



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

9 December 1992

Wednesday, 9 December 1992

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MADAM SPEAKER (Ms McRae) took the chair at 10.32 am and read the prayer.

PETITION

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

By **Mrs Grassby**, from one resident, requesting that the Assembly call on the ACT Government to immediately reinstate ACT low income earners' entitlements to receive the school clothing allowance and free school bus passes for their children, and that the ACT Government engage in proper community consultation as part of a thorough review of both programs.

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

Low Income Families - School Entitlements

The petition read as follows:

To the Speaker and Members of the ACT Legislative Assembly for the Australian Capital Territory,

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the School Clothing Allowance entitlement for low income families administered by the ACT Government has been cancelled and that children of low income earners, who previously received a free school bus pass are no longer provided with one if, for primary school children, they live within one kilometre or, for secondary school children they live within two kilometres of the school.

Your petitioners therefore request the Assembly to call on the ACT Government to immediately re-instate ACT Low Income Earners entitlements to receive the school clothing allowance and free school bus passes for their children, and further request that the ACT Government engage in a proper community consultation as a part of a thorough review of both programs.

Petition received.

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**EPIDEMIOLOGICAL STUDIES (CONFIDENTIALITY)
(AMENDMENT) BILL 1992**

MR MOORE (10.33): I present the Epidemiological Studies (Confidentiality) (Amendment) Bill 1992.

Title read by Clerk.

MR MOORE: I move:

That this Bill be agreed to in principle.

Madam Speaker, I presented the Epidemiological Studies (Confidentiality) Bill at the beginning of this year and the Assembly was gracious enough to support it. It has come to my attention that there is some doubt about one small section of that Act, as to whether it will achieve its goal. To make sure that there is absolutely no doubt, I have prepared this amendment. That is exactly what it achieves. I think the Bill is self-evident, and I hope that members will be prepared to support it.

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

**HIV NOTIFICATION (LIABILITY OF MEDICAL PRACTITIONERS)
BILL 1992**

MRS CARNELL (10.35): I present the HIV Notification (Liability of Medical Practitioners) Bill 1992.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

The legislation I introduce today has been recommended by the legal working party of the Intergovernmental Committee on AIDS. This legislation is to allow for professional indemnity for doctors in cases where they elect to notify a partner of a person who is HIV positive. The same protection also applies if the doctor elects to notify the Medical Officer of Health using full name and address under certain circumstances. The legislation will give them legal protection for breach of confidence or breach of the right of privacy, again under certain strict conditions. But - and this is a big but - the legislation does not allow doctors to go off notifying third parties willy-nilly. Before doctors can gain the indemnity provided under this legislation, certain conditions must be fulfilled.

These conditions are as follows: Firstly, the doctor must be the one with whom the patient has had professional contact. Secondly, the doctor must have counselled the patient about the effects of HIV and its transmission to other people. Thirdly, the doctor has to have reasonable grounds for believing that the patient may transmit, or has transmitted, the disease to another person. Fourthly, the doctor must have reasonable grounds for believing that the patient has failed to notify his or her partner. Finally, the doctor must give the infected patient an opportunity to tell the partner at risk of contracting the virus, himself or herself. In particular, this means waiting a specified period of time of not less than 21 days. If the period of time specified by the doctor expires and the doctor

believes on reasonable grounds that the patient has still not notified partners at risk, then at that time the doctor may - and I stress may - notify the relevant third parties. As you can see, there is a process involved, and that process must be adhered to if the doctor is to gain legal protection in case of breach of confidence actions.

There can be no doubt that this is moderate and well-balanced legislation. It conforms with the stipulations of the Intergovernmental Committee on AIDS, and it takes into account the interests of the person suffering from AIDS. However, it also allows doctors to act in cases where they believe that there is a grave risk that HIV will be transmitted to other people.

The special need for this legislation comes about because the Government has now decided to have AIDS and HIV notified on the basis of coded information only. This means that in the case of these conditions the notification procedure is no longer serving any public health benefit, as it should. Its sole remaining value appears to be in gaining epidemiological statistical information.

The public health officer has always had the power to take action if she/he believes that there is a risk that a disease may be spread. But, under the coded information arrangements, any powers that the public health officer may have had before have become academic. There is no way of knowing when a public health risk occurs, because the treating doctor cannot pass on the relevant information to the Medical Officer of Health. What good is the power to act if you do not have the information? My legislation attempts to restore some balance to this issue. It attempts to reintroduce public health considerations. In particular, it takes into account the way that HIV is being transmitted within Australia.

AIDS campaigns have paid a lot of attention to the problems of AIDS transmission within the gay community and within the heterosexual community. These campaigns are very important and have a tremendously important ongoing role to play. It is the case, however, that not enough attention has been paid to transmission between the two communities. In particular, it appears that a significant proportion of those men who practise bisexual sex are not being reached, either by education campaigns or by public health measures. I would judge that women are at greatest risk from bisexual transmission of HIV, and not enough has been done to protect them.

The Government certainly has not done enough. They endeavoured to introduce one element of the report produced by the legal working party of the Intergovernmental Committee on AIDS, and then they had the dishonesty to wave around the report as if it were the *Bible*. The truth is, of course, that they did not appear to read past the first page, as I think I have stated before. The Liberal Party would like to address this failure by implementing recommendations of the Intergovernmental Committee on AIDS in a more complete way - unlike the Government, who wanted to introduce only part of the package.

I should point out some additional aspects of this Bill. Mr Berry said in his speech when I moved to disallow the coded notification of HIV that there was no problem, because if a doctor suspected that a patient was engaging in unsafe behaviour he or she could just tell the Medical Officer of Health. I am not sure what the legality of this is, given that the Government has just introduced coded information. You cannot introduce coded information, yet say that there is

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no problem with giving the Medical Officer of Health a patient's full name and address. This would break the law or the regulation the Government has just created. As well, it would break doctor-patient confidentiality and rights to privacy.

In other words, I am just introducing legislation that will make it clear that doctors are allowed to do what Mr Berry said they can do, and that is to notify the Medical Officer of Health in cases of emergency, where the medical practitioner believes that there is a public health risk. All the conditions applicable to notification of a partner also apply in the case of notifying the Medical Officer of Health. For instance, the doctor must have very good reason to fear that the virus will be transmitted to a partner; the doctor must have reason to believe that this partner has not been told; and the doctor must give the patient the opportunity to tell the partner himself or herself.

This means waiting for a period of time specified by the doctor, but this must not be less than 21 days. If this time goes by, then the doctor has to make a choice. He or she can notify the partner, the Medical Officer of Health, or both, or indeed nobody. There is nothing coercive or mandatory about this legislation. It really leaves any decisions up to the discretion of the doctor or the Medical Officer of Health. This means that doctors who are adamant that they would never disclose the full name and address of somebody with HIV can go on doing what they choose to do. There is nothing in this legislation that says that a doctor must do anything at all. The legislation merely conveys an immunity from breach of confidence actions under certain circumstances.

I would admit that this is not a perfectly satisfactory situation. I would prefer to see a situation where the rights of partners are guaranteed. Indeed, we have a situation where the doctor must use his or her discretion, where they are weighing ethical questions in the balance. This puts a lot on the shoulders of doctors. Nevertheless, at least under this legislation they will be able to do so without fear of being taken to court for breach of confidence if they choose to act in the case of a public health emergency. I commend this legislation to the Assembly.

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

BAIL (AMENDMENT) BILL (NO. 3) 1992

MR HUMPHRIES (10.45): Madam Speaker, I present the Bail (Amendment) Bill (No. 3) 1992.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

This is another chapter in the ongoing saga of the ACT's evolving and emerging Bail Act. Members will recall the background of this amendment Bill from two personal explanations which were made under standing order 46 in the house yesterday, and also the Bill which Mr Connolly, the Attorney-General, introduced

in the Assembly last night. The Bill I am introducing today sits on much the same ground as the Bill that the Minister introduced last night in the Assembly, but it has a different and, I think, more far-reaching effect than the Bill which the Minister has presented.

This Bill governs a situation in which a person is apprehended pursuant to an alleged breach of a protection order made under section 27 of the Domestic Violence Act. That provides that a person who has been apprised of a protection order made against him or her - generally him - and who has breached that order has committed an offence. At present, because of the flaw in the law to which the Attorney drew our attention yesterday, such a person is automatically entitled to a grant of bail under the provisions of section 7 of the Bail Act which we passed earlier this year. I think, Madam Speaker, it would be true to say that all members in this place would agree that this situation is wholly unsatisfactory. The potential for violence in this set of circumstances is relatively high, and the community has to ensure that the best possible protection for those shielded by protection orders, particularly women, is maintained.

The Bail (Amendment) Bill (No. 2) - that is Mr Connolly's Bill - cures this problem by removing breaches of Domestic Violence Act orders from the operation of section 7 of the Bail Act. My Bill does go one step further than that, however. My Bill provides that when a person has been charged with an offence under section 27 of the Domestic Violence Act - that is, a breach of a protection order - that person is not entitled to receive bail until such time as he comes before a magistrate. Under the law as the Attorney has proposed it be amended, the person in that circumstance would be entitled to grant of bail in two circumstances. One is where he makes an application successfully to the police, and the second is where he makes an application successfully to a magistrate or judge. Madam Speaker, I would submit that my Bill is more appropriate in those circumstances and represents a toughening of the circumstances in which a person in that position might be granted bail.

There are many cases of continued breaches of bail conditions in these circumstances, I regret to say. I do not have figures on the circumstances of those breaches; but I suspect that it would be true that this particular area - breaches of domestic violence protection orders - is the most fruitful source of such breaches, and by some considerable margin. People behave, regrettably, in an irrational fashion in these circumstances, and the consequences are sometimes quite horrendous.

Members will recall that at this time two years ago domestic violence was very much on the public agenda through the operation of the Gallagher case. This was a situation where a person in an extreme situation was apprehended. That man was granted bail and subsequently went out and killed his wife, his two young daughters and himself. I hasten to mention that that case would not have been averted by the operation of the Bill I am bringing forward today, because that person was granted bail by the magistrate rather than by the police, and it is true to say that in these circumstances the police will generally be more reluctant to grant bail.

The point of this Bill is to send the unmistakable message to men - I say "men" because it is generally men in these circumstances - who choose to breach protection orders that they will almost invariably face the consequence of at least a night in the cells. Breaches of protection orders will have that result.

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It is a highly likely implication of a breach of a domestic violence order, however minor that breach might be. If the police feel sufficiently that the evidence points to a breach having occurred and they feel inclined to lay charges, then that is what a person in that position can expect. The message from the community to those who breach those orders is that the community views this as being of the utmost seriousness and activities of this kind will be little tolerated.

I note from the Attorney's presentation speech last night that the Community Law Reform Commission is presently reviewing domestic violence legislation and is considering the very question of more stringent provisions for persons who breach domestic violence protection orders and restraining orders. It may be, Madam Speaker, that the Bill I present today has to some extent pre-empted that review and, in those circumstances, I am prepared to see what is going on with the Community Law Reform Committee's work and, indeed, even to wait a little while to see what emerges from that process, although that does not mean that I will put it on the backburner indefinitely. The situation is a little unclear in that respect and I hope to be able to discuss this matter with the Attorney in due course. If it is the view of all concerned that this matter should be debated sooner rather than later, I would hope that we could talk about having a cognate debate on this matter and the matter which the Minister laid on the table last night.

To sum up, Madam Speaker, this is a measure to protect the community, particularly women in the community. I believe that it strengthens the affront that the community places to those who choose to commit acts of domestic violence and I hope, in that sense, that it will be supported by members of the Assembly who wish to make sure that the message to such people is quite unmistakable.

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

TRAFFIC (AMENDMENT) BILL (NO. 2) 1992

MR HUMPHRIES (10.52): Madam Speaker, I present the Traffic (Amendment) Bill (No. 2) 1992.

Title read by Clerk.

MR HUMPHRIES: Madam Speaker, I move:

That this Bill be agreed to in principle.

Members may be aware that at present under the law in the Territory it is an offence to ride a bicycle within 10 metres of a shop during shopping hours. Perhaps members are not aware of that. I am not sure that the law is terribly strictly enforced and I am not sure how many of us ride bicycles; but that is the fact. The law does state that and I think, to some extent, it is enforced in certain circumstances.

What this Bill does, Madam Speaker, is extend that particular provision - that is, section 8C of the Traffic Act - in two ways. First of all, it extends the prohibition on the riding of a bicycle in those places to the using of skateboards, roller-skates or rollerblades. The second extension is that it provides that bus interchanges are

to be treated in the same way as shopping centres for that purpose. I do not think any member of this Assembly would be unaware of the many problems which have flowed from the use of skateboards, in particular, and other things, to a lesser extent in - - -

Mr Connolly: We saw someone on the TV last night falling off and creating a hazard to the community.

MR HUMPHRIES: That sort of thing must be put an end to. We will have to deal with that problem. I take that as an indication of support from the Government for this measure. I do not think any of us would not have received some complaints in the last couple of years from people. I have had many such complaints, particularly from elderly people but also from traders, not the least of which have come from Garema Place. The Council on the Ageing has expressed the concerns of many elderly people as well.

Quite frankly, it is incompatible to have people using skateboards in shopping centres where they pose a hazard to others who are going about their business of shopping or using the facilities in those places. Collisions, regrettably, have occurred. I do not think any figures are kept on this, but a great many people have told me about being witnesses to such collisions. I spoke yesterday with a pharmacist in Garema Place who says that he has treated a large number of people, both elderly people and young people, even skateboarders themselves, for injuries resulting from collisions and accidents with skateboards.

There is also the question of damage to property, both public property and private property. If members care to walk around the chess pit in Garema Place they will see that the seats there, which I am told were repainted only in the last three or four months, are severely damaged. Skateboarders apparently find it fun to ride skateboards along the seats, with the result that the woodwork is damaged. There is even damage to the edges of concrete structures in the area of the chess pit. As for private damage, there are cases of people colliding with shopfronts, even cases of skateboards going through windows. That kind of damage is not measured, I suspect, but is certainly of a considerable order when it is all added up.

The worst thing about this matter is not so much the actual damage but the perception of harm and damage that flows from people using skateboards in these circumstances.

Mr Berry: Civic, unsafe at any time, with skateboarders flying through windows.

MR HUMPHRIES: Mr Berry interjects about safety. It is a continuum between minor questions of public safety and major ones, and it all contributes to an environment in which people, citizens of the Territory, feel unhappy and unsafe when moving around public places.

Obviously, it is nothing like as serious as someone being assaulted and robbed, or bashed up in Garema Place after 11 o'clock at night, either without the presence of the Attorney-General or with it; but there is the very real question of elderly people, moving around doing their business, shopping, or going to a restaurant or something like that, in a public place, finding themselves fearful because of the

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hazardous activity going on around them, and they should not have to feel that way. They should not be in that position. We are a community which is highly planned. We have a highly regulated environment in the sense that we have activities designated for particular places. We have roads for cars to travel on, parks for people to relax in and shopping centres for people to shop in. The contention that I make in this Bill is that we should be ensuring that we do not make shopping centres effectively both places for people to shop and use the services there and recreational areas. They are not so designed and that is a poor combination of uses in that one place.

Madam Speaker, banning such activities should not be characterised as being anti-kid. I think skateboarding is great, from the little experience I have had of it. I think that it is certainly much better than some other activities that perhaps young people might engage in. But it is not an activity that can take place anywhere at any time. There are appropriate places for such activities, especially when the activity is a hazardous one. When I say that the legislation is not anti-kid, I am backed up in that respect by the traders of Garema Place. They have indicated that they would like to make sure, if a ban does exist in that area, that an alternative venue is found for those young people to go to, to exercise themselves and to engage in that activity.

One trader in particular, a Mr Pat Develin, a chemist in that area near the chess pit, has kindly offered to start a fund, which I hope the Government will consider working with and perhaps contributing to, either in kind or in cash, to establish alternative facilities for the skateboarders in the general area of Civic. There are plenty of locations that might be suitable for that purpose. Glebe Park comes to mind; possibly somewhere near the Griffin Centre. Certain locations are possible.

Mr Berry: Reid.

MR HUMPHRIES: Reid, perhaps. The Deputy Chief Minister suggests Reid. Madam Speaker, there are all sorts of possibilities. I think that in many respects we would all be happier if a location were found for people to take part in that kind of activity. I understand that the Belconnen skateboard ramp has been a great success. It certainly seems to be well patronised when I have seen it, and I think one in Civic would be equally popular. I spoke to two young people who were skateboarding in Civic yesterday and they travel by bus from Downer several days a week when they have the chance to come to Civic and skateboard there.

Mr Connolly: We have to keep them out of Downer.

MR HUMPHRIES: I do not know what the interjection was. I think it was that people in Downer are irresponsible.

Mr Connolly: No; I said that we have to keep the skateboarders out of Downer.

MR HUMPHRIES: Oh, yes, we have to keep the skateboarders out of Downer; absolutely. Important people live in Downer. I think this Bill is a positive step.

Mr Kaine: We could ban the buses between Downer and Civic, I suppose.

MR HUMPHRIES: That is another alternative. Madam Speaker, we need to be looking at an enhancement of public safety and the public amenity of public places. This is what this Bill does. It gives people the chance to move about in those places designated for that purpose, in safety and security. I think that it is important to indicate to young people that these activities really are not appropriate in these places. I think children are certainly very welcome, for example, in bus interchanges; but I do not believe that we should have children playing in bus interchanges, and that is what they are doing at present.

There is a penalty of \$40 imposed in this Bill. I would hope never to see penalties actually being imposed on young people. Rather, I see this as a way in which the police and others can successfully encourage young people not to use certain public places for that kind of activity. I do not think we need to be strongarmed or heavy-handed about this. I believe that this measure can be subtly but firmly applied to provide a better use of our public amenities. I commend the Bill to the house.

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

PUBLICATIONS CONTROL (AMENDMENT) BILL 1992

Debate resumed from 14 October 1992, on motion by **Mr Stevenson**:

That this Bill be agreed to in principle.

MR LAMONT (11.02): Madam Speaker, when this matter was last before the Assembly - it has been before the Assembly every year for the last four years, and no doubt will be next year - a number of issues were raised and discussed and I wish to address but two of those this morning.

First of all, I refer to child pornography. We have seen a flood of petitions, interstate petitions, directed to this Assembly, asking this Assembly to ban the possession and/or publication of child pornography. It is interesting, Madam Speaker, that we have interstate petitioners asking the ACT to do that, for this is the only legislature in Australia that has done so. In the ACT it is illegal to possess child pornography. That is simply not the case in other jurisdictions. Either the law is silent on the matter or it does not make it illegal to possess child pornography. So, let us get that on the public record. Let us hope that those members of the media who pay very close attention to the activities of this Assembly make that abundantly clear to the people of Canberra - that it is the decision of the legislature in the ACT to make it illegal to possess child pornography.

Let us go one step further. In the ACT it is illegal to transmit child pornography. It is quite clearly an offence punishable by fairly severe penalties. The distribution of child pornography is also illegal in the Australian Capital Territory, with similar penalties. The publication of child pornography, equally as reprehensible as the other three issues that I have just addressed, is also illegal in the ACT. So, let us make it quite clear to people who will take notice of this debate that in relation to child pornography the ACT leads the way in Australia as far as its prohibition is concerned.

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Madam Speaker, in relation to the question of banning X-rated videos, non-violent erotica, there is a very simple issue which Mr Stevenson addressed last night and which I believe puts paid to his arguments that we would drive it underground. That, in fact, is what Mr Stevenson's Bill would do in relation specifically to X-rated videos. It is far better, in my view, to have those issues being addressed through education and through information than it is to drive them underground, and that, quite frankly, would be the simple effect of the Bill proposed by Mr Stevenson.

MR KAINE (Leader of the Opposition) (11.06): Madam Speaker, I support Mr Stevenson's Bill, as I have supported the principle of banning this kind of material in all of the years that I have been a member of this Assembly and its preceding bodies, going back to 1974. I think the facts speak for themselves. With recent action taken by the Northern Territory to ban this material, the ACT is now the only political entity in Australia that permits this kind of material to be produced and distributed here. Not only is it produced and distributed in the ACT; as has been pointed out many times before, it also is being distributed right across the length and breadth of the country into States where currently there are laws prohibiting it.

We are setting ourselves aside as some sort of special community in which this kind of material is okay when it is not okay anywhere else in Australia. To take that view, one has to ask what makes the people of Canberra so different. I do not see anything that is so different about the people that I know in Canberra as compared to the people that I know elsewhere in Australia, and I know a great many people. I see no difference. Yet political bodies across the length and breadth of this country, except here, have taken steps to ban this material. So I repeat: What is so different about us that we are not affected by this kind of material? The answer is that there is no difference.

Wise people across the length and breadth of the country have made the decision that this material is unacceptable. We have the same duty to our community as those people elsewhere have to theirs. But I think that it goes further. In the past we have been able to hide behind the fact that if we ban them here they can always go to the Northern Territory. Well, they tried that. They did go to the Northern Territory when we, the Alliance Government, imposed such a heavy tax on them. They asked to be taxed. They asked to be taxed because they thought that that would legitimise the business. We accommodated them, Madam Speaker, and we did tax them. Then they discovered that they did not like that. They complained that they were being singled out for special treatment, as indeed they were, because in the old Assembly, as in this one, we could not get the numbers to ban this material.

We took other steps and the industry began to migrate. You have been listening to them scream over recent months about the dreadful impositions that this Government put on them. It is very interesting. Since they could not even operate anywhere else in Australia except the Northern Territory, they went there. What did the Northern Territory Government do? The Northern Territory Government did what this Government ought to do. It said, "We do not want this material in our Territory either, and Darwin is not going to be the porn capital of Australia". So, they took steps to stop it.

Mr Connolly: They banned duplication only.

MR KAINE: They have taken steps to stop it. What have we done to stop it? Mr Connolly can look indignant. What has Mr Connolly, as Attorney-General of this Territory, done to stop it? Absolutely nothing. He is going to get up in a minute - I can see it now - and he is going to defend the situation. He is wrong. This Government is wrong.

It is about time that the members of this Government began to accept some responsibility for the moral standards of this Territory. Morality, according to this Government, has gone out the window. There is none. We have no moral standards on abortion; we have no moral standards on drugs; we have no moral standards on pornography. The list is endless. There is the Government that takes this stance; there they sit. They will not, on any occasion, stand up and defend the family. They will not defend any decent standard of community behaviour. They constantly pick, pick, pick away at community standards - reduce them, reduce them, reduce them, reduce them. Not one of them, on the face of it - they may do it in the caucus, but they do not dare do it out here because they will be held to account for it - stands up once and says, as Kennedy said on a very famous occasion in the United States, "We will not take one more step back". It is about time they did.

This matter has been debated in this house and its predecessor many times; yet somehow we have this mistaken view, as I said before, that we are different from the rest of Australia; that we can tolerate this material and it does us no harm. That is not so. I ask the members of the Government opposite to vote on this matter as individuals. I challenge them to vote on the basis of their conscience, not on the basis of what the caucus directs them to do, not on the basis of what the Socialist Left of the Labor Party tells them to do. Let us see you stand up and vote as a matter of conscience. I will guarantee to you, Madam Speaker, that if they do this legislation will go through today.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.12): Madam Speaker, Mr Stevenson has convinced me with some words that he uttered in the Assembly recently. He has convinced me, as he said yesterday, that when you have an evil or an unpleasantness the way to deal with it is not to ban it; the way to deal with it is to meet evil ideas openly. As Mr Stevenson said yesterday, if you ban an evil idea you just send it underground and it mutates into even more evil forms. That is what Mr Stevenson said yesterday when he said, "You should not pass laws against racist material". Mr Stevenson said that the most important thing is freedom of expression, and if you pass laws against an evil thing, which I think he conceded racism was, it can just mutate underground. It is better to deal with it in the open; it is better, Mr Stevenson said, to beat a bad idea with a good idea. Madam Speaker, as I said, that convinced me. That is the basic fallacy in the line that is being pedalled by Mr Stevenson.

Madam Speaker, we have no time for the X-rated video industry. We see no merit in this material. But we do see that it is safer to have it controlled, to have it tightly policed, rather than to encourage the illegal black market in pornography. There is no doubt that if you go into any area in Sydney or Melbourne, if you know where to go, you can buy unclassified material - material that has not been through the very rigorous standards of censorship. We in the ACT take our responsibility for enforcing the laws in relation to X-rated videos quite seriously.

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Members would have seen quite a bit of kerfuffle in the media some months ago when the police mounted a series of major raids in Fyshwick on certain premises in which a lot of material was seized in order to check whether there was unclassified material there. X-rated video material has had to go through a rigorous Commonwealth censorship procedure, and any material which features child pornography is not classified. Violent material, Madam Speaker, is not classified, and we take seriously our responsibilities to ensure that that type of material, that unclassified or unclassifiable material, is not available in the ACT.

I note that Mr Stevenson and his supporters are regularly placing petitions before this Assembly, often signed by people out of the Territory, asking us, firstly, to ban X-rated videos and, secondly, to ban child pornography. Mr Stevenson, your interstate petitioners would be better off petitioning their own State governments because this is the only jurisdiction in Australia where possession of child pornography is an offence. Other States, who may wish to grandstand on this - and the former Police Minister in New South Wales was wont to do this at Police Ministers forums - say: "You are allowing violent pornography and child pornography in the ACT and you should do something about it". Well, first, the violent material is not classified by the Commonwealth Film Censorship Board and, secondly, as well as it not being classified, it is an offence to possess child pornography in the ACT.

Mr Kaine: By Alliance Government law, not yours, Attorney-General.

MR CONNOLLY: No, in fact by a private members Bill brought in by Mr Collaery which was supported by all members. So, we will actually give Mr Collaery some credit.

Mr Kaine: But it was not your initiative and you would never have taken it.

MR CONNOLLY: Nor was it yours, Mr Kaine.

Mr Kaine: So, do not claim credit now.

MR CONNOLLY: You, however, Mr Kaine, have the credit for imposing the tax. It was your tax.

Mr Kaine: You are darned right. Absolutely.

MR CONNOLLY: So, you have the credit for regulating the industry. You have the credit for recognising it, for taking the loot from lust, as I think you described it previously. Then in government you put the tax on. Opposition members then were not going to dignify that.

Madam Speaker, we really have to decide whether we think we can progress the case by banning this material and forcing it underground, or by continuing to tightly control it. I and members on this side would say that it is better, as Mr Stevenson said yesterday in another context, to beat a bad idea with better ideas. We have problems with X-rated videos. There have been debates in this chamber. I think Ms Szuty brought forward a motion some months ago on material that degrades women. We have real concerns about that. We say that the best way to deal with this X-rated material is to put out better images of the role and status of women in the community.

It was pleasing to see Mr Humphries bring in a Bill today, as I did yesterday, about domestic violence. We are all concerned about further protection of women in the community. We are bringing in a Bill this week to make it easier to prosecute for child sexual offences in the ACT. Again I was pleased to see Mr Humphries reported yesterday as saying that that is something that the Opposition will look at. They share our concerns, as I am sure do the Independent members, about the incidence of child sexual assault and making it easier for these matters to be brought before the authorities. Madam Speaker, that is the way you combat the sorts of ideas that may be purveyed in X-rated videos. We have no truck with those ideas, but we say that it is better to keep it legal and controlled than to force it underground.

This Government has supported the Prime Minister's initiative in introducing the additional category for M-rated films. That initiative is progressing, nationally, on the basis of an ACT ordinance which is being drafted in our department. The Commonwealth national film censorship regime hangs on the linchpin of ACT ordinances which, although the Commonwealth will pass them through the parliament, are actually drafted within the ACT administration; so we are helping that issue. To draw a distinction between the M-rated *Crocodile Dundee*-type film, which gets an M because of a bit of language, and *Silence of the Lambs* or other quite violent, quite sexually explicit - - -

Mr De Domenico: Or Mr Keating's question time.

Mr Cornwell: Or fixing the economy.

MR CONNOLLY: Do we want to talk about Fightback? Who wants to defend Fightback? Which bits do you want to defend? It is all going to change next week. You will get new riding instructions, will you not? Madam Speaker, the Labor Party takes the approach that, while we do not like the material that is contained, and the ideas - - -

Mr Kaine: Would you like to defend One Nation?

Mr De Domenico: It is better than One Nation.

Mr Kaine: Where did that disappear to? Down the big black hole.

Mr Cornwell: Defend one million unemployed, Mr Connolly.

MADAM SPEAKER: Order! The chief censor here may well change some of the rules in this Assembly if this persists. Could we have some order, please?

MR CONNOLLY: Thank you, Madam Speaker. While we do not like many of the ideas and images that are being purveyed in the X-rated video industry, we think it is better to keep that industry in the open and under control, rather than force it underground. Mr Stevenson acknowledged that yesterday afternoon in his remarks on the MPI on racism. Essentially, you control a bad idea by keeping it in the bright lights rather than forcing it underground. Mr Stevenson's eloquent remarks yesterday afternoon about freedom of expression and the fact that if you make something unlawful you force it underground and it mutates into even more unpleasant and undesirable forms of evil were a very cogent comment in relation to the trade in ideas.

Mr De Domenico: How many elephants have we got underground?

MR CONNOLLY: Ideas, not elephants, Mr De Domenico. There is a fundamental difference. Madam Speaker, the Labor Party's position on this has not changed. It is the time of the year when the annual debate comes on. We all know that when Mr Stevenson's X-rated video Bill comes forward it is time to start writing the Christmas cards because it is an annual feature on the Assembly calendar. Madam Speaker, we have not changed our mind on this. We have no truck with this material, but we think it is better to keep it in the open and keep it controlled. Any points that opposition members want to make that suggest that we are really not concerned about tightly controlling it are nonsense. It is tightly controlled in this jurisdiction. There have been major raids on premises in Fyshwick in order to monitor the type of material that is being purveyed from those premises. In Sydney or in Melbourne or in States where politicians like to parade about how pure they are on issues of pornography, you can buy as much unclassified and unclassifiable pornography as you want. In the ACT, at least we keep it open and under control.

MR HUMPHRIES (11.21): I am not convinced that the Government has taken a very strong stand in restricting the damage which is done to our community by pornography. We have some lip-service paid by the Government to the need for there to be a stronger community attitude against this kind of perversion, this kind of degradation of women and so on; but I have not seen any evidence of that at all on the part of this Government - none whatsoever - and I am not convinced that it is serious about it. Let us not forget, by the way, that this Government accepted a very considerable donation from the X-rated video industry at the time of the 1989 ACT election, so I would not expect to find that this is a government which is particularly keen to drive home any message about - - -

Mr Kaine: They are suddenly all engrossed in their notes. None of them will even look up.

MR HUMPHRIES: Yes. They are suddenly concerned to make sure that there is some restriction on the damage done to the ACT community, to children and to women, by the existence in this community of this kind of material. Madam Speaker, I remain ashamed that the ACT remains a centre of trade in this kind of material. We quite deservedly attract the title "the porn capital of Australia", and I know that I speak for many people, including members of the Australian Labor Party, possibly even members of this Government sitting opposite who do not really believe in their heart of hearts that this is a very desirable thing to be happening in the ACT.

The fact of life is that this Government, the Australian Labor Party of the ACT, is seriously out of line with all its colleagues in other States. I do not know of a single Labor Party in government or opposition anywhere else in the country that would take the position you are taking here. Almost every other ALP government, either presently in place or formerly in place, has banned X-rated videos in their jurisdiction. They have actually done that.

The argument we have heard in the last few months, repeatedly, about how we have to be in line with other States, about how we have to be in line with New South Wales and Victoria, does not seem to wash when it comes to this sort of issue. Oh, no, forget about other States; we are the one enlightened source of knowledge on this matter. We will stick to our little haven where X-rated videos

can be produced and distributed all around the country. Never mind the fact that we undercut, through section 92 of the Constitution, the right of other States to ban those industries in their places. Forget all that. We are going to make the unilateral decision for all Australians that we want this industry to continue, and we are going to see that that takes place and that it continues and absolutely flourishes. That is an unacceptable point of view, Madam Speaker. I will not be a party to that and I will be supporting the Bill that Mr Stevenson has put up today.

Mr Berry: All your supporters have gone up in smoke, Dennis.

MR HUMPHRIES: We know that the money has changed hands, Mr Berry; so do not paint your position as being one of principle. We know what has happened in the situation; so let us not pretend that anything of principle has happened in this debate. Madam Speaker, access to young people is the particular concern - - -

Mr Berry: Madam Speaker, I take a point of order. Did I hear Mr Humphries say, "We know that money has changed hands"?

MR HUMPHRIES: That is right, and it has. It was reported to the Electoral Commission, remember? It was \$40,000, as I recall, Mr Berry.

Mr Berry: You cannot that money has changed hands between the industry and us, the Government.

MR HUMPHRIES: It has. You got \$40,000.

Mr Berry: Well, there you go. I demand that that imputation be withdrawn - that there has been an exchange of money between the industry and the Government.

Mr Kaine: And the Labor Party.

MR HUMPHRIES: There has been. Between the industry and the Labor Party.

MADAM SPEAKER: Order! Listen very carefully to what Mr Berry is asking on his point of order. It is to do with the Government, as opposed to the party. Order! Mr Humphries, I ask you to make a clarification.

MR HUMPHRIES: Madam Speaker, I withdraw the reference to the Government taking money from the porn industry, and I will say instead that the Australian Labor Party of the Australian Capital Territory, of whom this Government is composed, took money from the porn industry. Money has changed hands, and that is the reason why this Government is taking the position that they are today.

Ms Follett: Madam Speaker, I think that Mr Humphries has only added to his imputation. To say that the reason why the Government has taken that position is that money has changed hands is precisely the imputation that must be withdrawn.

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Mr Kaine: Madam Speaker, I will take a point of order, too.

MADAM SPEAKER: Yes, Mr Kaine.

Mr Kaine: Does the Chief Minister deny that the Labor Party received a major donation from the pornographic industry? If she cannot deny it, she has no point of order.

MADAM SPEAKER: Thank you, Mr Kaine. The denial was never made. The point of order has nothing to do with the Labor Party. It has to do with the imputation that the decision that this current Government is making has to do - - -

Mr Kaine: There was no such imputation.

MADAM SPEAKER: Excuse me, Mr Kaine. The point of order has been taken that there is a belief that the imputation - - -

Mr Kaine: The point of order is unfounded - - -

MADAM SPEAKER: Mr Kaine, I am speaking. Do I have to get to my feet to call for silence?

Mr Kaine: Well, do you want to wave your teacher's cane too?

MADAM SPEAKER: Mr Kaine, please! Mr Humphries, just follow the detail of this. The point of order is on the imputation that the Government has acted because of an exchange of money. The imputation is that the Government has acted improperly. Mr Humphries, I believe that you understand the import of that point of order, and I would ask you to clarify and withdraw any improper imputation.

MR HUMPHRIES: Madam Speaker, it is rather hard to withdraw the imputation, because that is what flows from the facts. If you insist that I withdraw, then I withdraw.

MADAM SPEAKER: Thank you, Mr Humphries; please proceed.

MR HUMPHRIES: Nevertheless, it does turn.

Mr Connolly: You cannot withdraw, and then say, "Nevertheless, it is the case". He has to withdraw.

MR HUMPHRIES: I said, "Nevertheless, it does turn".

Mr Kaine: He did not say that it is true. You should listen carefully, Mr Attorney-General.

Mr Connolly: "It does turn". It is a further imputation. He has to withdraw unqualifiedly.

MR HUMPHRIES: What? Turn? They are very sensitive across the way.

MADAM SPEAKER: Mr Humphries, let me clarify this. I believe that you have withdrawn any suggestion that the Government is acting in a particular direction because the Labor Party received money at a particular time. That is your withdrawal. Can you stay on that course of action, please, Mr Humphries?

MR HUMPHRIES: If that is what you say, Madam Speaker, then that is what has happened. Madam Speaker, I do not think that this Government can get away with what it has done without people being aware of what has happened.

Mr Berry: What has it done? It is more of the imputation.

MR HUMPHRIES: The fact of life is that this Government has taken a position which is out of step with its colleagues in other States, and the other fact of life, as disclosed in electoral records, is that the Australian Labor Party, from which the Government is drawn, has taken a substantial donation from the pornographic video industry. Those are the facts.

Mr Berry: Well, the Liberal Party took it from the tobacco companies, too.

MR HUMPHRIES: That is the accusation you level at us all the time, is it not? You level that accusation at us all the time. So, why is it not able to come back the other way? That is what the Speaker has ruled; so I will not dispute the Speaker's ruling.

Madam Speaker, I believe that we should support this Bill because I am concerned about the degradation of the image of women which occurs through the X-rated video industry. The Attorney-General, a short while ago, was waxing lyrical about how we were all concerned about protecting women from domestic violence, and so on. There is a very serious affront to the dignity of women in this Territory going on already. I know, when I say this, that I speak in a vein similar to that of many feminists who are members of the Australian Labor Party. The affront occurs through the continuation of degrading images of women in that kind of material.

I think any of the women who sit on the opposite benches who are not aware of that fact are either playing dumb or choosing to ignore what is very obvious to anybody who peruses that material. It is degrading to women. It perpetuates an attitude amongst men, which I think this Government has said it wants to destroy, but apparently not enough to actually want to give away the benefits that flow from taking that position. Madam Speaker, I believe that this is damaging to the quality of our society, and I believe that we should take decisive steps now to support the legislation and ensure that that damage is contained.

Madam Speaker, I am not the only person who takes that view. I want to quote from a prominent ALP figure in this Territory talking about this very issue. Let me quote:

I don't take any pride at all in hearing that we are the pornographic capital of Australia. Those that rule this place at the present time want to remember that that doesn't exactly add to the image of this great cultural and political city.

Who opposite can guess who said that? Which of your colleagues said that?

Ms Ellis: Do we get a prize?

MR HUMPHRIES: You might get a prize, yes. Any guesses? No guesses? You could not imagine it. There are probably too many for you to guess amongst; so that is why you cannot make a guess. It was Fred Daly, a distinguished former parliamentarian, a Minister in the Whitlam Government. He spoke those words, Madam Speaker, for the mainstream of the Labor movement in this country because he knows that that is what most Australians want. That is what Australians want to see - an industry which is contained and restricted, rather than one which flourishes as it does in the Australian Capital Territory. I am not prepared to continue to tolerate that industry and I wish that those opposite were honest enough to admit to themselves that it should not be tolerated any longer either.

MS SZUTY (11.32): Madam Speaker, I will not be supporting Mr Stevenson's amendment Bill, for many of the reasons that have been expressed in the past when Mr Stevenson has attempted to have the ACT Legislative Assembly pass these same amendments. I feel that Mr Stevenson is misfocusing his energies in attempting to impose the prohibition of X-rated videos. What appears to me to be happening with Mr Stevenson's constant referral to a ban on X-rated videos is an attempt to confuse the real issues of violence in our society and its use against women, with depictions of sexuality and sensuality.

In his speech introducing this amendment Bill Mr Stevenson referred to the work of an American psychologist who claimed that most of his sex offender clients were exposed to massive quantities of pornographic material and that this had desensitised them to the crimes they subsequently committed. But what comes first? Problems with relationships and power or pornographic material? We have not been provided with enough quantifiable data to understand what type of material we are discussing in this example.

Another notable American psychiatrist, Bernard Zilbergeld, in his book *Men and Sex*, which is based on his counselling of men with sexual problems, claims that the model of sex we see portrayed in pornography is the one that is prevalent in our society but that in reality the model does not exist. In another publication quoted by Dr Zilbergeld, *Pornography and Sexual Deviance* by Michael Goldstein and Harold Cant, it is pointed out that erotic literature and films are often the only media through which the roles of men and women in sexual relationships, as well as what they refer to as the mechanics of sex, are gained by many men. Many women also, no doubt, receive some of their own sexual education from these materials.

An Australian psychiatrist, Dr Bruce Chenoweth, who works with sex offenders in Newcastle, in a recent address to a sex therapists conference in Sydney, outlined his thesis that universally, at some level, there is male resentment of women that is pervasive in our culture. Dr Chenoweth went on to say that this resentment can be dealt with responsibly or irresponsibly, but his work has led him to believe that it is a deep-seated societal problem. So, what part does pornography play in the actions of sexual offenders? A recent article in the *Green Left Weekly* on the issue of pornography quite rightly points out that Robin Morgan's thesis - that says that pornography is the theory, rape is the practice - does not explain why the vast majority of men who view pornographic material do not rape, while many men who do rape do so with no reference to pornography.

In our society we have for far too long ignored the issue of violence towards women and children. Recent phone-ins have shown that rape and child sexual abuse have existed for decades, with little resulting action on the part of governments and authorities to control what has been, in the overwhelming majority of cases, systematic abuse of women and girls by men who treat them as possessions. What appears to be happening is that an increasing number of women and non-abusing men have joined forces to say that enough is enough and that rape and sexual abuse in our society are unacceptable. Rape and sexual abuse always have been and always will be about power and violence, not about sex and relationships. I therefore believe that banning non-violent erotica which strictly prohibits violence is a retrograde step. I am more alarmed that there continues to exist a defence under the Publications Control Act for exposing minors to pornographic material if you are a parent or guardian.

In the Michael Moore Independent Group election platform we stated:

Pornography ... is an area where the black market will most likely draw on the highest profit forms such as the most harmful areas of bestiality and child pornography. It is better to allow sales, but restrict these so that would-be consumers have to make an effort to find and purchase goods.

In many forms of pornography, issues are raised concerning the exploitation of women by men. Indeed, there are general issues of exploitation of both sexes for profit in the industry. Nonetheless, while such issues should properly be raised in public discussion, they are not the basis for censorship and prohibition.

I firmly believe that this is the case; that in banning the X-rated video industry altogether, or by establishing it overseas where the restrictions on the type of material available are not so stringent, we face a real risk of increasing the violence and degradation of the material available.

What we, as part of the Australian population, should be doing with regard to X-rated videos and printed material is insisting that the standards that are set by the Chief Censor are being adhered to, and that there is a concerted effort to reduce the violence in films and publications that are not subject to the same restrictions of publication that X-rated videos are subject to. Our efforts would be much better channelled into raising the level of public debate and demanding that crimes of violence be treated as such and not as some male form of the much vaunted oestrus which is supposed to be the central premise of all female sexuality in X-rated videos. It is impossible to argue that oestrus, a wild animal-like sexual response, does not exist and is unfairly attributed to women in pornography and then allow a similar animalistic action as a defence to a charge of rape or sexual assault.

Mr Stevenson makes the claim, also made by others during the Senate committee's hearing into pay television, that in Canada the Supreme Court has determined that "pornography which subordinates or degrades women or which has as a dominant characteristic the undue exploitation of sex is obscene and it harms women". Dr Judith Reisman delivered that interpretation of the Canadian verdict in her paper presented to the Senate select committee. Having read Dr Reisman's paper, and having obtained a copy of that Canadian Supreme Court judgment, I cannot agree with the current use of that information.

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For the record, the judgment was the result of an appeal by a defendant who had been charged with 250 counts related to the sale of obscene material. In the original trial he was convicted on eight charges but on appeal all 250 were upheld. The Supreme Court, on appeal from the defendant, held that the appeal must be allowed and a new trial ordered on all counts. From my research it appears that the defendant is still awaiting retrial. In the majority judgment the Canadian Supreme Court outlined what was already contained in its Criminal Code. I quote:

The Criminal code provides the exclusive definition of what is obscene under the code. Section 163(8) provides that "any publication, a dominant characteristic of which is the undue exploitation of sex, or of sex and any one of the following subjects, namely crime, horror, cruelty and violence shall be deemed to be obscene". In applying this statutory definition it is helpful to divide pornography into three categories:

(1) explicit sex with violence, (2) explicit sex without violence but which subjects people to treatment that is degrading or dehumanising, and (3) explicit sex without violence which is neither degrading or dehumanising.

The seven judges went on to further outline what could constitute harm within these three categories in that it "predisposes persons to act in an antisocial manner as, for example, the physical or mental mistreatment of women by men". They concluded that sex with violence was inherently harmful, that sex that is degrading or dehumanising may be undue exploitation, depending on the potential risk of harm, but that "explicit sex that is not violence, not degrading and not dehumanising is generally tolerated in society and will not qualify as the undue exploitation of sex unless it employs children in its production".

So, by my reading of the Canadian decision, X-rated videos would not be considered, even by the Canadian Supreme Court, as being exploitative and therefore being able to be defined as obscene under the Canadian Criminal Code. In a minority report which concurred with the general thrust of the majority decision, two judges stated that they felt that the third category may constitute undue exploitation, depending on factors other than the content. As an exercise in polemics it has been an interesting argument to follow; but, in reality, the Canadian Supreme Court is not a strong authority for Australian courts and, because of the differences in our legal structures and laws regarding censorship, translation of that decision into an Australian context is extremely difficult.

What has become apparent to me during my research on this topic is that many of the people writing to me on the subject are using very subjective definitions of what constitutes pornography, and in some cases confusing this with what they find personally sexually offensive. There needs to be clarity in the debate about community standards and how we view sexual relationships. The other insight, if I can call it that, is a reinforcement for me of the need to deal openly and frankly with young people on issues such as sexuality, without the fantasy models that Dr Zilbergeld sees as being prevalent in societies where there have been taboos on discussing sex and where most young people get their ideas on sex from erotic literature, comics, smutty jokes and films. Young people need to access factual information about sexual matters.

I would urge all those who expend so much energy in trying to eradicate X-rated videos to channel that energy into more open discussion on the topic of sex and exhaust any leftover enthusiasm in the effort to reduce the amount of gratuitous violence that is still evident in ordinary PGR and M- and R-rated films. It is in the public arena that the most harm is being done, with much of the material that is cited as being harmful to women actually being in general distribution.

MR DE DOMENICO (11.42): Madam Speaker, I was not going to speak on this topic and I will be very brief. Ms Szuty, who just finished speaking, quoted various statutory definitions, overseas psychologists and all sorts of things. On the one hand, people on the other side of the house, especially those of the female sex, wax lyrical that they are concerned about the way that women are treated as sexual objects and how wrong that is.

Mr Connolly: The men over here share those views.

Mr Kaine: Well, why don't you do something about it?

MR DE DOMENICO: Thank you, Mr Kaine. Thank you for the interjection, Mr Connolly. I agree with all the people on the other side of the house and this side of the house that have that view. As Mr Kaine quite rightly said, Madam Speaker, after Mr Connolly interjected, why do you not do something about it? You are in government, Mr Connolly; you are the Attorney-General. Ban X-rated videos.

Mr Connolly: That is not the answer.

Mr Moore: You should have listened to Ms Szuty's speech.

MR DE DOMENICO: I will disregard the interjection from Mr Moore.

Mr Moore: You have now recognised it.

MR DE DOMENICO: Have you finished? Madam Speaker, Mr Connolly should do something about it. He can do something about it; he is the Attorney-General. He says that in his opinion that is not the way to go about it. There are a lot of people in Mr Connolly's political party who happen to disagree with him. Mr Humphries mentioned Mr Daly. Mr Keating is another one that Mr Connolly seems to be at odds with.

Mr Moore: Yes, and Keith Wright is another one.

MR DE DOMENICO: Mr Moore mentioned Mr Wright. We all know about Mr Wright. Everybody is still waiting for Mr Wright, including a lot of the - - -

Mr Kaine: You are going to vote for him, are you, Michael?

MR DE DOMENICO: Perhaps Mr Moore might want to vote for Mr Wright, or go over and hold Mr Wright's hand, or do something with Mr Wright. Mr Wright has no jurisdiction here in the ACT. Mr Connolly has jurisdiction here in the ACT and Mr Moore can also show how righteous he is by supporting Mr Stevenson's legislation. Of course, Mr Moore will not do that, because it does not suit him to do that, Madam Speaker. This Government will not do it either because, as Mr Humphries correctly said, Madam Speaker, there was an exchange of Bugs Bunny from the X-rated video industry to the ACT ALP. There is no doubt about that.

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Ms Follett: I take a point of order, Madam Speaker. Mr De Domenico has made exactly the same imputation that Mr Humphries earlier was asked to withdraw, which is that the Government's policy is based upon a donation to the party, and I would ask that he withdraw it.

Mr De Domenico: Speaking to that point of order, Madam Speaker: I made no such imputation. All I said was, and I quote again, that there is no doubt that there was an exchange of money between the X-rated video industry and the ACT ALP. There is no doubt about that, Ms Follett. I know that it might hurt you, and I know that you want to bury your face in the sand; but, notwithstanding that, there is no doubt - - -

Mr Lamont: Madam Speaker, I rise to a point of order. The Chief Minister has raised a point of order. Mr De Domenico, in trying to answer it, is debating the issue.

MADAM SPEAKER: The ruling on the previous point of order was that there could be no imputation that the Government's decision was based on any exchange of money. Mr De Domenico, you may proceed in full knowledge of that ruling.

MR DE DOMENICO: Thank you, Madam Speaker, for your ruling, which I follow. There was no imputation, Madam Speaker. Obviously, from your ruling, you are satisfied that there was not. I will repeat that there is no doubt that money exchanged hands between the X-rated video industry and the ACT ALP. There is no doubt, so - - -

Mr Lamont: Madam Speaker, I rise to almost exactly the same point of order. The simple fact is that the imputation which Mr De Domenico is making - - -

Mr Kaine: There was no imputation.

Mr Lamont: There is an imputation. The imputation is that there was an exchange. What that exchange of money means - - -

Mr Kaine: Is the passing from one set of hands to another.

Mr Lamont: If the current Leader of the Opposition would sit there and listen, with Yap-yap in the background listening, he might also get educated a little bit. Saying that there has been an exchange implies that there has been a direct benefit for that exchange of money. That is the implication, and it is unfounded and unwarranted. I seek to have it withdrawn.

Mr Humphries: May I speak to the point of order, Madam Speaker?

MADAM SPEAKER: Yes, Mr Humphries.

Mr Humphries: Madam Speaker, if Mr Lamont says that we cannot state what is in fact on the record, as recorded by the Australian Electoral Commission, because it raises an imputation, then that would have extremely serious consequences. Mr De Domenico has simply said, and I have said, that there was an exchange of money between the Australian Labor Party and the pornographic industry in the ACT. It was a simple statement of that fact. That is an irrefutable fact. If Mr Lamont draws any inference from that, that is his concern, not the Assembly's.

Mr Berry: Why don't you just say "donation"?

Mr Humphries: Donation? Yes, that is fine.

MADAM SPEAKER: Thank you. I am about to respond to the point of order. My initial understanding was that "exchange" was meant as donation. I can see now that there is a possible misunderstanding of the word "exchange". Mr De Domenico, if you did mean that the exchange was simply one way, would you mind clarifying that? Then there will be no further possible improper imputation in what you say.

MR DE DOMENICO: Thank you, Madam Speaker. There is no doubt that the ACT ALP banked a considerable sum of money which was handed to it, the ACT ALP, by the X-rated video industry. Is that correct or not?

MADAM SPEAKER: Does that therefore imply that you are withdrawing the word "exchange"?

MR DE DOMENICO: No.

MADAM SPEAKER: You are rephrasing it?

MR DE DOMENICO: No; I am clarifying by suggesting what the word "exchange" means. Now, if I have to - - -

Mr Lamont: Madam Speaker - - -

MADAM SPEAKER: Yes, Mr Lamont? Mr Lamont has a point of order.

Mr Humphries: Well, he did; but he has forgotten it now.

MADAM SPEAKER: Right. It is my understanding that we have replaced the word "exchange" with "banked", and we can now proceed.

MR DE DOMENICO: Thank you, Madam Speaker. With that said, there are a number of reasons, obviously, why the people opposite are not going to support Mr Stevenson's Bill. I think all those reasons have been well canvassed by all the previous speakers, Madam Speaker; but there is one thing that I have to say: No longer wax lyrical about how you people over on the other side of the house support the family and do all sorts of things of that ilk.

Mr Wood: Oh, go away!

MR DE DOMENICO: Mr Wood says "Go away". Mr Connolly said that the best way to try to do something about something that you do not agree with is not to legislate but let it - - -

Mr Connolly: No, that was Mr Stevenson. I was quoting him.

MR DE DOMENICO: Mr Connolly said, "Put a floodlight on it. Put it up in lights because it will be okay". Mr Connolly, why did you not floodlight all those elephants that you banned? You, Mr Wood, came into this house and said, "It is no longer good enough to have little kids in the ACT and people in the ACT sit down and look at elephants in a circus, but it is okay to have X-rated video movies". So much for your concern for the family. Put your money where your mouth is and support Mr Stevenson's Bill.

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Mr Wood: You are giving me a direct quote. Do not be misleading. You are trying to put a direct quote there. Madam Speaker, he is just being nonsensical there.

Mr Humphries: Madam Speaker, I take a point of order. I think that to say that he is misleading is unparliamentary, and I would ask him to withdraw it.

MADAM SPEAKER: That was the interjection? I see.

Mr Humphries: It was indeed, Madam Speaker, yes.

MADAM SPEAKER: Mr Wood, I would ask you to withdraw.

Mr Wood: Madam Speaker, I will bow to your ruling, as always; but Mr De Domenico said that as though it was a direct quote from me when no such words were ever said.

MADAM SPEAKER: Thank you.

MR MOORE (11.50): I will explain why I am going to vote against this Bill. I stood on a platform that clearly explained my position on the sort of nonsense presented by Mr Stevenson in this Bill. Therefore, I will vote according to one of the premises upon which I was elected.

MR STEVENSON (11.51), in reply: Mr Lamont opened the debate today. He said three things. All were incorrect. He first of all said that this debate had gone on every year for the last four years. In fact it was the last two years, 1990 and 1991. This makes the third. He also said that the only State to ban the possession of child pornography is the ACT. That also is not correct. That was reiterated by the Attorney-General. He is also not correct on that issue. The Northern Territory has banned the possession of child pornography.

There are many cases of members saying what is not correct. If members did their homework a little more thoroughly they would understand what any damn fool understands, and that is that pornography causes violence. If you are to say that pornography has no effect on anybody in spite of repeated involvement, to be consistent you would have to say that good literature and art also have no effect on anybody. The suggestion that everyone that looks at pornography will commit rape, commit child abuse, or commit violence against women is an absurdity. The suggestion that people who become consumed with pornography will not go out and do these things is equally an absolute absurdity. It tries to deny that education works; that education teaches us; that what we see influences what we do. Yet that is what we have heard from some of the members who said that they will vote against the Bill.

Mr Lamont also mentioned that I would drive X-rated videos underground. That is true - six feet underground. His suggestion that they would remain available is not true. We in this community, and this community alone, now protect X-rated video pornography in Australia. If you did more homework you would understand that police in the States of Australia will not take action against illegal X-rated pornographic videos within their States - and there are big operations - because they do not have the manpower to handle the local illegal

problem while the muck pours in legally from the ACT. So, far from driving it underground, we actually are protecting it in this Assembly, because police cannot use their limited manpower to handle the local illegal trade in X-rated videos coming in through the mails.

Mr Moore: What rot! They can ban possession if they want to.

MR STEVENSON: Obviously, from Mr Moore's comment, he did not understand what I said. I said that possession is banned. He said that they can ban possession. Possession of illegal X-rated videos is banned. They cannot take the action that they would like because they do not have the manpower and because the crime rate, including rape, is so high in these places while ever porn videos pour in from the ACT.

Mr Kaine mentioned the tax on X-rated videos. I said at the time that it would not raise money. It has caused the pornographers some problems. In the first full financial year it raised \$375,000 only. In the last full financial year it raised \$110,000. I dare say that it cost a lot more than that to collect and police. There was an interjection by Mr Moore at the time, "Is this the tax that the High Court rejected?". No, it is not; the High Court has not rejected the tax. What the High Court said in their decision was, firstly, that the people in the ACT can be held, under the Constitution of Australia, to be included where the Constitution mentions States of Australia. Secondly, the High Court decision was that States cannot levy an excise tax. They have not made a decision that the tax has been rejected. Once again, that was incorrect information. Again and again we hear people say things that simply are not correct. The major statement that they make that is not correct is that porn does not cause violence. What a nonsense!

Mr Connolly said that I said yesterday that evil things should not be driven underground. I did not use the words "evil things", and I did not use the word "underground", as I recall. I quoted Justice Felix Frankfurter of the US Supreme Court, talking about insulting or fighting words, by their very utterance, inflicting injury, and saying that fighting words, threats of violence and incitement to violence should be banned. That is what I said. Why was that misrepresented by people opposite? Why are these things misrepresented? I did not say that.

I said also that we should have freedom of speech when these things do not cause harm. That is the truth of what I said. Mr Connolly also said that you can go to other States and buy unclassified material. Indeed, but only while we keep allowing the muck from Canberra to go to other States, and prevent the police from using their manpower to charge the local, illegal X-rated video operators. There is no sense while it keeps pouring in from Canberra.

Mr Connolly talked about rigorous Commonwealth censorship. This rigorous Commonwealth censorship in this country allows women to be chained and trussed up in bondage movies. It allows them to be shown as slaves for men who would use them as sexual objects. It allows flagellation in the video *Dungeon of Pain*. That must, of course, be non-violent flagellation! It must be non-violent because this muck is referred to as non-violent erotica. What an absolute absurdity! I do not call it perversion simply because they have people urinating and defecating on each other. I call it pornography. Many would say that it is perversion. This is the stuff that members in the Labor Party protect by their inaction. They stand in this Assembly and say that we should protect women and children; yet by their very actions again and again allow - - -

Mr Connolly: Madam Speaker, I take a point of order. That really is intimidatory behaviour from Mr Stevenson. He is ranting. That probably would be the best word to describe it. Members should express their passions in a moderate tone, I suggest.

Mr De Domenico: Under which standing order?

MADAM SPEAKER: Order! There is a standing order that refers to the type of language that is used in the chamber, Mr De Domenico. Thank you, Mr Connolly. Mr Stevenson, we are able to hear you at a considerably lower level than you are using presently. I ask you to proceed.

MR STEVENSON: Mr Connolly suggests that one should not be concerned about this. Just a few days ago there was a story about an eight-year-old girl on the front page of the *Herald-Sun* - a sex murder. She was eight years old. They have not caught the person yet, but no doubt - - -

Mr Connolly: They have. He was charged yesterday.

MR STEVENSON: Good. What I will do, as I usually do, is check whether pornography was involved. Again and again you find that pornography is involved in these things. Justice Sir William Kearney in the Supreme Court in Darwin said that people who think there is no connection between pornography and the violent and bizarre crimes that come before the courts ought to do some case studies instead of making incorrect statements. That is what they should do.

David Baker, writing for the *Pepperdein Law Review*, said that between October 1976 and March 1977 the Los Angeles Police Department investigated more than 40 child molestation cases. Pornographic literature, often exhibiting children, was found to be present in every case. The Michigan State Police research unit studied 38,000 sexual assault cases. Forty-one per cent of offenders had used pornography immediately before or during their crime. An FBI study revealed that 29 of 36 serial killers incorporated pornography in their sexual activity. The University of New Hampshire sociologists, Murray Strauss and Larry Brown, found that the American States with the highest porn sales had the highest incidence of rape.

The Californian Attorney-General's Advisory Committee on Obscenity and Pornography, in its interviews with a great many police officers, was frequently told that they had never arrested a child molester who did not have pornography in his possession. A Los Angeles Police Department investigation studied more than 40 child molestation cases and once again found pornography present. In Pasco County, Florida, after a one-year crackdown on pornography, the county had a 35 per cent drop in rape compared with the rest of Florida, where the incidence of rape rose by 18 per cent.

In June 1989 in Australia Crown Prosecutor Ms Leanne Hurley told a court that after a man viewed a pornographic video with his 11-year-old stepdaughter he led her to a bedroom, ordered her to undress and raped her. According to the prosecutor, the man showed her an adult cartoon showing Hansel and Gretel performing sexual acts. The video made sex look like a bit of a game. The X-rated video industry calls this non-violent erotica. Two psychiatrists who gave evidence before Mr Justice O'Brien in the Central Criminal Court when he

was sentencing a young man for raping a 12-year-old girl said that his actions had been influenced by pornographic literature. Dr E. Fisher, senior psychiatrist of Long Bay Gaol, said that the reading of pornographic literature could have emotionally precipitated the defendant's course of behaviour. Another psychiatrist, Dr I.A. Listwan, is quoted as saying that pornographic literature was the triggering factor in the rape.

I could stand here for the rest of the day or the rest of the week and read case history after case history where pornography has been shown to cause rape and violence. The Chief Minister, Rosemary Follett, has a smile on her face, and one wonders why that is. What is funny about women being degraded and raped, Ms Follett?

Mrs Grassby: I take a point of order, Madam Speaker. The yelling from Mr Stevenson in this house is incredible. We can all hear and we do not need to be yelled at.

MADAM SPEAKER: Thank you, Mrs Grassby. Mr Stevenson, please - - -

Ms Follett: I raise a point of order, Madam Speaker. Mr Stevenson has made an improper imputation towards me in the course of this debate, and I ask that he withdraw it.

MADAM SPEAKER: Mr Stevenson, I would ask you to withdraw that improper imputation towards Ms Follett, and remember to keep your voice a bit lower, please.

MR STEVENSON: Which improper imputation is that? I made no improper imputation.

MADAM SPEAKER: Is that a withdrawal?

MR STEVENSON: No; I made no improper imputation.

MADAM SPEAKER: Mr Stevenson, rather than prolong this unpleasant quarrel right now, I will examine *Hansard*. I warn you that we will re-examine the matter.

MR STEVENSON: Indeed, Madam Speaker. Ms Szuty talked about statements on confusing depictions of sensuality and sexuality. What is confusing about people defecating on others? Is that sensuality or sexuality? What is confusing about bondage and slavery? That is not confusing. Ms Szuty talked about Dr Judith Reisman and said that she was not convinced. Perhaps if she had taken the opportunity to hear Dr Reisman talk at the National Press Club, instead of going to watch the Prime Minister's XI cricket match, she may have learned something different.

Madam Speaker, pornography degrades; pornography causes violence. There is no doubt that in the ACT X-rated videos will be banned. It is simply a matter of time. The debate has been won on the fact that it causes violence and it degrades women. It is simply a matter for members of this legislature to do what every other State in Australia has done. It would be about time too. Madam Speaker, I commend the Bill to the Assembly. If the members of the ALP voted according to how we have been told their consciences would dictate, as Mr Kaine said earlier, the videos would be banned.

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Question put:

That this Bill be agreed to in principle.

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.

STANDING ORDER 79 - MATTERS OF PUBLIC IMPORTANCE

MR DE DOMENICO (12.09): I move:

That standing order 79 be amended by adding the following words: "Provided that, if more than one matter is proposed for the same day, matters proposed by Government Members shall not be considered by the Speaker in determining the matter for submission unless no matter has been proposed by a non-Government Member."

Madam Speaker, in the Assembly in recent times it is quite obvious that the time for matters of public importance has been misused. I suppose that it started a couple of months ago, when on one occasion four members of the party opposite decided to - - -

Mr Wood: Three. Get your facts right, just to start with.

MR DE DOMENICO: Thank you, Mr Wood, for the correction in the usual way that teachers do from time to time. A number of members of the Labor Party - not you, Mr Wood - a number of non-executive members on the other side of the house decided to put in similar MPIs, if not the same thus, we believe, abusing the intent of the way MPIs should be used, not only in this place but also in other places.

Mr Wood: It is something the Liberals had done before.

MR DE DOMENICO: You get your facts right too, Mr Wood, before you make those comments.

Mr Kaine: It was the Residents Rally that did that, and I think Mr Moore was a member at the time.

MR DE DOMENICO: As Mr Kaine correctly says, I recall, from having a look at old *Hansards*, that the Residents Rally did it once before. Members of the Liberal Party had not done it before.

Mr Lamont: The Alliance Government.

MR DE DOMENICO: No. Once again Mr Lamont is wrong.

MADAM SPEAKER: Order! Mr De Domenico has the floor. Could we have remarks addressed to the Chair.

MR DE DOMENICO: Thank you for your protection, Madam Speaker. In order to attempt to restore sense to the system, the Liberal Party convened a meeting with the Independents. We informed the Government Whip of our concern and suggested that he should bring up this important issue with his colleagues and return with a reaction. That was some weeks ago. I hope that Mr Moore will nod and say that that is the way things happened.

Madam Speaker, the Liberal Party believes that it should be the right of every non-executive member of any parliament to be entitled to identical opportunities to raise matters in the house. With respect, when government members misuse the spirit of the way MPIs - - -

Mr Berry: I raise a point of order, Madam Speaker. I think there is a very clear imputation against the Speaker because - - -

Mr Humphries: We are a bit sensitive today, aren't we?

Mr Berry: No; you just cannot impute that the Speaker has done something wrong in such a way.

MR DE DOMENICO: I am not talking about the Speaker.

Mr Berry: The imputation is clear. Members here do not decide whether their MPIs come up.

Mr Kaine: No, but the Speaker has to decide from what she has before her.

Mr Berry: I am concerned about the imputation against the Speaker when you impute - - -

MR DE DOMENICO: Madam Speaker, I withdraw any imputation that may have been misconstrued to be - - -

Mr Berry: Withdraw what you said.

MR DE DOMENICO: No; I will withdraw any imputation on the Speaker, Madam Speaker. I will not withdraw what I said.

MADAM SPEAKER: Thank you, Mr Berry. In future could we listen to one point of order at a time, please. Continue, Mr De Domenico.

MR DE DOMENICO: Thank you, Madam Speaker. As I attempted to say before, with respect, Madam Speaker, when non-executive government members attempt to misuse the processes of the MPI - - -

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Mr Berry: How can they attempt to misuse it? They have no control over it.

MR DE DOMENICO: Madam Speaker, am I going to follow your ruling or Mr Berry's ruling?

MADAM SPEAKER: I would caution you to proceed with great care and to look at the standing order on MPIs, Mr De Domenico. I caution you to temper your remarks around the particular standing order.

MR DE DOMENICO: Thank you, Madam Speaker. I take your ruling, as I always do. I suggest that from time to time the spirit of the way in which MPIs are presented has been misused, first of all, by members opposite. Perhaps that, Mr Berry, and you, Madam Speaker, might - - -

Mr Berry: No, it does not make me happy at all.

MR DE DOMENICO: Then I am sorry. If Madam Speaker is happy, with respect to you, Mr Minister, I do not care how you feel.

Mr Berry: I can tell that, and I am very pleased. You are not meant to smile when I am about.

MR DE DOMENICO: Good. It is up to this Assembly, therefore, to try to remedy the situation as it now stands. Ideally, this matter could have been resolved in a spirit of consultation and commonsense. The Liberal Party and the Independents are still of this view. However, I believe that the amendment to standing order 79 encapsulates the intention to revert to MPI entitlements in a fair way, which reflects the make-up in terms of representation in this Assembly. I commend the amendment to the house.

MR LAMONT (12.14): Madam Speaker, the way in which this Assembly has operated is in marked contrast to what I would suggest was three years of near anarchy in terms of cooperation in the mechanisms that make this chamber work.

Mr Cornwell: Are you talking about the previous Assembly, the TWU, or what?

MR LAMONT: The previous Assembly, Mr Cornwell.

Mr Cornwell: I am sorry; you did not make it clear.

MR LAMONT: Your own ignorance would not allow you to comment on the former TWU years.

Mr Humphries: We could see what happens pretty well. We could see the blood seeping under the door.

MADAM SPEAKER: Order, please!

MR LAMONT: The real issue here is one where we can demonstrate by example - in the committee structure, in the way the Administration and Procedures Committee has operated, in the way debate has generally ensued in this chamber - that cooperation to assist in the efficient operation of the Assembly is one of the hallmarks of this Assembly.

Mr Kaine: Until you pulled a fast one. You were one of the three culprits.

MR LAMONT: The simple fact is that what the current Leader of the Opposition fails to understand, and I am quite surprised that he does not understand it - - -

Mr Berry: On a point of order, Madam Speaker: The Leader of the Opposition just interjected that Mr Lamont pulled a fast one, which is a clear imputation against a member, and it must be withdrawn.

Mr Kaine: Here we go again. I am going to be suspended again, am I?

Mr Berry: Well, you should be.

Mr Kaine: Why don't you sit down and stop being so aggressive and threatening.

MADAM SPEAKER: Order, Mr Kaine! Your interjection does carry the overtones of - - -

Mr Kaine: Madam Speaker, I withdraw it. Do you want me to get down and grovel as well?

MADAM SPEAKER: No, thank you, Mr Kaine.

MR LAMONT: Mr Kaine, that is one thing that I do not believe any member needs to do in this chamber.

Mr Kaine: The Speaker expects me to.

MR LAMONT: No, I think that is wrong. Because of the generally cordial relations that exist, I do not believe that that is a position anybody in this chamber would expect you to take.

Mr Kaine: Mr Self-righteous.

MR LAMONT: No, it is not Mr Self-righteous. I think it is a statement of fact, Mr Kaine, about the exemplary way in which relations across and within this chamber have been conducted. There have been one or two minor issues over which people may have got agitated or heated, and we have had an example of that this morning. One member has a passionate belief about one particular issue and that exuberance sometimes carries over into the way he may address the chamber. But, by and large, the spirit of cooperation that has imbued this Assembly is in stark contrast to the way in which this Assembly's operation proceeded in the last three years.

Mr Kaine, nobody expects you to grovel; nobody should expect you to grovel; nobody has the right to ask you to grovel. If Mr Kaine wishes to volunteer, I am sure it will be accepted; but it is not a position that anybody would expect. It would be absolutely outrageous for them to expect Mr Kaine to grovel in this chamber.

Mr De Domenico: Now tell us why you try to upset that balance.

MR LAMONT: It is even outrageous, Mr De Domenico, to expect you to grovel, although you may be - - -

Mr Moore: On a point of order, Madam Speaker: Standing order 58, I think it is, states that members are not to digress.

MR LAMONT: I thank you for pointing that out to Mr De Domenico about digression. Neither, Madam Speaker, should the current Leader of the Opposition, or the current spokesman for whatever Mr De Domenico happens to be the current spokesman for, expect the members on this side of the chamber to grovel. That, in fact, is what he is suggesting. That in fact is what the current Leader of the Opposition is suggesting; it is exactly what this proposal is.

This proposal creates two classes of non-executive member in this chamber. It creates the three government backbenchers as one class and it creates as another class with greater rights everybody else in the chamber who is a non-executive member. What it boils down to is that the three government backbenchers would have to grovel to the Opposition and/or the Independents, go mealy-mouthed, cap in hand, and say, "Please, sir, can we put in an MPI?". That is the effect of what they are proposing. We do not propose that the current Leader of the Opposition grovel in this chamber. It would be an outrage, as it would be an outrage to expect any of the government backbenchers to do likewise.

In relation to how we have got to this position, it is interesting to note, and I think it has been referred to, that the Administration and Procedures Committee in its deliberations has talked about a review of the standing orders, and Mr De Domenico alluded to this. When Mr De Domenico approached me in relation to the standing orders arrangements - - -

Mr De Domenico: No, about MPIs in particular.

MR LAMONT: - When he approached me about the standing orders arrangements on MPIs, I indicated to him that we would discuss them. Between the time Mr De Domenico made that approach and now, the Administration and Procedures Committee had decided a procedure to deal with the question of the standing orders. I had taken the matter, I quite honestly and freely admit, no further. There had been discussion around the chamber about a method, not necessarily consistent with the standing orders but not technically inconsistent with the way in which MPIs are put in.

I draw your attention, Madam Speaker, to some facts that were raised here earlier this year. It was pointed out that over the life of the Assembly to that date, there had been, 11 occasions, I think it was, on 26 sitting days when the Opposition had actually put in an MPI. There had been, I think, four occasions in that same period when either the Independents had put in competing MPIs or their MPIs had got up. I will stand corrected on the exact number of days, but it was in that proportion.

What does concern me is that the MPI arrangement in our standing orders is an opportunity for any non-executive member to raise an issue he or she wishes to have debated. The proposition put by Mr De Domenico is that I, as a member of this Assembly, should have my rights to raise a matter of public importance curtailed on the whim of the Opposition and/or the Independent non-executive members of this Assembly. I think that is an outrage.

Mr Humphries: That is right.

MR LAMONT: Mr Humphries says, "Yes, that is basically right" - that I, as an MLA, have to rely on his whim to have an MPI submitted. That is an absolute outrage, Madam Speaker.

Mr Humphries: MPIs are not traditional for government members.

MR LAMONT: For Mr Humphries to interject and say that it is something that is not usually availed of by government members in parliaments is absolutely ridiculous. You need only read the House of Representatives *Hansards* for the last three months to see how many government backbenchers have raised MPIs.

Mr Humphries: How many?

MR LAMONT: Two that I am specifically aware of.

Mr Humphries: Two? In how many months? How many days?

MR LAMONT: We are talking about two out of how many members in the House of Representatives? You have also said, and this is where you are wrong again, Mr Humphries, but I can understand that you may be busy doing other things at the moment - - -

Mr De Domenico: With all non-executive members putting in identical MPIs?

MR LAMONT: Madam Speaker, Mr De Domenico is trying to talk about something of which he knows not, unless he has been up to something that he should not have been. How do you know?

Mr Humphries: Madam Speaker, I raise a point of order. I think you made someone on this side of the house withdraw the imputation that there had been some improper motive or some nefarious activity. Mr Lamont just said that Mr De Domenico might have been up to something he should not have been. I think that is exactly the same kind of imputation, and I would ask that it be withdrawn.

MADAM SPEAKER: I think it is a rather long bow, Mr Humphries. I have not actually heard an accusation. Mr Lamont, in the spirit of what Mr Humphries is saying, if you are going to impute an improper motive to Mr De Domenico's behaviour, would you please withdraw?

MR LAMONT: Madam Speaker, I impute no improper motive to any activity of Mr De Domenico. I would like him to tell this Assembly how he knows, if it is true, that the non-executive members of the Government have submitted identical MPIs. He just said it.

Mr Humphries: Have you?

MR LAMONT: I know what I have submitted. I also know, because you - the Opposition - have told me, how you people conduct your business. You put in identical MPIs. The six of you put up the same MPIs.

Mr Humphries: Come clean. You have done the same thing.

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MR LAMONT: I know what I have put in, Mr Humphries. For Mr De Domenico to suggest that he knows proves the fallacy of what he was saying. Not only that, but Mr De Domenico - with me, a recent electee to this Assembly - has quite obviously not understood what parliamentary practice is in relation to MPIs. He said, "It is common parliamentary practice. It is a precedent. It is something which the Westminster system is based on".

Mr Humphries: It is.

MR LAMONT: That is not the case. Find it. Here it is.

Mr Humphries: You said yourself that there have been two government MPIs in the last three months.

MR LAMONT: Here it is. Go for your life. Get the green book out. You have probably got one in your drawer. You have probably never read it and, if you have, I doubt whether you would understand it. From your comments today you have shown that you obviously do not.

Mr Humphries: Play the man, not the ball.

MR LAMONT: No, I am not. The issues he raises are fundamentally flawed, for the two reasons I have outlined. Mr De Domenico wishes to create two classes of members. That is an absolute outrage. He goes on to say that the reason it should happen is that it is the precedent and the parliamentary practice in other places. Both reasons are wrong. The Opposition's protestations that something is true do not mean that it is true. On this occasion, quite frankly, you are unable, other than probably being miffed at the sheer intelligence and insightfulness of the MPIs put in by government members - - -

Mr De Domenico: Especially the one you had up yesterday.

MR LAMONT: It was. It was extremely critical that that MPI on racism - - -

Mr De Domenico: Extremely.

MR LAMONT: Do you not think it is a matter that should be discussed here, Mr De Domenico? It is up to an individual member to decide what the matter of public importance is that he or she wishes to submit. Mr De Domenico now appears to want to be able to control even that. Not only does he wish the non-executive government MLAs to grovel to him - something his own leader believes, as I do, should not occur in this house on any occasion by an MLA - but he also wants to be able to determine what non-executive members of the Government put in their MPIs. He now wants to try to determine what issues are discussed as MPIs.

It is, in my view, a fundamental right of non-executive MLAs to raise, when they see fit, any issue consistent with the requirements in the format for MPIs. It is absolutely essential that that basic democratic right in this chamber be preserved and protected.

Mr De Domenico: Only if it is done responsibly.

MR LAMONT: And it is done responsibly. The simple fact is that the construction of our standing order is not dissimilar to that which exists in Federal Parliament. The simple fact is that any member of the House of Representatives, being a non-executive member, has an inalienable right to put in an MPI. That is something Mr Humphries has acknowledged - true civil libertarian that he purports to be.

Mr Berry: No, he doesn't.

MR LAMONT: Does he not even purport to be one?

Mr Moore: We just saw his vote a minute ago.

MR LAMONT: I am sorry; we did see his vote a minute ago. I will withdraw that imputation, Madam Speaker. I did suggest that he was a civil libertarian. I withdraw that imputation.

MADAM SPEAKER: Order! The debate is interrupted in accordance with temporary order 77.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Health Budget

MR KAINE: I address a question to the Treasurer and I preface it with a brief resume. Virtually since the beginning of this fiscal year there have been rumours, suggestions, even fears that the health budget is going to blow out. That has culminated in the last 24 hours in the chairman of the Board of Health and the chief executive officer both asserting that the health budget is indeed going to blow out to the tune of some millions of dollars - unspecified. Since the Minister for Health will not tell us, will the Treasurer come clean and tell the house that appropriates these budgetary funds by how much she expects the health budget to blow out before this fiscal year is over?

MS FOLLETT: I thank Mr Kaine for the question. Can I say right at the start that, as with all of the agencies, I do expect Health to live within their budget. I am quite adamant upon that point; there are no exceptions. Once the budget is appropriated, that is what managers are expected to manage within. As I have reiterated many times in this Assembly, in the case of Health, and indeed in the case of some other programs as well, there is provision for supplementation of the budget in particular circumstances. Circumstances which are beyond management's control must be picked up in the course of the year, and that is the case with Health.

I do not think it is a secret - indeed, Mr Kaine has said that there have been other public statements, and I echo what I understand are those public statements when I say this - that the health budget is under stress; there is no doubt about that. They are experiencing difficulties in meeting their budget. In setting the budget for Health, I was conscious of the need to continue to bear down on the

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health budget. It was always a difficult budget for them, and I think it is only reasonable, particularly given the huge investment in the ACT's health system, that they should be expected to reduce their expenditure and, in effect, to make some return for the large investment that has been made.

Treasury are working with Health officials to ensure that they do keep to their budget. I think it is true to say that containing the health cost is a very complex matter. It is a challenge for management, and there are some difficult issues that management has to address. I have referred previously to the circumstances beyond management's control for which they can reasonably expect supplementation, and one of those circumstances is the decline in the proportion of private patients compared to public patients. That is a matter which is subject to review and, of course, subject to supplementation within the budget rules.

I am advised that Health are presently examining the projections to the fullest possible extent to ensure that those expenditures which are controllable by Health do not exceed the budget. I regard that as the responsible course of action for managers to take. But there are changes in the pattern of expenditure, as I think I have said in this chamber previously. A particular change we can expect is something of a slowdown over the Christmas period. We will have to see whether that change, which we know will occur, alleviates the health budget situation. I repeat that they are under stress. They know that, and both Treasury and Health management are taking steps to ensure that they do live within their budget.

MR KAINE: I ask a supplementary question, Madam Speaker. Given Mr Berry's propensity for telling Mr Humphries that he failed to keep himself within budget in the one year that he was Minister, and bearing in mind that in each of the three years this Minister has been the Minister the budget has blown out, will you satisfy Mr Lamont's ambitions and replace Mr Berry with Mr Lamont in the portfolio?

MS FOLLETT: I believe that the question is out of order, Madam Speaker; but I am happy to answer it, nevertheless. The answer is no. I would like to contrast that attitude very sharply with Mr Kaine's attitude while he was Chief Minister and presiding over a \$17m budget blow-out in Health under his colleague Mr Humphries - a blow-out of which Mr Kaine denied any knowledge right until the point where it was publicly announced. We can only assume that neither Mr Kaine nor Mr Humphries was aware of the financial situation in Health at the time.

I make a very strong contrast with what I believe is the responsible management of a difficult budget situation, plus the fact that the health budget is being constantly monitored. Members have the latest figures. If they want to make quite erroneous extrapolations, as they did last time this subject came up, that is up to them. I believe that the current management of the health budget is in marked contrast to the total lack of management which saw the budget blow-out under Mr Kaine, and particularly the considerable amount of expenditure which was not authorised.

Police Dogs

MS ELLIS: My question is directed to the Attorney-General, and I ask: Will the Government be using police dogs against young people in Civic?

MR CONNOLLY: I thank the member for the question. I am aware that rumours have been sweeping Canberra that the Australian Federal Police are training a crack squad of police dogs for skateboard and rollerblade patrols. While I can confirm that Rover is far more elegant and falls off the skateboard less frequently than a certain prominent Liberal politician, I must say that the trials with the rollerblades have been less successful. It is difficult to find four rollerblades of sufficiently small size, and the dogs are very uncoordinated. That question invites a flippant response, because it was such an absurd suggestion made by a former member of this place over the weekend.

The police will have an enhanced presence in Civic over the next few weeks in relation to our safer Civic program. The key to that safer Civic program is to continue to build on good relationships between young people and the beat police. I was very pleased with it when I was out on a Friday night, and certainly members are invited to wander into Civic and chat to the police in the early hours of the morning to see how it is going. The thing that struck me most about the beat police's operation is the very good relationships that are developing between by far the bulk of the young kids who are in there for a good time and the beat police. The young Canberra kids - our community's kids - see that the beat police are there to look after them and ensure that they can go out, enjoy themselves, have a good time, and get home safely.

To bring police dogs in for crowd control in Civic would be totally counterproductive. The AFP's police dog contingent is very much policing of last resort. It has a search function; it has a crowd control function in extremis. To suggest that they be brought in and used for general Friday and Saturday night beat patrol duties in Civic makes about as much sense as suggesting that the highly trained counter-terrorist squads come in with all their combat gear, automatic weapons, stun grenades and tear gas and patrol the steps of a disco. The key to the safer Civic strategy is to continue to build on good police-young person relationships. The suggestion that we use police dogs is absurd.

MADAM SPEAKER: I call Mr Humphries.

Mr Stevenson: I will raise a point of order, Madam Speaker. I believe that the call should be given to the person first on his feet.

MADAM SPEAKER: Mr Stevenson, I will no longer entertain that point of order. Will you please sit down.

Legislative Program

MR HUMPHRIES: Madam Speaker, my question is to the Attorney-General. I refer the Minister to the Government's woeful performance in meeting its legislative program for the budget sitting. Can the Minister tell us what the problem is? Is it because the various departments are slow in their preparation of drafting instructions?

Mr Lamont: Madam Speaker - - -

MADAM SPEAKER: Mr Lamont, do you have a point of order?

Mr Lamont: Madam Speaker, this quite clearly pre-empts a matter on the notice paper this day, which is an MPI.

MR HUMPHRIES: It is asking a question for the purposes of the debate on the notice paper.

MADAM SPEAKER: No, Mr Lamont, it is not on the notice paper.

MR HUMPHRIES: I ask the Minister what the problem is. Is it because the various departments are slow in their preparation of drafting instructions? Is it because of insufficient drafting resources in the office of the Parliamentary Counsel? Or is it simply because the Government is too absorbed with internal infighting and discord to get on with the job?

MR CONNOLLY: Madam Speaker, I note that this is premised on an alleged failure to deliver on the legislative program. As I look through my first priority programs I see the Adoption Bill. Need I say more? These people - this joke opposite - get up today and seek to criticise us for failing to deliver on the legislative program, when last night they thumbed their noses at the community and sent the Adoption Bill off to a committee. What a pathetic point!

Our legislative program is demonstrated best by the volume of documents on the shelves in front of us there - the number of Acts brought into this chamber and passed by this active, reformist Labor Government. Madam Speaker, the report of the agency you administer - the annual report of this Assembly, which you tabled recently in this place - demonstrated, and I think my colleague Mr Berry referred to these figures, that the number of Bills that have been brought in and passed by this Assembly in the 12 months we have been in office worked out at double the work rate of the period when you lot were in office. I note again on the legislative program that the Food Bill was a first priority. Mr Berry has delivered on that, but year after year you had it on your priority list and did nothing. Madam Speaker, they are a joke.

Mr Humphries: On a point of order, Madam Speaker: The Minister is avoiding the question. The question asked about this budget session - not last year, not any other government's program, but this budget session.

MR CONNOLLY: I consider that I have answered the question, Madam Speaker.

Gungahlin - Environmental Controls

MR MOORE: My question is to the Minister for the Environment, Land and Planning. It is a question of which I have given him short notice. Is the Minister aware that at the John Overall Offices, when members of the public make requests for information regarding the new suburbs in Gungahlin and quote block and section numbers, the Planning Authority has no record of the details of the subdivisions members of the public are referring to? Does the Planning Authority therefore have appropriate control mechanisms to ensure the best siting of blocks and sections within subdivisions to provide for adequate environmental considerations?

MR WOOD: Mr Moore did give me notice of the question, although he did not give me any specifics. As best I can understand, if a member of the community has gone to the information office with block and section numbers and has been told "We do not have them", I believe that the answer is simply that in many circumstances blocks are sold off a plan, off a map. They are working from agents' material; they are not necessarily the formal documents prepared by the Planning Authority. The agents are often ahead of the completion of the formal work. People come in with the number the agent gives them, but there is no block and section number within DELP simply because that work has not yet been done. That is often the way it happens. If there is a specific case that is other than that, I would be happy to respond to it.

Mr Moore: That is what we are talking about. The question is about adequate environmental considerations. How do you control environmental considerations?

MR WOOD: I will go on and answer the question as I understand it. I am not sure necessarily of the connection between the first and second questions. By the time the agents have got their plans under way, they have broad approval for the subdivision. In that approval there are increasingly tougher guidelines, better guidelines, for environmental control - for example, orientation to the sun.

MR MOORE: I ask a supplementary question, Madam Speaker. Mr Wood has just told us that, before the Planning Authority has blocks and sections in place, developers can actually sell those blocks and sections and identify them. What the Minister has indicated is that there is a lack of control over how those blocks are sited. Minister, what are you intending to do about it?

MR WOOD: No, I have not indicated that at all. The Planning Authority gives agreement to what the developers bring in. Then there is a fairly long process - I think a very efficient one, but a process of some time - before that work is completed and formalised by block and section. There are quite a number of steps to be taken. In that interim, developers are quite keen to sell that land. They want to get rid of it as soon as possible so that they are not paying interest and the like. It is that interim that I think we are talking about.

Freedom of Information Fees

MR STEVENSON: My question is to Mr Connolly and concerns freedom of information. What is the estimated or actual cost of collecting FOI fees for each of the completed yearly periods since commencement of the Act? How do these amounts compare to the fees collected?

Mr Moore: If you had been there for estimates you could have got this.

MR CONNOLLY: Mr Moore assists me by interjecting that if Mr Stevenson had attended the Estimates Committee he probably could have got that information. I will take the question on notice and give him a full answer.

Industrial Relations

MRS GRASSBY: My question is to the Minister for Industrial Relations. Will the Government continue to oppose changes to our industrial relations system such as those imposed in Victoria?

MR BERRY: I thank the member for the question. Madam Speaker, I think it needs to be drawn to members' attention that a recent ANOP poll demonstrated that the general public support our present Federal industrial relations system. The poll asked: Would you prefer the Hewson-Howard Jobsack policy or would you prefer to retain the present system? The results give a clear indication to the Liberals that they should be running scared about their "jobsack" policy. Madam Speaker, 58 per cent stated that they prefer the present system; only 34 per cent prefer "jobsack". The Liberals are running scared.

Mr Kaine: Did you ask the million unemployed, or did you skip them?

MR BERRY: Do you support all of Hewson's package? Even Dr Hewson is running away from it. The Liberals intend throwing out more than half a century of developments that have established a modern and just method of industrial arbitration and wage setting in Australia, and one which is the envy of many countries throughout the world. Millions and millions of workers around the world envy the wages system in Australia. We do not want a system such as that which exists in the United States, or perhaps even in the Philippines, where people, if they are lucky enough, can negotiate minimum wages and extra conditions. That is the sort of thing the Liberals will impose on us.

It is clear that the majority of Australians have seen through what I describe as the "frightpack". It certainly sent Dr Hewson scurrying. He is frightened, because now he is going to change it. He is going to change the package which was formerly supported unequivocally by the Liberals opposite. Which parts of the package do you want to keep and which parts do you want to throw out? You tell us about that. The same sort of response can be expected by the Liberals in relation to the recent ANOP poll. What it boils down to, and this has been made clear through all the debate on this issue, is that you either take a cut or lose your job. If you combine that with the goods and services tax, the Liberals' policies mean higher prices and lower wages and less power to negotiate on wages and working conditions.

This Government is not going to relent on its fight against the creeping cancer of what is occurring in Victoria. That is the sort of thing that will result in living standards falling, and that is clearly what is intended. There is no conscience among these people opposite about the living standards of working men and women. They do not care about it. They seem concerned only about the taxes of people who can afford to buy Ferraris and those sorts of things. They will reduce those taxes because those people are their mates; but they are not concerned about the people on the factory floors, in the shops, on the building sites. Their incessant hatred of the trade union movement gives a clear indication of where they are coming from in relation to job security, wages and working conditions, the living standards of most of Australia. Australians have indicated clearly that they do not want the Hewson package; they do not want the industrial relations package in Victoria, which will spread if Hewson has his way, and this Government will resist it.

Medicare Levy

MRS CARNELL: My question is to the Minister for Health. I refer to the Minister's answer to Mr Moore's question yesterday. In that answer the Minister indicated that the increase in the Medicare levy was going to be directed to general health areas such as medical and pharmaceutical. Does he now admit that this is not true and that the 0.15 per cent increase will be spent only on the incentive payment and a bonus pool, with, for his information, approximately \$208m in the bonus pool and some \$78m in the incentive package? Does the Minister now acknowledge that ACT taxpayers will pay an extra approximately \$8m and get back under \$1m in the incentive package?

MR BERRY: This is a complete joke. If you extrapolate Mrs Carnell's figures into the entire Medicare levy, it comes up at somewhere between \$70m and \$80m. On her figures, only \$8m of that \$74m would go into the health system. That is an absolutely ridiculous proposition. I explained yesterday, and this made it pretty clear, how much of the Medicare levy goes into doctors' fees. Mrs Carnell seemed to want to ignore that. Some of it goes into her very own hands - to pharmacists.

Mrs Carnell: We are talking about the increase.

MR BERRY: All she wants to do is talk about the increase, but you have to look at the whole package. The money from the increase will go into the bucket and it will be spread equitably across Australia. You and your New South Wales and Victorian mates who want to try to undermine Medicare are on a hopeless task. You will never undermine Medicare because 70 per cent of the Australian people depend on it, and nearly all Australians think it is a good thing for the Australian people. What Mrs Carnell is on about is to try to create the impression that the people of the ACT will be worse off with the increase in the Medicare levy.

Mr Humphries: They will be - \$8m worse off.

MR BERRY: They will not be, because the Medicare levy will build up the amount of funds that will go to health across Australia. We are not separate from the rest of Australia, Mrs Carnell, when it comes to the provision of health care; we are part of Australia, and the entire levy will go to produce a better health

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system throughout this country. You cannot separate a meagre increase and say that it will go one way or another. It will go into the entire amount of money that is collected by way of the levy - it was a good decision to increase the levy - and it will provide better health services across Australia, as well as in the ACT.

MRS CARNELL: I ask a supplementary question, Madam Speaker. Possibly this is a better way to ask the question: Does the Minister then admit that, if the extra \$8m that ACT taxpayers will pay were distributed according to the current Medicare agreement, ACT Health would get \$4m, not the \$1m as in the new agreement, which means that we would be \$3m better off? Is that simpler?

MR BERRY: What a foolish approach! What an inane approach! We are right now in the process of negotiating a new Medicare agreement - - -

Mr Kaine: But you have already signed it.

MR BERRY: You - I almost said "fools" - clumsy people; you do not even understand what is going on. You have to be told over and over again. I will tell you again. This Government has clearly indicated that it is committed to the principles of Medicare and that we intend to work towards the signing of a Medicare agreement from the middle of next year.

Mr Humphries: How about answering the question rather than giving us the platitudes, Wayne? I have heard it 100 times before. I am not interested any more.

MR BERRY: Well, you are going to hear it.

Mr Humphries: Yes, we sure are.

MR BERRY: That is right. We will be working towards the establishment of a new Medicare agreement. I have said over and over again - and these people opposite seem too thick to understand it - that a significant amount of negotiation needs to occur in relation to all the facets of Medicare. We intend to wring out of our negotiating process the best possible deal for the ACT. It will be done in an environment where the New South Wales Government and the Victorian Government and Mrs Carnell are on the band wagon, trying to undermine Medicare in the lead-up to the next election. If they take politics out of it and get back to good sense, we will be allowed to proceed down the path towards a better Medicare agreement. I do not trust Mrs Carnell's figures. When you extrapolate the figures, they just do not make any sense at all. I demonstrated yesterday in my answer to Mr Moore that the figures she has suggested are completely wrong.

Strategic Planning Study

MS SZUTY: My question without notice is to the Chief Minister. However, if the Chief Minister feels that this question is more appropriately addressed to another Minister, I will be happy for her to refer the question to the relevant Minister. On 20 August this year the Assembly passed a motion requiring the Government to inquire into and report on strategic planning in the ACT, addressing the key question: What should Canberra be like in the year 2020? One requirement of the motion was that the Government was to report to the Assembly on progress at the end of each quarter, the first reporting date being 30 November 1992. I ask the Chief Minister: Why has the Government not reported to the Assembly on the progress of the strategic plan, and when does it propose to do so?

MS FOLLETT: I thank Ms Szuty for the question, Madam Speaker, and I am happy to provide an answer. I realise that members may not be totally enamoured of the answer. Certainly, the Government takes the motion that was passed in this Assembly very seriously and we have done from the start. We had seconded a very senior officer to undertake this task; I understand that that officer had also undertaken some consultation on the project and had established a method by which he wanted to progress it. Unfortunately, that officer has had a period in hospital and has been quite ill. This has caused something of a hiatus in continuation of the report.

That work has since been picked up and the first stage of the report is now very close to completion. I will most certainly be tabling it in the Assembly this week or next week, I can assure members. All I can say, Madam Speaker, is that I do apologise for the fact that it is a little late, but we are rectifying that situation as quickly as possible. Unfortunately, the circumstances which led to its being late were not within our control, but they have now been sorted out.

Bonython - High School Students

MR CORNWELL: My question is addressed to the Minister for Education. I ask: Why are pupils from Bonython Primary School being directed to Kambah High School, which on my calculations is four-and-a-half kilometres from the south of the suburb of Bonython, after previously being advised by your department in a publication delivered to all households in the area that Calwell High School served the suburb of Bonython? Will buses be provided to transport these students, and for how long is it intended that they should attend Kambah High before they can transfer to the proposed Lanyon High?

MR WOOD: Madam Speaker, this is a matter of some administrative detail. I will acquire the information and let the member know.

Nolan Gallery Collection

MR LAMONT: My question is also addressed to Minister Wood and concerns the collection in the Nolan Gallery. What will happen to that collection at the Nolan Gallery now that Sir Sidney Nolan has died?

MR WOOD: Madam Speaker, the question is one of general interest, not just in Canberra but more widely. It is appropriate, first of all, to express appreciation of the late Sir Sidney Nolan permitting the collection to be located in the ACT and regret at his death. Members should listen to these words because there are some matters to be worked through, as you will understand: At present the Nolan Gallery owns 144 works by Sir Sidney Nolan; 142 of those were donated to the people of Australia by Sir Sidney over a period of years, beginning in 1975. These 142 works, though in the gallery, are owned by the Commonwealth on behalf of the people of Australia. Sir Sidney specifically chose the works for the collection with the Nolan Gallery location at Lanyon in mind.

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In addition to the works owned outright as part of the Nolan Gallery collection, there are additional works by Nolan and John Percival which were owned by the artist and are now part of his estate. These works have been housed at the gallery for a number of years. Nolan originally loaned those works for exhibitions at the gallery and he was happy for them to remain at the gallery, where they would be properly cared for. The future of all these works is not known at this stage. Presumably, it will take some time for the artist's estate to be finalised. The Nolan Gallery does not believe that anything will happen in the immediate future.

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

AUDITOR-GENERAL - REPORT NO. 5 OF 1992
Budget Outcome Presentation and Aggregate Financial Statement

MADAM SPEAKER: Members, I present, for your information, the Auditor-General's report No. 5 of 1992, Budget Outcome Presentation and the Aggregate Financial Statement for the year ended 30 June 1992.

MR BERRY (Deputy Chief Minister) (3.04): I move:

That the Assembly authorises the publication of Auditor-General's Report No. 5 of 1992.

Madam Speaker, I think the motion explains itself and does not require any further contribution from me.

Question resolved in the affirmative.

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

That the Assembly takes note of the paper.

PAPERS

MR BERRY (Deputy Chief Minister): Madam Speaker, for the information of members, I present the following papers:

Pursuant to the *Audit Act 1989* -

ACT Housing Trust and Office of Rental Bonds Financial Statements, including Auditor-General's report for 1991-92; and

Milk Authority of the ACT Annual Report and Financial Statements, including the Auditor-General's report for 1991-92;

Pursuant to section 47 of the *Legal Aid Act 1977* -

Legal Aid Commission Annual Report and Financial Statements, including Auditor-General's report for 1991-92;

National Road Transport Commission Annual Report for 1991-92; and

Pursuant to section 22 of the *Territory Owned Corporations Act 1990* -

Totalcare Industries Limited Annual Report and Financial Statements, including Auditor-General's report for period 16 December 1991 to 30 June 1992.

COUNCIL OF AUSTRALIAN GOVERNMENTS Ministerial Statement and Paper

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I seek leave of the Assembly to make a ministerial statement on the inaugural meeting of the Council of Australian Governments.

Leave granted.

MS FOLLETT: Madam Speaker, the inaugural meeting of the Council of Australian Governments took place in Perth on Monday, 7 December. In accordance with the practice adopted by successive ACT governments of reporting on major intergovernmental forums, I take this opportunity to inform the Assembly of the outcome of the council's deliberations.

Members will be aware that the Council of Australian Governments has been established with the aim of increasing cooperation among governments in the national interest. The council is a more formal and permanent incarnation of the Special Premiers Conference process, which commenced in 1990. With its focus on cooperation between governments, the Council of Australian Governments is additional to, rather than a replacement of, the normal financial Premiers Conference. This allows the council to concentrate on issues that are better suited to consideration in a consensual and non-partisan manner for the benefit of the nation as a whole.

It is inevitable that a gathering of all Australia's heads of government provides a forum for consideration of matters which at the time of the meeting are a source of tension between levels of government. This was the case in Perth in relation to industrial relations matters. It is a measure of the potential strength of the Council of Australian Governments and the goodwill that all participants bring to it that the council was able to agree to a means of seeking to resolve the concerns expressed by some States about the Commonwealth's proposal to legislate in response to industrial relations developments in Victoria.

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As a result of the council's deliberations, the Commonwealth Government has agreed to consult the States and Territories on the use of its external affairs power to determine conditions relating to minimum wages, equal pay, and termination of employment for workers outside existing Federal and State awards. A committee of Ministers, to be chaired by the Commonwealth, will examine as a matter of urgency the proposal to have International Labour Organisation conventions apply to the States' industrial jurisdiction, including its impacts on the conduct of State and Territory industrial relations. The Commonwealth has undertaken not to introduce that aspect of its industrial relations legislation which relies on the external affairs power prior to this consultation with the States and Territories. The protection of the working conditions of all Australians is a matter dear to the heart of this Government and one which clearly underpins the Commonwealth Government's intentions. We look forward to working in a cooperative process to examine the means by which this objective can be realised.

It would be unfortunate if the contentiousness of industrial relations issues were allowed to mask the many and diverse matters of significance on which agreement was reached at Monday's inaugural meeting of the Council of Australian Governments. It is particularly pleasing to report that two ACT initiatives were considered by the council. There was very strong support for my proposal for a review of the number, scope and distribution of ministerial councils. It has long been a concern to me that, with only four Ministers, it is impossible for the ACT to participate in the 48 existing ministerial councils. Equally, I have been particularly conscious of the relatively high costs to the Territory of attending and contributing to the work of ministerial councils, both in terms of the demands upon Ministers and officials and as far as travel is concerned.

Having been called on to participate in so many councils, it has become apparent to me and my ministerial colleagues that there is much overlap and duplication between councils, some whose very existence must be questioned and others whose frequency and location of meetings are cause for concern. All members of the Council of Australian Governments embraced the proposal for a systematic review, and the thinking that lay behind it. The review will be conducted with the aim of at least halving the number of councils and ensuring that those which remain operate efficiently and are modest in their travel practices. Ministers, the ACT Government Service and the community at large stand to gain from a smaller, more effective and efficient system of ministerial councils. That the ACT has been able to show national leadership in its determination to achieve efficient government reflects well on us as a responsible partner in the Australian federal system.

I also raised with the Council of Australian Governments the important issue of violence in our communities. I presented to heads of government the national strategy on violence against women, which has been developed by a committee comprising representatives of all governments and a community member from each jurisdiction. Members will recall that I informed the Assembly of the strategy some weeks ago and outlined its overall direction and the many actions contained within it that are already being pursued by the Government.

The national strategy on violence against women is a comprehensive and forward looking blueprint for action. The Council of Australian Governments noted the strategy and agreed that each jurisdiction will give it early and appropriate consideration. This is the second occasion on which the ACT has taken the lead on this issue at heads of government level. Our initiative on the portability of domestic violence orders has now received expression in the form of legislation in almost all jurisdictions, and I hope that this success is mirrored in the outcome of each government's consideration of the national strategy on violence against women.

As part of a general concern about the level of violence in Australia, the council considered the issue of violence on film, television and video. Members will be aware of the Prime Minister's proposal that the current wide and indiscriminate AO category for television be replaced with an M category and an MA category for the more violent films. It is pleasing to see that the television networks have undertaken to draw up a draft program code that adopts the system of classification used for film and video. Under these new arrangements the new M category will be recommended for those aged 15 and over, while the MA category will be restricted to those aged 15 and over, unless accompanied by an adult. In endorsing the new M classification and agreeing to amend censorship legislation by 1 May 1993, the council has again demonstrated that decisive action can be taken at the national level on violence in our society.

The environment is a further area in which national leadership has been shown by the council. On Monday it endorsed the national strategy for ecologically sustainable development and the national greenhouse response strategy. Both strategies have been the subject of intense cooperative effort between all jurisdictions and have benefited from extensive public consultation with all interests during their development. Agreement to the strategies reflects the integrated and comprehensive approach being taken across Australia in relation to the health of our environment, both now and in the future. The strategies also illustrate the clearer understanding that now exists on the interaction between the environment and all facets of human activity, including our economic development.

Having reached this important milestone in the development of national environmental policies, the council agreed to turn its attention to an issue which is of central concern to a country such as Australia - water resource policy. In view of the intrinsic economic and environmental importance of the way in which we use water, the council agreed to the preparation of a report for its next meeting on urban and rural water use as a basis for considering the need for greater impetus to be given to reform in this area.

Members will be conscious that micro-economic reform has been an area in which cooperation at the national level has been most fruitful in the last two years. This process is continuing. The council received a report on progress with reform of electricity arrangements from the chair of the National Grid Management Council, of which the ACT is a member. As a substantial consumer of energy, the ACT stands to benefit from this reform process, and I particularly welcome the reaffirmation by the relevant heads of government of the principle of separate generation and transmission elements in the electricity sector.

Keeping in mind the particular importance of efficient trade in energy for both consumers and the environment, the council's agreement to set in train a process to achieve its objective of free and fair trade in gas is a welcome addition to the micro-economic reform agenda. So, too, is the council's agreement to make concerted efforts to strengthen the development of an export culture in Australia, both under the umbrella of the national trade strategy and through its recognition that the development of a comprehensive Asian languages and cultures program in Australian schools is needed if we are to enhance Australia's economic interests in the Asia-Pacific region.

In past years responsibility for Aboriginal and Torres Strait Islander affairs has been an issue of some tension between levels of government in Australia. With the national response to the Royal Commission on Aboriginal Deaths in Custody and other developments, thankfully we seem to have turned the corner on this issue. This was highlighted on Monday when heads of government endorsed the national commitment to improved outcomes in the delivery of programs and services for Aboriginal people and Torres Strait Islanders.

The national commitment recognises the need to address the underlying and fundamental causes of Aboriginal and Torres Strait Islander inequality and disadvantage. It confirms that the planning and provision of government programs and services for Aboriginal peoples and Torres Strait Islanders is a shared responsibility and a legitimate policy interest of all spheres of government. In this, the beginning of the United Nations Year of the World's Indigenous Peoples, the agreement symbolises the willingness of Australian heads of government to work together in a concrete and cooperative manner in a field in which up to now Australia has not distinguished itself to the extent that I am sure we would all prefer.

Housing and its relationship to other areas of government activity, especially the provision of infrastructure and planning, received careful attention in Perth. Indeed, it is interesting to see how the issues of urban renewal, social isolation and the efficient provision of community services have begun to capture the attention of all Australian leaders. For this reason, leaders agreed that the time has come to recognise the interests of all levels of government in housing and to develop national objectives for the proper integration of housing with the development of urban infrastructure and the provision of other services. Given the Government's commitment to urban renewal and the concentrated efforts we are making in this field, the ACT will be an active participant in the development of national objectives and will both learn from and contribute constructively to the process the Council of Australian Governments has put in train.

Finally, the issue of the responsibility of levels of government for the provision of concessions was discussed. Members will be conscious that this is a complex area of policy in which the responsibilities of States and Territories in providing concessions, and the role of the Commonwealth in determining eligibility for benefits which are then used for determining access to concessions, make for a difficult interplay of interests and responsibilities. Heads of government have decided to try to sort the issue out. It would be short-sighted to dismiss this as some arid review exercise. There are real problems in delivering cost-effective concessions that meet the needs of the disadvantaged in our community. If we can settle the roles of the respective levels of government in this area, then the social justice objectives of all involved can be better served.

In summary, the inaugural meeting of the Council of Australian Governments has demonstrated that, despite the changes that have occurred in the political complexion of State governments since 1990, all jurisdictions retain a commitment to working together in the national interest. If this were not the case, then Monday's meeting could not have got past the first agenda item. This bodes well for our nation and the ACT as a partner in the federal system. But we must temper optimism with realism. Change at the national level takes time, cooperative effort and, most of all, hard work, if we are to come to grips with the complexities of the issues that require national solutions.

Madam Speaker, for the information of members, I table the communique of the inaugural meeting of the Council of Australian Governments.

LEGISLATIVE PROGRAM
Discussion of Matter of Public Importance

MADAM SPEAKER: I have received letters from Mrs Carnell, Mr Cornwell, Mr De Domenico, Mr Humphries, Mr Kaine and Mr Westende proposing matters of public importance to be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Mr Humphries be submitted to the Assembly for discussion, namely:

The Government's failure to implement its legislative program.

MR HUMPHRIES (3.21): Madam Speaker, who here remembers the fanfare with which the Government launched its legislative program back in August of this year?

Mr Kaine: They do not.

MR HUMPHRIES: Obviously they do not, no. With much twirling of batons and sounding of trumpets, the Government told the Assembly what a wonderful legislative package it was going to bring down for us in the budget sitting of the Assembly and how much we would all benefit from the program of this active Government.

The Minister who introduced the program at that time, Mr Berry, said:

It is the Government's intention to introduce as many Bills in the first priority category as possible within the budget sittings.

That was a laudable aim, Mr Deputy Speaker. We are coming at this time to the end of the budget session of the Assembly for 1992. I hope that there are no more Bills - at least none which are likely to be passed by the Assembly in the course of this sitting - yet to be introduced. It is a reasonable time, it seems to me, to ask the question: Just how has this Government - this Government with all these wonderful plans - fared?

Mr Berry: Brilliantly.

MR HUMPHRIES: We will see. Let us, first of all, acknowledge that the program outlined by Mr Berry at that date in August and the statement that accompanied it were a little woolly in some respects. Lots of qualifications and hedging appeared in the statement, which makes it a little hard to pin the Government down as to what it was promising to the Assembly at the time it delivered that statement. You have phrases such as "proposals intended for introduction" and "proposals for preparation during the budget sitting". The Government is not going to tell us what it has in preparation at the present time, and I suppose it will pretend that everything that is not actually presented will be prepared; but I remain highly sceptical about that.

We were told that the program must be flexible and that the classification of proposals may also be subject to change. That may be the case. We have not actually been told about any of the classifications having changed; so I think we are entitled to assume that, since there have not been any announced changes, all the legislation remains in the category in which it was placed when Mr Berry made his statement in August. The last sentence of Mr Berry's statement reads:

I trust that members and the public will find the document informative and useful.

I trust that that will be realised to be a prophetically unhelpful and untrue statement. The bottom line is this: How much did the Government actually achieve - - -

Mr Berry: What was untrue about it?

MR HUMPHRIES: I will come to that. How much did the Government actually achieve in the course of this budget session? How many promises has it delivered? What exactly has this active, reformist Government - to quote Mr Connolly a few moments ago - done for the Territory? We have done some calculations, and, on a portfolio by portfolio classification, we see that Ms Follett promised 12 Bills in her classification, of which only four have been introduced in the Assembly and only three passed; eight have not been tabled or otherwise seen. That leaves a strike rate of Bills not tabled, as promised in the legislative program, of some 67 per cent.

For the Deputy Chief Minister, unfortunately, there has been an even worse performance: 27 Bills were promised; only six were introduced and six passed; and 21 were not tabled - a strike rate of Bills not tabled of 78 per cent. For Mr Wood, the figures are slightly better: 15 Bills were promised; five were introduced, four were passed and 10 were not tabled - also 67 per cent of Bills not tabled. For Mr Connolly, 68 were Bills promised; 15 were introduced, only 13 were passed, and 53 Bills out of 68 were not tabled or otherwise seen. Seventy-eight per cent of Bills were nowhere to be seen. He is as bad as Mr Berry, which is a terrible comparison to make.

The Government says, "We are really getting on with the job here; we are an active, reformist Government; we have the runs on the board; we are doing the job". I am afraid that the facts just do not speak in that same way.

Mr Berry: They do when you compare us with you.

MR HUMPHRIES: I would not even say that, Mr Berry. I would not use that refuge, because it is not going to be available to you. What was said back in August was that the Government's intention was to introduce as many Bills as possible in the first priority category within the budget session. Mr Berry went on to draw the comparison between what was promised for that session and what was promised for the previous session. He said:

During the autumn sittings, 41 of the 62 Bills listed in the first priority category were introduced into the Assembly. I consider this to be a reasonable strike rate, given the abbreviated nature of the autumn sittings.

Mr De Domenico: Who said that - Mr Berry or Tony Greig?

MR HUMPHRIES: Mr Berry. A reasonable strike rate is 41 out of 62 Bills. Let us have a look at that. Let us take that standard Mr Berry has imposed. If 41 out of 62 is reasonable - by the way, that equals 66 per cent of your first priority Bills presented; he is busy writing Christmas cards, obviously really concerned about this issue! - 66 per cent is a reasonable strike rate.

What happened in the budget session this year? Let us have a look. There were 11 Bills in the first priority category for the Chief Minister. How many were presented? Three. For the voluble Mr Berry, 20 Bills were promised - 20 first priority Bills, Bills of the highest priority this Government had to give. These are the really important Bills in this Government's legislative program. How many were presented? Five - five out of 20, or 25 per cent. Mr Wood did slightly better. Out of 13 Bills promised, four were presented. That is a great performance. Mr Connolly promised a great deal. Of the 21 Bills promised, how many were delivered? In the first priority category, only eight.

In the autumn session we had a program which was delivered at the rate of 66 per cent among first priority Bills. What is the rate during the second session of this year, the budget session? It is 20 out of 65, or 31 per cent - less than half the rate Mr Berry said back in August was a reasonable strike rate. If 66 per cent is a reasonable strike rate, what is 31 per cent?

Mr De Domenico: Unreasonable.

MR HUMPHRIES: Indeed, it is unreasonable. I would say that it is appalling, pathetic, lamentable, RS, whatever else you want to say.

Mr Wood: Streets ahead of what you did.

MR HUMPHRIES: No, it is not ahead of it. It was a better rate than you achieved. Mr Deputy Speaker, this Government is running on empty. It does not have anything to keep it going and it is just eking out the time until it gets to the end of this session and collapses in a heap and tries to find something to do for the next session of the Assembly.

Mr Kaine: And it has achieved it largely because of the hangover of legislation from our Government.

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MR HUMPHRIES: As Mr Kaine has indicated, this Government, for a large part of its life, has been using up the Bills we produced when in government and had prepared for it when it entered the halls of power. Now that it has run out of those Bills, it does not have anything left. This Government is running on empty. It is a government with little to say and even less to do.

I have to conclude that the Government is suffering from a total leadership paralysis. That legislative program is left in tatters due, I suspect, to the infighting which is occurring on the fifth floor. I asked Mr Connolly, in question time half an hour ago, what was the reason for the program delay. Perhaps for the first time in this Assembly, I did not get a straight answer from Mr Connolly. I do not expect straight answers from some here; but I did expect one from Mr Connolly, and I did not get it today. The reason is that he knows that this Government has had a dismal performance on its legislative program. Only 31 per cent of its first priority Bills were presented in the Assembly. More than 70 per cent of its Bills were not even put up for the public to see, and that is really a concern. It is either riven by internal strife and fighting or simply tired and worn out. There are not any excuses. There is no reason.

Even comparing it with previous governments, what joy does that bring to the heart of this Government? "We did better than the Alliance Government". You did not, unfortunately; that is one thing that is knocked out. You did not do better than the Alliance Government. Where is your own program? Where is the active, reformist government we have been promised? Where is the legislation? Where is your chance to reshape the ACT in the image of Labor? Where is it? Where are all the initiatives? They have not appeared.

In office for 18 months, this Government does not show any signs that it has an active agenda. Only yesterday, Mr Connolly, on my reckoning, became the Territory's longest serving Attorney-General. Mr Wood became the Territory's longest serving Minister for Education.

Mr Wood: And most distinguished.

MR HUMPHRIES: Well, maybe not. On this program you are slightly more distinguished than your colleagues, Mr Wood; but that is about all I can say for you. It is not much of a comparison. The fact is that there has been plenty of time and, with a mandate freshly under their belt, plenty of opportunity to put up to the Territory and to the Assembly a package of change, of initiative, of reform. We have not seen it. This Government is gripping on for grim death. It has battened down the hatches, and it is waiting and hoping that when the recession is over and it emerges in a year or two's time everything is going to be okay. It will not; it will be even worse, because the Government is showing all the signs of having neglected the serious problems facing the Territory, and we have said plenty about that in the past.

Let us look at the Bills list for yesterday. We have a Bills list for yesterday, 8 December, showing people who care to pick it up all the Bills that are presently on the table for the ACT Legislative Assembly to consider. There are 13 Bills on the list. How many are government Bills? How many are Bills from this body of people with 13,000 public servants, or whatever it is?

Mr Kaine: No, 23,000.

MR HUMPHRIES: I beg your pardon - 23,000 public servants providing it with resources and energies and strategies. With 23,000 people behind it, how many Bills are on the paper? Three.

Mr De Domenico: How many?

MR HUMPHRIES: Three Bills.

Mr De Domenico: Out of how many?

MR HUMPHRIES: Three out of 13. Nine of the Bills on the program come from members on the cross benches or the Opposition. Are you not ashamed? Do you not feel ashamed?

Ms Follett: You cannot cope with what we give you.

MR HUMPHRIES: These people have some gall, Mr Deputy Speaker. I beg your pardon; I will correct that. It is 10 Bills from the Opposition and the cross benches and only three from the Government - really quite pathetic. Mr Connolly in an interjection raised the old furphy about the Adoption Bill. That is one piece of legislation introduced late in the session. It is not inconsistent for the Opposition to call at the same time for a reasonably active program and time to consider these Bills when they come forward. That is what we ask for. You have had the Bill since February. Why could you not have given us the benefit of a little more time to consider it on the floor of the Assembly?

This is an active, reformist government, is it? Well, 70 per cent of its program is unseen; only 31 per cent of its first priority Bills have been presented. Thank God for an active, reformist government. Imagine what an inactive, reactionary government would be like. It is pretty hard to imagine. This performance has been nothing short of miserable. In future, the Government should stop grandstanding and puffing out its chest about its program at the beginning of each session and, instead, deliver a realistic program which does not mislead the people of the ACT.

MS FOLLETT (Chief Minister and Treasurer) (3.36): Mr Deputy Speaker, I think it is a quite good idea to have a matter of public importance such as this come up before us every now and then. It gives a young member such as Mr Humphries the chance to vent his spleen in a relatively harmless fashion. It also gives him a chance to fool about with the numbers a little. He is obviously experiencing some frustrations in fooling about with the numbers in his own caucus. It is quite clear that Mr Humphries fancies his chances as the next Leader of the Opposition. Who knows? He has been there before. We are clearly seeing a further bid for fame. If we let him fool around with the numbers as he has done today, then I very much doubt whether he will ever actually get the numbers in his own caucus. This is a little outlet for him, and I think that is fair enough.

One of the problems Mr Humphries has in taking on this matter of public importance is that he has not put forward the full facts of the matter. That is his right, as the putative Leader of the Opposition. You would not expect him to put forward anything that might be in the Government's favour. The fact is that by the end of the budget sittings of the Assembly the Government will have introduced some 34 Bills, 21 of which are included in the first priority

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category of the legislation program that was tabled in the Assembly. It is unusual for a government to table its legislation program - unusual, I think, to the point of being unique - and it is done in an attempt to assist other members of this Assembly to prepare for matters that may be debated in the Assembly.

The nature of the legislation program is quite important to understand what is going on here. First, can I say that the program is not designed to be a measure of the Government's legislative performance. As I said, it is an indication of the areas the Government may be calling on members to debate. In fact, Mr Berry at the time he tabled the legislation program said:

The program will provide members with an overview of the non-budget legislation proposals intended for introduction into the Assembly or for preparation -

note that -

during the budget sittings.

Mr Humphries: That is your let-out clause.

MS FOLLETT: Mr Humphries interjects that that is a let-out clause; but it quite clearly is the clause that wipes out most of his arguments. The words "or for preparation" quite clearly include matters which we probably would not put before the Assembly but on which we are working. The program is therefore a statement of legislative intent. I can assure members that the vast majority of proposals listed in that program are actually in preparation - those that have not yet been introduced into the Assembly - and those that are in preparation include quite a number that are nearing completion.

Mr Humphries has also conveniently ignored the flexible nature of the legislation program, and it is a flexible document.

Mr De Domenico: Very flexible.

Mr Humphries: Yes, it is really flexible.

MS FOLLETT: Members can scoff. It is about as flexible as the leadership of the Liberal Party. On a more serious note, I quote again from Mr Berry's statement:

By its nature the program must be flexible so as to accommodate emerging issues. Similarly, the priority classification of proposals may also be subject to change.

At the time this program was put out it was not envisaged as being carved in stone, and it has been subject to change. Mr Humphries is relying for the vast majority of his argument on a document produced in August. Without the benefit of a crystal ball, the Government can never hope to predict at the beginning of a sitting all the emerging issues that might come to the attention of this Assembly.

One issue, for instance, was the error in the Bail Act, which the Government will be overcoming at the first possible opportunity. That has emerged as an issue later than our presentation of the legislative program. Such legislation is a first priority proposal which will be delivered; yet it does not figure in Mr Humphries's equation. Nor does he allow for the fact that the addition of such urgent and unforeseen items to the program will act to displace other Bills from the first priority category.

Mr Humphries has a very black-and-white view of this issue, and it is not a black-and-white issue. Mr Humphries's analysis is also somewhat illogical because it does not have any regard for the fact that the Government has in place a process for the systematic review and possible downgrading of legislation proposals that no longer satisfy the first priority criteria. In this sitting, 26 proposals that were originally given first priority status were subsequently downgraded by the Government to second priority. Again, Mr Humphries has not taken that factor into consideration.

He has given no regard to external influences. One of the external influences I would like to draw to attention, mainly because it affects my portfolio rather more than anybody else's, is the High Court decision in relation to the validity of the Business Franchise ("X" Videos) Act. The High Court decision has led to a number of revenue proposals being put on hold while the implications of the decision are assessed. Obviously, that is an external influence that has affected our legislation program but which was clearly beyond our control and which we have to take into account, even if Mr Humphries does not. If Mr Humphries wants to be even-handed, he ought to take into account factors such as those when he rises to judge the Government's performance.

Having exposed just a few of the holes in Mr Humphries's arguments, I indicate that the Government would like to see greater certainty in its legislative agenda. I do not know of any government that would not wish to see such greater certainty. To achieve that end, we are reviewing procedures with a view to having a system that can provide a much firmer prediction for the Assembly of likely Bills in place for 1993. We are conscious ourselves that the legislative program as presented does not set out all the information that might give members a complete picture of what it is the Government will be proceeding with during the year. We are attempting to clarify that issue for members and for our own benefit as well.

In conclusion, I would like to say that I take with a grain of salt the criticism Mr Humphries has levelled at the Government. It is a case of the old slow-slow-quick-quick-slow - the Liberal foxtrot. You can never tell with members opposite whether you have brought in enough Bills, whether you have given them enough time, too much time or not enough time, or whether they will at any stage be prepared to discuss any Bill that may be before this Assembly.

We had last night the, I think, quite scandalous failure to deal with a piece of vital social reform in the Adoption Bill. The community has been waiting on that Bill for years, not months. That Bill in exposure form has been around for many months, and I think it is downright irresponsible of members to have forced a delay of at least a further three months in making that essential reform.

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Mr Humphries: On a point of order, Madam Speaker: I think Ms Follett is reflecting on a vote of the Assembly taken last night, and that is improper under our standing orders.

MADAM SPEAKER: Let me consider that for a moment.

MS FOLLETT: Madam Speaker, I will withdraw that comment. May I say that I think it is extremely unfortunate that, by their failure to act on that Bill, matters which are of concern to a great many people in our community are now delayed by a further three months.

There was also an issue in relation to the Electoral Act, as it now is. Mr Humphries was publicly agitating for many months beforehand and in fact threatening to bring in his own Bill if we did not respond quickly enough. The fact is that, when the Government did introduce its Bill, because I wished to get some consensus and some agreement on the issues embodied in that Bill, there was a quite considerable delay before members opposite were in a position to debate it.

Mr Humphries: Four weeks is hardly a considerable delay.

MS FOLLETT: Members opposite say that four weeks is hardly a considerable delay, but it is the old slow-slow-quick-quick-slow. How long is long enough? How many Bills are too many for them? They cannot deal with what is on the agenda, yet they continue to criticise us for not having enough. The Mutual Recognition Bill had already been passed by some Liberal States, but we were urged to hold off for just a little while while they got their minds around it. There was the Food Act, for which Mr Humphries had portfolio responsibility during the time he was in government and where there was no progress whatsoever.

I think Mr Humphries is being somewhat disingenuous in bringing forward this matter yet again. I stand by the progress the Government is making. I certainly would like to see faster progress; but, with members opposite taking the attitude they do and taking as much time as they wish in dealing with issues, they have to recognise that this Government on its own does not have sufficient numbers to force its legislation through. You have to face that fact as well. If they believe that progress has been too slow, they must take a large share of that criticism. In some significant areas of government reform it has been the Opposition that has slowed us up, and we as a government lack the numbers to force the pace on them. That is what this is all about.

Nevertheless, Madam Speaker, I think this is a relatively harmless little MPI. It gives Mr Humphries a chance to beat his chest a little in a way that clearly he would rather be doing in other arenas, and I wish him the greatest of luck in those arenas.

MRS CARNELL (3.49): I would like to focus on the health area.

Ms Follett: What about pharmacy?

MRS CARNELL: Is that not a surprise, Mr Berry?

Mr Cornwell: Nobody on your side does, Mr Berry.

MRS CARNELL: Thank you, Mr Cornwell. I want to look, just for a moment, at what progress has been made in this area. I think it would be appropriate for Ms Follett to listen to this because of a number of the comments she has just made. As I am sure Mr Berry is well aware - and possibly others in the Assembly - there are 15 pieces of first priority legislation on the legislative program in the health area. There are three pieces of second priority legislation and one third priority. Let us look at the first priority. Of the 15, how many does everybody think have been tabled? It is one. We have had one tabled and passed.

Mr Humphries: That is called slow-slow-slow-slow-slow.

MRS CARNELL: Yes. Which one that is is of interest as well. It is the amendment to the Drugs of Dependence Act. In case anyone has forgotten, and I am sure they have not, that is the methadone Bill, which was introduced after I introduced my methadone Bill.

Mr Humphries: What a coincidence.

MRS CARNELL: Is that not a coincidence? So, we have one piece of first priority legislation out of 15. Out of the second priority we have none, and we have none out of the third priority. So, we have one altogether - all up, one piece. It is interesting to go back to the beginning of Mr Berry's health ministry in this Government - back to July-August last year. At that time the following Bills were endorsed for introduction into the Assembly during the budget sitting - that is, the budget sitting last year, not this year; not the one we have nearly finished.

Mr De Domenico: So, we are talking about 18 months?

MRS CARNELL: Yes. On that list of legislation that was endorsed by the Board of Health, by the corporate executive, and so on, to be introduced at the budget sitting last year we had the Radiation Amendment Bill, which is still on the program - as a second priority now, but it is still there.

We also had the Food Bill. The Food Bill has been passed - one of the very few - but the Bill has been on legislative programs since 1990, so it did take two years for that to get up. When these Bills were endorsed for introduction in the budget sitting last year, to quote, "the Food Bill was in its final drafting stages". That means that Mr Humphries had got it to the final stages of drafting. From that time, it took Mr Berry a whole year to get it to the Assembly.

The third Bill on this list of Bills for the budget sitting last year was the fluoride Bill. The fluoride Bill was introduced by the Liberal Party in April this year and passed. The next Bill was an amendment to the Poisons and Drugs Act 1976; this is the scheduling by reference legislation. This is still on the program, as we know. Mr Berry has promised it time and time again. He says "You would not want to hurry these things" - something Mr Connolly should pay attention to.

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It was also suggested that this legislation was in its final phases of drafting over 12 months ago, so you really would not want to hurry these things. We will not worry too much about the hay fever sufferers and others who have had to go through another season without the medication they could have otherwise bought; we will not worry about that.

There are then the amendments to the Health Services Act 1990 - still on the agenda, and another priority two item. Apparently, the legislative drafting on this one was ready. I do not have a clue what the Minister has done with that. Mind you, it is still a priority two. I am a little reluctant to bring this up, but last but not least - remember that this is last year, when Mr Berry was Minister - were amendments to the Drugs of Dependence Act, which provided for the extension of the methadone program to involve private pharmacies. We introduced that one as well, so that one is through.

Mr Humphries: Mr Berry wanted that, did he?

MRS CARNELL: It certainly was on his legislative program, but we will not worry about that.

Mr Humphries: What happened, Wayne? Did you get rolled in the party room?

MRS CARNELL: No, this was his corporate executive. This was legislation that was approved to go into his budget sitting program. But we will not worry about that. That was all a bit of a disaster, really. None of those pieces of legislation, except the food legislation, which had been on the agenda for two years, came forward.

Mr Humphries has already mentioned that, in Mr Berry's own introduction of the legislative program, he said that 41 of 62 Bills were introduced in the autumn sitting, and again I shall quote, because everybody likes quoting this piece of paper. Mr Berry said:

I consider this to be a reasonable strike rate, given the abbreviated nature of the autumn sittings.

The budget sitting was not abbreviated; we did not have an election in this one. You would assume that that means that Mr Berry thought they could do better than 66 per cent in this sitting. In health, how many Bills do we have? We have one out of 15; that is 7 per cent. So, if Mr Berry thought 66 per cent was all right but he could probably do better, down to 7 per cent is obviously a particularly impressive effort!

Mr De Domenico: But he is up to date with his Christmas cards.

MRS CARNELL: That is more than I am. I think we should look at the legislation on his first priority list at the moment. First of all, we have the Independent Health Complaints Unit legislation and the subsequent amendments to the health registration Acts, which cover a number of pieces of legislation. This was Mr Berry's primary promise. This was a thing that was going to happen: "This is really going to make a huge difference", and it just might do that if it is drafted appropriately. But we do not know how it is drafted; we do not know where it is up to. That really has not happened.

The next two pieces of legislation are interesting. Amendments to the Psychologists Registration Act and the Podiatrists Registration Act are there because the Minister - probably the Chief Minister - promised in May this year that all necessary State and Territory legislation to do with mutual recognition would be enacted by 31 October 1992 - not 1993, but 1992. These two pieces of legislation are required for the ACT to do its bit of mutual recognition. But no, we have not seen those yet. In fact, all Commonwealth legislation is to be completed by 1 January 1993, with proclamation by 1 March 1993. These two pieces of legislation have to be in place for the ACT to be able to do its part in the mutual recognition procedures. All of this will be proclaimed and go into action on 1 March 1993. The legislation is not even tabled and we have only one sitting in February. We will not be able to get those two pieces of legislation into law before 1 March, which does make what Ms Follett promised in May, at the heads of government meeting, seem rather difficult to achieve.

You cannot help but ask: Where is the new Mental Health Bill on the legislative program? We could ask where the therapeutic goods Bill is, and the consolidated drugs legislation - all things that have been discussed for years and years, and we could go on and on about that. It is important to make the comment that this year, not just this sitting, Mr Berry has introduced three pieces of health legislation. The abortion legislation never really hit. That did not actually get onto a legislative program.

Mr Connolly: Which way did you vote on that one, Kate?

MRS CARNELL: I did not say that I did not like the legislation; it was never on a legislative program. There was the Drugs of Dependence (Amendment) Bill - that is the methadone legislation - which was tabled after mine, and the Food Bill, which was introduced after the Alliance Government had done most of the work on it. I do not think that is a terribly good effort in health.

Mr Berry: That is wrong. What about the other Bills?

MRS CARNELL: Those are the only health - - -

Mr Berry: No; what about the other Bills?

MRS CARNELL: Which ones in health?

Mr Berry: What about the Occupational Health and Safety Bill?

MRS CARNELL: That is not in health. I believe that that is not a very good effort in health. There is lots of legislation that is essential to be brought in for the health of Canberrans and to make our health system work a little better than it does at the moment.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.59): Madam Speaker, I have to give it to the Liberal Party: They have a lot of gall. As the Prime Minister recently said, they have more front than Mark Foys. Last night they were all up here bleating away and saying, "We have too much work to do. We cannot possibly have looked at this adoption legislation. It is all too fast, fast, fast, fast, fast. It has to be delayed". Then this afternoon Mr Humphries gets up and says,

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"You are all too slow, slow, slow, slow. We have only three pieces of legislation on the notice paper to consider". You can have one or you can have the other, but it is pretty difficult to look yourself in the eye and say both things within a 24-hour period. However, nothing is beyond this local Liberal Party.

I guess that, in the handbook of how to conduct yourself in opposition, the two never-fail criticisms of the government are either that you are doing things too fast or that you are doing things too slowly. It does take real talent to run both lines at the same time. While this MPI may have been a quite credible critique of a government before last night, your performance last night really makes it laughable. You threw out a piece of first priority legislation, legislation that has been in the pipeline for years. Mrs Carnell was referring to a health matter. Well, there was one of them. It has been circulated since March, and you threw it out on the basis that you are all overworked, you could not possibly consider the legislation, there was not enough time to look at it. Now, today, you are saying that there is not enough legislation being brought forward. It is really pretty laughable, and it destroys any credibility this Opposition would claim to have.

This Government continues to bring forward significant reformist legislation. As the Chief Minister indicated, the legislative program is an initiative that most State parliaments do not have. Most State governments do not give oppositions and independent members the courtesy of looking at the advance program, but we do, and it is a quite sensible course of action. The legislative program is not, under this Government, nor was it under your Government, etched in stone, as the Chief Minister said. It is a flexible document which changes over time - a bit like Fightback, really. It is absurd to criticise this Government on the basis of some sort of numeric calculation of what proportion of our first priority Bills we brought in.

In any event, it does not matter. When we do bring in a first priority Bill, when we put it before you, when there are only three other government Bills on the notice paper, what do you do? You say, "We cannot possibly debate that. We have not had time to look at it. We are all overworked", and you send it off to a committee. What would be the appropriate rate of serving Bills up to you lot? Who knows? One every three months? One every four months?

Mr De Domenico: Get them right, though. When you get them right, we support them.

MR CONNOLLY: You had not even looked at that one. This is an MPI full of cute little debating points, full of nice turns of phrase, straight out of the Opposition too slow, too slow, too slow handbook, but sadly inconsistent with the too fast, too fast, too fast critique you gave us last night in relation to the adoption legislation. You really have to make up your minds what your strategy is. You cannot run both critiques at once.

MR CORNWELL (4.03): Perhaps I could get this matter back on track and remind members that we are talking about the Government's failure to implement its legislative program, not why the Adoption Bill was not passed last night. As Mr Humphries said, this Government really has an appalling failure rate in terms of the introduction of its legislative program. Mr Humphries outlined the percentage of that failure rate. We are not talking about just first priorities, Mr Connolly; we are talking about the entire first, second and third priority legislation for each of the Ministers.

Mr Humphries outlined that the Chief Minister had a failure rate of 67 per cent, Mr Berry 78 per cent, Mr Wood 67 per cent, and Mr Connolly 78 per cent. This brought it out to an average failure rate of 72.5 per cent. Subsequently, the Chief Minister told us that Mr Humphries's figures were quite wrong; that, instead of 30 Bills being passed by the end of this budget sitting, there were going to be 34 passed. This required me to reconstruct the percentage, and I have to say that the Government's failure rate has improved. It is no longer 72.5 per cent; it has fallen to 71.5 per cent. In other words, it has a success strike rate of 28.5 per cent. That would certainly get you thrown out of the Australian XI, and I would suggest that it would even get you thrown out of the cricket team that Mr De Domenico coaches on Saturday mornings down in Tuggeranong. They would not accept that; yet the community is expected to accept this self-governing Territory's Government - - -

Mr Lamont: I raise a point of order, Madam Speaker. I was wondering whether the speakers in staff and members' offices have been fixed this afternoon. If they have, I would ask that you ring the bells or do something else to wake them up, so that they can listen to this.

MADAM SPEAKER: Thank you for your advice. Please continue, Mr Cornwell.

MR CORNWELL: Thank you, Madam Speaker. The problem is that when you examine this failure rate, or even the success rate, it is pretty appalling. If you look at the real issues, the reformist legislation Mr Connolly spoke about, the figures are even worse. In spite of the vast proportion of legislation listed that was actually in preparation, which the Chief Minister spoke of, what do we find? Most of this legislation that is coming forward, or at least is in preparation, is amendments to existing legislation. Only two of 12 pieces of first, second and third priority legislation for the Chief Minister are new pieces of legislation; only eight of Mr Berry's 27 are new pieces of legislation; only five of Mr Wood's 15 are new pieces of legislation; and only 21 of Mr Connolly's 68 are new pieces of legislation.

I am not suggesting for a moment that the amendments are not important. I am not suggesting that they are not in some cases complicated. I am suggesting that they are not as time consuming as the creation of new legislation, and I do not believe that any legislative draftsman would question what I am saying. Obviously, if you are creating legislation from nothing, it is going to take you longer than simply putting through amendments. This means that the Government's record is even worse than we imagined, and this is in spite of Mr Berry's statement, which has been quoted by the Chief Minister, on the program for the budget sitting:

Members should be aware that the program is primarily an indication of the Government's legislative agenda.

I have no problem there. Mr Berry continued:

By its nature the program must be flexible -

indeed it must -

so as to accommodate emerging issues. Similarly, the priority classification of proposals may also be subject to change.

I have no argument with any of this. But where have we got flexibility? The Chief Minister gave one example, the Bail Bill, which just happened to come up today. Within five days of the closing down of this sitting of the Assembly, we get our first piece of legislative flexibility. Furthermore, this side of the house was accused by the Chief Minister of holding up some of the legislation, and Mr Connolly went into another one of his - - -

Mr De Domenico: Hysterical performances.

MR CORNWELL: - - - hysterical outbursts about the Adoption Bill. Again, it would appear as the sole example of this Opposition's delaying and holding up of legislation. We are missing the point if that is the reason for the criticism, because we are not talking about holding up legislation; we are talking about the Government introducing it. We cannot hold up legislation that has not been introduced.

Mr Connolly: No, but as soon as we introduce it you hold it up.

MR CORNWELL: He is back again on the Adoption Bill. This is the problem, Madam Speaker. We cannot hold up something that has not been introduced, and the debate today - the matter of public importance - is highlighting the fact that this Government has failed to introduce anything like the number of pieces of legislation it said it would. The reformist legislation Mr Connolly speaks of is down to a lousy 28.5 per cent of the Bills they promised to introduce. Of the total number of pieces of legislation that they are proposing, and it is set out here in this budget paper and runs to quite a number of pages - which I note are unnumbered - only something like 31 are new pieces of legislation. The rest are amendments. Frankly, I do not know whether these amendments are major or minor; but I think we can probably assume, because there are so many of them, that some of them would be relatively minor amendments. Where are they? Why have you not introduced them? Whether they are major or minor, we assume that they are important to your legislative program of reformist government. So, why have you not introduced the minor ones?

Mr De Domenico: Because they have not got the numbers in Cabinet; that is why.

MR CORNWELL: Thank you, Mr De Domenico. That would appear to be the problem. It is not a want of legislative draftsmen. We know that there are very competent legislative draftsmen. Indeed, members of the Opposition and members on the cross benches have benefited often from the use of the legislative draftsmen.

Mr De Domenico: We use them often - 10 out of 13 of the Bills here.

MR CORNWELL: As Mr De Domenico indicates, some 10 of the 13 Bills on our list at the moment are private members Bills from the Opposition or the cross benches that have been drawn up by the legislative draftsmen. So, it is no want of ability on their part. What it comes back to is that the Cabinet cannot decide what to bring in and what not to bring in, and one can only assume that this is because of the deep divisions in the ranks of the Government, where we have a problem between the Left, the Right and the Centre. They cannot work out their legislative priority because they have different reformist pressures being placed on them by their various factions. Please, would you mind leaving your factions at home, get on with the business of governing this Territory, and bring in some legislation that we will be only too happy to debate with you.

MS SZUTY (4.13): Madam Speaker, it is of concern to me that the Government sees fit to criticise the work of members of this Assembly when our workload is predominantly dictated by the Government's own legislative program. My private secretary has taken a leaf out of the Attorney-General's research approach and has enjoyed counting the government Bills that have come forward before the Assembly this year. The legislation seems to appear in waves from the Government, with 21 Bills being introduced in April, much of this being carried over from the First ACT Legislative Assembly; three Bills in May; 26 in June; five in August; seven in September; five in October; and four last month: 71 Bills in seven months, and 68 of them passed. The Assembly has also seen 19 private members Bills presented, of which nine were passed.

What is of concern to me is not so much the number of Bills presented to the Assembly, but the timetabling of them. The Government has very efficiently tabled in each sitting period a government legislation program setting out amending and new legislation that they know they want introduced. Why, then, do we see two months in which more than 20 Bills are tabled and another five months with fewer than seven Bills introduced per sitting period?

I acknowledge that included in the bulk Bill deliveries was a raft of Bills - 10 as I recall - dealing with EEO principles. These Bills were passed without delay and were responsible for the bulge in the figures that statistically would make April look a little slower. Notwithstanding these changes, the program is still not one that shows a government in control of the legislative process. We have a legislative program that sets out almost six full pages of Bills and amending Bills, and I would be interested to hear further from the Government just what dictates when these Bills become available for presentation.

I note, as many others have done, that many of the first priorities of the Government Ministers have not been addressed. While I would in no way want to direct Ministers on the order in which they present Bills to the Assembly, I and others look upon the priority lists as being just that - the Government's order of priority for introducing legislation. It also indicates to me the range of issues the Government is confident it wants to address, without including those issues that are thrust into prominence by recent events in the ACT; for example, the degree of physical violence experienced by some people in Civic. Of the Chief Minister's priorities, only two first priority pieces of legislation have been introduced. The Deputy Chief Minister has finalised one amending Bill and one Bill and has released a discussion paper from his first priority list. The Minister for the Environment, Land and Planning has introduced one amending Bill from his first priority list and the Attorney-General has introduced three.

The most effective and efficient way to deal with the legislative program is to ensure that a steady stream of Bills and amending Bills are available which can be addressed in sufficient time to ensure comprehensive and competent debate. The community is not well served by its elected representatives when we are asked to move from feast to famine. We need time to arrange briefings, to complete our committee work, and to do the many and varied tasks that Assembly members are called upon to do. If the Government does have a program that it is following, I for one would appreciate its proceeding in a more measured way. This is not appropriate where urgent Bills are concerned; but, where we have a comprehensive list of amending Bills and new Bills in train, I request that we be given a more prioritised and orderly workload, which will enable us to complete effectively the necessary research and inquiries that are part of our work.

MR DE DOMENICO (4.16): Madam Speaker, very quickly, because I have given Mr Wood a commitment for a minute, quite obviously people on this side of the house understand that being a Minister is not an easy task and that Ministers are very busy. From the amount of work all these Ministers seem to have in this place, and Ms Follett said that she was concerned about the number of ministerial conferences Ministers had to attend, quite obviously what we need is the appointment of a fifth Minister. The people on this side of the house would be delighted to support Ms Follett in that move. We acknowledge that there is a lot of work to be done for the people of the ACT, and if it would make it any easier if she were to appoint another Minister - I am sure Mr Lamont would be delighted to be considered - we would not stand in her way.

As my colleagues quite aptly said, we have seen very little from Mr Berry, if anything at all. The Government says, "We are the greatest reformist government ever seen". We are still waiting and waiting. Members opposite talk about slow-slow-quick-quick. I suggest that there is nothing left in the battery across the other side of the house. I do not think they have realised that the toy they have bought does need a battery before it can work.

As Mr Humphries and Mrs Carnell have said - and even Ms Szuty agreed - we do not seem to be getting any pattern here. There are some months when we get 20-odd Bills and other months when we get very few. As Ms Szuty said, we have other things to do besides waiting with bated breath for the Government's agenda. Mrs Carnell quite aptly put the output from Mr Berry as zilch, and other Ministers were not very far behind.

Mr Berry: Don't talk about industrial relations records.

MR DE DOMENICO: Mr Berry interjects about industrial relations. That is for another time; I do not want to pre-empt what might be said tomorrow in response to Mr Berry's statement on the industrial relations Ministers conference. That will be an interesting debate, to say the least.

As Mr Humphries and other speakers have said, the proof of the pudding is in the eating. In the Government's own piece of paper that came onto our desks yesterday, there are 13 Bills still before the Assembly, and 10 out of those 13 Bills happen to be private members Bills.

MADAM SPEAKER: Mr Wood, you have a minute.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.19): Madam Speaker, in the remaining minute I will focus on one of the arguments used by the people opposite. It is as illogical as all their arguments. Numbers of them have said that we must stop our factional fighting. I can tell you that on this side we do not have that situation. You pose that question from your own background of experience, where you know that there is constant fighting over there, and you therefore expect that it will be like that somewhere else. That is simply not the case; I can assure you of that.

Indeed, we are still waiting for Mr Humphries to call the important meeting that will once again change the direction of the Liberal Party in this Assembly. That cannot be far away now, whether it is this week or next week or before Christmas, which seems to be the typical time to do it. Like all your arguments here, this is based on prejudices, misconceptions and absolutely no logic.

MADAM SPEAKER: The time for the matter of public importance has concluded.

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

MRS GRASSBY (4.21): I present report No. 19 of 1992 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I move:

That the report be noted.

Report No. 19 contains the committee's comments on two Bills, four pieces of subordinate legislation, a government response and comments relating to the Bail Act 1992. I commend the report to the Assembly.

MS SZUTY (4.21): I wish to draw members' attention to some statements in report No. 19 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I understand that the report is being delivered to members at the moment. I refer to the second last page and the following statement on the Bail Act 1992:

The Committee noted the comments in *The Canberra Times* by the Attorney-General in relation to the *Bail Act 1992*. The Attorney was reported as saying in relation to an oversight in the Act that it "was missed by the Labor Government, the Opposition and the Scrutiny of Bills Committee".

As all members are aware, the committee does not make any comments on the policy aspects of the legislation that it examines. The committee considers that this matter is not one on which the committee would comment. The reason for the inclusion of these statements in the report arises from the statements made by the Attorney-General in the *Canberra Times*. The Attorney-General has every right to refer to the oversight in the new Bail Act 1992 as a mistake that was missed by the Labor Government, the Opposition and, for that matter, Independent members, including me.

What is questionable is his comment that the mistake was missed by the Scrutiny of Bills Committee. Since the Attorney-General's statements appeared in the *Canberra Times*, committee members - along with our adviser, Professor Douglas Whalan - have gone over our reports, the Bail Act, the Bail (Consequential Amendments) Act and the explanatory memorandums provided, to see whether we could detect where the mistake or oversight occurred. Three statements in the Bail (Consequential Amendments) Bill 1992 explanatory memorandum are relevant to note here. I quote from page 2, the outline:

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The Bill also repeals bail provisions wherever they occur in other Acts (for example, Part III of the *Domestic Violence Act 1986*). The object is to consolidate the law of bail into the one Act. The amendments are largely technical and do not make any substantive changes to the law which are not already proposed in the Bail Bill 1992.

Further, on page 8 of the explanatory memorandum:

Part III of the Act, which provides for bail for those charged with domestic violence offences, will be repealed. The provisions which require special notice to be given to those under the protection of the Act appear in the Bail Bill 1992. The repeal of Part III will not affect any substantive rights given under the Act.

The committee has not to date researched all Acts which are impinged upon by new legislation such as the Bail Act. If the committee had taken this approach, it is likely that the oversight would have been detected and many more hours of work by Professor Whalan would have been involved.

It seems to me, Madam Speaker, that this matter referred to by the Attorney-General currently falls outside the committee's terms of reference, and therefore the comments of the Attorney-General in the *Canberra Times* appear to be inappropriate. I believe that this Assembly needs to address the question of whether the Standing Committee on Scrutiny of Bills and Subordinate Legislation should take a comprehensive approach to examining all legislation affected by proposed new Bills or whether we should not. I urge all members to carefully examine this matter. It may well be that the terms of reference of the Scrutiny of Bills and Subordinate Legislation Committee need amending to clarify the situation regarding these circumstances.

MR HUMPHRIES (4.25): Madam Speaker, I would also like to comment on the report. There is considerable concern in the Scrutiny of Bills Committee about this matter, because it exhibits a difference of view between how the Government sees the role of this committee and how the committee sees itself. I am anxious to sort it out, not because I want to generate some spunky headlines - a sort of committee attack - - -

Mr Connolly: Of course that is why you are doing it. We have discussed this on several occasions. This is playing politics.

MR HUMPHRIES: The Minister has been in politics too long. He is really far too cynical about this. I do not know how to put it to him in a plainer way. I did not go to the meeting in the first place and try to create a headline. It was you, Minister, who first spoke to the media about what happened with that matter. It is not my intention - and I am sure I speak for other members of the committee - to bang the Government's head against the wall about this matter.

The Minister looks cynically across the chamber. Whether you want to believe it or not, it is my intention to try to sort out where this committee goes and how this committee does its work in future. That is why the committee invited the Minister to come to the committee meeting last night - to talk to him in the hope that we might be able to sort the matter out behind closed doors. I regret to say that we could not. That is why we want to talk about it here on the floor of the Assembly, because we have to put on record that we take a different view of the matter to the view which has been put in the media by the Minister.

Madam Speaker, the problem occurs with the Bail Act, as Ms Szuty indicated. What I think we all acknowledge is that a flaw in the Bail Act has been identified in the last couple of weeks. When the legislation was before the Assembly the flaw was not spotted, as the Minister pointed out in the media, by the Government, by the Opposition or by the Scrutiny of Bills Committee. As the shadow Attorney-General, I am perfectly prepared to wear some of the blame for the fact that this particular matter was not picked up by me - mea culpa. The Government has accepted some blame as well. That is also a matter that the Minister has already made comment on. He accepts some blame as well. But I do not believe that it is up to me or to the Minister, or to any other individual, to bestow blame on the Scrutiny of Bills Committee while the terms of reference of that committee do not provide any reasonable basis on which one could say that it ought to have picked up a problem of this kind. I do not know of any term of reference that says that. The Minister had better find it, because certainly no member of the committee can find it.

Madam Speaker, I have to say again that this is not about apportioning blame or about pointing a finger. I want to put on record that the committee has found Mr Connolly a very cooperative Minister to date. He is a Minister who is prepared to talk about the issues that the committee has raised and either admit that there has been some problem and have his department rectify it or put the department's view as to why it should not be changed. It has been a very open and cooperative approach and we have much appreciated that.

Mr Wood: And he has put you right on many occasions.

MR HUMPHRIES: Indeed, he has put us right on many occasions. I freely concede that. But on this matter I think that we have a difference of view which ought to be properly aired and sorted out.

Mr Berry: You are just being a bit precious. That is what I think.

MR HUMPHRIES: The whole committee felt concerned about it, to begin with, Mr Berry. The whole committee - all three members of the committee - agreed that this matter should be discussed here today on the floor of the Assembly. Madam Speaker, we have to be crystal clear about what the role of the committee is. There are two bases for concern about this particular matter. Either the explanatory memoranda to the Bail Bill and the Bail (Consequential Amendments) Bill did not clearly state what the Bail Bill was all about and arguably misled as to what the Bill was about or, it is argued, the Scrutiny of Bills Committee ought to have picked up a policy change, or a quasi policy change, that was occurring with the Bill and made comment on it. As far as the first matter is concerned, I think we can certainly agree that the committee might well have been at fault. Professor Whalan has already acknowledged that. He said that that was a reasonable argument to mount.

Mr Connolly: So, what is the big deal?

MR HUMPHRIES: The big deal is that the Minister himself acknowledges that he had not read the explanatory memorandum when he made the comment about the Scrutiny of Bills Committee. He did not rest his case on that. He rested it on the fact that he saw the committee as having an intrinsic jurisdiction to pick up what I would call policy matters and to identify problems of this kind with Bills. That is the crux of the matter.

Debate interrupted.

ADJOURNMENT

MADAM SPEAKER: Mr Humphries, I have to interrupt you. It being 4.30 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE Report

Debate resumed.

MR HUMPHRIES: Let me put it this way: Suppose that a Bill had come forward which said simply and unequivocally, "We intend to make bail available to people who breach domestic violence orders". Assume that there were no technical faults in the Bill. The question is: Would the committee have commented? Would it have said, "This is a matter that is occurring and that we bring to the attention of the Assembly because the Assembly should be aware of it."? The answer is clearly no. It is not our role to make comments on the policy matters which come before the Assembly. That, I argue, is exactly what occurred with this particular piece of legislation. To the extent that the committee - - -

Mr Kaine: It was an omission rather than a statement.

MR HUMPHRIES: It was an omission rather than a statement, yes. That is the way that the adviser to the committee saw it. That is the way I saw it. That is the way Ms Szuty saw it. What the Attorney has said simply takes the committee further than it actually has been before. If the Government feels that this is a proper role for the Scrutiny of Bills Committee, then I think it is incumbent on it to show us some point in the past where the committee has picked up such a role and played such a role. I am not aware of it having done so. I have been through a number of back reports, and I cannot find such references. Perhaps the Attorney can enlighten us as to where they may be found.

Madam Speaker, I put this on the record because I think that we have to know where we are going in future and not be in the position of having a confusion in the committee or on the floor of the Assembly as to what exactly the role of the Scrutiny of Bills Committee is all about.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.32): I want to make some brief remarks. At the outset I want to make it clear that no criticism of the Scrutiny of Bills Committee was intended. I was asked by a journalist how a technical error in a Bill had got through, and I said, "Well, these things happen. I did not see it" - putting blame on myself first - "my advisers did not see it, the Opposition did not see it and the Scrutiny of Bills Committee did not see it".

It was the last line which seemed to cause great agitation to Mr Humphries and Ms Szuty. They came to see me in my office a week or so ago about this. I said then, very clearly, that I meant no offence to the committee, but that I thought that it was an appropriate matter for the committee to have looked at. As it turns out, as was made clear in Ms Szuty's remarks, in fact there was an error in so far as the explanatory memorandum indicated that there was no change when in fact there was a change. People on a domestic violence order were automatically entitled to bail, whereas previously they had not been. I had not been aware that what I have described as a technical error translated into an explanatory memorandum error, but it was an error and it could have been picked up by the committee, though they did not do it - and that was no criticism of the committee, nor was it a criticism of me any more than it was a criticism of my advisers. I will accept the responsibility as Minister for the fact that I did not see the error.

Mr Humphries, it seems, is trying to escalate this into a suggestion that I am trying to charge the Scrutiny of Bills Committee with a role of picking up policy. That is not the case, Madam Speaker; but I think that it is appropriate for the Scrutiny of Bills Committee, where it sees an unintended consequence as a result of a technical clause in a Bill, to draw it to members' attention.

I will put on the record in this place the argument I used. It is an argument in the extreme, I admit, but an argument which makes the point. Let us use minor amendments to the Lakes Act as an example. I recall some agitation a year or so ago in the First Assembly when we were fiddling around with amendments to the Lakes Act. Using a device which has been used from time to time, let us say that by way of a schedule we repealed Act No. 100 of 1991. The explanatory memorandum would say that the purpose of the Bill was to amend the Lakes Act and, as a consequence, repeal Acts that were no longer necessary. Act No. 100 of 1991 is the Land (Planning and Environment) Act, the key planning Act of the ACT. Would the Scrutiny of Bills Committee draw to the attention of this Assembly the fact that the Lakes Amendment Bill 1992 was throwing out the entire planning package? If the answer to that is yes, then my pointing out that something was missed by the committee is valid.

Mr Humphries: It was clearly unintended.

MR CONNOLLY: "Clearly" is a question of judgment, Mr Humphries. The point is that an amendment which, according to the explanatory memorandum, made no change to the law did change the law. None of us saw that. The Scrutiny of Bills Committee did not see it. I am not criticising the Scrutiny of Bills Committee for not seeing it, because, if the committee had to look at every Bill and check whether it had an effect on every other section of the law, it would never get anywhere. But the point remains that, if an unintended consequence of a technical provision in a Bill comes to the attention of the committee, the committee might legitimately point that out here. That did not happen in this case. That is not a criticism of the committee. I did not see it; my advisers did not see it. Mr Humphries is gracious enough to admit that he did not see it either. I really do not see what you are getting so excited about.

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MRS GRASSBY (4.36), in reply: As chairman of the Standing Committee on Scrutiny of Bills and Subordinate Legislation, I feel it necessary to make some comments regarding this report. I do not accept that Mr Connolly suggested that the committee has a role in policy scrutiny. Rather, in my opinion, he merely noted that an unintended consequence of one Bill had not been noted by him, his advisers, the Opposition - as Mr Humphries has said as shadow Attorney-General - or the committee. Madam Speaker, I do not take this as any criticism of the committee, and I note that Mr Connolly said to the committee last night, when we asked him to come and speak to us, that no such criticism was intended.

Madam Speaker, in report No. 19 the committee has noted the comments attributed to the Attorney-General in the *Canberra Times* that the members of the Scrutiny of Bills Committee do not make comments on policy aspects of the legislation that it examines. The committee feels that this matter should not be commented on by the committee as the committee's terms of reference do not cover these policy matters. Professor Whalan does an excellent job and the committee keeps to its terms of reference. The Minister explained his comments to the committee last night, and I am satisfied that he did not intend any criticism of the committee. I think we are nitpicking here. Mr Humphries and Ms Szuty were upset about the comment. They spoke to the Minister, who cleared the situation up. I was quite happy with his explanation. I do not think we need to go any further than the statement we made at the end of the report of the Standing Committee on Scrutiny of Bills and Subordinate Legislation which I tabled. I feel it is nitpicking for others to go on about the matter after the Minister had explained the situation to us.

Question resolved in the affirmative.

ASSEMBLY PREMISES - REFURBISHMENT OF SOUTH BUILDING **Ministerial Statement**

Debate resumed from 18 November, on motion by **Mr Connolly**:

That the Assembly takes note of the paper.

MR WESTENDE (4.39): Madam Speaker, I will be very short. All things being equal, we would all have probably preferred a purpose designed new building. However, having regard to the time and the financial constraints, the South Building is probably the best available alternative. Now that the committee has decided to proceed with the South Building, the Liberal Party agrees with this concept. It will give the Assembly a civic focus right in the centre of the Civic central business district.

However, Madam Speaker, we must not take the South Building in isolation. With the Assembly to be located at Civic Square, we should aim for a total Civic concept. That is, we should look at a theatre complex, including the link building which is often used for small gallery-type displays. Once the Assembly is located in its new home, more and more people will be drawn to this area of Civic. We should therefore enhance the idea of a civic centre including the upgrading of the current two theatres and gallery. As such, the committee of which you are the chair, Madam Speaker, may wish to take that on board and/or refer it to another committee.

Question resolved in the affirmative.

AUDITOR-GENERAL - REPORT NO. 3 OF 1992
Annual Management Report for 1991-92

Debate resumed from 8 September, on motion by **Mr Berry**:

That the Assembly takes note of the paper.

MR HUMPHRIES (4.41): Madam Speaker, as it is quite some time ago that this matter was adjourned, I cannot recall the reason that I adjourned it. I am prepared to support the motion that we take note of the paper.

Question resolved in the affirmative.

CULTURAL COUNCIL - ARTS GRANTS PROGRAM
Ministerial Statement and Paper

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

That the Assembly takes note of the papers.

MR CORNWELL (4.41): Madam Speaker, the announcement of the 1993 operational and major projects - that is, those above \$10,000 - categories of the ACT arts grants program ran to some seven pages with attachments. I thought it read more like a ministerial statement than a simple announcement speech, and I intend to treat it accordingly. First, however, I address the grants themselves. I find them unremarkable; I find them uncontentious. But I would ask: How could I do otherwise, because I have no comparisons to make? All that the Assembly was told was that the applications totalled \$3m or twice the amount available.

Mr Wood: Could you say that again.

MR CORNWELL: Three million dollars or twice the amount available.

Mr Wood: What was that for?

MR CORNWELL: We were told that the applications totalled \$3m or twice the amount available. If you want to listen, tell Mr Connolly not to interrupt. However, we were not given details of the unsuccessful applicants. I believe that this was and is a mistake and that this minority Government has exceeded its mandate, for, while it can claim that the ACT Cultural Council did all of the hard work and the Minister supported all of the council's recommendations, your party and your Government still represent only eight of 17 members in this place.

Your decision and that of the Cultural Council in the allocation of this \$1.4m could be scrutinised by the majority of this Assembly, but to do so we would need to know details of the unsuccessful applications. In the absence of that information and aware that successful applicants have been advised of their success, so that it would be unfair to re-examine the 1993 allocations, I do not intend to take the matter any further. Nevertheless, I would be interested in the views of the Independent members on this situation and certainly the response of the Minister to my argument.

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I turn now to aspects of the statement accompanying the release of the 1993 major grants. The first point I would like to address is the strategy of the ACT Cultural Council. In the Minister's words, its quest is "to set a vision of what kind of cultural life the Territory should have, and then setting out to achieve that vision". I believe that this is an ambitious undertaking, Madam Speaker, which I trust does not fail because the council approached the challenge with too high an expectation.

I think it is fair to say that the arts in Canberra always have made more of our national capital status than our population's capacity - even at 300,000 people - to sustain various artforms. We have been fortunate to date to be reasonably well financed. These expectations cannot continue to the same degree under self-government because the arts, like everything else in Canberra, must accept the financial realities of standing on their own feet. We must accept that there are limits to the public sector's capacity to fund. For example, and purely as an example, would an opera lover in, say, Dubbo, really expect to be provided with a local opera company? Why, then, should some Canberrans expect the same range of artistic choice as enjoyed by Sydney or by Melbourne, with their much more sustainable millions-plus populations?

Or can we afford in these recessionary times to duplicate what exists already? For example, can we really justify a regional art gallery when we have the National Gallery of Australia sitting beside the lake? Who would fund it? Which local artists who cannot now exhibit in local private galleries would display their works there? It seems to me that we have had too many ACT governments that wished to act the benefactor, the patron like the great private patrons of the past, generally in the worthy cause of bringing culture to the people. I submit that we have frequently failed because, while such patrons as the Medici encouraged artists for their own gratification, at least the Medici used their own money. All too often ACT government funding - that is, taxpayers' money, ratepayers' money - has ended up similarly being used to gratify an exclusive few.

Politicians must take a substantial share of the blame for this lamentable state of affairs, because the attitude in times of plenty has been ultrapragmatic, something along the lines of, "There might be a few votes in it, so who cares if they waste it? Football is my scene. I will not be around to see the results". It is therefore encouraging to read the Minister's caution in his statement:

... the Cultural Council is looking to 1993 to be a year for change ... Past practices, where organisations have come to expect a certain level of support, will not necessarily be maintained.

The promise implicit in this reassuring statement is that the attitude is no longer valid that any publicly funded artform in Canberra must run at a loss and therefore is entitled to a lifelong subsidy. It remains to be seen how successful the Cultural Council will be in overcoming these well-entrenched expectations and further, I suggest, Madam Speaker, in preventing a new, equally expectant group of organisations taking the place of the original cast.

I certainly do not envy the council its task because, despite the Minister's claim that only 10 per cent of support to the cultural industry - the Minister's word, not mine - Australia-wide comes from the government, I suspect that the ACT percentage is much higher. If there is a lower income from other sources, it possibly indicates the real commitment to the arts in Canberra and the preparedness of its local practitioners to provide popular culture of the type the average citizen, rather than the aficionado, will enjoy.

In supporting this brave initiative of the Cultural Council to address the funding levels of established organisations and also to retain the capacity to respond to new initiatives, I question the flexibility for new initiatives if funds - \$51,000 in the 1992-93 budget - are to be allocated to assist artists and administrative staff with compulsory superannuation. One would have thought that, as a self-employed person, an artist should be responsible for their own superannuation. It is also disappointing to see the \$20,000 provided to enhance the ACT Literary Award. I have no objection to the award itself; I think it is a fine initiative. I think my colleague Mr Humphries might have initiated it originally. However, I think it is disappointing to see the Government enhancing the award by an extra \$20,000, because again, if Canberra is the cultural centre some local arts patrons believe it to be, then surely a private benefactor could have provided this sum.

Madam Speaker, I support the grants with the qualification I stated earlier. I commend the worthy aspirations of the Cultural Council and I look forward with interest to the "new and quite significant policy document" that the Minister in his statement said is due from the Cultural Council in February 1993.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.50), in reply: Madam Speaker, Mr Cornwell got off very much on the wrong foot. He made a grave error at the beginning and continued in that vein. He claimed that it was not a ministerial statement we were debating but that he would treat it as such. I refer him to the green paper which directs how we attend to things in this Assembly today. It says, under executive business orders of the day:

No. 3 - Cultural Council - Arts Grants Program - Ministerial Statement and Paper ...

He said that I did not give a list of the unsuccessful applications for grants. I did not. I certainly perused that list and spoke to the Cultural Council about it as I closely discussed with them their recommendations. It has not been the practice in this Assembly and, I believe, in other places to indicate those who have not been successful. I will give the matter some consideration. It was not the practice of Mr Humphries when he was, for one year, the Arts Minister; but I will talk to the groups. I think that is the proper thing to do. If they are happy to see the unsuccessful list put up, I am quite happy to do it; I do not have any objection to that.

Mr Cornwell said also - and correct me if I am wrong - that maybe we are too ambitious.

Mr Cornwell: No.

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MR WOOD: You were talking about a very ambitious vision - - -

Mr Cornwell: Of the Cultural Council.

MR WOOD: Yes, of the Cultural Council, which is driven, of course, by the requirements of government and their own interests. I do not think they are too ambitious. I hope that they are very ambitious, because we want to make more and more progress in this area. "Why should we", claims Mr Cornwell, "replicate the Australian Opera?". I am using my words again. He asked, "Why do we need opera in the ACT?".

Mr Cornwell: No, I didn't.

MR WOOD: I will be more precise. He said that we do not have the millions of people that Sydney, which has an opera company, has.

Mr Cornwell: No, it was not an opera company; it was an example.

MR WOOD: All right, opera. We do not replicate the Australian Opera. Opera in the ACT is appropriate to the ACT. Mr Westende has made the very sensible comment that we have three companies hoping to be opera companies. The firm message that the Government is giving to them is: There will be one opera company. If they cannot get their act together - - -

Mrs Grassby: There will be none.

MR WOOD: That could well be the case, and I have been very emphatic about that. Indeed, in the round of submissions this time, two opera companies - two competing companies, unfortunately - made a submission to put on the same opera. Each probably did it unaware of what the other was doing. There was a time not long ago when I thought that the two major groups had got their act together and were going to become one group, but apparently that fell through.

Mr Cornwell further asked, "Why do we need a local art gallery when we have the National Gallery?".

Mr Berry: Did he say it like that, with that sneering contempt?

MR WOOD: Mr Berry, I hope that I was not talking in that way. Let me moderate my voice. It is a question that was asked often when I was moving around with the Select Committee on Cultural Activities and Facilities. People asked, "Why do we need a local art gallery when we have the National Gallery?". The fact is that because we have the National Gallery we urgently need a local perspective. The National Gallery does not provide that. The National Gallery overshadows the local perspective, the local effort.

Mr Cornwell: You have private galleries all over town.

MR WOOD: There are private galleries all over town. They are commercial galleries. The major ones do a wonderful job. The Solander Gallery, for example, would match any gallery in Australia for the quality of the works it gets. The Beaver Gallery, likewise, has a marvellous range of crafts. I could mention a whole range of other galleries. They are commercial galleries and they are commercially driven. They do not often reflect the local art needs. Do not put down your local artists.

Mr Cornwell: You are putting down the private galleries here.

MR WOOD: No, I am not. Mr Cornwell has no background at all. He does not have that exhaustive experience of Mr Humphries, who was Minister for a time, and other members in seeking out what the people want. After almost 18 months on the select committee, it was clear that the greatest wish from the broad range of people in the arts community and the broad range of people in Canberra was for appropriate cultural facilities. There is no question about that. I will give you some evidence of that in a minute.

Mr Cornwell asked whether I set myself up or whether the Cultural Council sets itself up as a patron of the arts. It is the artists themselves and the bodies that organise them that are responsible for the real cultural and artistic creative effort. I will do everything I possibly can to encourage and to support the arts, because they do so much for Canberra. Recently a major publication, I believe, of the Australia Council published the results of a very comprehensive statistical survey of people across Australia and what they did in respect of the arts. For example, the survey showed that 36 per cent of Australians had visited a library at least once in the last 12 months, whereas nearly 46 per cent of ACT people had done so. For art galleries the figures were 24 per cent for Australia and 42 per cent for the ACT; museums, 30 per cent and 50 per cent; popular music concerts, 29 per cent and 37 per cent; dance performance, 11 per cent and 22 per cent; musical theatre performance - and maybe this reflects the facilities in the ACT - 20 per cent and 21 per cent. We cannot get the major performances in the ACT. For theatre performance the figures were 18 per cent for Australia and 28 per cent for the ACT; for classical music concerts, 8 per cent and 17 per cent.

Mr De Domenico: We are a pretty cultural lot here in the ACT.

MR WOOD: Exactly the point. We are a pretty cultural lot here, and I do not think Mr Cornwell acknowledged that point. I believe that Mr Cornwell put our interests, not the artists' interests, down. Canberra is a place that puts high emphasis on the arts. Witness the chart that is now being held up behind me. I do not know which looks better - Mr Lamont or the chart. It is the case that the ACT people, more than people anywhere else in Australia, put a high value on the arts - more than people in Sydney, more than people in Melbourne. So, let us do something about that, Mr Cornwell. Let us attend to that. (*Extension of time granted*)

Mr Cornwell is backing off, it seems to me, from what he was saying. Will he deny that he was a bit unhappy about \$20,000 to extend the Literary Award? Can I go down the path of explaining to Mr Cornwell what he does not know? In respect of writers, most particularly women writers, we are a leading city in Australia, beyond any question. The quality of writing by a great number of people here is absolutely outstanding. But you do not want to recognise it.

Mr Cornwell: I fail to see why the Government should do it and why we cannot get private benefactors to do it, Mr Wood. That is the point I made.

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MR WOOD: I note your point. I am delighted that the Government was able to accept this aspect of the Labor Party's policy commitment at the last election. I am delighted that we were able to go this far in difficult financial times. I believe that we can continue to support writing and the whole spectrum of the arts.

Mr Cornwell asked why we had to fund superannuation. It is very logical, in fact necessary, considering Federal Government requirements. Superannuation is provided for people working in all areas that receive grants - welfare, sport or whatever - for the administrators within the various groups.

Mr Cornwell: But you said "artists and administrators".

MR WOOD: Many of them are artists, and many of them are sportsmen. It is appropriate that they get their superannuation entitlements, as other people around the nation do. It was a very sensible decision of the Follett budget to give them extra. Indeed, we had little choice but to do it. We did not take the superannuation money out of their existing grants. We increased what we gave, so that the grants would not suffer. But you might not like that - I do not know.

Madam Speaker, within the tight budget constraints we also indexed grants to the arts and to other grants areas rather than hold them or cut them back, as in most other areas. That reflects our priority for the arts, welfare, sport, youth affairs and other matters. I am quite happy to take a different stance from that of the Opposition spokesperson for the arts. I am proud to be standing up here today supporting the arts, supporting the people who work in them, offering them my assurance of continuing support and every last cent that we can drag up for them.

I conclude by talking about the casino premium, because it is a reflection also of our priority for the arts. The ALP made a clear policy commitment that the casino premium would be used for cultural matters.

Mr Cornwell: The Chief Minister did not say that.

MR WOOD: You wait and see what comes out, Mr Cornwell. The ALP made a clear promise on this. It reflects our priority for the arts. It is obvious that you, as shadow spokesperson for the arts, would like to see that casino premium used somewhere else. You have not said where you would like to see it go, but at various times you have asked questions which lead me to believe that you do not really want to see that money expended in the area of the arts. If that is your view as the shadow spokesperson for the arts, so be it. But I am not going to accept the criticisms, explicit and implicit, in your speech about our level of support, our commitment, to the arts. It is high and will continue to be so.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Meryl Tankard Dance Company

MRS GRASSBY (5.05): Madam Speaker, I rise to speak on a great loss by Canberra, again, to Adelaide. I refer to the loss of the Meryl Tankard dancers. I was present with the Minister at a farewell to Meryl Tankard and her husband - and two of the dancers - who will be taking their dance company to Adelaide. I must say that we who enjoy modern dance have enjoyed seeing this wonderful dance company in Canberra. Meryl will leave behind her dancers, who I know will carry on her wonderful tradition. I wish Meryl, her husband and her dancers every success.

Question resolved in the affirmative.

Assembly adjourned at 5.05 pm

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ANSWERS TO QUESTIONS

**MINISTER FOR THE ARTS
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 339**

Arts Portfolio - Committees, Boards and Advisory Groups

Mr Kaine - asked the Minister for the Arts - For all Government Committees, Boards and Advisory Groups within. the Arts portfolio

- (1) How many people are appointed to each of these bodies. and what is the date of appointment of each member..
- (2) What. are the terms of reference for. each of these bodies.
- (3) What is the total- time of the appointment for each of these bodies.
- (4) What is the gender breakdown of each of these bodies.
- (5) What cost is associated with each of these bodies, ie fees or salaries paid to members.
- (6) How many public servants, service each of these bodies, by position and salary and how much time is devoted by these officers to that task daily, weekly etc.
- (7) How many of these bodies produce a publication, how are these distributed and how much does it cost to produce them.

Mr Wood - the answer to the Members question. is attached. .

3753

9 December 1992

MINISTER FOR THE ARTS Bill Wood (339) ROSA

Canberra Theatre Trust

1. Present Members .

Mr Jim Leedman AM Chairperson 15/12/90 to 15/12/93 Mr Anthony Hayward Deputy 11/11/91 to 30/12/92 Mr Justin Stanwix 15/2/90 to 15/12/92 Mr Jeff Townsend 17/1/92 to 16/7/94 Mrs Joan Taggart OAM 7/12/91 to 30/6/93 Mr Richard Thorp 29/10/90 to 28/10/93 Mrs Ingrid Murphy 7/12/91 to 30/6/93 Ms K Knockles 7/12/91 to 30/6/94 Ms Suzanne Hamilton 11/1/92 to 30/6/94

2. Terms of Reference

Manages the Canberra Theatre Centre as a place of assembly for the presentation of cultural and other entertainment. Promotes and encourages participation in the development of the Arts.

Presents entertainment in other venues in the ACT, including Stage 88.

3. Term and Power of Appointment

Appointed by the Minister for a period not exceeding 5 years; and are eligible for reappointment..

4. Gender Breakdown

5 Males - 4 Females

5. Remuneration Mechanism

Chairperson - Non-Specified Office - Category-2 (Remuneration (Repeal) Ordinance 1989 refers) - Rate per diem - \$240 (from 15.8.91-) - Remuneration Tribunal det No 22 of 1991 refers

Member - Non-Specified Office - Category 2 (Remuneration (Repeal) Ordinance 1989. refers) \$194 per diem (from 15.8.91) - Remuneration Tribunal det No 22 of 1991 refers

Travel Allowance (for Chairperson and Members) - Sydney - \$230; Capital Cities \$190; Other than Capital Cities - \$145. .

6. Public Servants

The Canberra Theatre Trust Board is serviced by

1 SES equivalent (\$66387)

1 SOG B (\$53403)

1 SOB C (\$41929)

1 ASO 6 (\$37300)

1 ASO 5 (\$34778)

1 ASO 4 (\$30340)

3 ASO 3 (gross \$82379)

. 3754

4 1/2 ASO 2 (gross \$111535)
4 Theatre Technicians (gross \$109245)
2 Box Theatre Cashiers (gross \$38742)

Total 19. These staff all devote 100% of their time to servicing the Theatre Trust.

Up to an additional 140 itinerant casual staff are employed throughout the year to service the Theatre hirers.

7. Publications

The Canberra Theatre Trust produce two regular publications .

The Annual Report is distributed, usually by mail after tabling in the ACT Legislative Assembly, to all relevant Government bodies, sponsors, funding bodies, and all major performing arts centres, entrepreneurs and promoters. The production cost is \$8500 for 500 copies.

Performance is distributed, usually by mail, to patrons, cultural organisations, government departments, sponsors, funding bodies, entrepreneurs and promoters. The publication is produced four times a year and costs a total. of \$13500 per annum.

3755

9 December 1992

MINISTER FOR THE ARTS (339) RONSA

ACT Cultural Council

1. Present Members

Mr David Williams Chairperson 21/1/92 to 21/1/94
Dr Amar Galla 21 /1 /92 to 21 /1 /94
Mrs Lynne Blatch Deputy Chairperson 21/1/92 to 21/1/94
Mr Ross Gengos 21 /1 /92 to 21 /1 /94
Ms Rebecca Laletin 21/11/92 to 21/1/94
Mrs Jan Brown AM 21/1/92 to 21/1/94
Ms Padma Menon 21/1/92 to 21/1/94
Mr Peter Bycroft 21/1/92 to 21/1/94
Ms Cathy Parsons Ex officio 21/1/92 to 21/1/94
Ms Iris Clayton 21 /1/92 to 21 /1 /94
Mr Giles Pickford 21/1 /92 to 21 /1 /94
Ms Judith Clingan AM 21/1/92 to 21/1/94
Mr Richard Refshauge 21 /1 /92 to 21 /1 /94
Ms Wendy Saclier 21 /1 /92 to 21 /1 /94
Mr Ian Templeman AM 21/1/92 to 21/1/94

2. Terms of Reference

To support and promote a creative, diverse and dynamic cultural life in Canberra and to advise the Minister on a range of issues, including cultural development, the cultural impact of Government policies, and recommendations relating to relevant grants and public works.

3. Term and Power of Appointment

Ministerial appointments 21/1/92 to 21/1/94

4. Gender Breakdown

7 Males - 9 Females

5. Remuneration Mechanism

Nil

6. Public Servants

The ACT Cultural Council is serviced by the ACT Arts and Special Events Section. the following details indicate the positions of staff, salary and time devoted to servicing the Cultural Council:

ASO 4 (\$31129) 70% SOG C (\$41929) 30% SOG C (\$45546) 20% 3 x ASO 6 (\$40693 each) 20%
each SOG B (\$49360).10%

3756

4

7. Publications

At this stage, the only regular publication produced by the ACT Cultural Council is its occasional newsletter *enigami*. Two issues have so far been produced at a cost of \$500 for a total of 1500 copies. "Enigami is distributed mainly through the ACT Arts and Special Events monthly mailout to government departments, client groups and individuals, and major and minor arts and cultural organisations.

3757

9 December 1992

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 340**

**Environment, Land and Planning Portfolio -
Committees, Boards and Advisory Groups**

Mr Kaine - asked the Minister for the Environment, Land and Planning - For all Government Committees, Boards and Advisory Groups within the Environment, Land and Planning portfolio

- (1) How many people are appointed to each of these bodies and what is the date of appointment of each member.
- (2) What are the terms of reference for each of these bodies.
- (3) What is the total time of the appointment for each of these bodies.
- (4) What is the gender breakdown of each of these bodies.
- (5) What cost is associated with each of these bodies, ie fees or salaries paid to members.
- (6) How many public servants, service each of these bodies, by position and salary and how much time is devoted by these officers to that task daily, weekly etc.
- (7) How many of these bodies produce a publication, how are these distributed and how much does it cost to produce them:

Mr Wood - the answer to the Members question is attached. .

3758

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING Bill Wood (340) ROSA

ACT Heritage Council

1. Present Members

Mr Eric Martin Chairperson 22/6/92 to 22/6/95 Mr Bruce McDonald 22/6/92 to 22/6/95 Ms Robyne Bancroft 22/6/92 to 22/6/95 Ms Sue Dyer 22/6/92 to 22/6/95 Mr Ken Heffernan 22/6/92 to 22/6/95 Ms Matilda House 22/6/92 to 22/6/95 Ms Catherine Keirnan 22/6/92 to 22/6/95 Mr Donald McMichael 22/6/92 to 22/6/95 Mr Phillip Selth 22/6/92 to 22/6/95

2. Terms of Reference

To advise the Minister on matters which relate to the natural and Cultural heritage of the ACT and Jervis Bay. The Committees responsibilities also include recommendations on grants for Heritage matters and the promotion of public interest and understanding of Heritage matters.

3. Term and Power of Appointment

Up to three years

4. Gender Breakdown

5 Males - 4 Females

5. Remuneration Mechanism

Remunerated

6. Public Servants

CLASSN SALARY %TIME/WEEK
(\$000)

Chief Planners Delegate SOG B 53 <5
Conservator of Wildlife Delegate SES 131 66 <5
Secretary SOG B 53 <20 .
Executive Officer ASO 6 36 <6Q
Manager, Heritage Unit SOG C 45 <5
Project Officer ASO 4 32 <25

7. Publications

The ACT Heritage Council is required to produce an Annual Report by legislation. This Report will be furnished to the Minister and it is expected that it will be distributed to the Assembly and to interested organisations with copies available to members of the public, as a component of the Councils community awareness strategy. The-cost of production is estimated as \$5000.

3759

9 December 1992

2

Surveyors Board of the ACT

1. Present Members

Mr Peter Wilden 27/4/192 to 27/4/94
Mr Frank Searson 27/4/192 to 27/4/94
Mr Edwin Hyde 27/4/92 to 27/4/94
Mr Jim Riddell 27/4/92 to 27/4/194
Mr Alan Mail 6/6/92 to 6/6/94

2. Terms of Reference

Registers surveyors in the ACT to perform surveys for land title purposes, examines candidates for registration and, under a common seal, issues certificates of competency and registration.

3. Term and Power of Appointment

The Chief Surveyor Australian Capital Territory ex-officio is Chairperson while holding the office of Chief Surveyor Australian Capital Territory .

The other four members are appointed by the Minister for a term of two years and are eligible for re-appointment.

4. Gender Breakdown

5 Males - 0 Females

5. Remuneration Mechanism

Chairperson - Non-Specified Office - Category 2 (Remuneration (Repeal) Ordinance 1989 refers) - Rate per diem - \$240 (from 15.8.91) - Remuneration Tribunal det No 22 of 1991 refers
Member - Non-Specified Office - Category 2 (Remuneration (Repeal) Ordinance 1989 refers) \$194 per diem (from 15.8.91) - Remuneration Tribunal det No 22 of 1991 refers
Travel Allowance (for Chairperson and Members) - Sydney - \$230; Capital Cities \$190; Other than Capital Cities - \$145

6. Public Servants

Currently on the Surveyors Board
ACT Government

Mr Edwin Hyde SPO A 55350 3 days per month Mr Frank Searson SPO C 45546 2 days per, month
Mr Russell Wenzholz SPO C 45546 2 days per month Mrs Nan Metha ASO 5 34778 5 days per month

Other Members of the Board

Mr Jim Riddell Mr Alan Mail Mr Peter Wilden 360

7. Publications

The Board produces an Annual Report which is annexed into the DELP Annual Report (copy of relevant pages p156-166): Costs are included. in the Departmental expenditure and are not available.

The Board also produces publications for the Standards and Specifications far Surveys in the ACT and papers on the ACT Cadastre. No papers were produced in the last financial year.

3761

9 December 1992

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING (340) RONSA

ACT Interdepartmental Committee on Environment

1. Present Members

Related to particular positions in the ACT Agencies. 4 Females - 16 Males

Terms of Reference

The Committee has four sub-committees which report directly to it. These are:

- Air/Noise Sub-Committee;
- Water Sub-committee;
- Waste Management and Chemicals Sub-Committee; and
- Natural resources Sub-Committee

3. Term and Power of Appointment

NIA

4. Gender Breakdown - .

4 Females - 16 Males

5. Remuneration Mechanism

Nil

6. Public Servants

Table included.

7. Publications

The Committee does not produce a publication:

3762

ACT Environment and Conservation Consultative Committee

1. Present Members

Professor P Cullen Chairperson 1/10/92 to 30/9/95

Ms D Robin 1/10/92 to 30/9/95

Ms C Purdon 1/10/92 to 30/9/95

Mr B Lawrence 1 /10/92 to 30/9/95

Dr D Smiles 1/10/92 to 30/9/95

Mr P Buckmaster 1/10/92 to 30/9/95

Ms F Brand 1/10/92 to 30/9/95

Mr R Falconer 1 /10/92 to 30/9/95

Ms J Rees 1/10/92 to 30/9/95

Mr f Fraser 1/10/92 to 30/9/95

Ms A Taylor 1 /10/92 to 30/9/95

Ms M House 1/10/92 to 30/9/95

2. Terms of Reference

- (1) to advise the Minister responsible for Environment and Conservation on issues relating to the environment and its protection, park management, nature conservation, urban open space management and outdoor recreation in the ACT. In particular, the Committee provides advice in these areas on the following: preparation of management plans; development and content of legislation; development of urban open space areas; development of policies and programs; investigation, study and research requirements; community information; education and interpretation; and community participation.
- (2) to provide advice to the Minister and the ACT Parks and Conservation Service on the implementation of the ACTs Decade of Landcare Plan;
- (3) to provide the Minister and the Environment and Conservation Division with a point of liaison and communication with community interests in relation to park management, nature conservation, landcare, urban open space and outdoor recreation management;
- (4) to act as a Territory Assessment Panel for applications made under the National Landcare Program and provides advice to the relevant Commonwealth Government Departments with respect to ACT applications for funding under this program.; and
- (5) to make recommendations for funding under the ACTs Community Tree Planting Program, as part of the ACTs Consultative mechanisms established under the National Landcare Plan. 3763

6

Thirteen members who are appointed in an individual capacity and provide expertise and advice in: environmental policies and management, nature conservation; water quality and lake management; Mural lease management; cultural resource management; recreational planning; environmental education and interpretation; research and investigation; remote sensing and geographic information systems; liaison with scientific/academic institutions; liaison with community organisations.

3. Term and Power of Appointment .

Members appointed by Minister for a period not exceeding three years.

4. Gender Breakdown

6 Males - 6 Females

5. Remuneration Mechanism .

Nil .

6. Public Servants.

CLASSN SALARY %TIME/WEEK
(\$000)

ACT Planning Authority Delegate SPO A 55 <5

Director, Env & Conservation SES B2 82 <5

GM, Parks and Conservation Br SES B1 66 <5

GM, Env, Culture & Heritage Br SES B1 66 <5

Executive Officer SOG B 53 <5

Secretariat ASO 6 39 <30

7. Publications

The ACT Parks and Conservation Consultative Committee is required to produce an Annual Report in accordance with its Terms of Reference. This Report is furnished to . the Minister and copies are available to members of the public on request. The Report is prepared in house by the Secretariat (ASO 6) and involves about one weeks preparation.

3764

Floriade Interim Board of Management

1. Present Members

Mr Jim Service Chairperson - (Resigned 30.10..92)
Ms Linda Graham
Miss Oi Choong
Mr David Marshall
Mr Bob Mitchell
Mrs Shirley Meldrum
Mr Greg Fraser Ex officio
Mr David Lawrence Ex officio

2. Terms of Reference

Through the ACT Environment and Conservation Division, engages an event manager and develops Floriade.

3. Term and Power of Appointment

Members are appointed by the Minister. - -

4. Gender Breakdown

5 Males- 3 Females

5. Remuneration Mechanism

Honorary positions. No remuneration involved.

6. Public Servants

CLASSN SALARY % TIME/WEEK ,
(\$000)

Director, Env & Conservation SES B2 82 <1
Executive Officer SOG C 45 <2

7. Publications

The Committee does not produce a publication:

3765

9 December 1992

8

Land and Marketing Committee

1. Present Members

Mr P Guild Chairperson
Mr P Stakelum
Mr H Sommer
Ms M Haynes
Mr L King
Mr R Grose
Mr H P Street
Mr J Kenworthy
Mr O Kleing
Mr M Crowe
Mr B Bryant
Mr H Lipscombe
Mr P Marshall
Mr G Snow
Mr C Tsoulis
Mr R. Tindale
Mr H Grigor
Mr J Notaris
Mr H Tengrove
Mr L Roberts
Ms J Jacobs

2. Terms of Reference

3. Term and Power of. Appointment

4. Gender Breakdown

19 Males - 2 Females

5. Remuneration Mechanism

Nil

6. Public Servants

ACT GOVT OFFICERS POSITION SALARY TIME DEVOTED
\$ PER YEAR

Mr Peter Guild SES B2 81954 12 hours	Mr Hans Sommer SES B1 66387 20 Hours
Ms M Haynes SES B1 66387 12 hours	Mr R Grose SES B1 66387 12 hours
Mr P Stakelum SOB 53403 12 hours	Ms J Jacobs ASO 5 34778 40 hours

3766

9

The Land and Marketing Committee is held on average .6 times per year and each meeting lasts approximately 2 hours. Ms Jacobs, Secretary for the Committee, devotes additional time to the preparation of meetings and minutes.

7. Publications

The Committee does not produce a publication.

3767

9 December 1992

Lanyon Restoration and Acquisitions Committee

1. Present Members

Mr C Campbell Chairperson

Dr C Pearson

Dr J Broadbent

Assoc Professor K Taylor -

Ms Jennifer Cox Ex officio

2. Terms of Reference

To advise on restoration and acquisition matters in the Lanyon precinct.

3. Term and Power of Appointment

2 years from June 1990 (Reappointment processes currently in hand)

4. Gender Breakdown

4 Males - 1 Female - _ .

5. Remuneration Mechanism

Nil -

6. Public Servants

CLASSN SALARY %TIME/WEEK

(\$000)

Executive Officer SOG C 45 <1

Secretariat SOG C 45 . <2

7. Publications

The Committee does not produce a publication.

3768

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

Question No 366

Young People from Non-English Speaking Cultures

MR KAINÉ - To ask the Chief Minister - Will the Chief Minister provide details of the Government's response to the report entitled "Too Hard Basket" A Report on Service Provision In The ACT For Young People From Non-English Speaking Cultures, launched by you on 31 January 1992, and addressing each of the recommendations, particularly in reference to

- (1) The adoption of each recommendation.
- (2) The activities to date for each recommendation.
- (3) Planned activity in 1992-93 and forward years for each recommendation.
- (4) Funding for each recommendation in each year.
- (5) The number of staff to be allocated or employed for the activities.
- (6) The program and sub-programs responsible for managing the activity.

CHIEF MINISTER - The answer to the members question is as follows:

The "Too Hard Basket" report was prepared for the Youth Affairs Network of the ACT with funding for research and printing provided through the Youth Organisations Research and Development Program, which is administered by my Department.

It should be noted that the "Too Hard Basket" is not a report to the Government alone. Its recommendations are directed at both the government and non-government sectors in the ACT.

In recognition of the importance of the reports recommendations in relation to addressing the needs of young people from non-English speaking cultures, I announced funding in the 1992-93 ACT Budget of \$33,400 in 1992-93 and \$56,800 in the following two years to address Recommendation 2 of the report. This recommendation proposed that funding be provided for three years for a full time worker to devise action plans and commence implementation of the report.

Consistent with the community-based nature of the report, the full time worker will be employed in the community sector.

3769

9 December 1992

To assist the work of this community worker, my Department is compiling information on the extent to which relevant parts of the reports recommendations are being addressed by ACT government agencies and on further action which needs to be taken in this area.

In this context it is also relevant to note that, as proposed at Recommendation 1 of the report, an advisory committee with representatives from both the government and non-government sectors was established in March 1992 and has been active in bringing the reports recommendations to the attention of service providers. It is envisaged that this committee will now provide ongoing advice and direction for the work of the community worker.

3770

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 398

Training for Retail and Commerce Program

MR CORNWELL - Asked the Minister for Education and Training on notice on 17 November 1992:

Which four schools are going to participate in the Training for Retail and Commerce (TRAC) program in 1993 (Proof Estimates Transcript pp 583-4)

MR WOOD - The answer to Mr Cornwells question is:

The four schools which are to participate in the Training for Retail and Commerce (TRAC) Program in 1993 are:

- Lake Ginninderra College,
- Lake Tuggeranong College,
- Marist College, and
- St Clares College.

3771

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 471

Manuka Shops Area - Traffic Flows

Mr Cornwell - asked the Minister for Urban Services: In relation to the traffic flow around the central shopping block of Manuka bounded by Franklin, Furneaux, Bouganville Streets and Flinders Way -Has any consideration been given to making the flow one way only;, if so, what decision was reached; if not, why not.

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

The use of a-one way system has not been considered for Manuka shops. One way traffic systems are difficult to enforce and cause a level of inconvenience. for motorists that should only be introduced if it is justified..

The adoption of a one way system is beneficial in situations where additional lane space is required to move vehicles in a particular direction. Similarly, where the width of a road does not safely cater for two way traffic, a one way system has obvious advantages.

Neither of these conditions. apply to the streets in the Manuka shops area: However, there are some locations in the vicinity of Manuka shops where vehicles parking on both sides of the street may cause difficulties for passing motorists. My Department is monitoring the situation in Manuka and modifying the parking arrangements as required.

The present parking problems will be alleviated in March 1993 when a structured carpark accommodating 250 vehicles will be opened.

The construction of this carpark has temporarily reduced the number of carpark spaces previously available in Manuka, leading to an increase in the number of-vehicles parking in the streets in the area.

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