



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

25 August 1993

Wednesday, 25 August 1993

Land (Planning and Environment) (Amendment) Bill (No 2) 1993	2629
City Health Centre - funding of abortion facility	2632
Housing Trust properties - smoke detectors	2655
Unparliamentary language	2661
Questions without notice:	
Tourism Commission - advisory board	2662
Doctor's surgery sign	2663
Tourism Commission - advisory board.	2663
Mulligan's Flat	2664
Water supply - sodium metabisulphite	2665
Burglary	2665
Chief Minister's visit to Japan	2666
Mr Ricky Stuart - surgery	2668
Institute of Technology - assessment system.	2668
Lanyon High School	2669
State trading enterprises	2670
Papers	2670
Red Nose Day (Ministerial statement)	2671
Tourism Commission - advisory board	2674
Motor Traffic (Amendment) Bill (No 3) 1993	2675
Mrs Carnell, Mr De Domenico and Mr Humphries (Motion of censure)	2677
Motor Traffic (Alcohol and Drugs) (Amendment) Bill (No 3) 1993	2691
Supreme Court (Amendment) Bill 1993	2691
Jurisdiction of Courts (Cross-Vesting) Bill 1993	2696
Animal Diseases Bill 1993	2698
Cultural Council - "Sharing the Vision: a framework for cultural development"	2701
Adjournment:	
Members' travel	2702
Members' travel	2704
Members' travel	2705
Answers to questions:	
Street tree planting- consultation (Question No. 824)	2707
ACTION - benchmarking study (Question No. 836)	2712
Road accidents - red light and speed cameras (Question No. 840)	2713
Government vehicles - cleaning (Question No. 853)	2715
ACTEW - Aboriginal and Torres Strait Islander staff (Question No.855)	2716
Fire Brigade - emergency allowances (Question No. 861)	2717
Fire Brigade - general and search and rescue training (Question No. 868)	2718
Fire Brigade - statistics (Question No. 872)	2720
Preschool and child care centre - Yarralumla (Question No. 917)	2721
ACTEW - separate metering (Question No. 927)	2722
Parking restrictions - Friday nights (Question No. 942)	2723
Construction Industry Training Council Fund (Question No. 943)	2724

Wednesday, 25 August 1993

MADAM SPEAKER (Ms McRae) took the chair at 10.30 am and read the prayer.

**LAND (PLANNING AND ENVIRONMENT)
(AMENDMENT) BILL (NO. 2) 1993**

MR MOORE (10.31): Madam Speaker, I present the Land (Planning and Environment) (Amendment) Bill (No. 2) 1993.

Title read by Clerk.

MR MOORE: Madam Speaker, with the Territory Plan imminent, I think there is a potential to permit widespread urban consolidation and intensification of residential land. The present administration of leasehold will not prevent speculation in anticipation of windfall gains being made from residential development. We have only to look at what happened in the Kingston-Griffith redevelopment area in the 1970s when the redevelopment policies of the area were announced. The social fabric of the local population was decimated in a short time. Several properties were severely blighted and lay idle for more than a decade while speculators waited for the market to catch up with the available supply of sites for medium density housing, contrary to lease conditions that the land must be put to its proper use at all times. That is in each of our own lease conditions, Madam Speaker. In spite of this, I think it is important to draw members' attention to the fact that over the last 20 years there have been four major inquiries that have strongly supported the proper and appropriate administration of the leasehold system.

In 1973 the Commission of Inquiry into Land Tenures, chaired by Justice Rae Else-Mitchell, explicitly rejected any reductions in the betterment charge as a financial incentive for development and concluded that developers should be prepared to pay the full value of the increased development rights. It was Justice Rae Else-Mitchell who wrote a letter to that effect in the paper recently as part of the current debate. In 1979 the Parliamentary Joint Committee on the ACT, in its report "Planning in the ACT - Procedures, Processes and Community Involvement", concluded that "speculation in leasehold based on probable changes in land use is undesirable and should be stopped". In 1983 the Committee of Review of the National Capital Development Commission, in its report "Canberra Planning and Development", concluded that the leasehold system was not being administered properly.

In 1988 the Joint Subcommittee on the Canberra Leasehold System, chaired by John Langmore of the House of Representatives Standing Committee on Transport, Communications and Infrastructure, found that in the application of betterment the then ACT Administration was forging considerable sums of revenue. The joint subcommittee recommended that:

Market value of the site with the development rights granted under the lease before and after the variation in the purpose clause should be the basis on which betterment is levied.

25 August 1993

You will find that on page 52 of the "Report on the Canberra Leasehold System" presented by the Senate Standing Committee on Transport, Communications and Infrastructure. Successive Commonwealth and Territory governments have conveniently shunned or ignored the recommendations of these major inquiries. No major inquiry - none at all - has presented the opposite view.

Instead of embracing the recommendations, the general trend has been to further erode the system of leasehold away from its fundamental principles. Madam Speaker, those of us who were in the chamber yesterday heard Mr Kaine's comments on the leasehold system. He likened the leasehold system to a freehold system and said that there is basically no difference. That really leaves a great deal to be desired in terms of his understanding. I hope that the members of the Liberal Party and Mr Kaine will review their position, look carefully at all those inquiries and try to understand why it is that inquiry after inquiry has come out with exactly the same conclusions. The reason why they have come out with the same conclusions, Madam Speaker, is that they looked at what is in the best interests of the community as a whole.

The present administration of leasehold in the ACT fails to capture the full increases in value arising from redevelopment and will cost this community very dearly unless changes are made now to the way we capture betterment. The way in which the before and after valuations are calculated is as much to blame for loss of revenue as the sliding scale of charges. It is not logical, nor is it equitable, that in most instances 50 per cent of the revenue from increased development rights is forgone under the current arrangements. The reason why the 50 per cent rate applies to most redevelopment sites is that most sites that come up for redevelopment are over 20 years old. Therefore the most likely position is that there will be a 50 per cent betterment charge.

Madam Speaker, the Bill that I have tabled today deals with both those issues. It deals with, firstly, the notion that betterment ought to be paid not on a sliding scale, not on 50 per cent, but on 100 per cent of its value in accordance with the recommendations of every single inquiry into the leasehold system. Similarly, Madam Speaker, it takes into account the current practice of looking at the potential value of a site. A careful reading of those four inquiries into the leasehold system will indicate quite clearly that we should not be taking the potential value into account; we should be taking the value according to the original purpose of the lease.

The granting of development rights at less than their true value is an implicit subsidy. It seems to me, Madam Speaker, that a basic principle of public finance - I would have thought that Mr Kaine of all people would have concurred with this; he will certainly have time to think about it - is that all subsidies should be explicit and on the public record. If it really is important for us to encourage development, if it really is important for us to ensure that development goes on and requires a subsidy, then let us give the subsidy up front. Let us do the charging on betterment and actually write the subsidy that way.

Mr Kaine: You would be the only person in the world who describes it as a subsidy.

MR MOORE: There is an interjection from Mr Kaine to say that I am the only person in the world who would see this as a subsidy. No, Mr Kaine, that is wrong. Four major inquiries into the leasehold system had exactly the same view; that to have betterment at less than 100 per cent, to have betterment that takes into account potential value, is an implicit subsidy to the developer in that particular circumstance.

Madam Speaker, the problem that has been identified in terms of the current system of administering the leasehold system is perfectly legal. I must point that out, Madam Speaker, because some people, I think, misinterpret this. I do not suggest for one minute that any developer has done the wrong thing in terms of their development. That is the law and they work according to the law. Since there has been a series of inquiries into the leasehold system, since what is in the public interest is clear, on all the information available, it is appropriate that we change the law. That is why, Madam Speaker, I have introduced this Bill today.

At the risk of repeating some of the things I said yesterday, this same goal could have been achieved by the Minister with the minimum of effort. For the Minister it was simply a matter of changing the regulation. Personally I feel that it is better that it be done by legislation, rather than by regulation, because that makes it very clear to people who read the legislation that there will be full value of any change of purpose returned to the community. The other issue that I think is rather important in this Bill - I find it ironic in terms of the current situation for revenue raising in the Territory - is the current resistance of people to an increase in rates. It is a perfectly understandable resistance. Madam Speaker, the Government has, at its fingertips, a much better way of raising revenue by levying this form of betterment.

The other important thing about this Bill is that it introduces the term "betterment". It was interesting that in the recent debate the term "betterment" was the common term. It has been used constantly. A dictionary definition of "betterment" makes it quite clear that it applies to an increase in the value of land. I think, therefore, that it is appropriate that we do not talk about the added value but that we use the word used constantly in our community. Therefore it is appropriate that that word be put into the legislation. Somebody who is trying to work out, perhaps for the first time, what we mean by "betterment" can look at the legislation and read that:

"betterment", in relation to a lease to which a variation is proposed, means the amount (if any) by which the market value of the lease would increase if the proposed variation were made, disregarding any increase in the value of the lease arising from the possibility of a variation to it;

That is very simple and straightforward. Anybody reading that can see what we are talking about when there is a debate on betterment. Madam Speaker, this matter was canvassed yesterday and most of the issues were raised. With that in mind, it is with pleasure that I recommend this Bill to the house. I move:

That this Bill be agreed to in principle.

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

CITY HEALTH CENTRE - FUNDING OF ABORTION FACILITY

MR HUMPHRIES (10.42): Madam Speaker, I move:

That this Assembly opposes any expenditure from the public money of the Territory for, or in relation to, the establishment or operation of a facility at the City Health Centre for the purpose of conducting abortions.

Madam Speaker, more than a year has passed since the Assembly debated the Termination of Pregnancy (Repeal) Bill and I, for one, cannot think of another Bill which, in the life of this Assembly at least, has aroused such passion in the Assembly or in the community it serves. The debate then was a debate about principle. It was a debate about whether abortions should be allowed to occur outside public hospitals in the ACT. The Assembly resolved by 10 votes to 7 that they should be available outside public hospitals. The motion I have moved addresses the next stage in this debate. It is a dramatically different and, I think, more immediate extension of that debate.

The issue today is not whether abortions are to occur outside public hospitals. The issue is, rather, whether abortions are to be funded from the public purse outside public hospitals. The argument, Madam Speaker, has shifted from principles to priorities. It is not today about the scope of public health commitments; rather, it is about the ordering of those commitments in our public hospital and public health system. Madam Speaker, the view I articulate and have articulated about the principle of abortion is, I accept, the view of a minority of members of this house. It would be pointless, therefore, to restate those moral arguments today. The case I want to put to the Assembly for the passage of this motion is not dependent on that view of abortion. I believe that this motion deserves support even from those who support a right to abortion but who are capable of logically assessing the relative need for an extension of such services to women in the ACT.

Let us put ourselves, Madam Speaker, in the shoes of a Health Minister who is genuinely anxious to improve the full range of health services to the people of the ACT. This Minister identifies a number of areas of deficiency in the ACT's health system, both public and private, but the resources to meet those areas of deficiency are limited. Let us say that this Minister has \$100,000 to spend on new initiatives in a particular year. The question is how to spend that \$100,000 to make the biggest impact on the city's numerous and pressing health needs. I think the phrase is "how to get the biggest bang for your buck".

Let us look at some of Canberra's health needs as a way of illustrating the point about the range of needs that might be facing this particular Health Minister. Some of those needs could only be described as being extremely pressing. First, nursing home beds. Madam Speaker, nursing home beds in the ACT are in critical shortage. I refer, in particular, to the report of the ACT Legislative Assembly's Social Policy Committee on the accommodation and support services needs of the ageing. I quote from paragraph 9.1 of that report:

It is clear that additional resources will need to be directed to dementia care not only because of current deficiencies but also because the evidence presented to the Committee suggests that the number of people being diagnosed as having dementia is increasing rapidly.

The next paragraph reads:

According to the ACT Rehabilitation and Aged Care Service ... "the epidemiology of the numbers of people with dementia in urban societies is estimated to be 5.4 per cent of the aged population over 65 years. In Canberra this translates to 5.4 per cent of about 15,000 people ...

That is a considerable number of people in the ACT. Somewhere approaching 1,000 in the ACT need, or will need in the future, dementia care facilities. That is a pressing and important need. Anybody who has moved around or worked in the area of aged care in this Territory knows that we have a critical shortage of facilities and resources in this area, not only for nursing home beds, but also for things such as respite care, day care and other specialist care for people in those categories.

I find it hard to imagine that there are many priorities more important and pressing than those facing our community at this time. But there are others, such as dental care. Madam Speaker, we have an appalling situation facing this Territory with respect to the provision of dental care. In some cases people have been waiting for up to two years for what is termed non-urgent dental care in this community. That obviously is not people with a pain, a toothache, but people who have, in some cases, serious problems, corrective problems, which need to be addressed in order for them to live fully functional lives. The average waiting time on that list for public dental care, non-emergency so called, is between six and 12 months. In fact, it tends very much towards the 12 months end of that period. There are no easily available figures, I might say, on public waiting lists for dental care. Sometimes patients requiring urgent care are waitlisted on the public hospital waiting list for elective surgery, and I will say something about elective surgery in a moment. Community nursing is reaching a critical stage in the ACT.

Mr Berry: Rubbish, rubbish!

MR HUMPHRIES: Cutbacks in community nursing - the Minister might not be aware that these have occurred, but they have - - -

Mr Berry: No; changes in the way we deliver service.

MR HUMPHRIES: There have been changes all right, Minister. The changes have been extremely well felt in the community which uses community nursing.

25 August 1993

Mr Cornwell: Or not, as the case may be.

MR HUMPHRIES: Or not. Cutbacks in community nursing have meant less service delivery in vital areas such as palliative care. During the June quarter the total number of occasions of service for community nursing in this Territory was 56,762, compared to the March quarter figure of 70,996. These are occasions of service. That is a reduction of about 20 per cent in the number of occasions of service effected by the Community Nursing Service in this Territory in the space of one quarter.

Mr Berry: Yes, but you know that you cannot measure the output by occasions of service. It is fraudulent for you to say that.

Mr Kaine: I raise a point of order, Madam Speaker. The Minister clearly is trying to intimidate Mr Humphries in what he is saying. To say that what he just said is fraudulent is unparliamentary. I would ask that he withdraw it.

Mr Berry: Well, it is a fraud to say that.

Mr Kaine: He has done it again, Madam Speaker.

Mr Berry: It is fraudulent to say such things. It is fair. It is a fair statement. You cannot say that something is happening if it is not happening.

Mr Kaine: I take a point of order, Madam Speaker. I did not ask the Minister to get into a debate on the issue. I asked you to ask him to withdraw his statement that Mr Humphries had made a fraudulent statement.

Mr Berry: Well, I think he had. I did not say that he was a fraud.

MADAM SPEAKER: Mr Berry, even if he had, you are not allowed to impute improper motives to people. I would ask you to withdraw that, please.

Mr Berry: Well, I think he should not make a fraudulent statement. That might be an error of judgment on his part.

Mr Kaine: Madam Speaker, is this a precedent? Every time somebody takes a point of order are we going to have a debate about it? I would like this to be a precedent if that is the case.

MADAM SPEAKER: Mr Berry, I have asked you to withdraw anything that imputes an improper motive to Mr Humphries.

Mr Berry: Withdrawn.

MADAM SPEAKER: Thank you. Please continue, Mr Humphries.

MR HUMPHRIES: I thank Mr Berry for his withdrawal. Madam Speaker, ACT Health would have to be described as being in serious need of additional resources for community nursing.

Mr Berry: Demonstrate it. Put up or shut up.

MR HUMPHRIES: If the Minister has not moved around enough within his own health service to realise that fact, I think that he ought to make an effort to get out of this place and to discover what is going on in the community health service in this community.

Mr Berry: This is what your whole argument is based on, Gary. You and the Right to Life people are all the same.

MR HUMPHRIES: Madam Speaker, I face continuous interjections during this speech and I would ask for some protection in the course of my remarks.

MADAM SPEAKER: Continue, Mr Humphries.

MR HUMPHRIES: Thank you, Madam Speaker. This community is not served by any cardiothoracic services at all. People requiring things like heart-lung operations, bypass surgery and so on routinely have to travel to places like Sydney to obtain that kind of service.

Mr Berry: Yes, and they will continue to. That is the place for them to get it.

MR HUMPHRIES: Madam Speaker, I am dismayed and distressed to hear the Minister say that he believes that that kind of service should continue to be provided outside the ACT. There is a pressing need. Each person who has to travel to Sydney or Melbourne to obtain that kind of service is separated, sometimes for days or even weeks, from their loved ones. They often are deprived of contact with their family for long periods of time. It is not an ideal environment in which to be recuperating. We cannot, as a community, be content to say that we are happy to see that kind of situation continue. If we have resources to put towards this area we should be doing so.

Madam Speaker, there is perhaps no area of greater need in the ACT at the present time than that of waiting lists. This Minister opposite made a great deal of capital during his period in opposition from what he described as outrageously unacceptable waiting lists on the part of the then Government. Since that Government lost office waiting lists have approximately doubled in size, and the Minister told the ABC the other day, as I recall, that waiting lists were no longer a criterion on which you should measure the effectiveness of our hospital system.

Madam Speaker, I think that that is an untenable explanation of this very serious situation facing our community. The Minister faces an explosion in the number of people who are needing elective surgery. We have nearly 3,000 people at present in the ACT who need elective surgery, and 345 of those people have been waiting for more than 12 months to obtain elective surgery places in our system. Madam Speaker, we are not talking about people just wanting plastic surgery or some kind of entirely optional service. We are talking about elderly people needing hip replacements; we are talking about women needing hysterectomies; we are talking about children needing grommets put in their ears; we are talking about older people needing cataracts removed from their eyes. These are serious situations.

25 August 1993

Madam Speaker, the number of times complaints and problems with our system have arisen is just too numerous to mention. I mention only one - a report in April this year about a man, a cancer patient, who arrived at Woden Valley Hospital for scheduled chemotherapy treatment. He was told that there was no room for him at the hospital and he would not be able to receive treatment because the ACT Government had decided to close 56 hospital beds until Monday - that was Easter time of course - in order to save money. He contacted the *Canberra Times* again and was reported as having said:

When I went in for radiotherapy, I spoke to a man - he must have been in his late 60s - who was there for chemotherapy. There was no bed for him and apparently he was told he had to sleep overnight on a trolley in the oncology department.

Mr Berry: You would never convict anybody on that sort of hearsay evidence, Gary.

MR HUMPHRIES: Madam Speaker, the Minister calls this hearsay. If the Minister does not realise that these things are happening all the time, virtually every week, in our hospitals, he does not deserve the title of Minister for Health for the Australian Capital Territory. But he does know that it is happening. He knows that it is happening because his staff are telling him, his public servants are telling him. It does go on and it is a disgrace. Madam Speaker, we should be directing resources, valuable resources, whatever resources come our way, towards making sure that those very important needs are being met, and they are not being met. A hundred thousand dollars would go a very significant way towards establishing facilities to overcome this problem - for example, establishing and resourcing a new operating theatre or new beds to achieve that kind of purpose. These are only some of those needs, Madam Speaker, but there are others.

Madam Speaker, a child with cerebral palsy in this community can get physiotherapy only once every six weeks in this Territory. That is shameful; that is a disgrace. People in nursing homes have almost non-existent dental care at this time. Do you realise that, Mr Berry? If you happen to break your dentures in a nursing home in this Territory you are going to have to wait something like three months to get those dentures fixed - three months when you cannot eat any solid food. It is not very attractive, is it? They are the things, Madam Speaker, that I think any decent government would be looking at in the way of prioritising their spending in health. They are the things I think we would be looking at.

But let us look at another priority which is also apparently on the Government's agenda - an abortion clinic. The proposal is a purpose built clinic in the City Health Centre which is combined with some other service, so it is padded out a bit; but abortion is the only new service being conducted at that facility. Some would argue that we need that new facility. Some would say that women should not need to travel to Sydney to obtain health services of this kind. But let us examine the extent of this need, Madam Speaker.

Mr Connolly: That is what Mrs Carnell said on 23 June 1992.

MR HUMPHRIES: Indeed, many argue that case, even some on this side.

Mr Connolly: Yes, your leader argues that case.

MR HUMPHRIES: Indeed she does, Madam Speaker. (*Extension of time granted*) Madam Speaker, some members on this side of the chamber do argue that, and I accept that. But let us examine the extent of this need. Madam Speaker, services for abortion are available in Canberra at present. Most abortions will continue to be conducted, even after the establishment of this facility, in public hospitals in the ACT. Many women who live in the Territory and who seek abortions will continue, for reasons of privacy, to want to travel to Sydney. Conceivably only a few hundred women will benefit from this new clinic and their benefit will be a saving of the cost of a trip to Sydney. One can sympathise with the view that this is an inconvenience to those women, but is it really the kind of urgent need which ranks with our other priorities in health which I have already talked about?

There are choices facing Mr Berry. They are not hypothetical choices; they are real choices. It is inconceivable, Madam Speaker, that any reasonable person would see an abortion clinic as being at the top of the health agenda in this Territory, or anywhere near the top of the health agenda. For it to be there it must have been elevated from a third order issue to a first order issue. It must have been elevated through the application of dogma, not commonsense.

Consider, Madam Speaker, the question of the balance of convenience. If you were able to save either a woman seeking an abortion or a woman seeking a heart-lung operation from the inconvenience of travelling to Sydney, which would it be? Admittedly, there are many fewer people in the latter category than the first category; but those in the latter category stay much longer in hospital in Sydney, whereas it is necessary for those in the first category only to have a day procedure in Sydney and then return, even that same day, to Canberra. What compassion do we show those separated from their family and friends for days or weeks of hospitalisation in Sydney when we downgrade their needs in favour of other people whose needs are simply not so great? The extension of abortion facilities could be provided by the private sector in the ACT, but they will not be, and the reason they will not be is that there is not sufficient demand to satisfy a requirement for additional facilities of this kind. If there is not that demand in the private sector, Madam Speaker, I would submit that there is not that need in the public sector either.

Madam Speaker, we have to ask ourselves some questions about this proposal. What are the real costs, the real recurrent costs, of establishing this service? Frankly, we do not know. The Minister has not told us. The Minister who jointly heads up this open government - this supposedly open government - still has not told us what the recurrent cost of operating an abortion service in the City Health Centre will be. When are we going to find out? Madam Speaker, I do not know.

Mr Berry said on radio a few days ago that the question of new abortion facilities was not a priority for the Labor Party at the last election because people did not want it to be a priority. Consider the circularity of that argument. Here is a Minister who says, "We did not make it a priority. We are a political party which sets agendas, which puts things on the table and says, 'We want you to vote for us for this reason'.". They did not put it on the table, because people did not want to see it on the table; but apparently they want to see it here now.

25 August 1993

Why do they want to see it here now? Has the Minister provided one rule, or one set of policies, or one face for the Labor Party in this Territory at election time and another when it is now in government? You can certainly say the same about the Federal Labor Government. We have seen some changes since the last Federal election, and the same question has now arisen with respect to the ACT Government.

I do not think that we have a mandate for this kind of change. Madam Speaker, I want no part of this decision. I hope that other members of this place will join me in dissociating themselves from this abuse of our responsibility as custodians of the public good. Taxpayers of the ACT want solutions to basic health problems such as waiting lists and hospital beds. The provision of abortion facilities at an initial cost of \$100,000 to the taxpayer - perhaps much more - defies the needs of an efficient health system. Mr Berry is placing more priority on conducting abortions than he is on reducing the public waiting lists in our hospitals.

Madam Speaker, \$100,000 would go some way towards making available valuable space in public hospitals to treat some of the patients requiring surgery. One hundred thousand dollars would also go some way to reducing the average six months waiting list for public dental care. One hundred thousand dollars would provide badly needed beds in our nursing homes. Madam Speaker, the taxpayers of Canberra want from their government the basic provision of health services. Leaving aside the argument about an abortion clinic's rights or wrongs, the expenditure of government money on the project means that other more basic health care services are not being adequately provided. If members of this house really think that the best possible use of that \$100,000 is the provision of an abortion clinic, then I suggest - indeed, I invite them - that they oppose and vote down this motion.

Mr Berry: What a hypocrite!

MR HUMPHRIES: If they believe, as I do, that there are other priorities which are more important, which have an infinitely greater call on our compassion, then they should vote to support this motion. Madam Speaker, that is the conclusion of my remarks. I would ask, however, that Mr Berry withdraw the expression "hypocrite".

MADAM SPEAKER: I think we have allowed that in the past. I will check on that. I will come back to that.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (11.04): Madam Speaker, one would never have thought that Mr Humphries had once been a Health Minister, because for the short time that he was there he learnt nothing. I have to say that the smell of hypocrisy ladens the air and it burns the nostrils when one is faced with the approach that has been taken by the Liberals opposite. Mr Humphries himself provided public money for the provision of terminations within a public health facility. Mr Humphries did that. Mr Kaine signed the cheque - that is two - and Mrs Carnell has said:

We must encourage the provision of an environment in which women can make the decisions that are relevant to their own personal circumstances. This includes the provision of support services for those women who choose to continue with their pregnancies as well as for those who find themselves unable to do so.

That is why the air is laden with hypocrisy. The Government is assisting a non-government organisation providing the service and Mrs Carnell, trying to be popular with everybody as usual, turns around on her original position. Mr Humphries adds to the hypocrisy in the air by demonstrating that it was all right when he was providing termination services but it is not all right if somebody else does. Madam Speaker, it is no wonder that the air is heavy with hypocrisy.

I also heard Mr Humphries talking about \$100,000 in capital costs being useful for recurrent costs. He did not learn anything as a Health Minister. If he had used the same principles when he was in government he would not have proceeded with the hospital redevelopment project; he would have put all of the money into waiting lists if it was so important to him and if it was so important to convert capital to recurrent costs.

Mr De Domenico: That does not make sense. Would you repeat that, because I did not understand it?

MR BERRY: I shall repeat it so that you understand. Mr Humphries committed the then Government to millions and millions of dollars worth of capital costs in a hospital system, to build things instead of dealing with what he described as some sort of a crisis when he was the Health Minister. Why is it different now? I say to you that it is no different. This is about providing a service for the community which needs it. He also tries to draw some comparison between somebody requiring very specialist health treatment at a specialist hospital in Sydney and somebody who requires a simple procedure in Sydney. There is no comparison, Mr Humphries. You say that it is not all right for somebody to go to Sydney for very specialist treatment, for a heart-lung transplant, for example; but it is right for one woman, or 1,100 women, or 1,500 women, depending on whose figures you use, to go to Sydney to have a simple procedure done. You say that that is all right.

Mr Humphries: It is a lower priority.

MR BERRY: It might be for you and the Right to Life Association; but it was not a lower priority when you were in government, because you provided terminations within the hospital system and you also failed to address the issue - - -

Ms Follett: But not heart-lung transplants.

MR BERRY: But not heart-lung transplants. Really, you steered a treacherous course because you have not demonstrated clearly to the people of the ACT where you are coming from. Where you are coming from is the very same place that you were coming from when it came to the repeal of this legislation.

25 August 1993

This is an anti-abortion position, not an issue of how services are funded in the ACT. Madam Speaker, a non-government organisation has offered to provide services in the Moore Street building, one of which may include terminations of - - -

Mr De Domenico: May include or will include?

MR BERRY: At some time in the future it will include - - -

Mr De Domenico: When? Dates and times. Come on.

MR BERRY: That is up to them.

Mr Humphries: Come on; be specific, Wayne.

MR BERRY: That is up to them. Ask them.

MADAM SPEAKER: Order!

MR BERRY: At some time in the future they will provide terminations of pregnancy. They will also provide a range of other reproductive services, all services that Mrs Carnell wants. Madam Speaker, here we have a situation where the Government is doing what the Leader of the Opposition wants and we are being criticised for it. We are doing it more efficiently as well. We are providing some refurbishment and repairs money, of the order of about \$100,000, to refurbish some space in the Moore Street building for a clinic which will be run by the Family Planning Association to provide services for women. But Mrs Carnell wants to abandon women on this score.

Nobody among the Liberals has said that it has been many years since there has been any refurbishment carried out at the Moore Street building and that it would have to be done whoever occupied the space. That will continue to occur as the building runs down. This is capital expenditure on a small space in the Moore Street building, and the Family Planning Association will provide services for the people of the ACT - economical services for the ACT Government. So we will cooperatively introduce an efficient service for the people of the ACT at low cost, and it will not only be for terminations of pregnancy; it will be for a range of other reproductive services.

As has been said, just over 12 months ago the Assembly voted to pass the Termination of Pregnancy (Repeal) Bill, so the law has changed. The effect of that was to repeal the Termination of Pregnancy Act which allowed for abortions to be carried out legally if performed in a hospital conducted by the then Board of Health. I have spoken about that and Mr Humphries supported the provision of terminations in the public hospital system, as he was the Minister. Mr Kaine signed the cheque. Mrs Carnell wants the services to be expanded. We are expanding them. Now we are being criticised. So there we have it. Mr Humphries provided them, Mrs Carnell supports the expansion of them, and Mr Kaine signed the cheque. So there we have it, and that is why the air is laden with that hypocrisy that I talked about earlier. The ACT, since the introduction of the repeal Act, is now in line with other States in allowing pregnancy terminations to be carried out in non-hospital settings, and that is a big plus.

This gives any doctor or medical clinic the right to carry out this procedure on their premises. Pregnancy terminations can therefore now be legally carried out in a range of facilities, both government and non-government, in the ACT. We are aware of the changing nature of hospitals in Australia. No longer are they institutions where the length of stay of patients is an option.

I turn now to the issue of waiting lists. Mr Humphries would have it that women seeking a termination would go on a waiting list for day surgery in a public hospital. That is what Mr Humphries would have, or else force them to go interstate.

Mrs Carnell: You have waiting lists for day surgery.

MR BERRY: There is a waiting list for day surgery.

Mr De Domenico: How long is the waiting list for day surgery?

MR BERRY: It is part of the overall waiting list, you dope. We are all aware of the changing nature of hospitals in Australia. No longer are they institutions where the length of stay of patients is an option, where patients go for minor procedures. The pressure on hospitals across the country and the legitimate move to better care for the non-acutely ill in the community has radically changed the nature of hospitals.

More and more day procedures are being done, and more and more options are available outside the hospitals for a range of services which were once the province of hospitals. That is the move. Hospital based terminations are far less relevant today than they were in the past. Women who choose to terminate their pregnancies need supportive, safe and confidential surroundings, not an acute illness care institution. That is what Mr Humphries wants for the ACT - an acute care facility. So does Mrs Carnell, it seems, which is quite different from what she proposed earlier on. The issue of funding pregnancy terminations is one which has been debated in many forums. Since 1974 terminations have been funded under the Health Insurance Act, having been recognised as a legitimate medical service. Therefore the vast bulk of payment for terminations is already funded by the public purse.

This Government has an obligation to the citizens of Canberra to provide a range of services which are not provided by the private sector - services which are too costly for the individual or for which society as a whole accepts responsibility, for example, the education of our children. There are services which provide for small sections of our community - for example, specialised cancer treatment facilities, which would cause an intolerable burden on those who have to access these services if they had to bear the real cost. The Government has an obligation to look after the interests of all of its citizens, including those whose cause would not necessarily gain majority support in the community.

People pay taxes in order to support those services that the government elected by the people offers to its citizens. Taxes are not paid selectively to support one service and be withheld from another. The people elect a government to make these decisions. People who have no children pay taxes to support the education system. People may choose to send their children to private schools, but they still

25 August 1993

pay taxes to support the public education system. People who belong to the anti-smoking lobby pay taxes which help to provide medical and hospital services for people with smoking induced illnesses. People in Canberra, as elsewhere in Australia, pay a Medicare levy. Part of this levy goes towards funding terminations through the Medicare rebate, amongst a whole range of other services.

The Family Planning Association, which for many years fought for the repeal of the Termination of Pregnancy Act, has, as a natural extension of their other services, given consideration to providing non-hospital based pregnancy terminations. Family planning is funded by the Commonwealth Government to provide a range of information, education, training, counselling, research and clinical activities aimed at improving the sexual health of Australians. Despite the best efforts of all concerned, unwanted pregnancies do occur, and women who bear the emotional and psychological cost of these pregnancies, on the whole to a much greater extent than men, should not have to bear the additional financial burden. I just did some rough calculations here. If about 1,500 women go interstate for this service and it costs them about \$300 a throw, that - - -

Mrs Carnell: Why does it cost them that much?

MR BERRY: To stay overnight, for transport to Sydney and the provision - - -

Mr Humphries: Why stay overnight? It is a day procedure.

Mr De Domenico: It is a day procedure, you say.

Mrs Carnell: How many of them stay overnight?

Mr Connolly: So you jump in the car and drive straight back, you reckon.

Mr Humphries: You can, and people often do.

MR BERRY: I despair at the lack of knowledge that you people have about these matters. And what about the kids? You people disgust me. What about the student at one of our colleges who finds herself in a situation where she has to have a termination and is forced to go to Sydney, to borrow money from her mates, to get somebody to give her a lift to Sydney, to stay overnight and come back the next day?

Mr Humphries: But it is not \$300.

MR BERRY: I do not know where you have been staying when you have been in Sydney. Get in your own car, pay for the petrol yourself and drive to Sydney and back. Work out how much that costs you. Then stay overnight and pay for the service while you are there. It adds up to about \$300, in anybody's estimation. You end up with about \$450,000 going out of the Territory each year.

Mr Humphries: Oh, it is a money raising thing, is it?

MR BERRY: No. I thought the Liberals would have some sympathy for that position. I thought I would calculate it for you just to try to draw a bit of sympathy from you because, when it comes to money, I know that you are most concerned about it.

The Family Planning Association intends to set up a company called Reproductive Health Services which will be a "not for profit" organisation that will provide a range of services for which a Medicare rebate will be claimable. These services will include pregnancy terminations and things such as vasectomies. Counselling of clients seeking these services will be provided both pre- and post-procedure - all the sorts of services that Mrs Carnell wants. The ability of the Family Planning Association to provide these services depends upon suitable clinical space being available. The ACT Health building in Civic is undergoing progressive refurbishment, as I said to you earlier, as more and more community health facilities are located there. The building is in a central location and has suitable space to provide the ideal setting for the proposed reproductive health services clinic.

This Government is not proposing to fund a non-hospital based termination clinic. (*Extension of time granted*) It is, however, proposing to provide suitable space for a clinic to be operated by a non-government agency. That is not to say that we will have any difficulty with the services that are provided. We are proud to be able to provide refurbishment of space in order that this service can be extended to the community.

Mr Humphries: At what cost?

MR BERRY: Cost? Are you deaf? As I have said over and over again, the ballpark figure was around \$100,000 and that was based - - -

Mr De Domenico: All up, forever?

Mr Humphries: Is that the recurrent cost?

MADAM SPEAKER: Order!

MR BERRY: That was the capital cost, I told you.

Mr Humphries: What is the recurrent cost, then?

MADAM SPEAKER: Order!

MR BERRY: That was based on the amount of money that we spent on the breast screening clinic, as a comparison, on around about the same space. This means, Madam Speaker, that there will be extra choices for women and for men in the provision of services here in the ACT, and that will be provided by the company set up by the Family Planning Association. Family planning services are well aware of the burden placed on women who choose an abortion and, therefore, we wish to keep the costs to a minimum. This Government has an obligation to ensure that all of its citizens are treated equally and that a heavy financial burden does not fall on those least able to afford it. We are not going to discriminate in the way that Mr Humphries wants us to. We are not going to discriminate against women in need, and that is what Mr Humphries wants. Mr Humphries wants us to discriminate against women in need.

Mr Humphries made no mention of the effect that the provision of extra services in the ACT will have on existing waiting lists and the existing services that are provided by way of day surgery procedures in the ACT. It is estimated that about 150 women have terminations as a day procedure.

25 August 1993

Mr Humphries: So abortions are elective surgery, are they?

MR BERRY: You do not go through accident and emergency for them, Gary. Did you not work that out when you were Health Minister? Of course, there will be an impact, as services are expanded, on the provision of terminations within the day surgery unit. All in all, this is an economic arrangement with a community organisation which is prepared to help to improve the health of Canberra women. Nobody in their right mind would knock back the opportunity at such a low cost.

Mr Humphries: What is the cost? Tell us what the cost is.

MADAM SPEAKER: Order!

MR BERRY: Those 1,100 or 1,500 women who require these services every year will now have another option.

Mr De Domenico: Every year? Are they the same ones or what? What is the cost per year?

MADAM SPEAKER: We will have order, please! You will have your turn, Mr De Domenico.

MR BERRY: About 1,200 to 1,500 women are forced to go interstate for these services. We are proud to provide them with another option, and it will come at economic cost to the people of the ACT. It will be a service that all of the Territory can be proud of. It will not discriminate against the needy sections of the community, as would happen if Mr Humphries had his way, because this Government is committed to social justice. We are prepared to make the hard decisions. We are prepared to stand up for women, even though Mrs Carnell is not. She said that she was earlier, but she seems now to have changed her mind. Now that the opportunity to expand services presents itself she walks away from it. Mr Humphries, who once provided these services, now says that he does not want them provided. Mr Kaine will say, I am sure, that while he paid for these services in the past he does not want to pay any more.

This is the sort of logic that prevails amongst the Liberal Party. It is not the sort of logic that is acceptable to the ACT community. It is not the sort of logic that this Government will cop. It is certainly inconsistent with the philosophical position we have about the provision of health services here in the ACT. This is an important service which is absolutely necessary, and it will be provided.

MR DE DOMENICO (11.24): May I, first of all, take on one of the last comments that Mr Berry made. He said that it is going to be provided at economic cost to the people of the ACT. Mr Humphries and others have been asking Mr Berry, for quite some time now, exactly what the economic cost is likely to be to the people of the ACT for these sorts of facilities to be provided, not just once in one year but continually at the same location.

Mr Berry: That is capital cost. You spend that once.

MR DE DOMENICO: I am glad that Mr Berry interjects, because the interjection is quite interesting. Mr Berry says that it is the capital cost for the first year. What are going to be the recurrent costs of continuing to provide this facility? Let us have a look at the total project cost. Mr Berry was not able to give us some figures. In July 1992 the very organisation that Mr Berry was talking about, the Family Planning Association, declared that the ACT Government would have to spend an estimated \$800,000 to establish and run an abortion clinic. That appeared in the *Canberra Times* on 16 July. I know that Mr Berry is not establishing and running an abortion clinic, but he is refurbishing, at a capital cost for one year, the Civic facility. But Mr Berry still has not answered this question: What is going to be the recurrent cost of running the clinic?

Mr Berry: Ask the Family Planning Association. Do not ask me.

MR DE DOMENICO: I am getting to that, Mr Berry. Just sit down and be patient. The executive director of the organisation that Mr Berry is alluding to, the Family Planning Association, Sandra McKenzie, estimated that the establishment costs would be between \$300,000 and \$400,000 - \$190,000 for refurbishment and another \$130,000 for the equipment. They are the costs that the Family Planning Association is talking about.

Mr Berry: Early estimates.

MR DE DOMENICO: He says that they were early estimates. Over \$1m was the early estimate - more than 10 times the amount of money that Mr Berry believes that it is going to cost. I would like to ask a question of Mr Berry. Mr Berry thinks that the Family Planning Association is a magnificent organisation to run this fantastic new facility that he is providing. It says that it will cost ten times the amount of money that he says it will cost. With Mr Berry's record on costings and budgets in relation to health, I think that most of the community would tend to believe the Family Planning Association before they would believe him. That is point No. 1. In other words, Madam Speaker, the capital cost of the site provision has not been addressed at all. Notwithstanding what Mr Berry might stand up and say in this place from time to time, the capital cost and the future cost of the provision of this service have not been addressed.

The recurrent budget implications were stated to the PDI Committee. The recurrent budget implications were stated as being nil. On the piece of paper presented to the PDI Committee Mr Berry's department said that the recurrent costs were nil. How can Mr Berry stand up in this place and say that he is providing this magnificent health facility and that the recurrent costs stated by the Health Department are nil? He has not explained that; nor can he, I suggest. The Family Planning Association, which is not close to this side of politics or any side of politics, is going to be left with the responsibility of running this clinic. In 1992 the association estimated that another \$400,000 would be required to meet annual running costs. These are the estimates of the Family Planning Association, notwithstanding what facilities are going to be provided in this clinic. I am not going to get into the moral argument; just leave it to the financial side.

Mr Lamont: Yes, you are.

MR DE DOMENICO: If you interject I will; I am telling you. The Family Planning Association, Madam Speaker, will be required to meet an annual running cost of \$400,000. Of course, Medicare might have to contribute \$150,000 out of that \$400,000, but a quarter of a million dollars is left.

25 August 1993

In terms of recurrent costs, Mr Berry has not answered any questions about that because he does not know. Perhaps it is because he does not want to tell us. That is the other argument that we can use. The Family Planning Association is saying that the Government is committing its health budget to picking up future shortfalls in the operating costs of the proposed abortion clinic. It is as simple as that. If Mr Berry is going to do that, let him stand up in this place and tell us. He has the numbers and the Assembly has already voted on the moral question of the provision of the abortion clinic. If Mr Berry is going to be spending more money in the future for this facility, let him stand up here and admit it. He has not done that. He tried to hide away. It is the same way, Madam Speaker, that Mr Berry tried to hide away from the use of the word "abortion". Who can forget that famous press release where the word "abortion" was not used. They also tried to hide using the word "abortion" through the PDI Committee. If you are really committed to it, Mr Berry, I want you to come clear and use the word "abortion".

Nightly on our television sets we get the promo for a certain television station, with Mr Connolly standing outside this place saying that there will be no public works money for anything to do with abortion. Mr Berry says, "We will see", and guess who won - Mr Berry. Why? Because he has the numbers in Cabinet. One wonders how Mrs Grassby is going to vote on this issue. People are talking about the way Mrs Carnell voted before or what Mrs Carnell's views are. How will Mrs Grassby vote on this motion?

Ms Follett: Madam Speaker, I believe that Mr De Domenico is attempting to intimidate another member of this chamber. He ought to desist.

MADAM SPEAKER: Order! Let us have some order, please.

MR DE DOMENICO: Thank you, Madam Speaker. I will continue and I will repeat that comment. One wonders, Madam Speaker, how Mrs Grassby and Mr Connolly are going to vote on this issue.

MADAM SPEAKER: Mr De Domenico, the debate is about something quite different. Would you keep to the point, please.

MR DE DOMENICO: I will go back to the point, which is, as I recall, the cost - - -

Mr Berry: Do you support the provision of these services or not?

MR DE DOMENICO: No, I do not.

Mr Berry: Why do you not talk about that, instead of the costs?

MR DE DOMENICO: Because it is not the motion at hand, Mr Berry; that is why. I am trying to talk about the motion before me, which is the priority, Mr Berry. The other thing I will talk about is the fact that you stood up here and did not provide any details at all about costings, full costings, because you do not know.

Mr Berry: Yes, I have. I told you.

MR DE DOMENICO: No, you have not. All you are doing is coming good with your promises to your left-wing mates. That is it, full stop. That is what you are doing. You have the numbers and you are crunching them now. As I said, Madam Speaker, the Government is committing its health budget to picking up future shortfalls in the operating costs of the proposed abortion clinic. I will not get into the freedom of information aspects of this whole issue, nor into the tactics of concealment which I have alluded to.

Let us have a look at the cost-benefit analysis, because we are trying to limit this conversation to the realms of financial responsibility. The financial statements of the Family Planning Association make interesting reading. Here is Mr Berry talking about how he is providing, at very low cost to the public purse, all these sorts of facilities to the Family Planning Association, and Mrs Carnell keeps saying, "What rent are you charging?". Let us have a look. The financial statements in the 1991-92 annual report of the Family Planning Association of the ACT show that in that year its activities yielded a surplus of \$91,400. So in one year alone the Family Planning Association made a profit of \$91,000. In 1990-91 it made a profit of \$99,000, and in 1989-90 it made \$119,000. It transferred all those amounts to accumulated funds. So here is an organisation with accumulated funds of over \$300,000 being given another \$100,000 to refurbish and to run a clinic.

The Family Planning Association charges for many of its services. An obvious example, Madam Speaker, is the profit of well over 100 per cent made on its sales of contraceptives, which provide a substantial proportion of its profits. So we have an organisation - - -

Mr Lamont: How much does the pharmacy put them up?

MR DE DOMENICO: We have an organisation that is being given something rent free, Mr Lamont, unlike pharmacies - a non-profit organisation with hundreds of thousands of dollars in its bank account, and Mr Berry stands up in this house and says that he does not know about the recurrent costs. One wonders whether Mr Berry has asked questions about the cost to the ACT health system of morbidity and long-term psychiatric sequelae arising from the abortions that this organisation is going to perform. (*Extension of time granted*)

Mr Berry has not stood up here and talked about the legal consequences that may arise from abortions of minors, without parental consent, and he mentioned girls at school. One wonders whether he has thought about that. One wonders about the reaction of users of other health facilities at the City health building who may be people who disagree with the facilities that Mr Berry has alluded to. Mr Berry stood up but said not one word about what it is likely to cost the public purse in years to come. The figures are on the public record. The Family Planning Association estimated that hundreds of thousands of dollars are to be spent purely and simply to maintain the services that Mr Berry has alluded to today.

If the people opposite, if people in this Assembly, believe that the establishment and the continued funding of an abortion clinic is one of the highest priorities, not only in the health budget but in other budgets, they will not support Mr Humphries's motion. Even people opposite believe that there are other better things to spend money on in the health area. Take, for example, a cancer registry.

25 August 1993

It could be funded holus-bolus by half the amount of money that Mr Berry is pouring in in this year alone. We do not know, as I said, how much money is going to be spent next year. Madam Speaker, we will see whether people opposite are prepared to put their money where their mouth is, are prepared to vote in the same way that they voted last year when we discussed the moral issue of what we are talking about today. But, on the financial aspects, let us see - - -

Mr Lamont: That is what you are discussing today.

MR DE DOMENICO: No, I have not mentioned that at all, Mr Lamont.

Mr Lamont: No, no, and that is why what you have said is wrong. You are hiding behind a mishmash of information.

MR DE DOMENICO: You have your opportunity to stand up and contribute to this debate. On the financial side, Mr Berry, you have said nothing in this house today that makes us believe you, but that is no different from what you do all the time in this place.

MRS CARNELL (Leader of the Opposition) (11.36): Madam Speaker, I support choice. That is not news to anybody in this house. I support the right of women to choose to have an abortion. I also support the right of the family planning clinic to provide whatever services it sees fit as a private organisation or a non-government organisation. That means that I also support the right of any private company, private health facility or whatever to provide any legally appropriate or legally able service that they choose to provide. I also support level playing fields. I support the fact that private organisations, non-government organisations, should compete in a marketplace that is fair. I support the great need for abortion facilities - I am happy to say the word - for women who need them. I also support the right of women to have appropriate counselling in making that decision. What I do not support is government money being spent to prop up a private operation. We have here - - -

Mr Connolly: Subsidies to pharmacies have to go. Stop the pharmaceutical subsidies propping up pharmacies. Dear, oh dear!

MRS CARNELL: There are none. I think it is really important to make this clear. What we have is Mr Berry giving taxpayers' money to a private organisation. I also support very much the right of government to maximise the potential of any assets that they own. If the Government wants to refurbish the City Health Centre, then that is exactly what the Government should do, and the Government should do that with the view of maximising the potential of an asset.

Mr Lamont: Madam Speaker, I raise a point of order. Could Mrs Carnell explain, then, whether there is a difference between what this is and whether or not VMOs are able to conduct a private practice? I want to see whether it is the same thing.

MADAM SPEAKER: I do not think that is a point of order, Mr Lamont. I will not uphold that. Carry on, Mrs Carnell.

MRS CARNELL: If the Government wants to spend \$100,000 refurbishing an asset, that is an appropriate thing for a government to do. What the Government then does, to my knowledge, in every other circumstance is either use the facilities themselves for publicly-run, publicly-funded operations or alternatively

charge market rent. That is what is done, to my knowledge. In this circumstance, though, that is not happening. What is happening is that we are spending taxpayers' money to refurbish a building and then not charging market rent. So, no matter how you look at it, you are providing recurrent funding for a profitable private operation, an organisation that has made profits over the last couple of years.

I support the provision of abortion clinics. Therefore, what we should be doing is providing a level playing field. In every other State where abortions are available they are provided by the private sector as commercially viable operations, not in rent-free accommodation. What the Government is doing is providing taxpayers' money to prop up a private operation. Quite seriously, that is not good economics. If we believe in that, if we believe that public money should be spent that way, then there is a number of other health facilities that could be provided that way.

Mr Connolly: Mrs Carnell is having a bob each way.

Mr Lamont: Do we stop doctors doing that in health centres?

MADAM SPEAKER: Members, order, please! Mrs Carnell has the floor.

MRS CARNELL: What we have to look at here is the appropriateness of providing public money to a profitable private organisation regardless of what that organisation is providing. I believe that abortion is an important topic. It is a topic that people feel strongly about. There are people like me who believe that it is an appropriate thing for a woman to choose to do, and there are people like my colleagues who believe that it is murder. Therefore, to use their money, the money of the 50 per cent or 40 per cent - I do not know the number - of the community who believe that it is murder specifically for this purpose without it being an election issue, to use your words, upon which they had an opportunity to vote, is totally inappropriate. I support the fact that those people have a right to choose as well.

MR MOORE (11.42): Madam Speaker, it would seem that Mrs Carnell wants to back this in the same way that she backs her own horses - an each-way bet - and it is just not available, Madam Speaker.

Mr Cornwell: That comes well from you, Michael.

MR MOORE: Madam Speaker, I have never moved my position on this issue, not in the slightest. I have always made it very clear that I support a woman's right to choose. Far be it from me to reflect on a previous vote of the Assembly.

Mr Lamont: You would not do that.

MR MOORE: I would not do that, Madam Speaker; I have always been consistent. The issue today is equity and access. We have people who support the notion that a woman has the right to choose, but we seem to have a problem over which women have the right to choose. It is determined on the amount of money that they have. That is how the access is determined. Madam Speaker, this will allow women who do not have access to money the right to choose.

25 August 1993

Mr De Domenico rightly raised the issue of young women in particular, those who have not yet reached the age of majority, and he talked about the legal consequences. If Mr De Domenico looks at the current case law on that he will find that the legal stance is that children have specific rights on this issue. The case history is well documented. I am happy to point Mr De Domenico to some legal cases.

The most important thing, I think, Madam Speaker, is that we are dealing with the health consequences, particularly of young people and of all women. In the case of vulnerable young women in a disastrous situation, a situation that we would not like to see, a situation where something has gone wrong, we have to be as compassionate as we possibly can be. I know that Mr De Domenico agrees with that; all of us agree that we need to be as compassionate as we possibly can be. There is a disagreement as to how we should be compassionate.

Madam Speaker, I oppose this motion and I support this stance by the Government because I believe that it gives the people involved a choice in a situation that is most awkward and most uncomfortable. It is an extension of the same point that Mrs Carnell made when she stood up and said what she supports. If you genuinely support choice you have to support choice not only for those who have access to enough money but also for those who do not.

Mrs Carnell: What about those who believe that it is murder? They have no choice.

MR MOORE: Madam Speaker, Mrs Carnell interjects, "What about the people who believe that it is murder?". If we were to make decisions in terms of the beliefs of people who provide revenue and set a precedent in the way Mrs Carnell is suggesting, we would leave ourselves in a very awkward situation in regard to a whole series of legislation. The ramifications of saying that if people do not believe in a piece of legislation we should not use their money to take some action are quite extraordinary, Madam Speaker. I believe that it really is a non-issue. It is irrelevant to the debate and should be ignored.

It seems to me, Madam Speaker, that the other issue brought up by Mr De Domenico was the notion of a cost-benefit analysis, and it was reiterated by Mrs Carnell. Mr De Domenico talked about the profits of private clinics. If it so happens that there is a relationship between a government and a private organisation, and we have lots of them where a service is provided to the benefit of the community, then that is a very positive thing. We have quite a number of examples, not the least of which is Calvary Hospital, a profit making organisation. The Government does not fund it with \$100,000 or \$200,000; it provides it with quite large sums of money. We have not seen any consistency at all on this issue, but far be it from me to reflect on a vote of the Assembly. If we were going to have some consistency here we would see Mrs Carnell saying to Mr Berry, "Cut funding to Calvary Hospital", and that would be ridiculous.

Madam Speaker, the inconsistencies that come through this debate are interesting. The reality is that the Liberals are trying to recover some of those votes that Mrs Carnell lost when she made a very sensible decision on a previous occasion that I will not reflect on.

Mr Lamont: Because you would not do that.

MR MOORE: I would not do that. Madam Speaker, the Liberals cannot get away with that. People like Mr De Domenico, who has already spoken, and Mr Humphries have had a totally consistent approach. They are quite clear as to the stance they take. By taking that stance they are going to lose some votes and they are going to win some votes. That is great. That is where they stand and people can judge them on that. Similarly, Madam Speaker, I am quite happy to stand up and to say that I support the right to choose, and I also support appropriate access and equity. That is why it is that I feel very comfortable about opposing this rather inadequate motion.

MS SZUTY (11.49): Madam Speaker, like my colleague Mr Moore, I oppose the motion proposed by Mr Humphries. I stated at the time that this Assembly debated the Termination of Pregnancy (Repeal) Bill that I believed, as I do now, that women in Canberra need a comprehensive service when they face the decision about whether to terminate a pregnancy or not. I support and applaud the Government for supporting the Family Planning Association, a group well known and credentialled in the provision of sexual health services which is prepared to better meet the needs of women who require abortion services.

I have examined the figures presented during the public hearing on the capital works program which detail the total cost of refurbishing premises for the Family Planning Association. That cost is somewhere between \$40,000 and \$45,000, an amount which would have been expended, no doubt, regardless of the future use of the space to be refurbished, as Mr Berry has already mentioned. Currently the Family Planning Association also receives a further \$50,000 in recurrent funding to fund a counsellor's position. National and State governments have long recognised the work that the Family Planning Association does in the community, including counselling and educating on matters of sexual health.

In the ACT, part of the counsellor's role would, I expect, involve counselling on abortion, but until now, in most instances, that counselling occurred several hundred kilometres away from the clinic which would carry out the procedure. This is one of the most important factors in this debate. Counselling is most appropriate and effective for people when it is offered in the context of what is occurring for them. Women in Canberra have suffered for too long by having their decision to proceed with a pregnancy termination separated from available support services. Mostly they have travelled interstate for the procedure and received counselling back in Canberra only when they sought it out. Instead of receiving appropriate counselling on the decision itself, post-abortion counselling and contraceptive counselling, most women receive minimal support in making their decision and little or no follow-up counselling or support. This situation cannot be allowed to continue in 1993.

Again I refer back to comments I made in the debate last year. Abortion is not an illegal activity in Australia. However, the availability of the procedure has been severely restricted in Canberra. Women's health must suffer when the service provided is fragmented and is physically separated from the woman's home and community. Women in Canberra deserve better and I do not believe that the tone

25 August 1993

of this Assembly is raised by arguing whether we should continue the historically severe restriction of a legally available service by preventing the Government from assisting in some small capacity and not focusing on how best to serve the interests of Canberra residents, especially women.

I would like to add that the range of services which will be offered from the Family Planning Association's refurbished City Health Centre premises will include vasectomies for men. This is a welcome move and it will complement the existing services provided by the Family Planning Association. They already provide a pregnancy confirmation service, contraceptive counselling, advice on avoiding sexually transmitted diseases, education programs, a resource library and many other services for clients.

Madam Speaker, I see this debate not as an attempt to remove the Government's prerogative to support private sector providers of services but as an attempt to continue to argue the question of the morality of abortion and to hold the line that ACT women are entitled to abortion services as long as they do not ask to have them provided here. That is not good enough. The ACT Government has adopted a rational, cost-effective and sensible solution to address the problem of a lack of abortion services for women in the ACT. Madam Speaker, while I do not argue that people who disagree with the provision of abortion services should actively support such services, I do ask that they respect the rights of other individuals to choose differently. I also ask that they support the right of women to make termination decisions in an informed manner, with adequate support and follow-up services available to them.

MR HUMPHRIES (11.53), in reply: Madam Speaker, in closing this debate let me deal with a couple of points which have been raised by other speakers. One point which was not really dealt with, I am afraid, by any of the speakers in opposition to this motion was the question of the relative use of health dollars in our ACT health system. Madam Speaker, again I emphasise the argument that if we are serious about discharging our responsibilities as members of this Assembly we need to look very carefully at this argument about what is the most valuable use of our health dollar. The Minister alleged blandly that there was an entitlement by the Government to choose this particular priority, to pluck it out of the air and say, "This is the one we want to pursue in the first instance". What the Minister has not done is address any of the other important issues - - -

Mr Berry: How can you adopt this line, really? You gave the tick to the highest - - -

Mr Lamont: Who supported the subsidy to the pharmacists at \$80,000 a pop to close down so that the rest of them could make a quid? If that is not a direct government subsidy in the private sector, what is?

Mr Cornwell: Can we have some silence, Madam Speaker?

MADAM SPEAKER: Order, please!

MR HUMPHRIES: Thank you, Madam Speaker. The Minister did not address any of the other important issues which have been raised. This Minister cannot be proud of having 3,000 people on the public hospital waiting list. He cannot pretend for one instant that that list is not a matter of serious concern and should not be a very important focus for new initiatives in the health budget, but the Minister does not intend to deal with that. The Minister has no intention of dealing with that problem because he thinks he can wear the flak on those hospital waiting lists better than he can wear the flak from those parts of his party and his supporter base which have called for the creation of this particular facility. That, Madam Speaker, is where I believe we can draw the conclusion that this Government has elevated dogma above commonsense. There simply is not a good case for saying that our most pressing need at this time in the ACT's history is the creation of a new abortion service.

Madam Speaker, the point has been lost over here on my right. There is no question that women will continue to be able to get abortions in this Territory or outside it irrespective of whether this service goes ahead. No woman is going to say, "I cannot get an abortion because this facility is not being created by Wayne Berry". The fact of life is that here we are making a value judgment about the requirement of the Government to back up its rhetoric by funding from public money a service which it believes ought to be there and not in Sydney or Melbourne. Madam Speaker, that is a value judgment; it is not a judgment based on the most appropriate use of value for health dollars. In fact it flies in the face of any sensible assessment of the most important need for that health dollar.

The Minister referred to abortions occurring in the ACT public hospital system while I was Minister for Health. The argument that he put runs as follows: If it was happening in my health system I must have wanted it to happen. This is interesting logic. It follows from that logic that since there was a \$7m blow-out while Mr Berry was Minister for Health he must have wanted it to happen. Madam Speaker, that argument cuts both ways. If I was a hypocrite in not stopping abortions while I was Minister, then Mr Berry is equally a hypocrite for not removing the restrictions on abortions which existed then and exist today in public hospitals. Because of the reasons for those restrictions he is now moving to create an abortion facility outside the ACT public hospital system. That is the reason he wants to do that.

Mr Berry: I am negotiating the contracts, Gary; you did not.

MR HUMPHRIES: The VMO contracts reference is a nice diversion, Mr Berry, but it does not address the fact that you did nothing about the capacity of doctors in the public hospital system to refuse people abortions. You, Mr Berry, are as much a hypocrite as I am, if you want to level that charge.

Madam Speaker, the debate about the Bill we passed last year, the Termination of Pregnancy (Repeal) Bill, and an ACT abortion clinic has divided and embittered this community. Whether Mr Berry likes to admit it or not, there are many people in this community who are deeply upset about this Government's decisions, both then and now. The reason they are upset is that they realise - I hope that Mr Moore and Ms Szuty realise this - that this Government has not underpinned any of its changes in this area with a mandate. Before the 1992 ACT

25 August 1993

election it knew that it wanted to create an abortion clinic, and it knew that it wanted to change the law with respect to abortion. That was the mandate that you needed; that was not the mandate that you sought. You did not mention abortion. You made no reference to abortion in the course of your election platform. It was, of course, in that document which one can pay \$20 to obtain from the Labor Party headquarters in Belconnen.

Mr Connolly: You put it in an ad that went into every household in Canberra.

MR HUMPHRIES: Indeed, and you denied it. You people said that it was scaremongering. Have you forgotten that? You said that we were scaremongering; that we were kicking a can. Well, we were not, were we? We were telling the truth about the Labor Party's proposals for the ACT. You denied it and when you denied it you lost your capacity to gain a mandate to do those things. You should have gone back to the people of the ACT and said, "In the next term of office we propose to establish abortion facilities and to repeal the Termination of Pregnancy Act; please vote for us on that basis", and seen what would have happened then.

Madam Speaker, people have a right to feel betrayed because what they have had in the ACT is not what they wanted. I believe, Madam Speaker, that we betray the trust which has been placed in us as members of this Assembly if we proceed with this divisive step. I would ask that members consider very carefully whether they are serving the most pressing needs of this community in terms of expenditure of our health dollars by paying for this facility now. I would argue that we are not. I believe that I have demonstrated that there are many much more pressing needs than this particular service. I ask, therefore, that this motion receive support.

Question put:

That the motion (**Mr Humphries's**) be agreed to.

The Assembly voted -

AYES, 6

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine
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.

HOUSING TRUST PROPERTIES - SMOKE DETECTORS

MR CORNWELL (12.02): Madam Speaker, I move:

That the Assembly instructs the Minister for Housing and Community Services to install smoke detectors in all new Housing Trust properties, effective immediately, and to progressively install such detectors in existing stock as part of its regular maintenance program.

Madam Speaker, on information that has been provided by the Minister for Housing and Community Services, I understand that in the last two years some 20 dwellings have been damaged by fire here in the ACT. I also understand from the annual reports of ACT Electricity and Water that in 1990-91 they attended 106 fires that may have been caused by electrical faults and in 1992-93 the figure was 101. So what we are looking at is a considerable number of fires here and the resultant damage. It is rather difficult to get an idea of costs involved in this; but one can, from media clips, get a rough estimation of damage. For example, there was a fire in a flat in Kingston in July this year which caused \$45,000 worth of damage. Earlier this year, in February, there was a house fire in Garran which caused \$80,000 worth of damage. In fact the house had to be demolished. By a very unfortunate coincidence, on Monday night there was a fire in Burnie Court. I say "unfortunate coincidence" because I had issued a media release announcing that I was moving this motion in the Assembly. That fire at Burnie Court also caused something like \$45,000 worth of damage.

I have been concerned about this matter for some time and, frankly, the response that I have received from the department in relation to my request for the installation of smoke detectors in Housing Trust properties has been very disappointing. Firstly, in a reply to me on 2 June this year the Minister advised that smoke detectors are not required to be installed in dwellings under the Building Code of Australia, with which all buildings constructed for the Housing Trust must comply. Frankly, what sort of blinkered thinking is this? I would imagine that the Building Code of Australia should not be a maximum standard. It should, in fact, be a minimum, and therefore it can and should be improved upon. I would think that here in the ACT we could improve upon the Building Code of Australia in no better way, Madam Temporary Deputy Speaker, than the requirement for smoke detectors to be installed in all residential properties, given our cold winters and the obvious need for heating, with the consequential increase in the risk of fire. There are not only the usual hazards of children playing with matches, electrical shorts, stoves catching fire and the like. We also have a need for electric blankets, for solid fuel fires, for open fires, as well, of course, as radiators. Therefore, we must see the incidence and the risk of fires here increasing as a consequence.

If the 2 June reply to my question on notice was disappointing, the 20 July response, again from the Housing Trust, was even more so. Apart from admitting that 20 dwellings had been damaged in the past two years and that they could not give me any costs of the damage, they then advised that it would be too expensive to fit smoke detectors in Housing Trust properties.

25 August 1993

They estimated \$150 per house to fit a mains wired, interconnected unit with a battery backup. They went on to say that the total cost to install alarms in all dwellings would be about \$4m, with an annual servicing cost estimated at \$400,000. Frankly, this is a nonsense response. It is simply not necessary to spend \$150 to fit a mains wired, interconnected unit with battery backup. A simple \$12 smoke detector, which is battery operated, can do the job, as it is doing the job in private residences and, possibly, public houses where the householder can purchase the item. You can buy these in any supermarket in Canberra. In fact, at one supermarket a few weeks ago they were reduced from \$12.95 to \$10. It is a very simple, effective - - -

Mr Wood: Have you one in your house?

MR CORNWELL: I have indeed, Mr Wood.

Mr Humphries: And it goes off all the time.

MR CORNWELL: Yes; I generate so much heat. It is strange, Madam Temporary Deputy Speaker, that only last night on television the Minister questioned the use of the \$12 smoke detectors in government properties, when he has been most actively involved in their promotion. I refer to the *Community Times* of 8 July this year. I quote:

When Mary Stinson decided to buy a smoke detector for her Flynn home, she certainly did not expect personal installation by ACT Attorney-General, Terry Connolly.

Mr De Domenico: So he installed it?

MR CORNWELL: Indeed. A Fire Brigade spokesman said:

We are running in-store promotions with Target, K-Mart and Big W ... Usually smoke detectors are installed by screwing them to the ceiling, but our officers put them up with velcro to make it much easier when it comes time to change the batteries.

It is obvious that the very smoke detector that the Minister installed for Mary Stinson of Flynn is the \$12 smoke detector that I am speaking of; yet this is the one that the Minister - - -

Mr De Domenico: Not the \$150 wired one.

MR CORNWELL: Yes, indeed.

Mrs Carnell: And the Fire Brigade.

MR CORNWELL: The Fire Brigade supports it too. It is not the \$150 mains wired, interconnected unit with battery backup that the department tells me is presumably the only possible smoke detector that can be fitted into ACT Housing Trust properties. Not only is it not necessary to pay more than \$12 for a simple fire detector; it is also not necessary to pay the \$150 because, subsequent to the publicity that emanated from my comments yesterday, Doyle's Electrical Services of Duggan Street in Calwell, Tuggeranong, sent me a fax saying, "We are happy to fit an AC model, 240 volt with battery backup for \$100".

Mr De Domenico: Less than what - - -

MR CORNWELL: Correct; less than the \$150. They also offered a simple battery unit for \$50 each installation, with a maintenance of \$10 per unit, including battery replacement. Mr Doyle has subsequently followed that up and said that he would be very happy to take the contract on that basis, and if he did so his company would need to employ an extra two people. They would take two unemployed people and with three days' training they would have them installing the battery-type detectors. These two extra jobs created in this way would be permanent. I will give the Minister this information at the end of this debate. He may like to pursue it with Mr Doyle of Doyle's Electrical Services. The point is that there is no reason why the \$12 batteries cannot be installed in Housing Trust properties.

Mr De Domenico: You could probably buy them a lot cheaper if you got them in bulk, too.

MR CORNWELL: I was coming to that, Mr De Domenico. Whilst I can understand the logistical difficulties of installing smoke detectors even at \$12 a unit in the Housing Trust's 12,300 properties simultaneously, I have in my motion suggested an alternative; that is, that in the new Housing Trust properties they be installed immediately and in existing stock they be installed as the maintenance comes around. I am not playing politics on this. I think that this is a sensible motion.

Ms Follett: Ha, ha!

MR CORNWELL: The Chief Minister might laugh, but if her house burns down she might have welcomed the fact that she had a smoke detector there. The other point, of course, is that we can only hope that the smoke detectors will minimise damage to property.

Mr Connolly: Saving a few public tenants' lives would be nice, too, rather than minimising property, but it is good to see the order of priorities from the Liberals.

MR CORNWELL: Thank you, Mr Connolly, for your interjection, because I accept it. I pick that up. The really important point is that we may save lives by having them there. In answer to Mr Wood's earlier interjection I indicated that we do have a smoke detector at home, one of these \$12 efforts, and I can assure you that they are very efficient. They emit a most piercing noise that you would have great difficulty in ignoring. That, of course, is the whole purpose and point of them. Therefore, I would suggest that even a \$12 smoke detector would be better than not having one at all.

Significantly, if we are looking at cost, it is interesting to consider the \$45,000 damage done to the Burnie Court bed-sitter on Monday night. That \$45,000 would provide 3,750 \$12 smoke detectors, which relates to approximately a quarter of the existing ACT housing stock. So you can see the benefits. I think I said yesterday in one interview that if two government houses were saved from burning down you would have paid for the entire cost of the Housing Trust's \$12 smoke detectors, providing that you were buying them at \$12. I am sure that if you were looking for a substantial number, like 12,000 units, you would get them a great deal cheaper.

25 August 1993

I therefore would urge members to support what I believe is a sensible suggestion. I repeat that this is not a political issue. It is commonsense that we should be installing these. If the Government takes up this suggestion to install smoke detectors in Housing Trust properties, I would like to think that that initiative will be a powerful incentive to people in the private sector to install also. I do believe that the Government should lead by example in this case. I repeat that it is a sensible move and I hope that members will support the motion.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.15): Madam Speaker, there is no doubt that smoke detectors save lives, as we have now painted every fire truck in the ACT to say, and that the so-called \$12 smoke detector is a useful thing for anyone - public tenant, private tenant or home owner - to have installed in their household. The issue is whether this Assembly should urge the Government to install those detectors in Housing Trust properties, and I would argue that that would not be a sensible thing to do. I have circulated an amendment to the motion which is before members which notes and in fact supports the efforts that the Government has been making to promote installation of the cheap and accessible smoke detectors. They are a very valuable item. Some years ago when they first came onto the market they were quite expensive. They were in the order of \$30 to \$40 per unit. Now they are made offshore, tragically, at a very cheap price and they are available through the major discount stores for in the order of \$10 to \$12.

We think they are such a good idea that we have been running a promotion in recent months which will continue for some little time. Citizens can purchase the smoke detector for \$10 or \$12 at major chain stores, put their name down on a list and a Fire Brigade officer will come around to their house to install it. We are doing that through the ingenuity of the Fire Brigade, using an adhesive velcro taping device. The fire officer simply comes around, puts the velcro on the back of the detector and installs it. He simply places it on the ceiling. That is why Mr Cornwell is right in pointing out that I was photographed doing that. I certainly would not have been doing any technical maintenance there. It was simply a matter of sticking it up. While the Fire Brigade officers are out performing that community service they are in constant radio contact with the base. If there is a fire, the fire officers will simply jump in the truck and take off. A very useful community service is being performed by Fire Brigade officers. They are also taking the opportunity while they are in residents' houses to give residents a little bit of advice about fire safety. They have detected a few cases where there are nylon curtains over where the chips are fried and things like that which are clearly quite dangerous. So it is a very useful community service that the Fire Brigade is performing there.

The important thing about the \$12 smoke detectors is that the householder has to want to have them, has to be aware of the risk of fire and has to assume some responsibility for wanting to take risks about fire protection. As anyone who has one of those smoke detectors in their home would know, particularly if they have them fitted in a hallway or anywhere near a kitchen, they are so effective that they do tend to go off if you open the oven door when the roast is nearly ready or

when the chips are being fried. When householders are consciously making a decision themselves to protect their family against fire, they will tolerate that. They will switch the item off while the roast is cooking or, as I am often wont to do, take it down while the roast is cooking and put it back up again when the roast is finished.

If the Government installs these in Housing Trust properties, it is immediately taking over that sense of personal responsibility. It is just that the Government has done it; it is there. Many tenants would, I suspect, get annoyed with the fact that it goes off regularly. They would take them down and put them in a drawer. They would be lost; they would be forgotten. Personal responsibility, which is something that Liberal politicians are fond of giving us sermons on from time to time, is the important issue in fire protection and the use of cheap household smoke detectors. They are a great idea. We encourage them. We are promoting their use through free installation. But it does require the tenant - public or private - or home owner to take responsibility for protecting themselves against fire.

There is also an issue, Mr Cornwell, of the Government's legal liability. If we as the Government install smoke detectors and then there is a problem with their maintenance - the battery is not replaced, the thing falls off the wall or it gets lost - we have in a sense put our hands up as assuming responsibility for fire protection in that house. We do install smoke detectors in some public housing, such as the aged persons complexes which are coming more and more onto the market now. In our capital works program in the Housing Trust there is much emphasis on aged persons accommodation. Many members would have seen the excellent accommodation the trust is now providing for Canberra's elderly community.

Most of those complexes have smoke detectors, but we use the permanently installed smoke detector. We install a smoke detector which we think will last the life of the asset, which is a 25- to 30-year life. We get a quite high quality item. The cost, we estimated, was about \$150, and I have no doubt that a local entrepreneur could provide a mains wired smoke detector for a lower price. I question whether it is precisely the same unit as we use, because we are looking at, I have to admit, the better end of the market with a view to it lasting the economic life of the premises. We do the same in facilities that we are providing for special care tenants - people with intellectual disability, for example. When the ACT Government assumes responsibility for installing fire protection devices we really have to install the device which will last for a long period or be relatively maintenance free, and does not rely on a piece of velcro and a battery to make it work.

The Government enthusiastically supports the Opposition's new interest in smoke detectors. We are glad to see that they have noticed that the fire trucks for some months have been promoting smoke detectors. They have noticed that we have had Fire Brigade officers in the stores on weekends promoting these things. While we obviously have concerns, as the Opposition does, for our Housing Trust tenants, and indeed, as a second priority, for our Housing Trust property asset, the use of the small portable smoke detector is not supported by the Government as a compulsory installation by the ACT Government. We think that it is essentially the responsibility of the resident to have that device installed, to take responsibility for its maintenance and to take some care about fire protection. We are prepared to promote that by way of our free installation offer, which has been very successful and which we will continue for some time.

25 August 1993

We are also conscious of the fact that Housing Trust tenants by definition are often at the lower end of the economic spectrum. While \$12 may not seem a lot for a smoke detector it may, for Housing Trust tenants, be a substantial chunk of a week's pension income. I have asked my officers to investigate the possibility of the Government bulk purchasing some of the small detectors and then offering them to trust tenants at, effectively, cost price. So we might be able to knock the cost down to the \$7 margin. I am not sure of the economics of it. It may be that the big bulk-selling discount stores already have the items down at just about as cheap as they will come. When I purchased three late last year for my place I recall paying about \$20 per unit, and I now see them at about \$12 standard and \$10 on special. It may well be that the big discount stores themselves are virtually offering them at cost price anyway, and that would be a commendable retailing practice by them. But we will investigate that.

Madam Speaker, fire protection is important. The Government would say that we really need to encourage people to take responsibility themselves for fire protection, with assistance from the Government through schemes like free installation. Incidentally, I think we are the only Government that is offering that. I am not aware of any other State which is using its Fire Brigade to make this free installation offer. Also, we are going to look further at reducing the cost. But we do not support the Government installing the \$12 smoke detector in all Housing Trust properties - not because we are not concerned about our tenants, but because we think that installing them in public housing means that the Government is assuming responsibility and we just cannot take that risk on the basis of the \$12 smoke detector. If we are going to do it we need to do it properly with the permanent mains wired facility.

There is an argument that the Government should make it a condition for all building approvals that such a device be installed in all new housing, whether it be government housing, private rental housing or privately owned housing. That is a matter that is under consideration around Australia. I think Victoria may have moved in that direction, but so far other States have not. Again, that is an issue about home affordability, and is it sensible to add another couple of hundred dollars to the price of a home for a young family seeking to purchase an affordable entry level home in the newer suburbs of Canberra; or are we better, as the Government now thinks, to keep promoting fire safety and individual responsibility for awareness of fire safety through the use of the cheap, readily available and freely installed smoke detectors? Madam Speaker, I formally move the following amendment circulated in my name:

Omit all words after "Assembly", substitute "supports the Minister for Housing and Community Services in his continued promotion of the installation of smoke detectors in all Canberra residences, with free installation by the ACT Fire Brigade, and calls on him to investigate arrangements to facilitate easier access to smoke detectors for Housing Trust tenants".

MR MOORE (12.24): Madam Speaker, when Mr Cornwell originally flagged the idea that he was going to move this motion, as I heard in the public media, I must say that I was attracted to the idea because clearly his concerns are the danger to people and danger to property. I think that the amendment put by the Minister takes those concerns into account and deals with them.

It seems to me that one of the problems with just putting smoke detectors into houses willy-nilly is that when people do not feel an ownership over a concept or an idea it is less likely to be treated in an appropriate way. Perhaps people who rely on it become a little more careless rather than a little more careful, and it is more care that Mr Cornwell is interested in. Mr Cornwell has raised this issue and has drawn it to the Minister's attention. It seems to me that the amendment supports the thrust of what Mr Cornwell is trying to achieve and will be a positive contribution to the debate and to moving closer to safer and more appropriate protection for people. For that reason, Madam Speaker, I am delighted to support the amendment put by Mr Connolly and to congratulate Mr Cornwell for the spirit in which he has brought this to the Assembly's attention and for what he is trying to achieve here.

MR CORNWELL (12.25), in reply: Madam Speaker, the Opposition is happy to accept Mr Connolly's amendment. As Mr Moore rightly said, this has raised the profile of the whole question of fire safety in the Territory. I am very pleased with the fact that the media has seen fit to highlight it. I believe that we have a responsibility in this Assembly to promote matters of this nature and we do need the cooperation of the media in doing so.

I would hope that the matter of incorporating fire safety into the building standards right across Australia could be addressed. I believe that we have a specific problem here because of our cold winters. Perhaps that is a matter that could be looked at even so far as the ACT itself is concerned. I do admit, however, that there are other problems associated with that because it does depend on the overall cost and what that may add to the cost of a new home.

I am happy to accept the Minister's assurance that they will investigate the question of trying to bulk purchase these existing \$12 smoke detectors, to see whether they can get the price lower and provide them to Housing Trust tenants, obviously at a cheaper rate. I accept the argument, as all Liberals would, that what you are given for nothing you do not necessarily appreciate as much as that which you have worked for or paid for. I think that that is an important point. Like Mr Connolly I, from time to time, am obliged to take the smoke detector down from the wall because it is going off, undoubtedly because of the oven, and that is fine. I can understand that many people would do that. I also accept that others may find it an irritant and, having taken it down, not put it back. These are matters that I think need to be considered. I am happy with Mr Connolly's amendment and the Opposition will accept it.

Amendment agreed to.

Motion, as amended, agreed to.

UNPARLIAMENTARY LANGUAGE

MADAM SPEAKER: Members, may I just point out that on 12 August I did allow the use of the word "hypocrite".

Sitting suspended from 12.28 to 2.15 pm

QUESTIONS WITHOUT NOTICE

Tourism Commission - Advisory Board

MRS CARNELL: My question is addressed to the Chief Minister. I refer to the appointment earlier this year of Mr Charles Wright as the chairperson of the advisory board of the ACT Tourism Commission. I ask: Is it not a fact that Charles Wright is the same Charles Wright identified in the WA Inc. royal commission as being Brian Burke's bagman, responsible for transferring \$80,000 in funds between Mr Burke and his secretary, Barbara Brush, as payment for organising ALP fundraising in Western Australia? In light of Mr Wright's unfavourable mention in the royal commission, what reason did the Chief Minister have for appointing Mr Wright to the Tourism Commission advisory board, apart from helping one of Labor's mates?

MS FOLLETT: Madam Speaker, I find Mrs Carnell's slur on Mr Wright absolutely disgraceful. I can say to her that I appointed Mr Wright to chair the tourism advisory board because of his excellent record as a businessman and because he is well known in Canberra and, I believe, well respected as well. Madam Speaker, I consider that, since the time that Mr Wright was appointed as chairman, tourism in the Territory has done extremely well indeed under his chairmanship. I believe also that the advisory body is performing very well, and they are looking at a range of new events, new activities, for ACT tourism. I find that very encouraging indeed, as do I find encouraging the fact that the tourism advisory board is working very well, very cohesively, as a group. Madam Speaker, in making appointments to bodies such as the tourism advisory board I look for a balance of representation from industry and from associations and so on, and I look for effective chairing. I believe that that is what Mr Wright has provided and will continue to provide.

MRS CARNELL: I ask a supplementary question, Madam Speaker. Given the Chief Minister's answer that Mr Wright is a fit and proper appointment, regardless of what the WA Inc. royal commission said, I ask: Was the job advertised and how many applicants were interviewed?

MS FOLLETT: Madam Speaker, this is an appointment; it is not a public service job. Unlike the Liberals opposite, who simply made appointments to public service type positions without advertising, this Government does advertise such positions and will in fact continue to advertise for heads of departments and public servants in the manner that I believe is appropriate. In looking for people to appoint to boards, from time to time we do advertise vacancies on boards. We also advertise for people to put forward their names to a register, to signify that they are available and interested in serving on a range of boards, and we use that register frequently.

Madam Speaker, as I say, I think that the slur that is coming from members opposite is disgraceful. It pays no credit to people who wish to come forward and serve their community on a range of government advisory boards and consultative boards. Madam Speaker, in my view, the appropriateness of an appointment ought to be in the service that is rendered. I am more than happy with the service that Mr Wright is rendering to the tourism industry and to the community of the ACT.

Doctor's Surgery Sign

MS ELLIS: My question is directed to the Deputy Chief Minister in his capacity as Minister for Health. I ask: Is the Minister aware of the irregularities in the sign on a doctor's surgery at O'Connor, and what is being done about it?

MR BERRY: I thank Ms Ellis for the question. Yes, I am aware of the issue. It has received fairly wide publicity throughout the ACT. It seems - at least on the face of it - to have centred around the issue of bulkbilling, though I understand that an inquiry is being held by the Medical Board to look into what might be breaches of their particular regulations in relation to advertising.

There is an issue about bulkbilling which I think we need to make clear - that is, this Government's commitment to it. We are committed to making sure that information is available to the community about those practitioners who bulkbill. I am considering this issue at this time with a view to amending the regulations, where that is appropriate, to allow for appropriate advertising of bulkbilling, which I think is quite appropriate on the front of the premises of a doctor who practises bulkbilling. That will reflect our commitment to supporting bulkbilling. We will continue to support efforts by doctors and others who promote bulkbilling in the community. Improving the signage that general practitioners can put on their premises is one way of doing that.

Tourism Commission - Advisory Board

MR DE DOMENICO: Madam Speaker, my question is addressed to the Chief Minister and alludes to the question asked by Mrs Carnell. I refer the Chief Minister to her ministerial statement recorded in *Hansard* in which she stated:

I am glad to be able to tell the house that I have appointed Mr Charles Wright ... to be chair of the advisory board of the ACT Tourism Commission. Mr Wright brings a wealth of experience in government and public relations.

Mr Humphries: More the former than the latter.

MR DE DOMENICO: Yes, more the former than the latter. I ask the Chief Minister: Was she then aware of Mr Wright's background and his naming in the Western Australian royal commission into the activities of government and other matters? If she was aware, would she still have considered Mr Wright an appropriate appointment, in light of what was written about him in the report of the Western Australian royal commission?

MS FOLLETT: Madam Speaker, of course I was aware of the media reports relating to the Western Australian royal commission. I was also aware of Mr Wright's standing as a businessman in this community, of his own company and of his activities in relation to, say, the RSPCA and the RSL. He is also on the board of the Australian War Memorial. He has given service to this community in many areas, including doing a great deal of the organising for the Vietnam veterans memorial and the events that surrounded the unveiling of that war memorial. I believe that, in the light of that sort of experience, he is an

25 August 1993

entirely suitable appointment. As I have said before, the proof of the effectiveness of an appointment lies in the job that the person does. I repeat that I am more than happy with the job that Mr Wright is doing for the Tourism Commission in the ACT.

MR DE DOMENICO: I ask a supplementary question, Madam Speaker. Has the Chief Minister in fact read the transcript of the royal commission, which I will attempt to incorporate in *Hansard* after I have finished asking my supplementary question? Can the Chief Minister confirm that it is planned that Mr Wright will accompany her in October on her \$180,000 trip to Japan?

MS FOLLETT: Madam Speaker, no, I have not read the transcript, to answer the first part of Mr De Domenico's supplementary question. On the second part of his question, as I informed the Assembly yesterday, the delegation for the visit to Japan later this year has not been finalised. I will inform members when it is.

Mulligan's Flat

MS SZUTY: Madam Speaker, my question of the Minister for the Environment, Land and Planning, Mr Wood, relates to a question I asked the Minister on 17 June this year about the determination of boundaries for Mulligan's Flat. In his response on that day the Minister said, and I quote from *Hansard*:

I have seen a boundary that I think is pretty final and it will not be long, I think, before I will be announcing that.

The Minister went on to say, and again I quote:

It will be quite a long time yet before there is any urban development in that area.

During the consideration of the capital works program by the Planning, Development and Infrastructure Committee I requested further information from the Minister's Department of the Environment, Land and Planning about Mulligan's Flat fencing. In the reply provided by the director of the Environment, Culture and Sport Division it is stated:

The need to plan the urban edge in Gungahlin will mean that the Mulligan's Flat area will not be declared as a nature reserve until mid-1994.

Can the Minister provide clarification as to when the boundaries for Mulligan's Flat will be finally determined?

MR WOOD: Madam Speaker, in the period since 17 June I have had further approaches regarding those boundaries. One other proposal is being made to me, which I am considering. It is the case that there is continuing pressure to expand and expand that boundary. Indeed, we have expanded it very considerably already. The proposal is still being examined and refined with the potential for that expansion. I do not think there is a problem about the timing, because the longer it takes, it seems, the larger it gets. Obviously, the final gazettal is a matter that does need some formality, although I do not think that is a long process in itself. I think the matter is in good hands. But to answer Ms Szuty's question, I will come back with some greater detail for her.

Water Supply - Sodium Metabisulphite

MR KAINE: Madam Speaker, I have a question for Mr Connolly, the Minister for Urban Services. Over the weekend, while reading the *Canberra Times*, I noticed a call from ACT Electricity and Water for tenders for a substance called sodium metabisulphite, which I think it is intended be put in our water supply. This substance has allergenic properties and is used in wine to stop bacteria growth. In view of the fact that it is an allergenic product and I have not previously been aware of its existence in ACT water, I ask: Is this a new substance that is being put in? If not, how long has it been in our water? What quantities are included in our water supply? Is there any medical evidence of any adverse consequences of putting this substance in our water supply?

MR CONNOLLY: Madam Speaker, I think Mr Kaine is right. It is the chemical that is generally used as a wine preservative. I am unaware of any proposal to change the water supply to a wine supply. I will take the question on notice and get back to Mr Kaine as soon as I possibly can.

Burglary

MRS GRASSBY: Madam Speaker, my question is directed to the Attorney-General. What action, if any, are the police taking in relation to the problem of burglaries in Canberra?

Mr De Domenico: You are catching them.

MR CONNOLLY: You are dead right, Mr De Domenico. I am glad that this question has been asked. Earlier this year when the Opposition was in one of its regular moods of high agitation about law and order, there were all sorts of demands that I say what we were doing about burglary. I was somewhat constrained at the time because police operations were ongoing on a new style of dealing with burglary and I was not prepared to possibly prejudice those operations by outlining them.

Now I can indicate to the Assembly some very successful results that the police have had since March, when we went from the normal reactive style of policing whereby a police officer fronts up and essentially acts as a clerk, records what has been stolen and goes back to the station and files the report. The police have been moving away from what the police association refers to as clerical-style policing to a more proactive style of policing in relation to burglaries. That has involved reallocation of resources from that reactive style of policing, which has meant on some occasions somewhat of a delay when officers have not recorded the details as quickly as they otherwise would. Instead, we have had police out and about in the streets - sometimes in police cars, sometimes in all sorts of battered old cars that you would never suspect had anything to do with the police - targeting burglaries in each of the regions.

25 August 1993

As a result of that we have had some 108 persons charged with over 550 offences, and some \$91,000 worth of property has been recovered. Members may have seen isolated media reports of quite successful operations. An operation in Tuggeranong which concluded a month or so ago resulted in a quite large quantity of property being recovered and some 22 persons being charged with 186 offences. That was typical of this type of operation. It involved the younger members of the Australian Federal Police attached to Tuggeranong being taken off their normal duties and assigned to go out in the streets, use their wits, and try to detect housebreaking. I happened to be at the Erindale station in the course of ordinary briefings and visits the evening before the Tuggeranong police executed their major warrants which resulted in the detection of quite a lot of stolen property, and it was very pleasing to see the marked enthusiasm and eagerness that the young police had about this style of policing. It has been remarkably successful.

In the city we have had 18 persons charged with 106 offences and \$51,000 worth of property recovered. In Belconnen, in a very short period, between 1 and 23 August - only some three weeks - eight persons were charged with 104 offences and \$8,000 worth of property was recovered. In Woden some 50 persons were charged with 154 offences. In Tuggeranong some 22 persons were charged with 186 offences, and some \$32,000 worth of property and 25 vehicles were recovered as a result of the Tuggeranong operation alone. In total, 108 persons were charged with 550 offences and \$91,000 worth of property was recovered.

I think a very strong signal is being sent that housebreaking is not an offence that will never be detected; it is not an offence that will never result in people being charged and brought before the courts. The police are very sensibly moving away from merely reactive policing, whereby a crime report is taken and that is the end of the matter, to proactive policing out on the streets, with remarkably encouraging results.

Chief Minister's Visit to Japan

MR HUMPHRIES: My question is addressed to the Chief Minister. I refer the Chief Minister to her confirmation yesterday that her 13-day trip to Japan in October will cost the ACT taxpayer \$180,000 or thereabouts. I also refer to newspaper accounts today which claim that a justification for the cost is that Japan is expensive. Is the Chief Minister aware that Senator Peter Cook, at the time the Federal Minister for Industrial Relations, in January this year went on a 17-day trip to Japan, Canada and the United States of America, accompanied by advisers and staff, at a total cost to the taxpayer of \$73,090? Is there some reason why Japan is more expensive for the ACT Chief Minister than for the Federal Minister for Industrial Relations? In the face of these facts, can the Chief Minister still claim that her trip is value for money?

MS FOLLETT: Madam Speaker, I have said in answer to this question previously that the precise costs are not yet finalised. That is point No. 1. I would also like to comment that in neither of the two cases that the Opposition have cited - that of Senator Richardson and now Peter Cook - were those people and their parties in Japan for the entire duration. I think it is well known that Japan is an expensive place to visit. But there is another difference, Madam Speaker, and that is that this is a government delegation. It is not a visit by one Minister; it is a government business delegation.

Madam Speaker, there is a third difference, which is that, in both Senator Richardson's case and Senator Cook's case, I presume that they were visiting as individual Ministers, not as the head of a government. To the best of my knowledge, neither of them has ever been head of a government. So, Madam Speaker, there are differences in the nature of the delegation. The delegation which I will be leading will include representatives from the Government and business representatives who will be paying their own way.

I would like to say to members that the costs that we expect to incur on the delegation include promotional material and promotional activities. It is, after all, a promotional visit. There will be materials that we need to take and activities that we need to undertake that perhaps you would not need on another kind of visit. It is also a fact, Madam Speaker, I am told, that a delegation such as this, on behalf of the Government, requires a level of reciprocal hospitality in the course of the visit, and that is all expensive.

Madam Speaker, I would like to say to members opposite that I have had an advisory group working to finalise the details of the delegation. That group includes a number of people from the Canberra business community. Madam Speaker, they are providing me with advice on the most effective way to hold such a delegation, and that is advice that I respect. It includes members, for instance, from the Chamber of Manufactures, the Chamber of Commerce and Industry, the Canberra Business Council, a number of firms in Canberra such as Sly and Weigall, and so on. They are all working on this advisory group, and I respect their advice.

Mrs Carnell: They said that it was not going to cost them that much.

MS FOLLETT: Madam Speaker, Mrs Carnell, who is showing an increasing propensity to try to be on all sides at once, informs us that the business people have told members opposite that it will not cost them as much. Of course it will not. It is the Government that is doing the promotional activities and the hospitality activities. Madam Speaker, I would like to repeat that I find it strange indeed that Mrs Carnell continues, in this matter and in many others, to try to be on all sides simultaneously, whatever the debate. I distinctly recall Mrs Carnell, in her first television interview after she was elected Leader of the Opposition, promoting the idea that this Government should be visiting overseas countries, promoting the ACT, promoting business in the Territory. Now, of course, Mrs Carnell - on all sides simultaneously, as usual - is putting the opposite view.

Members may be assured that I will conduct this delegation with the greatest efficiency possible and at the least cost possible; but I am advised that Japan is an expensive place, that the nature of the activity that we will necessarily be undertaking does involve a cost, and I expect it to be worth while. I would like to say, however, that I am undertaking this delegation at the urging of the Canberra business community in the form of the tourism association, the Chamber of Commerce, the Canberra Business Council and so on. Madam Speaker, should that support not be maintained in the light of this political attack, should the members opposite in fact try to sink this initiative, as seems clearly to be their wish, then I am afraid that they will probably get their wish.

My record on travel and associated matters is one which I am very proud of. It is quite clear that I am not extravagant. I think it is disgraceful that Mrs Carnell now agrees with that last statement but continues to attack this current delegation arrangement. I think it is cheap politicking. In the words of Mr Louttit, the former president of the Liberal Party, what the Opposition at present is doing is cheap politics - and I agree with him.

Mr Ricky Stuart - Surgery

MR MOORE: Madam Speaker, my question is directed to the Minister for Health, Mr Berry. Could the Minister explain why it is that Ricky Stuart needed to go to Sydney to have his leg surgery instead of going to our principal hospital here in the ACT? Perhaps he could inform the Assembly why this surgery could not have been undertaken in the ACT, considering the millions of dollars that are being spent to upgrade our principal hospital. Does this incident mean that our principal hospital does not have the capacity to cater for this sort of emergency or that we do not have good enough visiting medical officers? The final part of this question is: Would Mr Stuart have had to fly to Sydney if he had a groin injury?

MR BERRY: It is unfortunate, I suppose, that somebody who has such a public profile as Ricky Stuart comes under such scrutiny when he suffers an injury; but I recently heard of a rugby union player, who I suspect had a similar injury, going to the Woden Valley Hospital, having treatment there and being quite well catered for. This is a country of choice, and you can choose where you have your medical procedures performed. I think probably the best person to ask that question of would be Kevin Neil.

I think one of the major difficulties that Ricky Stuart and the hospital system would have would be keeping the fans and well-wishers away and keeping the other patients in their beds. They would all want to go and say good day, because Ricky Stuart is such a popular fellow and everybody was so sympathetic about the injury that he suffered in not unusual but unlucky circumstances. It is a matter of choice where you have your surgery performed in this country. I am sure that it could have been performed here, but again I say that it would probably have been a large burden on the hospital system to keep the fans and well-wishers away had Ricky Stuart had that surgery here and had he stayed in our hospital while he was receiving it.

Institute of Technology - Assessment System

MR CORNWELL: My question is addressed to Mr Wood, the Minister for Education and Training. The Canberra Institute of Technology is proposing to introduce a system of assessment under which students will receive only one of two possible grades, competent or not competent - that is "not competent", not "incompetent". Also I understand that teachers will not be required to mark the result of an examination paper after 50 per cent. Could you explain the reasoning for this extraordinary decision and whether it has the support of both students and employers?

MR WOOD: Madam Speaker, the premise on which Mr Cornwell bases his question is simply incorrect; it is simply not the case. The Institute of Technology does not propose to move to a system of ungraded competency based assessments for all its courses. On the contrary, the institute intends to retain a graded assessment system for the majority of courses, including its associate diploma courses. The policy acknowledges that individual students and the community as a whole require clear messages about the standards achieved by particular individuals in CIT courses. The institute thus recognises not only the need to foster excellence but also clearly to recognise excellence where it is achieved.

It must be acknowledged, however, that as part of the national system of vocational education and training the institute is introducing an increasing number of national courses which are wholly competency based and which require only a pass/fail form of assessment. One example of such a course is the national metal trades curriculum. In all such cases the institute undertakes further consultation with local industry representatives to ascertain whether the national course requires some amendment to include a more discriminating form of assessment of varying standards of achievement. An example of a national competency based course where the institute has negotiated this is the associate diploma in hospitality. Where local industry bodies are satisfied with an ungraded assessment system the institute will retain it to assess students enrolled in those national courses.

Lanyon High School

MR LAMONT: My question is directed to the Minister for Education. Minister, do you agree with claims that Lanyon High School, with up to 950 pupils, will be too large for effective management; and, if not, what are the processes that you would put in place to guide Lanyon and similar high schools in the ACT?

Mrs Carnell: Say yes or no.

MR WOOD: No. Madam Speaker, I do not agree that, at a peak enrolment of 950 students and with demountables, Lanyon High School will be too large for appropriate management and appropriate educational programs. I do not believe - I have said this many times - that the quality of a school depends on its enrolment, whether large or small; it depends on what happens in the school.

As to the second part of your question, there has been a long process leading from the high school development program into the more recent high school forum. This process is examining very closely the way that high schools operate and how we need to run them in the future. A whole range of issues is under scrutiny. As part of that there will be a plan of development for each high school. Obviously Lanyon High School will be part of that consideration, and the educational structure of Lanyon High School will be under very close scrutiny to see that, as for all our high schools, it provides the very best curriculum, course of programs and administration that we can provide.

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

State Trading Enterprises

MS FOLLETT: Madam Speaker, I was asked a question on 19 August by Mr Humphries. It was in two parts - firstly, whether we would be prepared to volunteer State trading enterprises to be subject to the Commonwealth income tax and sales tax in return for tax compensation; and, secondly, why the ACT is participating in the Commonwealth-State working party to achieve this objective.

Madam Speaker, the answer to Mr Humphries's question is, firstly, that the Government is willing to consider reforms suggested by the Commonwealth, subject to the final details of those reforms being negotiated in a satisfactory manner; and, secondly, that the 1993 Premiers Conference agreed that a working party would be established. The working party would explore the scope and mechanisms for the States to consider subjecting their trading enterprises to Commonwealth income tax and wholesale sales tax. This would be subject to the Commonwealth making compensation payments to the States. The working party has not been established and the Government does not wish to pre-empt the outcome of that process. I ask that that answer be incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 3.

PAPERS

MR DE DOMENICO: Madam Speaker, I seek leave to table a document that we alluded to before.

Leave granted.

MR DE DOMENICO: I seek leave for it to be incorporated in *Hansard*, Madam Speaker.

Leave not granted.

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

That so much of the standing and temporary orders be suspended as would prevent the incorporation of Mr De Domenico's paper in *Hansard*.

MR DE DOMENICO (3.03): Madam Speaker, it is a publicly available document. There is no doubt about that. It was referred to during the questions that Mrs Carnell and I asked during question time. I think we ought to incorporate it in *Hansard* because it was referred to by both Mrs Carnell and me.

Question resolved in the negative.

MR BERRY (Deputy Chief Minister): Madam Speaker, for the information of members, I present, pursuant to the Audit Act 1989, the ACT Institute of Technical and Further Education and ACTAID Pty Ltd annual report and financial statements, including the Auditor-General's report and freedom of information statement, together with the ACT Teaching Service Act report for the year ended 31 December 1992.

RED NOSE DAY
Ministerial Statement

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.05):
Madam Speaker, I seek leave to present a ministerial statement on Red Nose Day.

Leave granted.

Mr Kaine: This is not long nose day?

MR BERRY: No. That applies only on your side. I would like to draw members' attention to an important date. This Friday, 27 August, is Red Nose Day, the major fundraising event for the Sudden Infant Death Association. SIDS, also referred to as cot death, is defined as the sudden death of an infant which is unexpected by history and where there is no cause of death found after post-mortem examinations. The definition reflects the facts but not the emotions or impact on the community of the loss of a baby.

Red Nose Day, which has been an annual event in Australia since 1988, serves to heighten community awareness of all aspects of sudden infant death syndrome. It is an event which the people of Canberra have always supported in a very positive manner. On Red Nose Day the community has the opportunity to publicly and financially support the vital work that the Sudden Infant Death Association carries out both in the local community and in Australia as a whole. As in previous years, behind this year's encouragement to be silly for a day lies a serious plea for all of us to continue to give that much needed support to enable the association to continue its research into the causes of SIDS.

Madam Speaker, the money raised locally from Red Nose Day, as with other States, will be divided between national and local projects. Proposed national projects are assessed individually by the independent review tribunal. To date that council has provided funding for more than 75 research programs, including initiating a million dollar multi-centre program grant to investigate the failure of breathing controls during sleep and how certain conditions may trigger this failure in a baby.

Other money raised nationally on Red Nose Day has gone towards establishing the first SIDS sleep disorder clinic at the children's hospital at Camperdown in New South Wales. The centre not only carries out general research projects associated with SIDS but also allows parents who have suffered the grief of losing a baby to take any subsequent baby they have to the centre, where the child's sleep patterns will be studied and analysed over a period of two nights. This research and analysis provides information to the researchers and also allows for the provision of reassurance, advice and support to parents.

Nationally, Madam Speaker, other research which is currently funded includes the examination of epidemiological factors such as the family environment in groups with low and high occurrence of SIDS; differences between SIDS patterns in Aboriginal and non-Aboriginal babies in Western Australia; microbiological and immunological factors, including the relationship between SIDS occurrence

25 August 1993

and toxic substances in the intestine produced by some bacteria which inhabit the colon, and whether there are abnormal immune responses to viral infections in the lungs of SIDS babies; and general physiology factors such as the breathing patterns of babies of smoking and non-smoking mothers. Madam Speaker, other research into the cardiorespiratory field has included the study of the development of breathing muscles in babies and sleeping babies' arousal responses.

This year funds raised locally will go towards maintaining and furthering research into SIDS related issues; preparation and distribution of community education material such as videos, pamphlets and booklets about specific SIDS related issues; the program "Reducing the Risk of Cot Death"; developing training programs for support services; and developing a 24-hour support and counselling service.

Madam Speaker, the ACT branch of the association hopes to raise sufficient funds to be able to provide specific training for grief counsellors, to set up grief workshops for those affected by the death of a baby through SIDS, to purchase and service apnoea monitors for subsequent children of parents of a SIDS baby and to employ a social worker on an as needs basis to provide further support and information to affected families.

I understand that car and face noses, and earrings and badges for those who are a little more conservative, are available from a variety of outlets around Canberra, including ACT schools, Soul Pattinson chemists, St George banks and selected supermarkets. This year there are some new items available, including business pins, business noses - which are smaller than building noses - and house noses. There are no politicians' noses. I also understand that all Red Nose Day products sold this year are 100 per cent recyclable, but I do not think that means that you should use them again next year. I think it probably means that you should buy another product next year and recycle this year's into something else. In a few weeks' time SIDS will hold a green day for the recycling of these products. That is to make sure that you cannot use them next year.

Madam Speaker, in conclusion, I would ask everyone, including the members of this Assembly, to be - my prepared statement says "a little silly", but I feel that the Liberals have already managed that - a little sillier for this very worthy cause.

Mr Kaine: We were happy to oblige you.

MR BERRY: Well said. Of course show your support, as we all should, for Red Nose Day by buying and wearing one of the Red Nose Day products. I wish all those who are engaged in this very important program well and hope that they have a very effective fundraising campaign this year and for all future years. I present the following paper:

Red Nose Day - Ministerial statement, 25 August 1993.

I move:

That the Assembly takes note of the paper.

MRS CARNELL (Leader of the Opposition) (3.12): Madam Speaker, I am pleased to have the opportunity of supporting Red Nose Day. As we all know, Red Nose Day is the major fundraising activity for SIDS - sudden infant death syndrome - research. As a mother, I can imagine the horror and the impact of losing a child - a loss which would be difficult at any stage but, I suggest, even more traumatic in the case of SIDS. Sudden infant death syndrome is the sudden, unexpected death of a baby who has seemed well, or almost well, and whose death remains unexplained after the completion of a post-mortem investigation, including an autopsy.

I think we are all acutely aware of the difficulties that mothers, fathers - parents generally - have under these circumstances. That is the reason why I think Red Nose Day and the whole campaign is particularly amazing. The parents involved, the parents who have lost children this way, nevertheless have the capability of giving moral help to others. I think that is something that we all should support. Medical science certainly has improved the treatment in prevention of other fatal childhood diseases. During the debate last week on immunisation, the reduction of these diseases was well documented. Also during that debate last week, I hope that in the Assembly here we dispelled any views at all that immunisation somehow caused SIDS.

One of the great positives of Red Nose Day is that it focuses the community's attention on what is a tragic situation, and something that I think the community does not generally like to admit. We know that it must take huge courage and dedication on the part of people who have lost children to become part of this. We also know that the money that they have raised has gone a long way to identifying at least some of the contributory factors of SIDS. When I had my two children, mothers used to sleep children on their stomachs. Due to research into SIDS, we now know that that may be a contributory factor. So now children in hospitals and other places sleep either on their sides or on their backs.

We also know that temperature change is another contributory factor. Again, that has been identified by research funded by money raised on Red Nose Day. So already, although no-one has actually found a cure or a reason why SIDS occurs, there have been a lot of breakthroughs in what the contributory factors could be. A lot of those breakthroughs have been as a result of money raised on Red Nose Day.

Mr Berry very appropriately ran through the things that money raised on Red Nose Day has already achieved. They include 75 research projects, some of which are still ongoing; a SIDS sleep research centre; an international research newsletter; a register of more than 300 researchers in 24 countries; a national SIDS autopsy database; a standardised autopsy protocol; an international conference held in Sydney for 450 researchers, health professionals and SIDS parents; a national health campaign on reducing the risks of cot death - and the list goes on. Madam Speaker, the thing that is really important here is that a lot of this work is done by parents who have lost a child. As well as supporting Red Nose Day financially, we should recognise their courage and their sense of community spirit in their ongoing work for this worthy cause.

25 August 1993

MR MOORE (3.16): Madam Speaker, in following Mrs Carnell I draw attention to the fact that she seems to think it is red ear day, not Red Nose Day. I should explain that Mrs Carnell is wearing rather prominent red earrings today. I am wearing a red tie, but I can put it on my nose if necessary, as a part of the little bit of silliness that Mr Berry recommended.

Madam Speaker, I rise because I have taken an interest in SIDS for quite some time and I would like to support the comments made by the Minister and the Leader of the Opposition about how important it is to draw attention to SIDS. It is so difficult and such a horrific thing, yet people deal with it in this silly way. I think it is a great credit to the people who use this fundraising technique and say, "We can be silly in spite of the horrific problem that we are dealing with". Madam Speaker, I wish them well and throw my support behind Red Nose Day.

Question resolved in the affirmative.

TOURISM COMMISSION - ADVISORY BOARD

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I ask for leave to make a short statement under standing order 47.

Leave granted.

MS FOLLETT: Madam Speaker, in the course of question time, both Mrs Carnell and Mr De Domenico asked me questions relating to Mr Charles Wright, and as a result of those questions a document has been tabled. During question time Mr De Domenico referred to this document as supporting a view that Mr Wright had acted as - I will quote - "a bagman". He implied heavily that the royal commission in Western Australia had found Mr Wright guilty of some wrongdoing. Madam Speaker, I would like to quote from the royal commission report. In relation to Mr Wright, it says:

In essence, Mr Wright was a conduit for \$80,000 that was paid from the No. 1 Account to Mrs Brush.

There is no evidence whatsoever in this document, Madam Speaker, that Mr Wright has been found guilty of any wrongdoing. There was a clear imputation in questions from the Opposition that Mr Wright had been found guilty of some wrongdoing. That imputation is in no way supported by the document. I believe that members opposite have been guilty of cowardice and guilty of behaviour that is not worthy of this Assembly.

MR BERRY (Deputy Chief Minister): Madam Speaker, now that the Government has had the chance to read this document - - -

MADAM SPEAKER: Mr Berry, are you moving a motion?

MR BERRY: I seek leave to have the document incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 4.

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 3) 1993

[COGNATE BILL:

**MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL
(NO. 3) 1993]**

Debate resumed from 17 June 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MADAM SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Motor Traffic (Alcohol and Drugs) (Amendment) Bill (No. 3) 1993? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

MR DE DOMENICO (3.20): Madam Speaker, the Liberal Party will be supporting both of these two Bills and will also be supporting amendments that I believe Mr Connolly will be introducing later on. I thank Mr Connolly, firstly, for the briefing he allowed his public servants to give the Opposition and, secondly, for the prior notice he gave me of the amendments and for the discussions that his office and I had on them.

Madam Speaker, the Motor Traffic (Amendment) Bill (No. 3) amends the Motor Traffic Act 1936 to introduce graduated driver licensing and a demerit points system. The graduated licence system includes provisional licences, learner drivers and probationary licences. It also restricts people from obtaining multiple licences in different States and Territories and removes the exemption on medical grounds from wearing a motorcycle helmet.

The Liberal Party has widely consulted with organisations, including the Bus and Coach Owners Association, ACT Branch; the Motor Trades Association; the NRMA; and the National Safety Council. As I said before, I thank Mr Connolly and officers of his department - especially the acting general manager of the Roads and Transport Branch, Dr Rohan Clark, and Jim Fouracre and Steve Crofts and their staff members for the excellent briefing given to the Opposition.

Madam Speaker, the Bill largely brings the ACT into line with other States and the licensing initiatives with the Australian Transport Advisory Council. There are some differences. For example, the minimum age for motorcycle L-plates is 16 years and nine months. The Department, I am aware, has consulted the Motorcycle Riders Association, and this was agreed on as a better age for young motorcycle riders - a little older and hopefully more responsible. Madam Speaker, with that said, it is good legislation and the Opposition will not be opposing the Bill.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.22), in reply: I thank the Opposition for their support of this package. It is a fairly complex package of legislation. Mr De Domenico did avail himself, as he acknowledged, of some briefings on it. I am pleased that the Opposition supports the thrust of the legislation.

25 August 1993

Essentially, it is about making Canberra safer. Introducing such things as demerit points schemes may be seen as something that will not attract immediate popularity, because some people will be unhappy that they will lose their licence. But the Government has taken the view - and I am pleased that the Opposition has taken the responsible position of supporting it - that such a form of licensing sends a very strong message to errant motorists that if they have had a few speeding convictions they had better change their behaviour or they risk losing their licence.

This will bring the ACT more into line with national standards of road safety protection as a result of the Commonwealth's initiative some years ago on a national 10-point road safety scheme. It was an initiative of the former Federal Minister, Mr Brown - one of the most significant initiatives that the Commonwealth Government has taken in road safety measures - and it has resulted in States, which were previously very disparate in the way they dealt with road safety issues, coming to a common approach, and that has been a very positive move.

Madam Speaker, at this point I table a minor corrigendum to the explanatory memorandum that was previously circulated. The explanatory memorandum refers to learners permits and provisional licences, whereas it should have referred to provisional and full licences. I table that to formally correct the record. In the detail stage I will be moving some minor amendments.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.23): Madam Speaker, I ask for leave to move amendments to clauses 6 and 34 together.

Leave granted.

MR CONNOLLY: I move:

Page 11, clause 6, line 1, proposed new subsection 9B(19), omit "shall", substitute "may".

Page 14, clause 6, line 12, proposed new subsection 10(16), omit "shall", substitute "may".

Page 35, paragraph 34(a), line 26, proposed new item 6AA, after proposed new item 6A insert the following item:

"6AA

Subsection 9B(19). Refusing to grant a provisional licence to drive a public motor vehicle, a private hire car or a licensed goods motor vehicle."

Page 35, paragraph 34(a), line 39, proposed new item 8AA, after proposed new item 8A insert the following item:

"8AA

Subsection 10(16). Refusing to grant a full licence to drive a public motor vehicle, a private hire car or a licensed goods motor vehicle."

Madam Speaker, these amendments have been circulated. They have been previously discussed with the Opposition, as Mr De Domenico acknowledged. They essentially provide a discretion in the exercise of certain powers of the registrar. If discretion is inappropriately exercised, there is a right of appeal in relation to provisional licences. It seemed more appropriate to have discretion rather than arbitrary power that must be exercised.

Amendments agreed to.

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

Bill, as amended, agreed to.

MRS CARNELL, MR DE DOMENICO AND MR HUMPHRIES
Motion of Censure

MR BERRY (Deputy Chief Minister) (3.24): Madam Speaker, I seek leave to move a motion of censure against Mrs Carnell, Mr De Domenico and Mr Humphries.

Leave granted.

MR BERRY: I move:

That this Assembly censures Mrs Carnell (Leader of the Opposition), Mr De Domenico and Mr Humphries for their attack under privilege of Mr Wright.

Censure motions are not motions which one delights in, but sometimes they are necessary to highlight where a person has been wronged. I refer in particular to question time this day, when Mrs Carnell, Mr De Domenico and Mr Humphries sought to impugn a member of the community without providing any evidence at all which would support the criticism which they levelled in this cowards' castle against that person. What has occurred in this case has been a travesty, lowers the tone of this place and brings it into discredit amongst senior members of the community - people who have their shoulders to the wheel and who are working in the interests of the community as a whole. Mr Wright is involved in a range of community activities which we would all support. One which I am aware of is the RSPCA. I know that he is involved in the tourism industry; I know that he has been involved with the Vietnam veterans and other issues. I do not have a detailed knowledge, but that does not matter.

25 August 1993

What really matters is that the Liberals - three of them - have made a grubby attack on an individual who has been working hard for the community in the ACT, on the basis of a piece of paper which provides no evidence that Mr Wright has done anything wrong. There is no evidence. He was described by Mrs Carnell as a bagman. That, to me, is a very serious imputation. I have the piece of paper in front of me. It was suggested that the Chief Minister had been involved in some wrongdoing by appointing him to carry out duties for the community. How far over the top can you go?

It is a disgrace that members of this Assembly would do this. If there were substantial evidence, and evidence that stood up well, maybe they would have a case.

Mr Connolly: There is a passing reference to the bloke; no adverse finding.

MR BERRY: A passing reference to a member of the community is not good enough to damage him out there in the community. Obviously what the Liberals intend to do is damage Mr Wright. There is no question about that. They have set out to damage Mr Wright. This is a deliberate attempt to attack a member of the community who will have no right of reply. You do not have the courage to go outside and say it. None of you have the courage to go outside and say it.

Mr De Domenico: How do you know?

MR BERRY: If you have the courage, go out there in front of the TV cameras and on the radio. They would not be game to run what you have said.

Mr De Domenico: They have already run it, actually.

MR BERRY: Only because you have used the cowards' castle here to get it on the record.

Mr De Domenico: You had better be very careful what you say, I am telling you.

MR BERRY: I do not have to be careful, mate. I do not have to be careful because I know that I am right on this score. I know that I am right on this because I have all the evidence that you have put up. I have it here - a single sheet of paper which has been - - -

Mr Humphries: We did not make a claim against him. We asked a question. We were told to ask a question - - -

Mr Connolly: You said that he was named as a bagman.

Mr Humphries: He was.

Mr Connolly: He was not. That term was never used.

MR BERRY: So now Mrs Carnell dives for the dictionary, having made the accusation.

Mrs Carnell: No. We did it before. I just want to read it.

MR BERRY: What a beauty! Madam Speaker, here again we have an issue where the standing of this Assembly will be lowered amongst all in the community, particularly amongst those people who are working hard to make the ACT work better for its community. There is no question about the involvement of Mr Wright in the organisations which he is involved in. I have not heard him criticised for any of his activities in the ACT, but it seems that there is some disquiet amongst the Liberals about this particular person. My view is that it is to their great shame that they use these sorts of tactics to undo a member of the community; that they use this Assembly to undo a member of the community; that they use such strange logic to impugn a member of the community with such frail evidence. Therefore, all three Liberal members should be censured.

MR DE DOMENICO (3.31): Madam Speaker, for Mr Berry to stand up in this house and talk about how incredibly incensed he is that the Liberal Party should lower itself to ask a question in this house I find outrageous. In case Mr Berry has not realised this, I point out that this has not been said by the Liberal Party. This has been said by - - -

Mr Berry: You said "bagman".

MR DE DOMENICO: I did not say that at all, by the way.

Mr Connolly: Your leader said "bagman".

MR DE DOMENICO: My leader is very able to defend herself, and she will. Let us have a look at what the Western Australian royal commission report, not the Liberal Party, said. Let us have a look at what it said in total. I quote:

The other payments of particular concern were made to Mr Charles Wright, who operated a fundraising and business relations consultancy. He had done work for the ALP since 1976 in assisting with fundraising at a Federal level. He explained that, leading to the July 1987 Federal election, Mr Burke telephoned him and indicated Mrs Brush was without a job. He said Mr Burke wanted Mrs Brush to continue to look after the fundraising activity in Western Australia. Mr Wright had no objection, but told Mr Burke he could not afford to pay her. Mr Burke said he would arrange for payment. No fee was discussed. Subsequently Mr Wright made payments to Mrs Brush for which he was recompensed from the No. 1 Account. In essence, Mr Wright was a conduit for \$80,000 that was paid from the No. 1 account to Mrs Brush. Mr Burke gave a similar explanation.

Mr Connolly: An adverse finding against Burke; an adverse finding against Brush; no adverse finding against Mr Wright.

MR DE DOMENICO: If you read on, Mr Connolly, the No. 1 account was then found by the royal commission - not by the Liberal Party, by the royal commission - to be used for illicit purposes.

Mrs Carnell: That is right, and that is what a bagman is.

25 August 1993

MR DE DOMENICO: And that is what a bagman is. That is the whole point of this situation, Madam Speaker. Mr Berry is now attempting to censure Mrs Carnell, me and Mr Humphries for virtually repeating what was said by the Western Australian royal commission.

Mr Humphries: That is right.

MR DE DOMENICO: That is exactly right. Ms Follett obviously was not aware of this.

Ms Follett: I was. I said that I was.

MR DE DOMENICO: You were aware? We asked the question, quite rightly, of the Chief Minister: If she was aware, did she consider that the appointment of Mr Wright was a good appointment? She said yes. She is entitled to say that, but this Opposition is also entitled to bring to the public domain very important concerns expressed by the royal commission.

It will be interesting to see how members vote on this motion. I can recall Mr Moore, for example, using certain names in this place in relation to a development in Braddon about three or four months ago. I heard no-one move to censure Mr Moore. Mr Moore did not have the use of a royal commission inquiry into anything. He purely and simply, of his own volition, stood up and slurred the names of three or four prominent members of this community. Mr Berry was not on his feet saying, "Hey, listen! Let us censure Mr Moore for doing this, because this is disgusting". Ms Follett said nothing; she just smiled. But it really hurts when a prominent member of the Labor Party and a member of the ACT community is found by the royal commission to have been involved in things that were considered by the royal commission not to be all hunky-dory. Members opposite will realise that it was good enough for this royal commission and the activities of Mr Burke and Mr Dowding and others to bring down the Western Australian Government. That is what the activities of Mr Burke and his mates did. They brought down the Government of Western Australia.

If the Opposition in this place raises a question about a prominent member of the ACT community named in the same report that brought down the Western Australian Government, of course it is of concern to the community. Why should we not bring it up? In fact, if we had not brought it up we would have been remiss in our duties as members of the Opposition. So Mr Berry's motion to censure three members of the Opposition for asking a question because Mr Berry did not like the way it was asked is poppycock. It just shows how Mr Berry does not understand the gravity of the situation. Madam Speaker, quite obviously the Opposition will not be supporting Mr Berry's motion. It will be very interesting to see the way the Independents go.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.36): Madam Speaker, the Opposition this afternoon have used the old gutter tactics of the slur and the innuendo to attack a member of the public who has no redress in this chamber. Mrs Carnell and Mr De Domenico have tried to create the impression that there was some adverse finding against Mr Wright in a royal commission report. They continue to use the word "bagman", knowing the implication that the word "bagman" carries to the ordinary member of the public. We all know about bagmen for organised crime, bagmen for illegal activities.

Mr De Domenico read out a paragraph, paragraph 26.5.4, from a royal commission finding which was handed down in 1992. I cannot recall precisely when it was, but I think it was in the middle part of 1992. I note that when the Vietnam veterans memorial was being opened last year and when members of the Opposition were trying to clothe themselves in patriotic glory, saying how wonderful that was, none of you attacked Charles Wright, who was one of the driving forces behind that memorial. No; you were all keen to associate yourselves with Mr Wright then because he was involved in a very prominent community activity.

Mr De Domenico: No.

MR CONNOLLY: Yes, you were. Your then leader was in fact issuing all sorts of press releases about how we must do more to help the Vietnam veterans organisation. You were all keen about them then, but now you are using the old gutter tactics of the slur and the innuendo to attack Mr Wright.

What did the royal commission find in this paragraph that Mr De Domenico gave us a portentous reading of, trying to make it sound sinister? What it found, Madam Speaker, was an adverse finding against Mr Burke. It found that Mr Burke had used money in a No. 1 account that should have been used for party expenses.

Mr De Domenico: And who did Mr Burke use to transfer the funds?

MR CONNOLLY: Just remain quiet and listen. You may again learn something but not be wiser. It found that payments were made from that account to Mrs Brush - an adverse finding against Mr Burke. However, the opening sentence gives it away. It reads:

The other payments of particular concern were made to Mr Charles Wright -

not by Mr Wright. There is no finding that Mr Wright acted wrongly. There is a finding merely that Mr Burke used money from a particular source that he knew of; that that money was paid to Mr Wright, who paid it to an employee. There is nothing wrong with taking money and paying it to an employee. There may be something wrong if you knew that that money came from an improper source, but the Western Australian royal commission made no such finding.

Your statements in here that there have been adverse findings and that he has been named are all part of the slur, the innuendo and the gutter tactics, but there is - - -

Mr De Domenico: Has he been named?

MR CONNOLLY: His name has been used in relation to no wrongdoing. No adverse finding has been made against him. Many people are named in royal commissions. Thousands and thousands of innocent citizens are named in royal commissions. A royal commission might note that an organised crime figure was driving down the street and collided with Mr De Domenico and then went off to commit a crime. Mr De Domenico has been named. It would be outrageous, in those circumstances, for me to suggest, Mr De Domenico, that you were guilty of some wrongdoing. But that is essentially what you have done here.

25 August 1993

This finding is an adverse finding against Mr Burke. It is notorious that that has been dealt with. It is before the courts in Western Australia. From my recollection, there were also some adverse findings in this royal commission about Mrs Brush. But all you have here is a passing reference by the royal commission that Mr Wright employed Mrs Brush for a period on the basis that her salary would be paid - - -

Mr De Domenico: No. Read it. He did not employ her.

MR CONNOLLY: Listen. It was suggested to Mr Wright that Mrs Brush needed a job. He - that is, Mr Wright - said that he had no objection to employing her but could not afford to pay her. Mr Burke said that he would arrange for payment. So there it is. The money came from Mr Burke. It was later found to have come from a wrong source. But there is no finding here that Mr Wright acted wrongly.

Mr De Domenico, Mrs Carnell and Mr Humphries, if you can produce an adverse finding from that royal commission - a finding that Mr Wright acted wrongly - the Government will consider its position again. But all you have - the high water mark of your gutter attack against Mr Wright - is this passing reference. It is not an adverse finding against Mr Wright. It is not a finding of impropriety. It is a finding of impropriety against Mr Burke but not against Mr Wright.

Mr Wright is entitled, on the basis of what you have read out, to be regarded as a person of entirely appropriate character. There is no finding of impropriety here. For you to get up here and talk about adverse findings, being named, being a bagman, is just grubby gutter politics. Mrs Carnell, your standing in the Canberra community is going rapidly downhill. You are acting in a way which is a disgrace to a leader of any great political party, and in a way in which I am sure that any of the predecessors in your position would not have acted when they were leader of the Liberal Party.

You have certain standards to uphold, Mrs Carnell. I can understand the gutter politics from Mr De Domenico, but I would have expected better from you. If you are going to stand up in this place and accuse a prominent member of the community - the person who was second in charge for that enormously successful Vietnam veterans memorial day last year - of being a bagman, of having had an adverse finding against him in a royal commission, you had - - -

Mr De Domenico: A conduit.

MR CONNOLLY: The word "conduit" - - -

Mr De Domenico: What does it mean?

MR CONNOLLY: It simply means the passing of a commodity from A to B.

Mr De Domenico: Money.

MR CONNOLLY: Yes, and there is nothing wrong with passing money on, Mr De Domenico, if you have no knowledge of the source of the money.

Mr De Domenico: Even though the money has come from improper sources, in your words?

Mrs Carnell: You mean that it just turned up?

MR CONNOLLY: If you can show to me a finding by the royal commission that Mr Wright knew that this money was tainted, you have a case - - -

Mrs Carnell: No; you do not have to, to be a bagman.

MR CONNOLLY: "No, we do not need it, to be a bagman", says Mrs Carnell. You are such a grub that you cannot even stop using these terms. Again, if Mr De Domenico, when he was engaging in commerce, sold an insurance policy to a person who used stolen money to purchase that policy from a company, Mr De Domenico could be said to have been a conduit for stolen property between the thief and the insurance company that issued the contract. But of course that would be nonsense. There would be no adverse finding against a person who simply took a sum of money and on-passed it and used it for a particular purpose. Unless you can show us an adverse finding that Mr Wright was involved or knew of the inappropriate use of the No. 1 account, you have no case. Your case against Mr Wright is cheap and shabby, and you should be ashamed of yourselves.

MRS CARNELL (Leader of the Opposition) (3.43): Madam Speaker, the whole basis of this censure motion seems to revolve around the use of the word "bagman" and possibly the use of the words "unfavourable mention" - not "decision", not that Mr Wright was found guilty of anything, but received unfavourable mention. A bagman is, to use the dictionary - which we did check beforehand, but I just wanted to get the words exactly right - an agent who distributes money for illicit purposes. It is also a commercial traveller, a tramp - - -

Mr Connolly: Yes, illicit purposes.

MRS CARNELL: Okay; illicit purposes. If you wanted to read the next paragraph, the one after the one that everybody is speaking about, it said:

It is clear that the work carried out by Mrs Brush did not justify a figure even remotely approaching \$80,000. Mrs Brush received \$55,000 -

and so on it goes. If you read the whole transcript before you moved motions, it would be a very sensible approach. What it goes on to show is that what actually happened was that Mr Burke paid Mrs Brush, his secretary - or supposedly his secretary - for work that was not carried out. It goes on - and this is what the royal commission found, not what we found:

We are satisfied it was paid in advance because both Mrs Brush and her husband were unemployed and were in difficult financial circumstances. Mr Burke's defence of the payments was unconvincing -

and so on. We have to remember that - - -

Mr Connolly: Where does it make a finding about Mr Wright?

25 August 1993

MRS CARNELL: What it finds is that the money was for illicit purposes. It shows categorically that the \$80,000 was for illicit purposes. That is the important bit - - -

Mr Lamont: No, it does not.

MRS CARNELL: Have you read it?

Mr Lamont: That is what you would hope. It is nothing but a sleazy attack.

MRS CARNELL: What it says categorically is that the \$80,000 was for illicit purposes, was for work that was never done, was a movement of money from the No. 1 account to a person. Who moved that money? The person who moved that money was Mr Charles Wright. The person who moved this illicit money from the No. 1 account to a person who was not entitled to it was Mr Charles Wright.

Mr Berry: Is it illicit money or illicit purposes?

MRS CARNELL: He was the agent for distributing money for illicit purposes.

Mr Berry: Was it illicit money or money for illicit purposes?

MRS CARNELL: For illicit purposes. The *Oxford Dictionary* says that a bagman is an agent who distributes money for illicit purposes. There is no doubt from the inquiry that the money that was distributed was for illicit purposes. That is what the inquiry found. If you would like to read the rest of the report, I would be exceedingly happy. It found that the \$80,000 was not appropriate money.

Mr Berry: Did it say that Mr Wright was guilty?

MRS CARNELL: Mrs Brush? Yes, it did.

Mr Berry: No. Did it say that Mr Wright was guilty of anything? No.

MRS CARNELL: No, the illicit money - - -

Mr Connolly: They did not make any adverse finding against Mr Wright.

MRS CARNELL: The money for illicit purposes - - -

Mr Humphries: Come on, Terry! You are a constitutional lawyer, Terry.

Mr Connolly: You know that it did not.

MRS CARNELL: Nobody said that it did. It said that he was a bagman, which he was. He was the agent who distributed money for illicit purposes, quite simply - unless you want to argue with the *Oxford Dictionary*.

Mr Connolly: "Illicit" means unlawful, and there is no illegality about paying somebody more than for the work that was done. You are a grub, Mrs Carnell. I am disgusted at your conduct.

MRS CARNELL: That is what the commission found. The commission found that the money was illegal.

Mr Humphries: I raise a point of order, Madam Speaker. Notwithstanding the ferment that is coming from the other side, I do not think a term like "grub" is parliamentary, and I ask Mr Connolly to withdraw it.

MADAM SPEAKER: I would not find that unparliamentary, Mr Humphries. Please continue, Mrs Carnell.

MRS CARNELL: Again, what I am saying is that what I said in my question and what was followed up by Mr De Domenico was that Mr Charles Wright was named in the royal commission, which he was. He was certainly - - -

Mr Wood: "Mentioned" would be a better word.

Ms Ellis: "Mentioned" is a much better word than "named".

MRS CARNELL: Okay. In my question I said "identified". He was identified in it. I asked whether, in light of Mr Wright's unfavourable mention - if you think this is a favourable mention, heaven help us. It is certainly an unfavourable mention. He certainly was identified. He certainly was an agent who distributed money, as the royal commission found, for illicit purposes. Therefore, everything that was in the question was totally appropriate. As for the much more important point, is it not - certainly this side of the house believes that it is - the job of the Opposition to make sure that the Government is kept accountable and that appointments that are made are appropriate? That is exactly what this question was about.

MS FOLLETT (Chief Minister and Treasurer) (3.49): Madam Speaker, I will speak very briefly on this matter, but I think that Mrs Carnell's disingenuousness really does need to be exposed.

Mrs Carnell: I did not move the motion.

MS FOLLETT: And giggling from Mrs Carnell is really not helping her cause at this point. Madam Speaker, as I said, I believe that Mrs Carnell has displayed disingenuousness, and I think she has displayed it to the point of the utmost hypocrisy this afternoon. Mrs Carnell knows, or she would never have asked the question in question time, that she has made a clear imputation of improper, if not illegal, behaviour by Mr Charles Wright, and she has been caught out.

Madam Speaker, Mrs Carnell attempted to bamboozle the debate by resorting to a dictionary definition of "bagman". In that definition, Madam Speaker, there is quite clearly a reference to illicit purposes. Illicit is simply illegal.

Mr Connolly: "Illicit" means unlawful.

MS FOLLETT: Unlawful purposes. There is nothing which any member of the Opposition has put forward today, there is nothing in this royal commission report, that finds Mr Charles Wright guilty of illegal, unlawful or illicit practices.

Mrs Carnell: I never said that he was.

MS FOLLETT: Madam Speaker, Mrs Carnell now says, "I never said that he was". I say to her that that is disingenuousness. Why then did she ask the question in question time? Why did Mr De Domenico ask it? I think that they are back-peddalling at a hundred miles an hour now, trying to say that they never meant that Mr Charles Wright was a crook; that that is not what they meant.

25 August 1993

Of course it is what they meant. Why else would they have raised the question? Why else would they have read out, as Mr De Domenico did in tones of the deepest portent, the extract from the royal commission report? Madam Speaker, the reason is that they consider, and they wish this Assembly and they wish the Canberra community to believe, that Mr Wright is guilty of wrongdoing. That is the only reason they have raised the issue today, and they are wrong. They are guilty of casting the slur, of making a false accusation by imputation, against a member of this community who is not here to defend himself.

Madam Speaker, I believe that members opposite trying to wriggle out of it now by saying, "That is not what we meant; we did not mean this; we did not mean that" is simply a further extension of their remarkable cowardice. Madam Speaker, as I said, I believe that the members opposite deserve to be censured on this matter. They have quite clearly imputed illegality to a member of this community when that illegality does not exist. If they believe that they have another view, then they ought to stand up and explain why they pursued that course of questioning in question time - if it was not intended to cast a slur. Why? Madam Speaker, I fully support the censure motion, as indeed I would support a censure motion against any member of this Assembly who behaved in this way.

MR HUMPHRIES (3.52): Madam Speaker, I must say that bringing this motion on the basis of the pique which the Labor Party has felt in the last couple of days - not just about this issue apparently, but about other issues - gives one some concern about just how far - - -

Mr Wood: Whom are you kidding? Come down to earth.

MR HUMPHRIES: I have noticed quite a lot of angst on the part of members opposite, even if they have not noticed it themselves, as have members of the media. I suspect that members opposite should look at themselves a bit.

Madam Speaker, the questions that were asked today in question time by Mr De Domenico and Mrs Carnell - I did not actually ask a question about this issue at all, but apparently I am subject to the motion anyway - and the things that were said on the floor of the chamber during question time constitute a perfectly reasonable set of questions that any member of any Opposition worth their salt would ask in the same circumstances. The questions asked about Mr Wright's connection with the WA Inc. scandal - and you might forget that it was a scandal - - -

Ms Follett: You did ask a question about it. You have forgotten.

Mr Berry: You asked a question about taking him to Japan.

MR HUMPHRIES: I asked about travel, actually.

Mr Connolly: "Are you taking Mr Wright - - -

Mr De Domenico: No; I asked that question.

MR HUMPHRIES: Mr De Domenico asked that question. I did not ask that question.

Ms Follett: We will take you out of the motion.

MR HUMPHRIES: Thank you very much. They put you up against the wall and shoot you down, and you are acquitted afterwards.

Madam Speaker, the fact of life is that the questions asked have been entirely reasonable and entirely appropriate. We have had references to Mr Charles Wright in the course of the WA Inc. royal commission - references which could not under any circumstances be considered to be favourable. Look at the bits that have been quoted from the report and which have been tabled in this Assembly. Mr Wright clearly was a conduit. That word is used in the royal commission's report. He was a conduit. He carried money or transmitted money on behalf of Mr Brian Burke to Mrs Brenda Brush.

Why did he transmit that money? He did so apparently - and the commission goes on to talk about this - because Mrs Brush was being paid in advance of work done on behalf of Mr Burke, not Mr Wright, and for services rendered in the past. A certain amount should be allowed for past services - so says the royal commission. The royal commission goes on to say:

The Commission is satisfied that he -

that is, Burke -

made use of campaign funds for the purposes of assisting a friend under the guise of employment. The implications of our findings in this paragraph are discussed in a confidential appendix ...

That is an adverse finding.

Mr Connolly: Against Burke.

MR HUMPHRIES: Indeed it is. Clearly, Mr Burke, the former Premier of WA, was using that money for illicit purposes. That money was being used for illicit purposes. There are no two ways about that. Mr Wright was transmitting that money for those illicit purposes.

Mr Connolly: No. That is the point. Does he know the source of the funds?

MR HUMPHRIES: Yes, yes, yes. A bagman is an agent who collects or distributes money for illicit purposes. Was that the case, Mr Connolly? Did he collect that money? Yes, he did. Was the money used for illicit purposes? Yes, it was. Clearly, the connection has been made. Let us assume that there is merely a question of doubt. Let us assume, Madam Speaker - - -

Mr Kaine: If he distributes it - - -

Mr Connolly: Knowingly - knowing the illegal source.

MR HUMPHRIES: Here we go. Here is the defence - "knowingly". Mr Wright did not know what he was doing. Mr Wright was an innocent bystander caught up in this web of deceit.

25 August 1993

Madam Speaker, let me put the matter on this basis: Mr Wright must be said to have a question of doubt hanging over his conduct in this matter. That is clearly the reading that you should take from any proper perusal of these words used in the royal commission. There is an element of doubt about his activities, his involvement, his participation in this whole affair.

Mr Connolly: But there are no findings against Mr Wright.

MR HUMPHRIES: There are no adverse findings; that is true. The commission has not said, "Yes, Mr Wright should be charged with some offence". It is quite another thing, however, to say that Mr Wright has had no scintilla of adverse comment or unfavourable comment in the course of this report.

Hence, Madam Speaker, my colleagues Mr De Domenico and Mrs Carnell did not rise to say that Mr Wright has been involved in illegal activity, that Mr Wright has been a person who should not be appointed to the ACT tourism advisory board. They said neither of those things. What they did do was to ask a question. That is the function of question time - to ask questions. The question was: Is the Mr Wright who has been appointed to the ACT tourism advisory board the same one who is referred to as being Brian Burke's bagman in the WA Inc. royal commission? The answer to that question is clearly yes. He was the man that was mentioned in the WA Inc. royal commission and he was a bagman. That clearly comes forward from those references that were quoted by Mrs Carnell and Mr De Domenico when they asked those questions in question time today. If there was that question of doubt, is it not appropriate for a member of the Opposition to ask - - -

Ms Follett: What doubt?

MR HUMPHRIES: There is an element of doubt. How could you possibly read these words, Madam Chief Minister, and not have an element of doubt?

Ms Follett: Easily. There is no finding - - -

MR HUMPHRIES: You had no element of doubt?

Ms Follett: There is no finding of guilt.

MR HUMPHRIES: Madam Speaker, I pose this question: If someone came to you and said, "I want to pay somebody else, but I cannot do it myself. If I give you the money, will you do it for me?", would that not raise some question in your mind, Chief Minister, that something unusual, something suspicious, was happening?

Ms Follett: The royal commission has found no such thing.

MR HUMPHRIES: Madam Speaker, let me educate Ms Follett for a moment. Courts of law and royal commissions, which are very similar in fact in their natures, often sit down and look at evidence, and they will come to the conclusion, perhaps on the balance of probabilities, perhaps on other balances of weighing the evidence, that there is something amiss. But to go from there to say that a particular person against whom some suspicion lies should be either, in the case of a court, convicted or, in the case of a royal commission, adversely named and recommended for some prosecution is quite another matter.

Mr Connolly: But you can adversely name without recommending prosecution. You can say, "We believe that Mr Wright acted wrongly". But they did not say that.

MR HUMPHRIES: Perhaps they suspected that that was the case but were not able to say that there should be a prosecution launched against that person. I think, Madam Speaker, you can look at that document and quite reasonably draw that conclusion. That is the conclusion which members of this Opposition have drawn from that document. That is the conclusion which justified the questions that were asked.

I think, Madam Speaker, for condemnation to come to any member arising out of that very obvious - very necessary, I would go so far as to say - question arising out of those comments in the royal commission is just disgraceful. Members opposite are using their numbers, apparently with the support of Independent members, to make that kind of questioning in this house unavailable to members of the Opposition, or anybody else for that matter, in the future. I ask you, Madam Speaker: Just how far does this have to go before it can be used in that fashion?

Mr Connolly: Blackening people's character is not a basis. An adverse finding by a royal commission would be a good start.

MR HUMPHRIES: You talk about blackening somebody's name. I wonder what Mr Moore is going to do in the course of this question. Mr Moore has used this forum on more than one occasion to blacken people's names.

Mr Lamont: It was not Mr Moore who stood up here this afternoon, one after the other, playing the sleaze.

MR HUMPHRIES: You will have your chance in a moment, Mr Lamont. Mr Moore has used the opportunity made available by this chamber to effectively question the integrity of people in this community, certainly sometimes people in this house but also people outside this house with, as Mr Berry puts it, no chance to defend themselves in this place. Mr Moore has used that chance. Is he now going to say that people on this side of the chamber who sit to his left should not be able to do the same thing? I wonder. What is Ms Szuty going to say about this? I wonder whether she will allow that kind of power to be exercised.

Madam Speaker, the questions that were asked were entirely reasonable, and I believe that members opposite should think again about the precedent they set by prohibiting members effectively asking questions of this kind on a perfectly legitimate public interest basis when they act as members of this Assembly.

MS SZUTY (4.02): I feel that it is unfortunate that we have to be debating a censure motion against Mrs Carnell and Mr De Domenico at this time on this day. I would totally agree with both Mr Berry and Ms Follett that the questions that both Mrs Carnell and Mr De Domenico were asking about the integrity of the chair of the board of the Tourism Commission, Mr Charles Wright, did impugn his integrity. I do not think there is any question whatsoever about that. Having read the transcript of the WA royal commission, which was tabled by Mr De Domenico, I also agree that that evidence did not support that imputation and that slur that the members of the Opposition have cast on Mr Charles Wright.

25 August 1993

I take note of Mr Connolly's references to no adverse findings from the Western Australian royal commission about the behaviour and activities of Mr Wright. We know that there were adverse findings with regard to the behaviour and activities of both Mr Brian Burke and Mrs Brenda Brush, but no such adverse findings were made about Mr Charles Wright. Presumably, if Mr Wright had been knowingly involved in the distribution of money for illicit purposes there would have been an adverse finding by the royal commission.

In conclusion, Madam Speaker, I would be very interested to know Mr Westende's reaction to this motion. Mr Westende at the moment is the chair of the Assembly's Standing Committee on Tourism and ACT Promotion. It is very disappointing for me, as a member of that committee, and I am sure that it is disappointing for Mr Lamont, to have the integrity of our current chair of the board of the Tourism Commission impugned in this way. I am disappointed for the standing of this Assembly that the questions asked by Mrs Carnell and Mr De Domenico have been asked in the manner in which they have been.

MR BERRY (Deputy Chief Minister) (4.04), in reply: I seek leave to remove Mr Humphries's name from the list of people to be censured.

Leave granted.

MR BERRY: Having heard his argument, I must say that at one stage my tendency was to leave him in the motion because I think he was compounding the imputations that were made by Mrs Carnell and her deputy. These people could walk upright under a snake's belly. There is no question about that. For people to take such action against somebody who has not been found guilty of anything, who has not done anything wrong but has merely worked hard for the community in the ACT, seems to me a travesty. Without again going over all of the old ground that has been covered here today, I think it has been fairly discovered that there is a real case for this censure motion, and I urge members to support it.

Question put:

That the motion (**Mr Berry's**), as amended, be agreed to.

The Assembly voted -

AYES, 9

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

NOES, 6

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

Question so resolved in the affirmative.

**MOTOR TRAFFIC (ALCOHOL AND DRUGS)
(AMENDMENT) BILL (NO. 3) 1993**

Debate resumed from 17 June 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

SUPREME COURT (AMENDMENT) BILL 1993

Debate resumed from 17 June 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR HUMPHRIES (4.08): This Bill is all about juries and the value of 12 good men and true, as they say in the old language, who are appointed to decide the guilt or innocence of members of the public who are charged with certain offences. I must say that having 12 good men and true would be a very great relief after the spectacle of the rabble opposite who acted, I think, in a disgraceful fashion. Far be it from me, however, to reflect on a vote of the Assembly. I will comment on the Bill's provisions.

This Bill, although it was not mentioned by the Attorney-General when he introduced it, follows a reform inaugurated by the Greiner Government in New South Wales back in 1990, although I also note from my research that this suggestion that we should be able to dispense with jury trials and go for trials by judge alone in certain circumstances was, as far as I am able to determine, first proposed by the then Attorney-General of Victoria, the Hon. Haddon Storey, back in the 1970s. He suggested that there should be certain cases in which an accused person could waive their right to be tried by a judge and jury. So this suggestion has been tossed around for some time. It has been a practice in New South Wales now for two or three years and we could support the idea, the contention, that there should be some use of that provision here in the ACT for a number of reasons.

The Bill allows the accused to elect to have a trial by judge alone rather than trial by judge and jury. It also, incidentally, allows a court to deal with summary offences with which a person is at the same time charged - that is, at the same time as the indictable offences - at the conclusion of the trial for the indictable offences. Both provisions extend the rights of the defendant. Neither situation - that is where you can dispense with a jury or where you can have summary offences dealt with by the Supreme Court - can ensue without the consent of the accused and it is therefore in no way a derogation from the rights of the accused.

The criminal system is a two-tiered one for trials of first instance in this Territory. Less serious offences, offences for which the maximum penalty is less than one year's gaol, are tried by a magistrate. More serious offences, where more than one year's gaol is the maximum penalty, are tried at the moment by a judge and jury. It is perhaps a little bit arbitrary to make that distinction in quite that way. It depends, for example, on a regular and accurate reflection of the accuracy of penalties, and that entails reviewing the penalties regularly, which I suspect we do not do as much as we should; but that distinction is now to be modified and the provisions here will allow a person effectively not to have the right to a jury but to have only a member of the bench presiding over their trial.

I want to note two points about this proposal. Proposed new section 68A of the Bill restates a person's right to trial by jury. It is not, in effect, a new grant of a right, however. Section 395 of the Crimes Act, which has been in place for quite some time - you can tell by looking at the language used in that section - also confers a right, in effect, to trial by jury. The reason that the Minister advances for repeating that reference to the right to trial by jury is contained in his presentation speech. There he says that it is designed to reaffirm the right to waiver, as something in the background that needs to be restated before you confer a right to draw away from that particular right.

The second point is that an election to have a trial by judge alone is not possible where there are a number of co-accused and where even one of those co-accused does not make a similar election. In the event that you had six people being jointly tried at the same time for a particular offence, if only one elected to have trial by jury, then the other five would similarly be compelled to have trial by jury as well, unless there was some way of negotiating the splitting of their trial into six different trials or, perhaps, two different trials. A failure to make an election effectively allows a trial to proceed by jury and thus, in a sense, jury trials remain the status quo in this Territory. The Minister makes no reference in his explanatory memorandum - - -

Mr Wood: You do not want juries.

MR HUMPHRIES: I will talk about juries in a moment.

Mr Wood: You just want to condemn people out of hand.

MR HUMPHRIES: No, I am not like that. I believe in giving people a fair hearing. I know that that is not in the tradition of the Labor Party, so I will not affront you by putting forward the reasons as to why it should be otherwise, Mr Wood. There are some financial savings and, of course, this Government is very big on saving some money. There are financial savings both where a jury is dispensed with and where summary proceedings are dealt with by the Supreme Court. It is not clear, of course, how much that would be, because it is not clear whether people would make use of this particular provision in large numbers. To some extent, I suppose, there would be apprehension on the part of the community as to what this kind of election would mean. Do they choose this course; do they choose that course? Would it mean a better trial for them or not?

I note, Mr Temporary Deputy Speaker, that in New South Wales, when an amendment to the Crimes Act allowing a waiver of jury trial for particular crimes of a commercial character was introduced in 1979, there was, unfortunately, not much use made of that provision because it got off to an inauspicious start.

The first person to exercise the option of being tried by a judge alone was convicted by the judge and apparently, between 1979 and 1987, no people exercised the right to be tried by a judge alone. It may be, if there is adverse publicity surrounding the first trial in the ACT in a criminal matter by judge alone, that there may be, conceivably, some attaint of this particular option. Time will tell. However, if many people coming before the courts exercise the capacity to avail themselves of this option, then we will see, I think, over a period of time, some saving. Juries are, unfortunately, not cheap.

The Bill raises another question, though, a quite fundamental question, which I think needs to be asked in this particular situation, and that is, "Just how valuable is the jury system in this country?". Mr Connolly referred to Blackstone's famous reference to the jury system as the "palladium of justice", and the question would need to be asked, "If it is the palladium of justice why are we departing from it?". Legal commentators, I think, are divided on the question of the jury system. Some see it as valuable and others see it as an expense which is capable of reaching an improper or, at least, an inappropriate verdict in many cases. It could be said, indeed, in the present circumstances that if you are innocent you should opt for a trial by judge; if you are guilty you should opt for a trial by jury.

I noted, Mr Temporary Deputy Speaker, that Sir Robert Menzies, in his biographical volume *Afternoon Light*, as a former lawyer, made reference to his thoughts on the jury system. I quote what he had to say there:

The jury has been exuberantly described as "the palladium of English liberty". To challenge its virtue is still to provoke hostility. Yet my own experience has persuaded me that this venerable institution needs critical examination.

The jury in criminal cases has, I believe, much to commend it. No doubt under the impact of persuasive emotion, or that evasion of moral responsibility which is endemic in human nature, or simple prejudice against policemen, it acquits quite a few guilty persons. Far better this should be so than that innocent men should be convicted. So regarded, the criminal jury is an historic device for tempering the natural severities of the criminal code.

He said, and this is very interesting, Mr Temporary Deputy Speaker:

Its function is not so much to do justice, as to avoid injustice.

That is a very interesting reference, I think, to the way in which a lawyer reacts to the jury system. I think that there would be very few lawyers who have worked with the jury system who would say uniformly that putting a matter before a jury provides, in some magical way, that a great well of human wisdom is brought to the surface, and that is then used to ensure that justice is somehow divined in a complex and perhaps drawn out case. I do not think any lawyer would argue that that is necessarily the product of a jury trial. Certainly, it is often the case that a jury will decide a matter on evidence which is entirely irrelevant or of marginal value, and sometimes not decide a case on evidence at all.

25 August 1993

If I might be indulged, I might also go back to something else that Sir Robert Menzies said when he made reference to a particular case he was involved in to illustrate the point about the fickleness of juries. He was referring here to a civil case tried before a jury, but I think the same points apply to some extent. I quote:

The action was one in which I appeared for the defendant, who owned and conducted a cool-store. The plaintiff had put into the store a large quantity of eggs which were to be kept at an indicated temperature. When the eggs were re-delivered, many of them were bad. So far, the facts were not in dispute. The real issue was whether the eggs were bad on delivery to the store, or whether the temperature control had been inaccurate, so that the eggs had gone bad in store.

The determining question was therefore one of fact, and many witnesses, technical and otherwise, were called and cross-examined. Opposing counsel and I addressed the local jury at length, with great subtlety and persuasiveness. The judge summed up. During my own address, I observed a certain appearance of impatience, not to say hostility, on the faces of the jury. I was therefore not optimistic. When the jury retired, my opponent and I went to the robing room. We had scarcely removed our wigs when a messenger came hastily in and said that the jury had agreed. We returned to court. The foreman said that the jury found for the defendant. Judgment was then entered our way, with costs.

We changed, and went across the way (it was late afternoon) to the Shamrock Hotel. My instructing solicitor, very prominent in Bendigo, hastily excused himself to have a word, in the street, with a member of the jury whom he knew, and from whom he hoped to obtain some gratifying account of the impact made by my powerful and convincing presentation of the case. He returned, convulsed with mirth. "Menzies," he said, "it will be good for your soul if I tell you the truth. At the very beginning of the case the foreman told his colleagues that the only difficulty in the way of the defendant was that his barrister was an incompetent fool. 'Look', he said, 'years ago I left a saddle and a harness at a local livery stable, which was shortly afterwards burnt down. I consulted a lawyer. He asked me whether I had any written evidence of the deposit. When I said that I had not, he advised me not to proceed. Now, there is nothing in writing here, yet this fool Menzies has failed to take the point!'"

Fortified by this legal opinion, the jury, in a case in which no question had ever arisen as to the terms of the contract or the fact of the deposit, had regarded all the evidence and the argument as tedious and irrelevant!

I think, Mr Temporary Deputy Speaker, we would reflect that that is unfortunately quite possible for any jury consisting of fallible human beings. It is quite possible for any such jury to reach the same conclusion.

The jury was described by one Frank McKinney-Hubbard in 1923 as the stupidity of one brain multiplied by 12. It is unfortunate that we do not have much evidence, much hard data, about the way in which juries actually reach their verdicts. Having said all that, I believe that the jury system is a bit like how Sir Winston Churchill described democracy, as the worst system except for all the others, and I think that we have some way to go before we can safely dispense with the institution altogether. Menzies suggested that juries are sound in criminal cases but not in civil cases. Juries in civil cases are not often used in the ACT; in fact, I am not sure that they are used at all, so we perhaps are in the best of both worlds here.

This Bill will give us the opportunity to examine the operation of this option as it is exercised by individual defendants, and I hope that it will give us some light on the value of jury trials generally and, in particular, their value in criminal cases. I hope that we will see at the end of a period that this has been a valuable exercise. I hope for that reason that the Attorney will take the trouble to come back to the Assembly and report to us on the progress of this provision in the law as it operates over the next few years.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.23), in reply: Yes, we will keep an eye on how this goes. I doubt whether many people will avail themselves of the right to go to trial without a jury, but some may. I was intrigued by Mr Humphries's extensive references from Sir Robert Menzies' memoirs about the frailties of juries. I think it was in either that volume or another volume of his memoirs that he told the apocryphal story, again on the frailty of juries, of the country jury in a theft case where one farmer was accused of stealing another farmer's cow. After extensive argument the jury came back with a verdict of, "Not guilty, but he has to give back the cow". The judge was disgusted and said to the jury that that was a completely inconsistent verdict and they had to go away and reconsider. The jury, after due deliberation, came back and said, "Not guilty, and he can keep the cow". So, clearly, jurors are sometimes fickle. I would say, as a caution to Mrs Carnell, that I would watch Mr Humphries if he is extensively reading Sir Robert Menzies' memoirs, because those memoirs do tell the tale of a person who was briefly party leader, was deposed, but eventually came back to wrest back the leadership and assume greatness. So I would watch Mr Humphries if he is reading Sir Robert Menzies' memoirs.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

25 August 1993

JURISDICTION OF COURTS (CROSS-VESTING) BILL 1993

Debate resumed from 13 May 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR HUMPHRIES (4.25): My comments on this Bill will be brief. The Liberal Party will support the Bill, in particular because in fact it entails no change at all in the law applying in this Territory as far as I can tell. The only change which is occurring with the passage of this Bill is that the statute under which the ACT participates in the national cross-vesting scheme will become an ACT enactment rather than a Commonwealth statute. That is a reflection of the fact that we are now a self-governing Territory with full responsibility for our own court system and that we need, therefore, to have control over matters to do with the jurisdiction of our courts.

The Bill which is before us is, I understand, based on the Northern Territory legislation, but it closely reflects legislation which has been enacted in all other States and the Commonwealth. Effectively, it allows for reciprocal arrangements as between those jurisdictions. Effectively, it allows for matters to be transferred to the court of most appropriate jurisdiction. It confers complementary jurisdiction on all Supreme Courts, the Federal Court and the Family Court of Australia and the Family Courts of the States so that those courts can, in effect, transfer matters between them to make sure that the most appropriate court is located. It is also possible that matters can be transferred from one court to another elsewhere in the country so that several matters which might be going on in different courts can be consolidated in the one place in the one most appropriate court.

I might put on the record, Mr Temporary Deputy Speaker, that I do have some reservations about the operation of the national cross-vesting scheme, but they are not matters which are very serious or matters in respect of which I wish to suggest amendments to this Bill. There is no right of appeal, for example, as I understand it, against a decision to transfer from one court to another, but that is not a matter which should be dealt with by amendments on the floor of this Assembly. It is a matter which should be dealt with by negotiation at the national Standing Committee of Attorneys-General. Perhaps we will be able to talk to the Attorney about the appropriate direction of those sorts of changes.

I might say that I am slightly puzzled by some of the drafting in the document. I realise that it reflects that in other States and the Northern Territory, but I am still a little bit puzzled, and perhaps the Minister can explain what it is that he is trying to achieve. I see that in the interpretation clause, clause 3, "Territory" does not include the Australian Capital Territory or the Northern Territory, which is slightly bizarre. I am not sure what Territory it does include. I am even more puzzled when I read subclause 4(3), which says:

The Supreme Court of another State or of a Territory has and may exercise original and appellate jurisdiction ...

The Bill goes on to talk about the Attorney-General of the Commonwealth or a State or Territory. I am not sure that Territories such as Christmas Island or Heard Island have either Supreme Courts or Attorneys-General. Perhaps they do, but I would be surprised. Perhaps the Minister can enlighten me about that. Certainly, it seems a bit strange that we are talking about conferring jurisdiction on the Supreme Court of Territories like Heard Island and Christmas Island. I am not aware that they have courts at all, much less Supreme Courts; but perhaps they do.

Madam Speaker, this overall scheme is a very sensible one designed to make justice convenient and accessible, and I therefore support its passage through the house today.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.29), in reply: I thank the Opposition for their support. Mr Humphries is right in saying that this is something of a procedural Bill which vests the basis for cross-vesting in an ACT Act rather than a Commonwealth Act. It is part of a national scheme which is regularly reviewed at the Standing Committee of Attorneys-General. If Mr Humphries has concerns about the operation of the scheme I would be happy to provide briefings for him on its operation, and we will take up any points that he wishes to make.

As for the drafting point about the definition of "Territory", "Territory" does not include the Australian Capital Territory or the Northern Territory because the early definition of "State" says that "State" means the Australian Capital Territory, Northern Territory or a State of the Commonwealth. So for these purposes we are regarded as a State.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

JURISDICTION OF COURTS (CROSS-VESTING) BILL 1993

Debate resumed.

MR CONNOLLY: So "Territory" here does refer really to those island Territories which probably will not generate much business but which do have Supreme Courts. I can advise Mr Humphries that I know well about the Supreme Court of Christmas Island because for a period I worked as an associate to a Supreme Court judge who also exercised jurisdiction as a judge of the Supreme Court of Christmas Island and, indeed, we went to Christmas Island.

25 August 1993

The Supreme Court sat in the local school. At that stage Christmas Island was operating a phosphate mine and the overwhelming majority of the population were persons from Malaysia. We were sitting in the local trade school. The younger students were, I think, most amused by the sight of the judge in full wig and gown, the barristers in full wigs and gowns and the associate in full wig and gown parading across the parade ground at the local school to take up full ceremonial standing as the Supreme Court of Christmas Island in the local gymnasium.

Mrs Grassby: Terry, they thought it was a fancy-dress party.

MR CONNOLLY: I am sure, Mrs Grassby, that they did think it was something of a fancy dress party, particularly as the temperature was about 35 degrees and the humidity was about 98 per cent. So there are Supreme Courts of those jurisdictions. As for the issue of references to "Attorney of a Territory", the only one that I can think of is Norfolk Island, but I will check on that. Again, I thank the Opposition for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ANIMAL DISEASES BILL 1993

Debate resumed from 17 June 1993, on motion by **Mr Wood:**

That this Bill be agreed to in principle.

MR WESTENDE (4.32): Madam Speaker, the Opposition supports the latest amendment to this legislation. We were a little surprised that the Government had not consulted some fairly key organisations in its drafting of the Bill, even though we had raised this matter on a number of occasions. It is yet another example of lack of consultation by the Government. We forwarded copies of the Bill to four organisations, all of which commented that it was the first time they were aware of it. Perhaps the Government should prepare a list of organisations so that Bills affecting those organisations can be automatically circulated. In fairness to the Minister, I must say that when our concerns were communicated to him he took them on board and agreed that an amendment would be incorporated into the Bill. In the detail stage of the Bill, we look forward to such an amendment to subclause 5(1) to appoint a veterinary surgeon.

The other area of concern is Part III, clause 19, regarding the removal of refuse. We would like the Minister's assurance that, where doubt exists, he will apply the same compensation mechanism as exists under clause 18. To date, Australia has been pretty lucky in not having had any serious outbreaks of animal diseases, but we cannot take that matter for granted. It is therefore important to have proper laws in place and that they be properly administered. This, of course, involves the cooperation of government agencies and private organisations.

This Bill will put the ACT in a position to reflect attitudes Australia-wide and will also bring the ACT into line with legislation in other States. The ACT will not now be an island and will participate in a Commonwealth-State cost sharing agreement in the event of an outbreak of any of the 12 named exotic animal diseases. Heaven forbid that this should happen; prevention is always better than the cure. There is also some query about clause 53, dealing with self-incrimination. However, after discussing it with the Minister's office this morning we understand that the Government is working on a uniform clause on self-incrimination pertaining to various Acts, and we are prepared and happy to await the outcome of that.

Madam Speaker, I could go into a lot more detail, but the Minister has covered it in his presentation speech. It is good to see that legislation will ensure greater control in dealing with animal diseases, as, after all, so much of our well-being in this country depends on the health of our animals and livestock. Madam Speaker, this is another example of how, through a cooperative approach, we are able to enact sensible legislation. The Opposition will be supporting the Bill.

MS SZUTY (4.35): Madam Speaker, I would like to draw the Assembly's attention to the Scrutiny of Bills Committee's report on this particular matter, report No. 12 of 1993, dated 6 July. We did speak at length in our report about clause 53, saying that the clause in the present Bill appears to impose a heavier burden on the person who may be incriminating himself or herself than is imposed by the usual form. When Professor Whalan was preparing advice for the Scrutiny of Bills Committee on this question he did refer to more usual forms of self-incrimination provisions, such as section 66 of the Trade Measurement Act 1991 and section 69 of the Weapons Act 1991. The report went on to say:

Ignorance of the law may be no excuse, but the present provision does require every person, who is involved with animals to which this Act applies, to know about, and comply precisely with, this unusual form. Furthermore, given the stressful circumstances in which these incidents may occur, even in the unlikely situation that a person may indeed know about the provision, the person may fail to comply with it.

The present form also creates the possibility that there could be a conflict of evidence as to what actually occurred at the time.

Madam Speaker, we have the Minister's assurance that he will be looking at provisions of this kind across a range of Acts. It may not be worth the Assembly's while for the moment to delay the passage of the Bill and to discuss this matter further, but it is worth noting it. Perhaps the Assembly should express to the Minister its desire that that work about self-incrimination provisions across various Acts might be done speedily so that we can resolve the matter for this Bill and other Bills in the future.

25 August 1993

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.37), in reply: Madam Speaker, I thank members for their comments and I noted what they said. In response to Mr Westende's approach, we have agreed to one amendment that I will be moving shortly. In terms of consultation, my advice is that we did contact the AVA. We did so some time ago in respect of the Stock Diseases Act. Perhaps when they had a subsequent approach under the heading "Animal Diseases Act" the connection was not made. We do endeavour to consult relevant groups about the legislation that goes through, but I note what Mr Westende says and I commend him for passing it not just to the AVA but to some other bodies as well.

There was some comment about clause 53 and self-incrimination. We attended very closely to what Professor Whalan has said and to what the Scrutiny of Bills Committee passed on to us. I am sorry that we did not get some advice back to them earlier. The information I have is that there is still a deal of work to be done to come up with an ideal form of wording for clauses of that nature, and that is continuing. I will talk to the Attorney in response to Ms Szuty's comments and see whether that can be expedited so that we come up with absolutely the best form of words that is available, and do so as rapidly as possible.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.39): Madam Speaker, I move the following amendment circulated in my name - and I present the supplementary memorandum:

Page 4, subclause 5(1), line 18, after "servant", insert "who is a veterinary surgeon".

I think it is pretty clear. We have accepted Mr Westende's view that a public servant who is a veterinary officer should be in that important position, and the amendment gives effect to that.

Amendment agreed to.

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

Bill, as amended, agreed to.

**CULTURAL COUNCIL - "SHARING THE VISION: A FRAMEWORK FOR CULTURAL DEVELOPMENT"
Paper**

Debate resumed from 24 August 1993, on motion by **Mr Wood**:

That the Assembly takes note of the paper.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.40), in reply: Madam Speaker, I want to thank Mr Humphries for his sensible comments yesterday about what may occur in the future and some of the directions we ought to be taking. I believe that this is an important document. It is written in a particular form. Sometimes we get used to documents that are just straight texts, full of words in traditional report language. This is presented in a different format and I think it makes it easier to read, easier to get a grasp of, and it still expresses that important vision. Mr Humphries made some comments about architecture and public art and public art policy. The Government is developing proposals in this area. They are fairly advanced and I expect before the end of the year to be making some announcements in that area. I might indicate that I hope that we can be fairly ambitious in the important area of public art.

Mr Humphries also raised the question of the future of the Arts Forum, that meeting that he initiated when he was Arts Minister. I carried on the format and met directly with those in the arts community who wished to attend. I will be having forums in the future, Mr Humphries, in that same way. The establishment of the Cultural Council does change the processes somewhat; but it is still very important for me, appropriately in the company of the chair of the Cultural Council, to have a direct face-to-face meeting with those people who want to turn up. As a matter of interest, I am going to the Cultural Council meeting tonight to participate and to discuss with them the round of grants that are presently under their consideration.

I think the document indicates the very wide range of consultation that occurs. If you turn to page 50 of the document you will see the membership of the Cultural Council and then the very large additional membership of the committees of the Cultural Council under a whole range of headings. It is a large body and it has its links to every part of the arts community in the ACT. In that way I believe that we get very informed comment coming through to government and, through this document, to the Assembly. I believe that Canberrans value the arts. The figures that Mr Humphries quoted yesterday indicate that we in the ACT have a much greater interest in the arts than is evidenced in other States, even in other major cities. So we do place importance on the arts. I believe that the arts community is responding to that and is providing a very wide range of activities of a very high quality to people in Canberra.

25 August 1993

I do accept the view - I think Mr Humphries used the word "architects" - that there is a need for people to design the means of assistance. I believe that that happens pretty well - it happens very well, in fact - but it is, in the end, the quality of the artists, their artistic and creative endeavours, that determines what it is people see and the quality of what they see. I think we have been taking very good steps over quite a period in Canberra. I am sure that with this document those steps will be improved and enhanced and that we have a better direction to work to - certainly a clearer direction - to the benefit of all in this city.

Question resolved in the affirmative.

ADJOURNMENT

Motion (by **Ms Follett**) proposed:

That the Assembly do now adjourn.

Members' Travel

MR HUMPHRIES (4.45): Madam Speaker, I wanted to reflect on some of the discussion that has occurred in the last couple of days about travel and to note that members opposite have been highly critical of this Opposition for daring to raise the question of members of the Government. I am not sure how many members we are talking about because the Chief Minister today drew a distinction between government travel and ministerial travel, and I am not quite sure what the distinction is. She said that it was not a ministerial trip but a government trip that she was undertaking to Japan.

I think it is worth asking a question about what history of responses we have had in this Assembly to the idea of members travelling. I might say that in the majority of cases where members have travelled outside Australia, for whatever reason, there has been heavy criticism of their having done so. The first to do so, I think, was Mr Moore when he went to Liverpool. He was criticised by members of the Alliance Government, I think, for undertaking that trip. Subsequently, when Mr Kaine and I travelled overseas independently in 1990, on leave, at our own expense, there was heavy criticism from members opposite.

Mr Connolly: Just the length of the time, and the people you were abandoning.

Ms Follett: You left Mr DUBY in charge.

MR HUMPHRIES: There are always reasons, are there not? When Mr De Domenico, then in this Assembly, travelled to South Africa there was criticism. When I travelled to Japan there was criticism of that. I think it is worth making the point - - -

Mr Lamont: By whom?

MR HUMPHRIES: Members opposite consistently criticise those members of the Opposition, plural - - -

Mr Lamont: Never. Not in relation to your trip.

MR HUMPHRIES: You check the record - plural.

Mr Connolly: No, no-one is criticising those parliamentary study trips.

Mr Lamont: Nobody.

MR HUMPHRIES: I will check the record; but I think, Madam Speaker, that we need to establish certain guidelines. Are we going to engage in shooting from the hip every time a member engages in travel, either on behalf of the Assembly or under their own steam, and are we going to set guidelines for that to happen, or are we going to engage in a process whereby members - - -

Mr Lamont: This is outrageous.

Ms Ellis: It is ridiculous; it is silly.

MR HUMPHRIES: Madam Speaker, I am not asking for a lot when I ask to say something in the adjournment debate. Could I have a bit of quiet? Are we going to expect that members will constantly engage in bickering over this subject, or are we going to have some rules which allow that to occur on a reasonable basis? My party has criticised the expense of the Chief Minister's trip to Japan. It is quite wrong to suggest that my party has criticised the purpose, the intent of that trip.

Ms Follett: Do you want me to go backpacking? Do you want me to take a backpack?

MR HUMPHRIES: Madam Speaker, there is a world of difference between backpacking and a \$180,000 trip. If the Chief Minister cannot see anything in between those two extremes, I pity her bank account, because there is a big distinction.

Ms Follett: Mine is \$20,000.

Mr Connolly: It is all the other people, the number in the party.

MR HUMPHRIES: It depends on the number of people being taken, and that is the question for which we have no answers at this stage. It is an appropriate question to ask. Before members opposite start to carp and criticise, before they start to jump up and down and say, "How dare you question this matter", bear in mind that they have criticised every private trip undertaken by a member of this Assembly on this side of the chamber, every private trip paid for by members themselves or by persons other than the taxpayers of the ACT. That has been so in every case I can think of, with the possible exception of one.

Mr Connolly: Rubbish! Two.

25 August 1993

MR HUMPHRIES: What is the second one?

Mr Connolly: You have just come back. You were sending postcards. We thought it was wonderful. We wished you well.

MR HUMPHRIES: Every person but one has been criticised. Madam Speaker, the point is that the Government had better ask itself, before it starts to throw stones, whether it is really living in a glass house. I think the question is, unfortunately, to be answered, "Yes".

Members' Travel

MR LAMONT (4.50): Very quickly, two issues were very conveniently overlooked in the diatribe we just heard from the former Deputy Leader of the Opposition. The simple fact is that Mrs Carnell was told in no uncertain terms that the final make-up of a business delegation to Japan had not yet been determined and was still the subject of extensive consultations with the private sector. Mrs Carnell has known that. She knew that when she received a briefing from representatives of the business community some two weeks ago. She was also told as late as last Friday week that, as soon as that was put into a comprehensive package, she would be extensively and comprehensively briefed. Mrs Carnell could not wait to take the opportunity for short-term political gain, without any recourse, Mr Humphries, to the proper motive in relation to that travel. Yes, people here in this Assembly have been criticised for the extent and level of their travel, but I say this to you: In relation to this type of delegation there is cross-party support.

Mrs Carnell: Yes.

MR LAMONT: I would have thought that anybody worth their salt who had a little bit - - -

Mr Humphries: What cross-party support?

Mr Connolly: Mrs Carnell just said yes, there is.

MR LAMONT: Mrs Carnell, Ms Szuty - - -

Mr Humphries: For what?

Mrs Carnell: Support; I have said that all the time.

Mr Humphries: Yes, but not for overseas travel in general.

MR LAMONT: Let me finish. There is cross-party support for a business delegation to Japan to be led by the Chief Minister. The business community have had an integral part in developing the concept. They have had an integral part in determining and finalising the itinerary.

Mr Humphries: But not the cost.

MR LAMONT: That itinerary, and what the business community want to have happen, determines the cost. You can shake your head. That just shows your own stupidity in understanding how these business delegations work.

Mr Humphries: Were you going, Mr Lamont?

MR LAMONT: As I say to you, it has not yet been determined. You should wait and keep your powder dry.

Members' Travel

MRS CARNELL (Leader of the Opposition) (4.52): Madam Speaker, I would just like to say that I have been briefed by nobody on the travel arrangements. I have not had any documentation from anybody; no letters from anybody. I have had no briefings whatsoever on the travel arrangements. Madam Speaker, how can you know how much something costs if you do not know who is going?

Question resolved in the affirmative.

Assembly adjourned at 4.53 pm

25 August 1993

Blank page.

**ANSWERS TO QUESTIONS
MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 824**

Street Tree Planting - Consultation

Mr Humphries - asked the Minister for Urban Services

- (1) Is the Minister aware of problems encountered by residents of Macarthur who have complained that ACT Government officials have planted trees on nature strips adjacent to homes without first consulting the residents.
- (2) What policy is followed by the Government with regard to planting trees on nature strips adjacent to homes and consultation with residents.

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

- (1) Macarthur Stage 2 Estate was developed by private enterprise land developer, Landco Pty Ltd, whose landscape consultant, Margules Groome Poyry Pty Ltd, arranged delivery of a letter dated 16 April 1993 to all residents (copy attached). The letter advised residents when the planting would take place, as well as the tree species which was to be planted in their street. A contact telephone number was given in case a resident required additional information:

As the initial Macarthur street tree planting was not able to be completed, a follow-up letter was delivered to relevant residents in early June 1993 seeking their cooperation to achieve a successful completion to the work.

- (2) The ACT Government has a street tree policy which includes the planting of street trees in new residential areas. The planting is carried out when approximately 80% of houses in a suburb have been completed. The planting of street trees any earlier than this results in a significant loss of trees due to building construction activities

25 August 1993

Residents are advised by letterbox drop, at least one week prior to planting, when the street trees will be planted. They are also advised of the tree species which will be planted in their street. This advice is accompanied by general comments about street trees and the particular species. A contact telephone number is given in case a resident requires additional information. In addition, residents are asked for their help in assisting to maintain their street trees.

Individual street trees are selected in the context of an overall landscape masterplan for each suburb which is consistent with landscape policy for each town area. A number of factors are considered before determining which tree species are best suited to each area. These include things like local soil conditions, the width of the nature strip and solar access to allow for winter sunlight access to houses.

2708

25 August 1993

19/08 93 17:44 V06 295 2803 MGP CANBERRA 2002

d5 JARDINE STREET

KINGSTON ACT

PO BOX 4362

KINGSTON 260A

AUSTRALIA

TELEPHONE

(06) 2952777

(TNT) 01-6-2952777 = -

FACSIMILE _

106) 2952803

AUCKLAND OFFICE

MARGULES TINT) 64_9.2560003

GROOME MELBOURNE OFFICE

POYRY 103) 4288041

PTY LTD MEMBER OF THE .

JAAKKO POYRY GROUP

16 April 1993

Dear Lessee

MACARTHUR STAGE 2 ESTATE

Landco Pty Ltd is due to begin a program of street tree planting as a part of its development of the Macarthur Stage 2 Estate.

Street tree planting is part of the overall landscape development of Canberra as approved by the ACT Governments Department of Environment, Land and Planning.

Street trees provide a much improved visual amenity and effective streetscape and are in harmony with the concept of Canberra as a garden city development.

Trees planted in the verge, the area from the back of the kerb to the property line, have the approval of the Minister for the Environment, Land and Planning. Once planted, street trees are protected by law.

Tree planting will be carried out next month by Able Landscaping.

Margules Groome Poyry Pty Ltd have designed this work and are responsible for the supervision of its construction. Please contact our office on 295 2777 should you wish to discuss these matters.

LANDSCAPE ARCHITECTS CONSULTING

FORESTERS

25 August 1993

19/08 93 17:45 008 295 2803 MGP CANBERRA Q 003

Data not available but it is included in the printed Hansard.

25 August 1993

19/08 93 17:45 \$06 295 2803 MGP CANBERRA Q 005

TO THE LESSEE
MACARTHUR STAGE 2 ESTATE

Street tree planting has been carried out recently by Able Landscaping with only 60% of the required number of trees able to be planted.

Landco Pty Ltd is required to plant these trees as part of its development of the Macarthur Stage 2 Estate.

You are reminded:

- This work is carried out in the nature strip which is Unleased Territory Land ie public land.

- Street tree planting is a requirement of the ACT Governments Department of Environment Land and Planning (DELP) and is approved by them and other relevant authorities.

- Once planted, street trees become the property of the ACT Government and are protected by law.

It would be appreciated if you would co-operate with the landscape contractor to achieve a successful completion of this work.

9114-16

2711

25 August 1993

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 836**

ACTION - Benchmarking Study

Mr De Domenico - asked the Minister for Urban Services:

- (1) What is a benchmarking study which was conducted by Travers Morgan Pty Ltd for ACTION and costing \$79 000.
- (2) Why was it conducted. .
- (3) Is there a report from the study. .
- (4) Can a copy of the report or the findings of the study be supplied to myself.

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

- (1) As I indicated in my press release of December 1992, the benchmarking study is

the application of a management technique which compares the cost structure of a firm with its principal competitors or like firms to ascertain the range of possibilities for cost reduction by applying best practice.

- (2) see (1).

- (3) & (4) A report will be prepared at the completion of the study and I will arrange for a copy of the report to, be provided to you when the study is finalised.

2712

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION 840**

Road Accidents - Red Light and Speed Cameras

Mrs Carnell - asked the Minister for Urban Services:

- (1) Are red light cameras operating in the ACT; if so, (a) what revenue from these cameras was estimated would be received; (b) what has been received for the 1992-93 financial year; and (c) what plans are there to increase the number of cameras in operation.
- (2) Are speed cameras operating in the ACT; if so, (a) what revenue from these cameras was estimated would be received; (b) what has been received for the 1992-93 financial year; and (c) what plans are there to increase the number of cameras in operation.
- (3) If no cameras exist in the ACT what action is being taken to investigate their use.
- (4) What revenue is obtained from red light cameras and speed cameras in other States and Territories.
- (5) What are the major causes of road accidents in the ACT.

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

- (1) No
- (2) No
- (3) In relation to speed cameras, my Department has assessed information provided by transport authorities and police in New South Wales, Victoria, Tasmania, Queensland and Western Australian, and the matter is under consideration by Government.

Regarding red light cameras, reports from New South Wales and South Australia indicate that the effectiveness of these measures in reducing the number of traffic accidents overall is not firmly established. Therefore, further investigation of their applicability within the ACT is required.

25 August 1993

(4) Naturally, the amount of revenue generated by speed cameras depends on the number of cameras used, the number of infringements issued, and the dollar value of the various speeding fines. Speeding fines in the ACT are basically equivalent to those in New South Wales. In New South Wales, 15 speed cameras raised \$7 million in 1991/92 and \$14 million in the first ten months of 1992/93.

However, one needs to be cautious about applying even rough estimates of revenue per camera to the ACT situation, not only because of the large variation in the amount of road traffic (NSW has 20 times the number of vehicles registered in the ACT), but also in view of the ACT's excellent road safety record. The same level of enforcement is not considered necessary or desirable in the ACT.

Further, experience from Victoria indicates that revenue from speed cameras decreases after the first two years of operation.

My Department has not sought information on revenue from red light cameras at this stage.

(5) Human error is the main cause of accidents in the ACT. Factors such as alcohol and other drug use, inexperience, speeding, lack of observation, fatigue, as well as physiological and developmental factors related to age, all increase the likelihood of involvement in an accident.

The physical environment (road and weather conditions) and vehicle failure, are lesser causes of accidents.

2714

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 853

Government Vehicles - Cleaning

Mr Cornwell - asked the Minister for Urban Services:

- (1) What arrangements, if any, exist for cleaning. Government vehicles.
- (2) Is cleaning the responsibility of the person garaging the vehicle and is this person responsible for any payment that might result, ie car wash costs.
- (3) Do parking inspectors have Government vehicles and; if so, how many.
- (4) Are parking inspectors permitted to take vehicles to car wash facilities during business hours and, if so, who pays for the car wash.

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

- (1) & (2) The responsibility for the cleaning of ACT Government vehicles rests with the driver of the vehicle who is required to keep the vehicle clean, neat and tidy. It is a matter for individual Departments as to what arrangements are made for cleaning.

- (3) ACT Government vehicles are used by parking inspectors conducting mobile

patrols and for transporting foot patrol inspectors. The parking inspectors vehicle fleet consists of

2 passenger vehicles
2 commercial vans and
7 motor cycles

- (4) Parking inspectors are required to take ACT Government vehicles to car wash

facilities as part of the normal maintenance procedures. The cost of this service is paid from the budget of the City Services Group of the Department of Urban Services.

2715

25 August 1993

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 855**

**ACTEW - Aboriginal and Torres Strait
Islander Staff**

Mr Cornwell - asked the Minister for Urban Services:

In relation to the one days paid leave to attend and participate in National Aboriginal and Islanders Observance Committee (NAIOC) Week activities now permitted to Aboriginal and Torres Strait Islander staff

- (1) How many ACTEW staff took such a days paid leave between 5 - 9 July 1993
- (2) How many ACTEW staff took paid leave or recreation leave in 1990, 1991 and

1992 to attend and participate in NAIOC Week activities

- (3) How many people of Aboriginal or Torres Strait Islander descent were employed by ACTEW in (a) 1990, (b) 1991, (c) 1992 and (d) 1993

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

- (1) Of the staff members who have declared themselves to be of Aboriginal or Torres Strait Islander descent, none took a days paid leave between 5 - 9 July 1993 to participate in NAIOC Week activities.
- (2) Of the staff members who have declared themselves to be of Aboriginal or Torres Strait Islander descent, and took leave during the periods of NAIOC Week activities in 1990, 1991 and 1992, none have declared that they took the leave to participate in NAIOC Week activities.
- (3) As at 30 June each year the following number of ACTEW staff have declared themselves to be of Aboriginal or Torres Strait Islander descent: (a) 1990 - 4; (b) 1991 - 5; (c) 1992 - 5; and (d) 1993 - 5.

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION ,**

QUESTION NO 861

Fire Brigade - Emergency Allowances

Mr De Domenico - asked the Minister for Urban Services:

- (1) Is it a fact that officers of the ACT Fire Brigade are paid an allowance on each occasion that a siren is sounded on a fire truck.
- (2) If so, (a) what is the allowance; (b) how is it determined and (c) to whom is it payable.
- (3) If not, what allowances are payable to officers of the Fire Brigade in emergency or potential emergency situations.

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

- (1) No.
- (2) N/A.
- (3) No special allowances are payable to members of the Fire Brigade when they attend specific emergency or potential emergency situations

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 868

**Fire Brigade - General and
Search and Rescue Training**

Mrs Carnell - asked the Minister for Urban Services

- (1) What is the level of training required for general fire officer duties.
- (2) What form does this training take.
- (3) Over what period of time does this training occur.
- (4) What level of training was required by the Fire Search and Rescue Unit.
- (5) What form does this training take.
- (6) Over what period does this training occur.
- (7) What accreditation does this training have.
- (8) Is there a psychological profile required to join the Fire Search and Rescue Unit.
- (9) Do officers volunteer or are they conscripted to the Fire Search and Rescue Unit.

- (10) How many officers are there in the Fire, Search and Rescue Unit.

- (11) What has been/is the cost of additional training given to officers so that they will be able to undertake duties required for search and rescue.

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

- (1) Recruit training must be completed. The course includes ACT Government and Fire Brigade structure administration legislation; academic subjects; fire behaviour, prevention and management; equipment operation; first aid; rescue and salvage techniques; communication skills; safety practices; crime scene preservation and arson investigation.

- (2) Recruit training is conducted full-time at the ACT Fire Brigades College with specialist instructors.
- (3) Initial training takes 16 weeks. Further on the job training and yearly examinations follow.
- (4) There is no specific Fire Search and Rescue Unit. Crews assigned to standard Fire Engines require a Stage 1 Rescue qualification and crews assigned to the two Fire Engines with a heavier rescue capacity require a Stage 3 Rescue qualification.

- (5) Fire Brigade officers qualified to instructor level provide formal and practical training

(6) The duration of each course is; Stage 1 Rescue - 2 days, Stage 3 Rescue - 10 days, Stage 1 Vertical - 2 days and Stage 2 Vertical - 10 days. The techniques are also regularly tested in exercises.

(7) All training is developed by persons holding relevant instructor level qualifications who have been involved in the development of National Standards for the Australian Fire Authorities Council.

(8) There is no Fire Search and Rescue Unit, all Fire Brigade employees are requested to undertake a Differential Aptitude Test as part of the recruit selection process.

(9) Expressions of interest are called for places on rescue courses and personnel are rotated through various areas of the service as required to meet the demands.

(10) All operational members hold the Stage 1 Rescue and 151 members hold the Stage 3 Rescue. In addition 231 members hold the Level 1 Vertical and 21 members hold the Level 2 Vertical qualifications.

(11) No additional cost is incurred for rescue training. No additional funding has been sought as a result of the transfer of road and industrial rescue, for south Canberra, to the Fire Brigade.

25 August 1993

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 872

Fire Brigade - Statistics

Mrs Carnell -asked the Minister for Urban Services:

- (1) What are the operational hours worked by each officer for the months of (a) February 1992; (b) March 1992; (c) April 1992; (d) May 1992; (e) June 1992; (f) July 1992; (g) August 1992; (h) September; (i)October 1992; (j) November 1992; (k) December 1992; (l) January 1993; (m) February 1993; (n) March 1993; (o) April 1992; (p) May 1993 and (q) June 1993.
- (2) How many calls were received for assistance by the Fire Service for the period 1 February 1992 to 30 June 1993 inclusive.
- (3) What was the total number of hours worked in overtime to the period 1 February 1992 to 30 June 1993 inclusive.
- (4) What number of officers received overtime for the same period.

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

In answer to questions (1), (3) and (4), the records to obtain these answers are on manual files. I am not prepared to authorise the use of the very considerable resources that would be involved to provide the detailed information required to answer the Members question.

- (2) The total number of calls for assistance received between 1 February 1992 and 30 June 1993 was 7790.

2720

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 917

Preschool and Child Care Centre - Yarralumla

Mr Cornwell - asked the Minister for Urban Services: What is the status of the Play Centre at Block 1 Section 62 Yarralumla?

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

A short term tenancy of the former Hill Corner Preschool in Yarralumla has been granted to the Greek Orthodox Community and Church of Canberra and District, for a preschool and child care centre.

2721

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 927

ACTEW - Separate Metering,

Mr Cornwell - asked the Minister for Urban Services:

- (1) What arrangements are required to be made with ACTEW for separate metering of electricity and water when a house is converted into say, two flats.
- (2) Is there any legislative requirement for separate metering under such circumstances and, if not, why not.
- (3) If there is no separate metering, how are ACTEW costs accurately apportioned to each tenant.

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

- (1) As for any new construction or extension to dwellings, application for supply of electricity and/or notification of works being ready for testing is made to ACTEW. This is a standard procedure well understood by electrical contractors within the ACT. For new buildings on previously undeveloped leases a similar process exists for . connection to sewerage and water services.

Where a house is converted into two flats or other forms of dual occupancy, under the current Electricity Act, meters are supplied for both dwellings. However, under the current Water Act, ACTEW meters each lease and not each dwelling. .

- (2) There is scope under the current legislation for the provision of an electricity meter for each dwelling but only one water meter per lease. This recognises the user pays basis of electricity charging whereas, in most cases, multiple dwellings do not exceed the current allocation of 350 kilolitres of water per annum per dwelling. Therefore the actual quantity consumed becomes irrelevant and additional metering is redundant.
- (3) As there are separate electricity meters- for each dwelling unit, costs are a direct measure of consumption and charged accordingly.

Water charges under current legislation are made to the lease holder. In multiple dwelling situations these charges are made to the Body Corporate. -The lease holder can then apportion these costs. In most cases, consumption is within the standard allowance of 350 kilolitres of water per annum per dwelling. In some commercial or light industrial situations, lease holders have installed additional downstream water meters at their own cost to measure water use of high water consumption tenants.

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 942

Parking Restrictions - Friday Nights

Mr Moore - asked the Minister for Urban Services - Are there any plans to review the Friday night time parking restrictions in view of the changed trading regulations (a) with reference to Dickson Shopping Centre and (b) generally throughout Canberra.

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

No, there are no plans to review Friday night parking restrictions throughout Canberra.

Enforcement and parking restrictions applicable to voucher and meter areas within Canberra are governed by Part X, Section 149 (1) of the Motor Traffic Act 1936 and any extension of current parking restrictions would have to be through a change of legislation

25 August 1993

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 943**

Construction Industry Training Council Fund

Mr De Domenico - asked the Minister for Urban Services:

- (1) What is the amount of money in the ACT region Building Construction Industry Training Council Fund administered by the Long Service Leave Board.
- (2) Of this amount what is considered surplus.

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

- (1) The amount in the Construction Industry Training Council Fund at 20 August 1993 was \$313,155.18.
- (2) Nil.