced Certificate in Community and Special Care. Officers employed at the T02, T03 and T04 levels are expected to obtain the Associate Diploma in Community and Special Care.
- (6) There is no requirement for staff to have a First Aid certificate. Nevertheless, First Aid is a component of the Community and Special Care Course and is a desirable qualification.
- (7) No, not all staff have First Aid certificates. Approximately 50% of staff employed at Chapman Hostel hold a First Aid certificate.
- (8) Although approximately 50% of IDS staff employed at Chapman Hostel possess a First Aid certificate, there is no requirement for them to do so. Nevertheless, nursing staff are available to the residents of Chapman Hostel 24 hours per day in view of the high health support needs of residents.
- (9) IDS employs a staff development officer whose responsibility is to meet the training needs of IDS direct-care staff. Training is provided in such areas as: orientation; behaviour management; conflict resolution; passive selfdefence; epilepsy management; medication administration, etc.
- (10) At the commencement and conclusion of each shift, it is the responsibility of the senior staff member on duty to hand over to the incoming senior person. The handover period generally lasts about an hour. A communication

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book is also used to facilitate the transfer of responsibility from one shift to the next.

- (11) When a staff position becomes vacant the normal Public service recruitment procedures are followed for the purpose of recruiting new staff.
- (12) If the vacancy period is likely to be more than one calendar month and under 2 months the most efficient available officer would be offered higher duties. If the vacancy is likely to be more than 2 months then expressions of interest are invited from the staff of all other residential facilities and interviews are held. This action is taken as an interim measure.
- (13) Yes, a communication book is used in all IDS residential facilities.
- (14) Staff are instructed and reminded of the necessity to use the communication book. It is the responsibility of the House Manager to ensure that the communication book is used correctly by staff. The communication book is one of a variety of mechanisms used to ensure that information on residents is appropriately recorded. A written report is also completed on each client at the end of each shift.
- (15) All IDS staff are made aware of their obligation to maintain confidentiality at all times. This subject is covered in the orientation course conducted by IDS.
- (16) No IDS staff member is allowed to dispense medication. At most residential facilities IDS staff are responsible for administering medication to clients. However, at Chapman Hostel the IDP nurse is responsible for administering medication.
- (17) Only a pharmacist is qualified to dispense medication. IDS staff are not required to hold a qualification to administer medication.

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- (18) In Chapman Hostel medication is secured in a locked cupboard and the key to that cupboard is held by the nurse on duty.
- (19) At Chapman Hostel it is the responsibility of the IDP nurse to screen all medication when Webster Packs arrive at the Hostel and prior to administering the medication to clients. There is no record of medication being administered to a client without the above screening process taking place.
- (20) All residents are provided with their own storage space for personal belongings and clothes. Any item belonging to a resident is clearly labelled for easy identification. An inventory is also kept of all items owned by each individual client.
- (21) In situations such as this the matter/incident would be thoroughly investigated. Counselling and/or disciplinary action would be taken as necessary.
- (22) Residents are encouraged to participate in the age-appropriate activities of their choice, including shopping, picnics, walks, movies, swimming, etc.
- (23) The Accommodation Fee is a contribution towards the cost of food, accommodation, special equipment, domestic supplies, medical and surgical supplies, repairs and maintenance, transport, electricity, phone, rent, etc.
- (24) Accommodation Fees are paid to the Receiver of Public Monies. Fees paid by the residents of Chapman Hostel for the 1990-91 financial year were \$45,000. The total cost of operating Chapman Hostel for that same year was \$630,000. The total cost of running Chapman Hostel less the money paid by residents for the financial year 1990-91 was \$585,000.
- (25) If the residents of Chapman Hostel were to return to live in the hospital system it would cost approximately \$1.1 million per annum to maintain them.

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(26) Residents, parents and advocates are encouraged to participate in decision-making within an established Committee of Management forum and as part of the individual client service planning process, both of which operate in all IDS residential facilities. Parents and advocates are also encouraged to approach staff on any matter of concern at any time.

(27) There are no plans to close Chapman Hostel.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 109**

Housing Advisory Committee

MR CORNWELL - asked the Minister for Housing and Community Services

(1) Does the ACT have a community-based consultative committee on housing; if so, who are its members, by name, and what are their individual qualifications for membership.

(2) What is the Committee's terms of reference.

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

(1) Yes. The Housing Advisory Committee comprises the following membership:

Mr K Horsham - Chair, and General Manager Housing and Community Services Bureau;

Ms R Fuzzard - representing the ACT Youth Accommodation Group;

Mr J Mason - representing the ACT Council of Social Service;

Mrs S Doobov - representing the Council on the Ageing;

Ms J Whitmore - representing the Welfare Rights and Legal Centre;

Ms U Loewald - representing the Migrant Resources Centre;

Mr B Yvanovich - representing the Real Estate Institute of the ACT;

Mr M Crowe - representing the Housing Industry Association;

Ms R Woodruff - representing the Association of Tenant Managed Housing;

Mr B Bryant - representing the Master Builders Construction and Housing Association;

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Mr B Hickey - representing the Commonwealth Bank;

Mr K Johnson - Geography Department, Australian National University;

Ms M Hodge - representing the Disabilities Services Advisory Committee;

Ms M Hughes - representing the ACT Tenants Union;

Mr R Templar - Exofficio representative - Commissioner for Housing

(2) The Committees terms of reference are:

To advise the Minister responsible for housing in the ACT on the Housing Trusts strategic direction and priorities based on an evaluation of its performance, in particular:

-The extent to which the Housing Trusts programs meet its corporate goals, that is;

.accessibility of Housing Trust services;

.responsiveness and appropriateness of Trust services to community needs;

-Priorities for housing assistance;

-Areas and levels of unmet need;

-Other matters referred by the Minister or the Commissioner for Housing.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 111**

Housing Trust - Maintenance Waiting Times

MR CORNWELL - asked the Minister for Housing and Community Services -

What is the average waiting time for (a) major and (b) minor maintenance of ACT Housing Trust properties.

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

(a) and (b) Major and minor maintenance of ACT Housing Trust properties is carried out by the Building Assets Maintenance Section (B.A.M.S.) of the Department of Urban Services. B.A.M.S. does not keep statistics on average waiting times for such work.

As a matter of policy, B.A.M.S. endeavours to attend to requests for major (urgent) maintenance within four hours, and minor (nonurgent) maintenance within fourteen days of receipt of a request.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 117**

Townhouses - Novar Street, Yarralumla

MR CORNWELL - asked the Minister for Housing and Community Services -

In relation to the construction of seven townhouses beside Killymoon Court, Novar Street, Yarralumla:

- (1) Who chose the design.
- (2) What is the cost per unit to the ACT Housing Trust.
- (3) Are the units for occupancy by Yarralumla-based Housing Trust tenants.
- (4) What is the value of the land.

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

- (1) The housing units referred to are located on Block 22 Section 54, and are north of Killymoon Court. These units were designed by Munns Sly Scott-Bohanna Moss Pty Ltd and the design was approved by the ACT Public Works and the ACT Housing Trust.
- (2) \$102 714 per unit.
- (3) The units are available to clients on the rental housing waiting list who are registered for this type of accommodation and who have specified a preference for South Canberra.
- (4) The Unimproved Land Valuation is currently \$272 000.

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**MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION 122**

**Health Budget - Visiting Medical
Officers Remuneration**

Mrs Carnell - asked the Minister for Health

Will further supplementation to the Health budget be required to cover the recent 9% remuneration rise for Visiting Medical Officers?

Mr Berry - the answer to Mrs Carnells question is

ACT Health are entitled under the Business Rules to supplementation for the increased costs of Visiting Medical Officers. Health have estimated that the recent rise will result in \$801,000 additional expenditure this financial year. A claim for supplementation of that amount is currently being considered by the Treasury.

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**MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION 126**

Public Hospitals - Oncology Beds

Mrs Carnell - asked the Minister for Health:

How many oncology beds were provided in the public hospital system in (a) July 1991 and (b) how many are there now?

Mr Berry- the answer to Mrs Carnells question is:

There were 30 acute and 5 day procedure oncology beds at Woden Valley Hospital in July 1991. In April 1992 there were 30 acute, 6 day only medical oncology and 7 day procedure beds available for chemotherapy patients.

Eight recliner chairs were available for chemotherapy day patients at Calvary Public Hospital in July 1991 and in April 1992. Currently Calvary has one scheduled session a week. In addition, dependent on demand, chemotherapy is available at any time the Day Care Unit operates. The Day Care Unit presently operates four days per week. Oncology patients may also be admitted, on a day only basis, to the medical wards.

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Legislative Assembly Question No. 132

Burglaries

Mr Humphries - asked the Attorney. General

- (1) How many cases of burglary have .been reported to police in the Territory during the. current financial year.
- (2) How does this compare with previous years.

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

Under section 102 (1) of the Crimes Act 1900, the offence of . burglary occurs where a person enters Or., remains any building as a trespasser with intent -

- (a) to steal anything in the building; or •.
- (b) to commit, an offence involving an incident on a person in the building of involving any.-damage to the building or to property in the. building.

- (1) During the period 1 July 1991 to 31 May 1992, 4;780 alleged -burglaries were reported to police. .
- (2) Details regarding the number of alleged.burglaries reported to police for the same period in the two previous financial years are as follows:.

1 July 1989 to 31 May 1990 . - 3831 (4581)

1 July 1990 to 31 May 1991 - 3792: (4228)

The numbers in brackets represent full financial year figures. . .

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MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION No 208

Roads - Line Markings

Mr Cornwell - asked the Minister for Urban Services:

- (1) When is it proposed to paint out line markings in Launceston Street, Lyons and Redfern Street, Cook, originally prepared to allow children safer road crossings to Curtin and Macquarie Primary Schools.
- (2) If it is not proposed to paint out these markings;-why not.

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

- (1) The line markings on Launceston Street between Devonport Street and Burnie Street will not be reinstated when the street is resealed. Line markings on Launceston Street adjacent to concrete refuge islands will be maintained.

The line markings on Redfern Street will be maintained. The concrete islands and line markings provided on this street are considered effective measures for reducing vehicle speeds and assisting children cross the road. Some children from the Cook area do cross Redfern Street to reach Macquarie Primary School.

- (2) Simply painting over line markings does not effectively remove them. It is necessary to sand blast line markings to eradicate them and there are substantial costs involved with this process.

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