



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

7 December 1993

Tuesday, 7 December 1993

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Tuesday, 7 December 1993

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

QUESTIONS WITHOUT NOTICE

Narrabundah Health Centre

MRS CARNELL: My question without notice is directed to the Minister for Health. Is it true that the Narrabundah Health Centre is no longer accepting new patients because of budget cutbacks and the fact that a doctor has transferred to another health centre without being replaced? For how long is this situation likely to continue? How many other health centres in Canberra are not accepting new patients or are likely to be placed in this position?

MR BERRY: Madam Speaker, a doctor from Narrabundah Health Centre, on my advice, took up a position in Phillip Health Centre because the doctor from Phillip Health Centre was going on extended leave. I understand that that leave runs for a period of a combination of leave accruals and leave without pay. It is not our intention to cut back on CMPs in the community, despite Mrs Carnell's claims about the inefficiencies of the CMP program. We intend to keep our community medical practitioners operating from those health centres and we will be continuing to do that. There is no threat to CMPs in the ACT, and I have given specific instructions to ensure that that does not occur. There is a limit to the number of patients the CMPs can see from time to time. Their appointment books gets full, like everybody else's. At the end of the day, we will continue to support that community medicine practitioner group.

Mrs Carnell: Are new patients being seen?

MR BERRY: We are particularly concerned to ensure that bulk billing is promoted, and our CMPs do that. When the appointment book is full or when people go on leave, sometimes new patients cannot be seen. That is a fact of life. I do not know how many times you have rung up your GP and said, "I would like to see you today", and he has said, "I cannot, because I am too busy".

Mrs Carnell: No; new patients are not being accepted onto the books.

MR BERRY: I do not know what you are being told. If there is room on the books, new patients will be seen. If they are full up, the CMPs cannot see every person who wants to see a CMP in the ACT. It is as simple as that. They cannot see them all; there are not enough of them. You are the one that has advocated that we have fewer of them. Cut it out. You cannot have it both ways. This is more of this inane headline grabbing stuff. You go out stalking headlines at every opportunity. You cannot take more patients than the diaries will allow, and doctors do go on leave. It is as simple as that.

MRS CARNELL: I ask a supplementary question. I ask again: Is it true that, in relation to the doctor who recently moved from Narrabundah to Phillip Health Centre, the transfer is permanent, not temporary, despite what a Minister's spokesperson might have said on Capital TV last night? Has a replacement, even a temporary replacement, been advertised for?

MR BERRY: Mr Connolly tells me that his daughter was accepted as a new patient a couple of weeks ago. As I say, demand is high for our CMPs. As for the position being advertised, I am not aware of the position, but every time a CMP goes on leave I am sure that we do not always - - -

Mrs Carnell: He has been transferred permanently.

MR BERRY: The number of CMPs is reduced because one has gone on leave. It is as simple as that.

Mr Humphries: That is not true.

MR BERRY: That is my advice. The overall number of CMPs throughout Canberra has been reduced because one has gone on leave. The one from Narrabundah is now working at the Phillip Health Centre, where the CMP went on leave. It is as simple as that. If people from Narrabundah particularly want to go and see that CMP, they will have to go to Phillip to see him or her, but if they want to see a Narrabundah CMP they will have to see the CMPs there. I am very pleased that we have now recruited Mrs Carnell to the campaign for CMP. Usually, she is just an echo for the AMA. I am pleased that we have now recruited her to the cause of CMPs in the community.

Visiting Medical Officers Dispute

MR LAMONT: My question is also directed to the Deputy Chief Minister in his capacity as Minister for Health. Minister, I refer to the current VMOs strike. Are you able to inform the Assembly as to the apparent motives behind the AMA refusing to advise its members to return to work?

MR BERRY: It is very difficult to get a fix on this because there are many questions that remain unanswered. The Industrial Relations Commission held hearings over two days last week and handed down recommendations that describe as generous the current contract offer that is in the doctors' hands.

Mr Kaine: They were recommendations, not directions.

MR BERRY: The recommendations said that they were generous. That is how the commission operates, Mr Kaine; but you would not know, because you have not had much experience in those areas.

Mrs Carnell: But you have.

Mr De Domenico: Ho, ho!

MR BERRY: We should get the old ho, ho brigade over here a Santa Claus suit. The contracts we have offered the VMOs have been described as generous - and they are generous; there is no question about that. At the same time, it outlined a process of settling outstanding matters whereby those VMOs could return

to work, if they had an interest in patient care, and those outstanding issues could be negotiated. The commission has also offered to help in that process. I have promised that anything they gain as a result of that process will apply retrospectively from the date of the contract. It is very clear that they will not be disadvantaged by returning to work. There is no disadvantage in returning to work. They get a generous contract. Anything that is outstanding will be properly assessed, and they will get anything over and above the contracts.

This gets us to the question: What is really driving this dispute? There are a few facts I might draw your attention to. The fact that doctors have refused to work certainly suggests that they are not particularly interested in their patients, not interested in patient care. Each day we see a train of their patients going interstate as a result of the doctors' actions. I also had a quick read through the *Canberra Doctor* and came across some information that might be of interest. The president-elect is reported in the May edition of the *Canberra Doctor* as saying that his main aim is to arrest the political decline of doctors, and the current dispute suggests that he is doing that. He adds, "and, of course, a satisfactory resolution of contract negotiations". He said that in May. That means a blank cheque, it seems. Well, there are no blank cheques available. The current president, Dr Hurwitz, in his president's report, which is on the public record, says:

For the private system to remain viable it must be supported and to this end I would like to remind people to admit as many people who are privately insured as possible to the private hospitals.

Of the doctors elected to the AMA branch council, one other says that he is there to ensure that the conditions obtained by - - -

Mr Kaine: On a point of order, Madam Speaker: The Minister was asked a specific question. I notice that he is reading from copious notes, so it was clearly a dorothea dixie. I do ask that you direct the Minister to answer the question and not waste the time of this Assembly with a lengthy ministerial statement.

MADAM SPEAKER: Mr Kaine, I am sure that Mr Berry has heeded your advice.

MR BERRY: He wants to ensure that the conditions obtained by sessional VMOs are not eroded. So it is an issue of money. Another doctor talks of the contract negotiations, saying that the AMA will be speaking on behalf of its members. The problem is that they say that they are not speaking on behalf of their members, they are speaking on behalf of themselves, and their members have their own separate decisions to make.

One of the most difficult issues in this whole campaign has been to nail anybody down. In the six months of negotiations that have occurred, we have kept returning to day one: "We want everything we have. We want it indexed. We want the gold pass. We want the blank cheque". These days nobody gets it. No matter how many times my officers have told them that things have changed, no matter how many times I have told them that we cannot afford it, they still keep going back to the blank cheque and saying, "Unless you pay, we are going to squeeze you". Some of them are on the public record on that score.

There is obviously a strong group of sensible doctors who want to get back to work. I do not think the AMA is representing their interests. I know that they are not representing the interests of all of the medical profession. They seem to be interested in the AMA game. It is very difficult to settle a dispute where there are hidden agendas in operation. There is no question that there are, in my book. You could not refuse to go back and treat those sick and injured patients on the basis of the contract that has been offered, because it has been decided as being fair. You could not refuse to go back and treat those sick and injured patients on the basis that there were too many unknowns, because there are wide open guarantees in relation to that. They are guaranteed that everything they can justify they will get. There is no question about that. I do not know what all the hidden agendas are; it is very difficult to work them out. I do know that there are insufficient reasons on the public record for them to refuse to go back to work.

X-Rated Video Franchise Fee

MR KAINE: Madam Speaker, I put a question to the Chief Minister and Treasurer. Chief Minister, the High Court has finally come down with a decision in connection with the X-rated video franchise fee and ruled that we can no longer collect that, as I understand the ruling. That represents something of the order of \$400,000 in this year's budget as revenue. What options have you considered to raise this money in some other way? Alternatively, where do you intend to reduce your expenditure to offset this loss of revenue?

MS FOLLETT: To answer the first part of Mr Kaine's question, the Government has not considered any options which might retain for the Territory the \$380,000 or so we had expected to get via the tax on X videos. Just quickly, as Mr Kaine has touched on the decision of the High Court, I think it is equally important to note that the High Court has not ruled out the very much larger taxes concerned with liquor, tobacco and petrol. As those taxes are worth some \$65m or so to the Territory in a full year, I consider that the protection of that revenue is a very welcome step by the High Court.

As to the X video tax, I have maintained ever since the Alliance Government, under Mr Kaine, introduced this tax that they got it wrong. The tax they introduced was clearly punitive. Mr Kaine said at the time, and I have not heard him retreat from it, that the tax was aimed at wiping out the X video industry in this Territory. It was clearly meant to be extraordinarily onerous on this industry, and so it has proved. Many of the original operators are in liquidation or have left town, and I do not hear a word about the so-called mates of business opposite protecting those businesses.

It is, I think, a very regrettable matter that that course of action was taken, that the Liberals attempted to ban X videos via the tax regime. They cannot deny it. It is the utmost hypocrisy on their part. The Liberals are led currently by their fifth leader in four years, a person who was recently pictured draped in the doorway of a bedroom in a brothel. I find it extremely hypocritical that the same party seeks to ban X videos when they apparently condone the actions themselves. I do not have the benefit of Mrs Carnell's empirical research on the matter, but I have been led to believe that brothels actually show X videos. I do not know whether the Liberals believe that it is all right for people to see these products in brothels but not in their own homes.

I regard the actions of the Liberals as hypocritical in the extreme. I do not think it is acceptable to attempt to ban any industry by using a tax regime. At this time, whilst the Government had considered, in conjunction with all the other States and the Commonwealth, what action might be necessary had the High Court struck down all of those taxes, we have not yet considered what action we might take, if any, in view of the fact that only the Alliance Government's X video tax has now been struck down.

MR KAINE: I ask a supplementary question, Madam Speaker. The Chief Minister refers to the Liberal Party banning this product by taxation. I remind the Chief Minister that, when she had an opportunity to vote on banning this product by other means, she took the negative view. Since she did so and since there is no revenue collectable on this commodity and it contributes nothing of value to this community, what does the Chief Minister intend to do to bring the Territory into line with every other State and Territory of this country and ban it outright?

MS FOLLETT: Unlike members opposite, the Government will be maintaining a consistent stance on this matter. To answer Mr Kaine's question, we will not be acting to ban this industry. He is also quite wrong in saying that the industry contributes nothing. They still do contribute their \$50 a month by way of licence fees, and they will certainly be continuing to do that. Near enough is good enough for the Liberal Party, obviously.

Mr Kaine: A whole \$50 a month. Wow! Why did you not answer my question? I asked you what you were going to do to ban it.

MS FOLLETT: I am not going to.

Women's National Confest

MS SZUTY: My question without notice is also to the Chief Minister, Ms Follett, in her capacity as Minister responsible for women's affairs. I let the Chief Minister know earlier today that I would be asking her this question this afternoon.

Mr Cornwell: Then it is not a question without notice.

MS SZUTY: It is because I want an answer, Mr Cornwell. That is the object of the exercise. A national confest for women and girl survivors of incest, ritual abuse and childhood sexual assault is being planned to be held in Canberra at the Australian National University on 29 and 30 April and 1 May next year. I have been informed by the confest planning collective that the confest has been rejected for funding by both the Office of the Status of Women and the ACT Government. I ask the Chief Minister: On what grounds was funding for the confest rejected and is the ACT Government currently considering alternative means by which it might support the event?

MS FOLLETT: I thank Ms Szuty for the question and also for giving me a little notice of it. I imagine that many members have received the same letter that I have from the organisers of this confest, referring to their apparent failure to attract funding from the Office of the Status of Women and requesting that they receive funding from the ACT Government. Right at the start, I want to say that the Government has made no decision on this matter. It is not right to say that we have rejected them for funding. We have not made any decision.

As it does appear that this particular function has been denied funding by the Federal Government, I want to say, as I have said many times, that it is wrong to assume that when any project or activity is denied funding from the Commonwealth it automatically is funded by the Territory. That is simply not the case, nor is it likely ever to be the case. For one thing, it is unlikely that the Territory's funding programs would exactly duplicate those of the Commonwealth. Indeed, we have been to quite some pains in recent years to avoid that kind of duplication. You have to bear in mind also that the Commonwealth has far more means at its disposal. If the Territory were simply to pick up everything that was not funded by the Commonwealth, we would be in the poorhouse in very short order.

I am advised that this association has applied to the ACT Government's Health Promotion Fund for funding to support a visual art exhibition to be run in conjunction with the national confest. That application has been considered by the Health Promotion Fund Advisory Committee, but its recommendations are yet to be considered by the Government.

ACTTAB - Contract with VITAB Ltd

MR DE DOMENICO: My question without notice is to the Deputy Chief Minister in his capacity as Minister for Sport. I refer to ACTTAB's contract with VITAB. Minister, prior to the signing of the contract, what inquiries, if any, were conducted into the bona fides of VITAB? Besides Mr Hawke, the former Prime Minister, who are the major shareholders or directors of VITAB?

MR BERRY: I do not have with me the names of all of the shareholders.

Mr Kaine: He did not ask you for the shareholders, did he?

MR BERRY: The directors. I will have a look at that matter and report in due course.

Mr De Domenico: What about the first part of the question? Did you check the company out first, before you signed the contract?

MR BERRY: I have answered this question before, over and over again. The fact of the matter is that the Law Office and Treasury had a good look at this issue before it came to me for approval. It was felt that the contract was a good one and that the outcome for the Territory would be a good one. On the basis of the Treasury's and the Law Office's advice and advice from TAB officers, I was prepared to sign it and agree.

Mrs Carnell: Which TAB officers?

MR BERRY: The TAB officers - the one the Government owns these days. All of the scrutiny that was necessary was done by our Government Service officers in the respective and applicable departments. I received advice on the matter and, based on that advice, I was prepared to agree to the VITAB arrangements.

MR DE DOMENICO: I ask a supplementary question. Who actually signed the contract? If it was you, prior to the day of the signing of the contract did you have private discussions with Mr Hawke? Who actually signed the contract?

MR BERRY: I have already answered that question. I told him how many times I met with Mr Hawke.

Petrol Prices

MRS GRASSBY: My question is to the Attorney-General - - -

Mr Kaine: He has not answered the question, Madam Speaker. This is outrageous!

MADAM SPEAKER: Mr Berry has sat down.

Mr Kaine: He spent 15 minutes answering one question and refuses to answer the next one.

Mr Berry: No; I answered the question in full.

Mr Kaine: This is absolutely outrageous!

MADAM SPEAKER: Mrs Grassby is attempting to ask a question. Mrs Grassby has the floor.

MRS GRASSBY: My question is to the Attorney-General, as Minister for consumer affairs. Can the Minister inform the Assembly whether he is aware of any changes in the market for petrol recently?

MR CONNOLLY: I thank Mrs Grassby for that question. Indeed, Madam Speaker, the Government has been vindicated. What we have been saying for over two years is that the oil industry had to start treating the people of Canberra the same as they treated the people of Brisbane, Sydney, Melbourne, Adelaide and Perth, that is, provide realistic competition in this market. For years the oil industry have said, "We cannot possibly discount petrol in Canberra; we will all go broke". They seem to ignore the fact that for 20 years they have discounted petrol in Sydney, Melbourne, Adelaide, Brisbane and Perth, without apparently going broke.

We warned them. We urged them to be competitive. We provided every incentive for them to be competitive. But they spat in our face and said, "No, no, no", and continued to charge up to 76.5c a litre for petrol in Canberra. We announced some little while ago, when the prevailing price of petrol was 76.5c a litre, that we would provide a one-off, short-term licence - not a sale of an

interest in land, but a one-off, short-term licence - to Burmah Oil to enter the market in the ACT. Burmah Oil is a very large oil player internationally; it is part of the Castrol group in Britain. In the past there have been small independents who have set up in this market and they have been brutally squeezed out of this market. They have never been able to survive long term or have an impact on Canberra prices.

Mr Humphries: Will you table this licence, Minister?

MR CONNOLLY: Burmah is large enough to sustain competition. Within one hour of Burmah opening their gates for business, the price of petrol in Canberra was coming down. Market forces, which are something the Liberal Party claim to believe in, had their impact.

Mr Humphries urges me to table the relevant licence. The relevant licence is currently subject to litigation in the Supreme Court and has been partially released to parties in that litigation, subject to quite extensive suppression orders. Given that that licence is subject to that litigation and has been dealt with in a restrictive manner by the court, it is not my intention to release it.

Mr Humphries: Will you release it when it is over?

MR CONNOLLY: When that litigation is over, I see no problem with releasing that licence. The Government took advice from the Australian Valuation Office in setting the terms of this licence. We indicated that, in the ballpark, it is in the order of 2c a litre, which is comparable with what the industry said was what they were paying for rent in Canberra only some months ago when they put some submissions to an ACT Government inquiry.

This Government was prepared to act. This Government was prepared to intervene in the market and force competition on the Canberra market. The market has responded as we always knew it would. You lot opposite now say, "Hear, hear; yes, the oil companies have done the wrong thing". Mr Humphries was the first to use the term "cartel" to describe the oil industry in the ACT. I had never used that word until Mr Humphries used it in this chamber, but at the end of the day you lot would have done nothing. You carped and you criticised when we took the bold action to get Burmah into the market. The market has responded. The people of Canberra are now getting competitive oil prices, and that will stay that way - - -

Mr Kaine: What happened to your macho legislation you were going to wield?

MR CONNOLLY: I think it has worked pretty damn well, Mr Kaine, because out there the price of petrol has dropped about 10c since we embarked on this path. Madam Speaker, let them carp and criticise. Let them carry on like the Liberal Party has always done. This Government has acted in the interests of the public, in the interests of consumers, and in the interests of small business.

I was staggered to see Mr Louttit on television last night urging people not to buy cut-price petrol. I bet I know what all of Mr Louttit's constituents are doing. They will be queued up buying petrol. Back in June a press release issued by an ACT business group said:

... called on other ACT business groups to take a stand on the issue to halt the "fleecing" of dollars from ACT businesses and consumers by oil companies.

"It is scandalous that the ACT is being held to ransom. The disposable dollars available to [businesses] and retail stores are being significantly reduced because of the actions by oil companies in charging unjustifiable prices for petrol ...

Times are tough enough for most families without this sort of practice occurring by multinational companies who should know better ...

This was not a press release by a union or a group of Labor Party supporters but a press release from the Australian Hotels Association recognising the massive impact this would have on business. When the price of petrol went up by less than half a cent as a result of some excise changes, Mr Humphries squawked and carried on about the devastating impact this would have on local business. We have pulled the price down by nearly 10c. What that means is that \$10m to \$12m is going to stay in this community, not in the pockets of the oil companies in Sydney, and that is good news for business and consumers.

Narrabundah Health Centre

MR WESTENDE: My question without notice is directed to the Minister for Health. I refer the Minister to his previous answer about the permanent transfer of doctors from the Narrabundah Health Centre to the Phillip Health Centre, leaving Narrabundah understaffed. Is the Minister aware that the replacement doctor from the Melba Health Centre was supposed to be transferred to the Narrabundah Health Centre but that this was refused after it became apparent that Melba is in the Minister's electorate?

Mr De Domenico: This will be a beauty; this will be the great answer.

MR BERRY: This will be a beauty, so if you keep your mouth shut and listen you will get the benefit of it. The fact of the matter is, as I said in answer to the earlier question on this matter, that we have a commitment to the community medical practitioner program; the Liberals do not. The Liberals usually echo the AMA on this score. The AMA have been critical of the CMP program, and Mrs Carnell has been an advocate for its demise. Those are the facts of the matter. She has even made the accusation that it is inefficient, that it uses too many resources; but they bulkbill, and the Liberals have never been supporters of bulkbilling. They hate it. They will do everything they possibly can to stop CMPs or anybody else from bulkbilling.

Mrs Carnell: Yes. Just say yes, and sit down.

MR BERRY: Of course they will; she said yes, they will stop them. As to the movement of the CMPs around the program, I will explain again that a doctor at the Phillip Health Centre has gone on a combination of leave. A doctor has gone from Narrabundah to Phillip, and if people specifically want to see that doctor

they can go to Phillip and see him. As far as the CMP program is concerned, I endorse it, no matter where it is. Whether it is at Phillip or Narrabundah or Melba, I endorse it, and I will continue to endorse it. The Liberals, though it might grieve them, can sit back and grizzle, because I will continue to endorse a CMP program right across the ACT.

Narrabundah Health Centre

MR CORNWELL: My question to Mr Berry is also in relation to this matter of the Narrabundah Health Centre. In relation to the decision not to accept any new patients at Narrabundah because of budget cutbacks and a reduction in the number of doctors, and the fact that Narrabundah Health Centre patients cannot go to Phillip for treatment by the doctor there because it is out of the area, as we have been trying to tell you for the last 15 or 20 minutes, I ask: Why were these cutbacks, which directly impact upon patient care, not identified in a generic list of savings you provided to the Estimates Committee in September, which, as you will recall, was only a couple of months ago?

MR BERRY: I can tell you now that a doctor has gone on leave and will be paid for some of it. For any part of it where he is absent and another doctor takes his place, it will still cost. I cannot see that there are going to be any savings. That is why it did not appear on the generic list. Let me say this to you, so that you can all be very clear: Yes, I intervened. I said, "There is not going to be a cutback in CMP numbers in the ACT", loud and clear.

Mrs Carnell: So why is there?

MR BERRY: There is one on leave. Even doctors are allowed to go on leave, and when they go on leave you still have to pay. It is not as simple as that. You are trying to make a mountain out of a molehill. I have said that the CMP service is safe, and it will remain safe under Labor. Under the Liberals, it would not.

MR CORNWELL: I put a supplementary question, Madam Speaker. Can the Minister for Health confirm that people at the Narrabundah Health Centre who wish to attend the Phillip Health Centre to see this transferred doctor can do so? Will you give this Assembly a categorical undertaking that this is possible?

MR BERRY: No, not if his book is full. He cannot see any more people than he is capable of seeing, for heaven's sake. The CMPs are in high demand because the community want to see them.

Mrs Carnell: So they cannot see the person at Phillip after all?

MR BERRY: No, not everybody can go and see him. That is why there are other doctors. That is why the others set up in practice.

Mrs Carnell: If Narrabundah is full and they cannot see the one at Phillip, where are they going?

MR BERRY: Are you now advocating that we should employ a couple of dozen more?

Mrs Carnell: No, you are.

MR BERRY: You want a couple of dozen more. When the books are full, you cannot get in. It is the same with any doctor.

Mr Kaine: So they cannot go and see this doctor in Phillip; that is what you are saying?

MR BERRY: If his books are full, you cannot get in.

Mr De Domenico: What if his books are not full?

MR BERRY: We will get you a spot straightaway.

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

ACTTAB - Contract with VITAB Ltd

MR BERRY: Madam Speaker, in response to a question raised earlier by Mr De Domenico, I can give the names of the directors of VITAB now. They are Mr Dan Kolomanski, Mr Con McMahon and Mr Michael Dowd. You could research that yourself, if you want to confirm it. The contract was signed by Athol Williams, who is the chairman of the board, witnessed by Phillip Neck, and by Michael Dowd, witnessed by Con McMahon.

Mr De Domenico: So Mr Hawke is not a director?

MR BERRY: You asked who signed the thing, and I am telling you who signed it.

Mr De Domenico: Yes, but who are the directors again?

MR BERRY: The directors of VITAB are Dan Kolomanski, Con McMahon and Michael Dowd. It is a public company, and Tony De Domenico can do a search through the ASC company records, if he wants to confirm that. Wayne Berry - that is me - did not sign the contract. It was signed by Athol Williams, witnessed by Phillip Neck, and Michael Dowd, witnessed by Con McMahon. That is my advice, at this point. You asked me: Did you speak to Mr Hawke? Answer: I told you that. No.

Mr Humphries: He did the opening.

MR BERRY: He did, after it was all signed.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS Papers

MR BERRY (Deputy Chief Minister): Pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for determinations, regulations and Supreme Court Rules. I also present a notice of commencement of an Act.

The schedule read as follows:

Electricity and Water Act - Electricity and Water Regulations (Amendment) - No. 45 of 1993 (S236, dated 22 November 1993).

Land (Planning and Environment) Act -

Determination of fees - No. 161 of 1993 (S252, dated 7 December 1993).

Instruments of appointment -

No. 154 of 1993 (S252, dated 7 December 1993).

No. 155 of 1993 (S252, dated 7 December 1993).

No. 156 of 1993 (S252, dated 7 December 1993).

No. 157 of 1993 (S252, dated 7 December 1993).

No. 158 of 1993 (S252, dated 7 December 1993).

No. 159 of 1993 (S252, dated 7 December 1993).

No. 160 of 1993 (S252, dated 7 December 1993).

Land (Planning and Environment) Regulations (Amendment) - No. 47 of 1993 (S247, dated 1 December 1993).

Land (Planning and Environment) (Amendment) Act (No. 2) - Notice of commencement (1 December 1993) of remaining provisions (S247, dated 1 December 1993).

Land (Planning and Environment) (Amendment) Act (No. 3) - Notice of commencement (1 December 1993) of remaining provisions (S243, dated 26 November 1993).

Land (Planning and Environment) Act (Consequential Provisions) (Amendment) Act (No. 2) - Notice of commencement (1 December 1993) of remaining provisions (S243, dated 26 November 1993).

Sale of Motor Vehicles Act - Determination of fees and charges - No. 153 of 1993 (S245, dated 30 November 1993).

Supreme Court Act - Supreme Court Rules (Amendment) - No. 46 of 1993 (S249, dated 2 December 1993).

DRUG LAW REFORM
Discussion of Matter of Public Importance

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

The need for drug law reform.

MR MOORE (3.12): Madam Speaker, before starting my speech, I seek leave to table the documents that I will be reading from, the "Charter for Drug Law Reform", and a copy of the names of people who are signatories as well as those who have endorsed it.

Leave granted.

MR MOORE: Thank you, members. Madam Speaker, the Australian Parliamentary Group for Drug Law Reform has agreed to this "Charter for Drug Law Reform". It launched it publicly on 26 November, and has agreed that it be read into the record of the parliament in each State throughout Australia. I believe that today marks the first occurrence of the charter being read into the record of a parliament. I shall spend a few minutes reading the charter into the record and then I will proceed to discuss it. It states:

This Charter seeks to encourage a more rational, tolerant, non-judgmental, humanitarian and understanding approach to people who currently use illicit drugs in our community. The aims of the Australian Parliamentary Group for Drug Law Reform are to minimise the adverse health, social and economic consequences of Australia's policies and laws controlling drug use and supply.

Part A:

Preamble

The members of the Australian Parliamentary Group for Drug Law Reform recognise:

- . the massive size and escalation of the illicit drug trade and the resulting prevalence and power of organised crime,
- . national and international policies of prohibition have failed to suppress illicit drug supply notwithstanding enormous financial and legal resources expended in their implementation,
- . current policies have led to an escalation of crimes against property and associated crimes of violence,
- . prohibition is a greater threat to personal and community health than a system of controlled availability,
- . civil liberties are being eroded in attempts to stem the supply of illicit drugs,

- . potential profits and pyramid supply structures in illicit drug dealing lead to active recruitment of new drug users and active introduction of new products to existing users,
- . prohibition increases the burden on the criminal justice system,
- . prohibition promotes corruption.

We therefore:

- . unequivocally oppose the policies of prohibition,
- . recognise the fact that drug use will continue in our society and we can no longer abrogate our responsibility to reform drug laws, policies and programs,
- . seek to establish policies and laws that will control production, manufacture and distribution of drugs of dependence and psychotropic substances.

Part B:

Urgent Reforms

The Australian Parliamentary Group for Drug Law Reform recognises:

- . Australia has current obligations under International Treaties,
- . there is no approach to the use of drugs of dependence and psychotropic substances which will ever provide a drug free community,
- . some measure of success has already been achieved through adoption of policies which give priority to the minimisation of harm,
- . there is positive overseas experience of new approaches to drug law which can provide useful models for Australian reform.

Therefore, the Australian Parliamentary Group for Drug Law Reform calls for the urgent adoption of harm minimisation strategies throughout Australia including:

- . establishment and legalisation of sufficient needle exchange and distribution programs which are readily accessible to users throughout Australia,
- . introduction and maintenance of broad based methadone programs for all heroin users seeking this type of assistance,
- . expansion of rehabilitation programs in range and number to provide access and choice,

- . provision of politically independent finance and support for properly conducted scientific studies into the treatment of drug users, or the use and misuse of drugs of dependence and psychotropic substances, including alcohol and tobacco,
- . development of education programs based on self reliance and sound scientific research.

Part C:

Short Term Goals

In dealing with drugs of dependence and psychotropic substances in the short term the Australian Parliamentary Group for Drug Law Reform calls for:

- . an increasing focus on the reduction of harm associated with drug use,
- . abolition of criminal sanctions for the personal use of drugs,
- . the adoption, on a national basis, of the South Australian and Australian Capital Territory expiation notice model for the reform of laws regarding the personal use of marijuana,
- . the adoption of a process including consultation and prescription by medical practitioners for selected illicit drugs.

Part D:

Long Term Goals

The Australian Parliamentary Group for Drug Law Reform calls for a commitment to undermine the black market and illicit drug trade with its inherent problems by adopting the following long term goals:

- . the reassessment of Australia's commitment to its International Treaties on illicit substances,
- . independent cost-benefit analyses of all policies which seek to resolve the problems of dependence and substance misuse,
- . the reform of drug laws in planned stages with detailed evaluation of such laws at all stages,
- . the minimisation of the harmful use of drugs.

Mr Deputy Speaker, the "Charter for Drug Law Reform" has been adopted by a very broad range of prominent people in the community. I would like to draw members' attention to some of the signatories on the list that I have circulated, and I will do so in alphabetical order. They are: Professor Peter Baume, the former Liberal senator and probably the most longstanding advocate of reform to the drug laws; Senator Michael Beahan, ALP, from Western Australia;

Mr Peter Beattie, the chair of the Parliamentary Justice Committee in the Queensland Parliament and State Secretary of the Queensland ALP; the Hon. Neal Blewett; Senator Christabel Chamarette; the Hon. Don Chipp; Mr Peter Cleeland, who was chair of the Parliamentary Joint Committee on the National Crime Authority which brought down a report on this issue in 1989; the Hon. Don Dunstan; the Right Hon. Sir John Gorton; Janine Haines; the Hon. Sir Rupert Hamer; the Hon. Alannah MacTiernan, a newly elected member of the Western Australian upper house.

I would like particularly to draw attention to the Hon. Kevin Rozzoli, the Liberal Speaker of the New South Wales Legislative Assembly, who is publicly signing the original document today and who is currently chair of the National Drug and Alcohol Research Centre. Like many people who look into this issue, these people realise that it is time for a change in our approach. Other signatories include Jim Snow, the Labor member of the House of Representatives from an electorate next to us; the Hon. Ann Symonds from New South Wales, who was a founding convenor of the Australian Parliamentary Group for Drug Law Reform; and Helen Szuty, who is sitting next to me at the moment. The signatories are either members of parliament or ex-members of parliament.

The charter is endorsed by a wide-ranging group of people too. They include Mr Phillip Adams; Professor Duncan Chappell; the Hon. Russell Fox, a former Chief Justice of the ACT and a former Federal Court judge; the Most Reverend Ian George, former Assistant Bishop of Canberra and now Archbishop of Adelaide; Professor Peter Karmel; Anne Summers, currently editor of the *Good Weekend*, but probably more famous for her authorship of the book *Damn Whores and God's Police*; Freda Whitlam, former Moderator of the Uniting Church and member of the Kerr committee in 1985 in New South Wales, a ministerial committee that looked into drug use; and Dr Alex Wodak, the Director of Alcohol and Drug Services at St Vincent's Hospital in Sydney.

Mr Deputy Speaker, before I speak to the charter I want to make this comment: The Australian Parliamentary Group for Drug Law Reform sees its role as ensuring that the social and political context for drug law reform is set so that people will feel comfortable with the notion of moving towards drug law reform. Almost any observer who has looked at the policies of prohibition, and looked at them carefully, realises that they are not working and that they are costing us a great deal of money. We set out in the preamble the disadvantages of those policies of prohibition and where they are leading us.

It is incumbent upon us then, as legislators, to take a different approach, to move down the path of trying something different. I am one of the first people to admit that we do not know what will work. That is the reason why, in the charter, in the penultimate point, we set out that the reform of drug laws should be in planned stages with detailed evaluation of such laws at all stages. The reason for that, Mr Deputy Speaker, is to ensure that, in taking a sensible and rational approach to drug law reform, we do not simply react to something that we know is not working and land in something else that either does not work also or makes the situation worse. I believe that that might well be the possibility if we were advocating complete legalisation, for example. In dealing with those issues of prohibition, Mr Deputy Speaker, as members would be aware, I would be only too delighted to provide for them examples, instances and literature to justify our inclusion of each of these problems with prohibition.

I want to make just a couple of points. The first point relates to the massive size and escalation of the illicit drug trade and the resulting prevalence and power of organised crime. Giorgio Giacomelli is the director of the International Narcotics Control Board. In December last year, in a press conference in Canberra actually, he said that the illicit drug trade has now surpassed the petroleum industry, making the illicit drug trade the second most lucrative business in the world. After over 60 years of prohibitionist policies - in fact, you can go back really through most of this century - that is the result of extreme prohibition, particularly as practised in the United States. The same extremities of policies are not practised in Australia. Speaking of prohibition in that sense, it may be of interest to members to know that this is our first sitting day since the anniversary of the repeal of alcohol prohibition in the United States. Last Sunday was the 60th anniversary of the repeal of prohibition, and I hope that you all had a drink to that. If not, it seems to me that it is not too late, which raises the question of people's drug of choice.

Mr Deputy Speaker, I think that this chamber can look with some pride at both the urgent reforms and some of the short-term goals which have been adopted by this parliament and by the Government. There is no doubt that broad-based methadone programs have been established and that needle exchange programs are well accepted here. We have wide-ranging rehabilitation programs. Our education programs are based on self-reliance and sound scientific research, which I must say contrasts greatly with some of the education programs that I saw being used in the United States. They call them education programs but they really are propaganda programs. One of the difficulties with running propaganda programs is that when young people realise that something they are being told is simply not true they are just as likely to dismiss the whole range of information that is being presented to them, which includes very important information about some of the medical implications of the use of illicit drugs, for example.

I would like to comment on the recent trip I made to the United States and some of the movements in drug law reform there. The Mayor of Baltimore invited cities throughout the world to come and join him in a push towards drug law reform. They have a long way to go. One of the most interesting speakers at that conference was a chief of police from New Haven, Connecticut, by the name of Nick Pastori. He had advocated needle exchange in his city, where 95 per cent of the population is black. The result of the needle exchange program was that not only were people put into a much better health situation but also his police officers developed a much more humanitarian and understanding approach to people. They lost the macho image of the police officer that was so common in other parts of the United States. At the same time there has been an increase in violence in almost every city of the United States. There has been consecutively a 40 per cent increase in violence in each of those three years. Harm minimisation does work and we ought to pursue it as far as we can.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.27): Mr Deputy Speaker, I take the opportunity to talk on this matter predominantly to put on the record the policy of the Ministerial Council on Drug Strategy. I think it is important that the direction that Australia is taking in this regard is a matter of record in this place.

The Ministerial Council on Drug Strategy is the peak body which reviews and determines national drug policies for Australia. It is made up of health and law enforcement Ministers from all Australian jurisdictions. The MCDS is responsible for ensuring a consistent, overall approach to drug related issues. Mr Moore and I have had some discussions on this issue and I think the position of the Government has always been pretty clear. Whilst we support, in general, the harm minimisation approach which Mr Moore advocates, it is, nevertheless, important that we do not forget where the ACT sits in the Australian context. We are small - there is no other description - and our influence is limited. Our influence is excellent; it is limited, nevertheless. We have not only to take our local community with us but also to ensure, if there are to be changes Australia-wide, that all of the Australian community goes with us. There are parts of Australia that do not see drug reform as something high on the agenda. There are people in this Territory who do not see it as being very high on the agenda.

I think the group that Mr Moore referred to is important in the sense that it improves the community debate about these issues and keeps the matter under the microscope, and I think that is a good thing. The ongoing debate over law reform for illegal drugs is attracting increasing attention, both nationally and internationally.

I am reading now, Mr Deputy Speaker, from the national drug strategy, a policy statement on the legal status of illicit drugs by the Ministerial Council on Drug Strategy. It states:

The MCDS considers that there is no simple solution to this highly complex and emotive issue.

I think most people would agree. It goes on:

The MCDS believes that there is value in a considered debate, and accordingly restates its present policy, and the rationale behind it. It is an offence under Commonwealth, State and Territory law to manufacture, cultivate, sell, distribute, possess or use illicit drugs such as heroin, cocaine, amphetamines and cannabis.

That is a statement of fact. Whether we see that as the right course for the future is another matter, but it is not going to change overnight and I think we have to recognise that. The statement continues:

The MCDS, since its inception in 1985, has based its policy approach on the need to protect the health, safety and welfare of all Australians. The National Drug Strategic Plan 1993-97 details this policy approach and is the point of reference for the current position of MCDS members.

As part of that approach, MCDS policies incorporate the principle of harm minimisation which embraces the need to reduce the harmful effects, both social and health, of drug misuse.

The MCDS has married a policy of strict controls on drug supply (through legal means) with a policy of reducing the demand for drugs (through education and treatment programs) to achieve these aims.

Some States and Territories do better than others. I think we are doing pretty well. On the scale of one to 10, I think - - -

Mr Moore: On a world scale we are doing very well.

MR BERRY: Yes. On a scale of one to 10 across Australia, I suppose the ACT is amongst the leaders, and the Northern Territory is amongst the followers. More is to be achieved; there is no question about that. I quote again:

This dual approach has attracted international recognition, and the MCDS is widely regarded as a progressive forum for achieving consistent nationwide guidelines to complement specific state and territorial concerns.

With a structure which ensures representation from all jurisdictions, the MCDS thus maintains a balanced approach to drugs policy which takes into account the varying and complex problems faced in different regions.

The MCDS also regularly reviews independent research and commentary, as well as commissioning its own studies to ensure a comprehensive and up-to-date assessment of drug issues. The 1993 National Household Survey shows strong public support for the current policy on illegal drugs. The MCDS has also commissioned a Task Force to examine medical and scientific knowledge on cannabis and consequent policy options.

As an international citizen -

I think this is an important issue -

Australia wishes to play a role in limiting the trafficking, trade and use of dangerous drugs throughout the world.

We are a party to three United Nations Conventions on drugs: the Single Convention on Narcotic Drugs, 1961; the Convention on Psychotropic Substances, 1971; and the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988. These Conventions limit the use of narcotic and psychotropic drugs to medical scientific purposes.

MCDS Ministers acknowledge the need to take note of international trends and their impact on Australia and will take note of developments for any future consideration of policy changes.

We consider Australia's present approach to illegal drugs, which combines law enforcement and harm reduction, is balanced, realistic and pragmatic. MCDS believes it is important to support a more informed community debate.

That returns me to an issue I raised earlier on, and that is the quality of the community debate and community debate generally. There is no question that community debate must go on, otherwise we will not move far and we will be caught in the difficult situation that other countries - Mr Moore referred to the United States - have experienced. I do not think that Australians want to go backwards; they want to go forwards on this issue. But we have to go ahead with all Australians, not just those of us who know and understand the problem, or think we do. We have to take everybody with us, from this end of the country to the other end, to ensure that there is a universal commitment to a better place as far as the use and misuse of drugs is concerned.

Mr Deputy Speaker, from the Government's point of view, we are contributors to the Ministerial Council on Drug Strategy, and we are energetic contributors. Mr Connolly and I will continue to be so. We know that while we put energy into that process there will be change. There is an element of gradualism in it, but I think that most people accept that as a fact of life on this score. Without a gradual approach we will not be able to take the Australian community with us, and I am sure that that is what we all want to do.

MRS CARNELL (Leader of the Opposition) (3.35): Madam Speaker, I rise, very briefly, to speak on this matter. I was interested to read a statement by Bill Clinton during the last election campaign in which he claimed that the definition of insanity was repeating over and over again something that has never worked. I do not think any of us would doubt that prohibition has never worked. Certainly, in the area of control of illicit drugs, it has not worked, and I think we have any amount of information to show that that is the case. It is true that we have spent more and more money, and dedicated more and more technology, but really we have not produced better results at all. The problems associated with drug use and prohibition are many, but it is very hard to look past the deaths associated with illicit drug use. Certainly, during the seventies and the eighties, the number of deaths has gone up. Over the last 10 years the number of deaths associated with illicit drug use has gone up even more. In fact, it has increased by some 33 per cent. Nobody, in any position in Australia, can say that that is all right; it simply is not all right.

Other problems involved with drug use are issues like the incidence of hepatitis B and hepatitis C, not to mention AIDS. Hepatitis B and C are a fact of life for some three-quarters of injecting drug users in Australia - a situation that, again, is simply unacceptable. It also is going to continue to cost Australia dearly, both socially and financially, over a prolonged period. The cost of crime associated with illicit drug use is something that we discuss, even in this house, quite regularly. The cost of housebreaking, of theft generally, to every community is huge. The incidence of that directly related to drug use is quite mind-boggling. The cost of enforcement, again, is huge. I understand that the cost is approaching \$300m a year, and enforcement does not seem to be working very well. Of course, there are the unintended consequences, such as corruption. We certainly saw some of that during the Fitzgerald inquiry in Queensland - corruption of the police, the judiciary, and politicians, in some circumstances.

All of these situations are simply unacceptable. So what do we do? I think that Australia has been very progressive in this area when you look at the overseas situation. Australia, as a whole, has embraced harm minimisation. The early introduction of syringe exchange is something, I think, that most governments - not all - in Australia can be proud of. I am very proud of my pharmacy colleagues in this area. They embraced syringe exchange in

New South Wales at a time when it was simply unacceptable to the community at large, and we now see the benefits of that. You would have expected AIDS to have spread substantially more than it actually has, and it is very hard to look past syringe exchange as being at least one of the reasons that that has not happened.

Mr Berry spoke, as did Mr Moore, about informed debate. I think that is important. I also think it is important for politicians, on both sides of politics, to be willing to stand up and be counted on this issue. There are a number of things that Mr Moore says that I do not agree with; but, in essence, he is trying to make politicians like me and my colleagues - and, I expect, everyone in this house - think about this issue and stand up and be counted. We have to look for alternatives, and that is one of the reasons why the Liberal Party, and everyone in this house, I understand, have supported the heroin trial. Initiatives like this have a potential to contribute to an improved situation for all Australians. Again I say that I do not agree with all of what Mr Moore says, but I congratulate him for bringing this issue to light today, and also in the community and in the political spectrum all over Australia. I hope that his efforts, and the efforts of all those here, will produce the informed debate that Mr Berry spoke about.

MS SZUTY (3.40): I wish to speak briefly to this matter of public importance today. As a signatory to the "Charter for Drug Law Reform", I endorse the preamble and the need for urgent reforms, and the short- and long-term goals as outlined. I endorse the comments made by my colleague Mr Moore, and also the opening statement which introduces the charter. I will read that for the benefit of members. It says:

This Charter seeks to encourage a more rational, tolerant, non-judgmental, humanitarian and understanding approach to people who currently use illicit drugs in our community. The aims of the Australian Parliamentary Group for Drug Law Reform are to minimise the adverse health, social and economic consequences of Australia's policies and laws controlling drug use and supply.

I think, Madam Speaker, that we have tended to focus our approach to drug law reform on the licit and illicit drugs themselves, and not on the people who take them, their reasons and rationale for so doing, and the consequences to them.

The Australian Parliamentary Group for Drug Law Reform convened earlier this year will, I believe, go a long way to addressing outstanding issues in relation to drug law reform. Its influence and impetus will grow as more and more prominent people in our Australian community support its aims, objectives and subsequent actions. The work done by my colleague Mr Moore in this area speaks for itself, and I congratulate him for raising drug law reform as a matter of public importance for debate today. I note also that in October this year the Australian Public Health Association adopted a policy consistent with the "Charter for Drug Law Reform". I think it is an ongoing reform that Australia will see more and more of in the years to come. I note also that Mr Moore, for the benefit of this Assembly, recited many of the names and the positions of people who are signatories to the "Charter for Drug Law Reform" and people who have provided endorsements to it. I congratulate Mr Moore for the work he has done in this area, and I expect that this Assembly will see more of it in the near future.

MADAM SPEAKER: The discussion is concluded.

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

MRS GRASSBY: Madam Speaker, I present report No. 22 of 1993 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I ask for leave to make a brief statement.

Leave granted.

MRS GRASSBY: Report No. 22 of 1993, which I have just presented, was circulated when the Assembly was not sitting on 6 December 1993, pursuant to the resolution of appointment of 27 March 1992. I commend the report to the Assembly.

**SOCIAL POLICY - STANDING COMMITTEE
Report on Community and Cultural Use of Schools**

MS ELLIS (3.43): I present report No. 4 of the Standing Committee on Social Policy on the inquiry into the community and cultural use of schools, together with a copy of the extracts of the minutes of proceedings. I move:

That the report be noted.

Madam Speaker, it is with great pleasure that I present today to the Assembly, on behalf of the Standing Committee on Social Policy, our report No. 4. As I have just said, it is a report on the community and cultural use of our schools.

Just to refresh the memories of members in this place, I will outline very briefly the background to this inquiry. The reference to the committee from the Assembly was made on 17 December, our last sitting day last year. It more or less followed the Planning, Development and Infrastructure Committee's inquiry before that date into the expenditure of the \$19m casino premium. Members may recall that one of the recommendations in that PDI Committee's report was to consider setting up a regional trust arrangement with some of the funds from that \$19m to be used within the regions within the ACT. But before doing so the PDI Committee urged very strongly that maybe we should look carefully, first of all, at how well or otherwise we are using our school facilities within the community; hence the reference to the Social Policy Committee. The committee called for submissions in April of this year and, at the same time, we wrote to some 80 ACT government school communities inviting their comment. As a result of that, a total of 42 submissions were received by the committee, and public hearings were held on 1 September. Representatives of approximately 12 organisations gave evidence at those public hearings.

The report goes into some detail, outlining the issues raised by ACT school communities; and I would like to highlight some of them. I will refer to page 3, chapter 2 of the report. The committee's comments in that part of the report read as follows:

The overwhelming majority of school communities submitting evidence to the inquiry had some degree of community use of their facilities outside school hours. Most were conducting comprehensive programs of community use of their facilities and saw themselves as integral with their local communities. They regarded their facilities as an essential part of the community infrastructure, particularly where there were no other community facilities located in close proximity to the school. The views expressed during the public hearings indicated that they saw the task of education as one which involved the whole community rather than the school acting in isolation.

On the other hand, it must also be said that some concern was expressed that schools are primarily there for educational purposes; that any additional use of the facility is not to be at the cost of that purpose. The committee, obviously, fully endorsed that proposal.

Given that some school communities believe that too much additional community usage of schools can increase wear and tear, in most cases the overwhelming majority believe that any of those perceived disadvantages would be far outweighed by what they see as advantages. For instance, the opportunity for reduced vandalism was one that was mentioned often. The gains made by a perceived community ownership of the school within a smaller community outside of the immediate school community itself was also something that was mentioned often. In some cases it was perceived that some attention would need to be given to physical security and safety at some of the schools if they wish to participate fully in the sorts of proposals that they were putting.

The sorts of things that some of the school communities said may need attention to enable them to participate fully were things like developing more flexible arrangements for securing the buildings; enabling the opening of portions of school structures for community activities, rather than the entire school building, which obviously has an impact on the cost incurred by the community group; ensuring access to safe and convenient parking, especially for families; and paying further attention to the vehicle flow of traffic in the vicinity of school premises.

A view that emerged as the inquiry proceeded - I think it is a strong view - was that the hire of facilities would be best managed at the local level by the school board or the Parents and Citizens Association within well-developed guidelines established by the Department of Education and Training in consultation with schools and with user groups. The school communities, under such a system, could be enabled to assess applications for the use of the facility, administer the day-to-day hiring arrangements, including the fees and the schedules, ensure adequate security and supervision, authorise and carry out minor maintenance duties, and collect and administer fees on a cost recovery basis. There was a great deal of enthusiasm, I believe, by most of the school communities which appeared in front of the committee in their views as to how they could see their schools becoming more of a part of the communities than they currently are.

Sporting and other community groups also came before the committee, both in written form and in evidence to the public hearing. The majority of the written submissions identified schools as central to their local communities. They emphasised the role of schools in facilitating sporting activities, and the associated social and recreational benefits which they believed would flow to the community as a result. There was critical comment on the level of success experienced by many of these groups in their attempted use of some of the school facilities. Overwhelmingly, I think, they believed that a direct system which would operate between the hirer or the hiring group and the school community itself would be far better than the current arrangements. Chapter 3 of the report goes into some detail on this aspect of the inquiry and I will not belabour the point or waste time by going into that any further at this stage.

A great amount of detail was submitted to our inquiry by the Department of Education and Training. I want to record the thanks of the committee to the officers concerned for the time taken in briefing the committee privately, attending the public hearings, putting written submissions before us, and supplying a fairly large amount of additional information later on in our process, particularly a lot of the statistical information that appears in the report. The Department of the Environment, Land and Planning also contributed extensively to our process, especially when we were looking at future planning of schools and community facilities. Although we may not have predicted it at the outset, because of the sorts of comments that we were getting about the advantages that people could perceive from well-planned community and school facilities complementary to each other, we inevitably found ourselves talking to the social planners and planners in general from DELP. They were of great assistance to us in helping us come to grips with that aspect of the inquiry.

I think it is fair to say that our major conclusions were fairly simple, but many recommendations followed. There seems to be little doubt that the current system of centre school bookings within regions throughout the Territory by community groups does not work as well as it should, or as well as it may have been foreseen that it could. It does not appear to promote the view of schools that seems to be held by most of the people in our community. The comment often made to us during the inquiry, by a wide range of people, was, "We certainly see our community schools as an integral part of our community". They did not believe that the centre school booking system promoted that. In fact, in some cases, it demoted that view. It was pointed out to us that schools that were fortunate enough to be a centre school in fact became an advantaged school. The activities in and around that school were certainly of great advantage to the community there. The schools that were missing out in terms of not having that promotional activity in and around them were seemingly at a disadvantage.

The inquiry turned out to be fairly complicated and statistically driven. We have attempted - I think we have achieved our goal - to detail the current situation; to outline how the school community or school communities, the sporting, cultural and community groups that are users, and individuals who may wish to hold a public meeting or such at some time, really see the system and whether it is working well or failing them. We have set out what we should consider if we wish to take all of those points on board and improve the system somehow. We have come down with a set of recommendations, a fairly strong

set of recommendations, which provide for a totally new approach for the ACT, but which, in some cases, reflect what is happening already, in part or in full, in other parts of Australia. I draw attention to chapter 6 entitled "The situation in other States and Territories". We went to the trouble of seeing how this subject is handled in other areas of the country. Some of our recommendations are reflective of what is already the case in some other areas of the country.

Basically, we have suggested that school communities be encouraged to run their own hiring system. The advantages put to us by the communities already active in this way far outweigh the disadvantages. The Department of Education and Training, obviously, will need to work very closely with teacher unions, other unions and the school communities to come up with a package of proposals and a schedule for schools which want to take part in that sort of arrangement and which we feel confident can do so. The outcome of all of that, we hope, will be a system whereby schools work very closely with the community groups within their region.

One interesting aspect that was put to the committee, one which I found had fantastic potential, was that there are ways of paying for the use of a school facility other than in money. One such proposal was put to us. Say, for instance, a school has a gym and the local first grade basketball team wants to use it and happens to know that that school has a very strong performance in that sport. The team could come to an arrangement with the school whereby part or all of the payment for the use of that facility could be by way of coaching the students at the school. That is the sort of thing that this inquiry uncovered. There are many ways that we can promote a great community life between the schools and people around them. In some cases people do not know that that advantage may be sitting there waiting for them. I think that this has been a very interesting inquiry and it opens up an awful lot of possibilities.

The last chapter in the report, entitled "Future planning and coordination", is basically a reflection of the sorts of things that we believe planners, governments, administrations and communities should take into consideration in any future planning that is going on. We look at Nicholls and a lot of the work that is under way in Gungahlin. We strongly suggest very broad, lateral thinking in terms of planning and building community facilities and school facilities. The potential is there for us to be cleverer, to spend our money in a better way, and, more importantly, in doing so, to bring together many aspects of the community that have not had that potential in front of them in the past.

I want very sincerely to thank members of the committee and the committee secretariat, particularly Kim Bond, the secretary of the committee, for the work that has gone into this report. I can verify that understanding some of the statistics was not easy, but we have drawn our conclusions. I think the challenge now is for the community, the Government and the administration to read this very carefully and to consider very seriously the proposals that we are putting forward. I cannot see anything but great advantage if even part of this is taken into future consideration. It is my pleasure to endorse this report and to commend it to the Assembly.

MR CORNWELL (3.57): Madam Speaker, I rise as a member of the committee to support the recommendations of report No. 4 of the Standing Committee on Social Policy. I think it is fair to say that this has been a very difficult reference because there is no simple answer. I was reminded of an inquiry into this very matter that was conducted while I was a member of an earlier Assembly. I have to say in fairness to the Social Policy Committee of this Assembly that we got much further than that previous committee did, but sometimes times change.

I do not believe that this report offers a solution to the difficulties. However, I do believe that it offers suggestions which could well be taken up; suggestions not only to make better use of these quite expensive community facilities, namely, our schools, but also suggestions to overcome a shortfall of some \$918,000, almost \$1m, that was incurred by the Department of Education in the community use of facilities. This was the shortfall in what they estimated was the cost of using the facilities as opposed to the amount of money that was paid in rent for their use.

As the chairman of the committee has said, it has been recommended that we address this question by allocating the casual use of schools and the long-term leasing of schools to two different sections; namely, that the schools handle casual use and that the longer-term leasing be handled by the Department of Education. I strongly support this. The evidence is there, very clearly, that centralising the casual use of the facilities leads to all sorts of problems, and, as in any business, if you do not provide the service you are going to lose custom. That became very apparent from the evidence that we took, both in writing and orally from people coming before the committee. Many people, particularly in the sporting area, simply walked away from the schools because they were sick and tired of being mucked around.

Transferring the responsibility for the casual bookings to the schools themselves introduces a form of school based management. We on this side of the house have no problem with that concept. In fact we applaud it. I believe that doing this will have a dual benefit. Firstly, the schools themselves will be able to address the cost implication concerns that numbers of them did raise. Secondly, it will enable the users to make a decision as to whether or not they wish to make use of the facilities provided. There is no obligation on any organisation to make use of these facilities at our schools. However, by allowing the casual users to deal directly with a particular school, at least we might be able to get into some bargaining arrangements. It may be possible to work out a reasonable rate. Whilst it might not be as much as the school would prefer, it might be a bit higher than the user is prepared to pay. What I am saying is that these are matters that can be sorted out by the market, and I think that that is a sensible approach for us to adopt.

Hopefully, this will lead also to maximising the usage of the schools, which I believe has hitherto not been the case. Hopefully, we will also correct what I believe to be some quite arbitrary charges that have been made. Some of those charges have been in the low field. I think I speak on behalf of other committee members when I say that we were rather surprised at the small amount of money that was charged to certain organisations when it was fairly obvious that they were quite capable of paying additional amounts of money for use of these facilities.

Hopefully, it will also see a closer liaison between the users and the landlord, if I may use that expression. I would particularly like to see this happen in the area of sport. I believe that there are a number of facilities - I would identify gymnasia in high schools and colleges - that are not being used to the extent that they could be. We must not forget also, Madam Speaker, that we are dealing with not only the facilities that are within the schools but also the outside facilities that a number of the schools can offer to the community. Furthermore, I would like to see a regular review of the charges. I have been a little surprised that these do not appear to have been reviewed at regular intervals. I think that that is another area that needs to be addressed.

There will still be some problems, Madam Speaker. Perhaps the thorniest and most difficult - recommendation 9 attempts to address this - is the question of janitors. This is a very difficult issue. Many people argued that they could use the school facilities and that the cost of using those facilities would be substantially less if there was not the requirement to have a janitor on duty at least for the opening and closing of the facility. Under the award the janitor is paid for three hours or something of that nature. One has to look at the janitors' point of view in this as well. They expect to be paid for working out of hours. I make no attempt to solve this problem. I simply recommend that the matter be investigated very thoroughly because it probably is the biggest financial hurdle that the committee discovered, and it has not really found a solution to the problem.

The other question that probably still needs to be ironed out is the claim that as schools are a community resource people should not have to pay anything more for using them after hours. I am afraid that that is an argument which I do not accept, and I think it is fair to say that the rest of the committee does not accept it either. If we accepted that argument, presumably our buses would all run free of charge and our Canberra Theatre would operate without selling tickets. These are community resources, but there must be some sort of financial input from the public in order to get the best results from them. So I would discount the argument of schools being used at no cost by community organisations.

I believe that the Gungahlin initiative outlined towards the end of this report is a very worthy one. It will not, however, solve the problems that still exist in this very difficult area. Nevertheless, the combining of schools, the combining of facilities, in the long run obviously will reduce the capital costs that are involved; and indirectly, if you have one gymnasium serving three schools, it is reasonable to assume that the community serving those three schools will also make use of that one gymnasium instead of, as is the current practice, perhaps two or three gymnasiums.

This, as Ms Ellis has already indicated, is but the first phase of an inquiry, and it is now up to the Government to examine and, I trust, implement the 15 recommendations that have been brought forward. I urge the Government to address these with alacrity. I urge you to exercise some political will for once in your lives in doing so.

MRS GRASSBY (4.06): I rise briefly to make some comments on this report. Firstly, let me say how pleasant it was to serve on a committee whose report was endorsed unanimously by its members. I think the report on community and cultural use of schools is a good example of cooperation and broad support across the political spectrum. Importantly, there is also a broad consensus in the community that we should be getting better use out of our schools and infrastructure. Not only does this have the potential to save the Government money on infrastructure and running costs, but also it can recoup some of its considerable investment in schools. Additionally, community and cultural use of schools serves a very socially useful purpose. I agree with Mr Cornwell that people who get things for nothing really do not appreciate them. I do think that we do have to have a charge. One of the things that I noticed, as did Mr Cornwell, is that there seem, although I am not completely sure, to be a lot of people paying very little money for the use of schools. I think that that should be looked into.

The committee examined the best use of the buildings for community and cultural use other than schooling and ways by which after-hours use of buildings might be maximised. The committee has made 15 very useful and practical recommendations. I do not propose to speak to each one of them, but I would like to point to several and to make some general comments. The first recommendation is that priority be given to activities which offer greater benefit and assistance to achievement of educational outcomes. I believe that that is very important. I do not think that there was anybody on the committee who did not agree. That is consistent with planning policies and it meets important social objectives.

We all know the importance of teaching young people and older people Japanese. After the twinning of our city with a Japanese city, it would be very good if at least a quarter of our community could speak Japanese. I am pleased that the teaching of languages other than English will be made easier and more accessible to the community. I think it would be more accessible if it could be done after school hours. The Greek community particularly spends time after school and on Saturday mornings teaching their young people Greek. It would be very good if this could be done. This widens our cultural appreciation of languages and people, and works to increase the tolerance and social harmony of our community, which I think is very important.

There are a number of advantages in encouraging the use of schools after hours. Not the least, as I alluded to earlier, is the more efficient use of school buildings which otherwise would be empty for more than 50 per cent of the time. We know that this is what happens. When schooling is finished at around 3.30 pm or 4.00 pm a school is pretty well empty until the next morning.

There is considerable evidence which demonstrates that the use of our schools for longer hours reduces the level of vandalism of the buildings. I think we all know and appreciate that. I believe that this takes place for two reasons. Firstly, the presence of people discourages vandals and wreckers, and, secondly, schools are becoming an integral part of our community. A sense of personal ownership of the asset is developed. Not many people wantonly damage their own goods when they feel that they really are part of them, so I think this is important.

Madam Speaker, the Labor Government proudly supports neighbourhood schools and their positive effects on the local community. One example is Lyons Primary School. We all know what a wonderful example that is. The evidence presented to the committee by the Lyons school clearly endorsed the Government's decision to keep Lyons school open. That was done against considerable adversity. Lyons school has proven itself to be a highly responsible and innovative primary school. I think everybody on the committee felt that when they came to talk to us. Furthermore, it offers many after-school uses and it is being managed very successfully by the school board. We accepted that the school boards are very much involved in this and really care about their schools.

Recommendation 12 of the report states that the long-term leasing of school facilities should continue to be administered on a cost recovery basis. I agree with Mr Cornwell; I honestly do believe that people do not appreciate things they get for nothing. I think that if they have to pay for them they appreciate them a lot more. This is important because community access should not be limited only to the groups that are financially well off. I understand that we have to look after groups that cannot pay. It is important that we do this. Groups that can afford to pay should be paying.

The inquiry produced much criticism of the booking procedure for using schools and I believe that this is one of the greatest factors determining access. We should be looking at that situation. Much evidence was presented regarding double bookings, inconsistency in charging practices, particularly if something was being organised by the schoolteacher, and last minute cancellations. We did get a lot of complaints about the fact that things would be organised and people would turn up at the school and find that somebody else was using the room that they had booked weeks before. This really has to be looked at. You cannot have people organising something and then finding, after they have brought 20, 30 or 40 people - however many - to the school, that they are not able to use the facilities. I think we need to look at that. The report looks at ways in which this should be done. What came out was that when it is handled by the schools it seems to be run a lot better. I firmly believe that these are positive recommendations by the committee and that they will substantially improve the booking process.

Madam Speaker, in closing I would like to thank the members of the committee for their cooperation, and the secretary, Mr Kim Bond, for using his very talented skills in making this report into a meaningful document. As I said, it was nice to come down with a report that everybody agrees with. I think it was a very interesting time. The public hearings gave us a good chance to hear what people had to say. It was not amazing, because people in Canberra do care about their schools. They do care about what happens in them. The number of people who turned up at the public hearings to give us their point of view and the number of people who sent in submissions showed just how important schools are to people in Canberra.

Question resolved in the affirmative.

Sitting suspended from 4.15 to 8.00 pm

CHIROPRACTORS AND OSTEOPATHS (AMENDMENT) BILL 1993

[COGNATE BILLS:

OPTOMETRISTS (AMENDMENT) BILL 1993

PHARMACY (AMENDMENT) BILL 1993 [NO. 2]]

Debate resumed from 23 November 1993, on motion by **Mr Berry**:

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 Optometrists (Amendment) Bill 1993 and the Pharmacy (Amendment) Bill 1993 [No. 2]? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to orders of the day Nos 2 and 3.

MRS CARNELL (Leader of the Opposition) (8.03): Madam Speaker, it is wonderful, from the perspective of everybody in this house, that these Bills have finally reached this stage. The Bills bring the ACT into line with the mutual recognition agreement; but they do more than that. They greatly improve the capacity of the registration boards to do their job. Registration boards are set up, in the ACT and in other States in Australia, for a very important reason, and that is to protect the public. That is their only job. They make sure that professionals in their various spheres comply with codes of conduct, that they act in ethical ways.

In the professions, things that are not ethical are not necessarily illegal. It is very important for professional boards to have powers to discipline members of the professions. Up until now most of the Acts covering professionals have been very light on in terms of the disciplinary sanctions they can bring against professionals. These three Bills in front of us today go a long way to overcoming those problems. From the time we pass these pieces of legislation, the boards will be able to do the job they have been put in place to do, that is, to protect the public and to bring forward sanctions against professionals who do not act in the interests of the community. For a very long time the boards have been lobbying to achieve these ends.

The Chiropractors and Osteopaths (Amendment) Bill does a little more. It also will be supported by the Liberal Party because it will bring chiropractors and osteopaths together under one Act and will make sure that an osteopath and a chiropractor are well defined under the Act. That is determined by the sorts of qualifications various people have. I know that the chiropractors have been lobbying for this for a long time, so we are very supportive of the Bill.

It is the second time this year we have seen the Pharmacy Act amended, and I have to ask how much money it costs to redraft an Act, even though I accept that it is an appropriate approach to ensure that all of these Acts - - -

Mr Berry: Why can you not say, "The Government has done a great job"?

MRS CARNELL: No, the Government stuffed up.

Mr Berry: No, the Government has done a great job and the Opposition cannot milk a headline out of it. Even in your headline-hunting exercise, you have not been able to get a headline out of this one, Kate.

MRS CARNELL: That is because I support it. I am very interested in this. Mr Berry has made some very interesting comments about headline milking. I think the first time I met the Minister was when I was lobbying him for exactly these provisions in the Act. I promise you that I will not headline grab.

Mr Connolly: Ask and you shall receive, Mrs Carnell.

MRS CARNELL: It took a very long time, Mr Connolly, thank you very much. I think one of the most important things that need to be addressed here tonight is something that I found very, very interesting when I was attempting to - - -

Mr Berry: Really interesting, even.

MRS CARNELL: Very, very interesting, Madam Speaker - when I was attempting to determine whether the various chairmen of the boards - - -

Mr Lamont: Chairpersons.

MRS CARNELL: Chairpersons, because there is one woman - were happy about these pieces of legislation. What I did, as I suspect every other shadow spokesperson in their various areas would have done, was to send out the Bills to the chairpersons of the various boards. The letters went out to the chairperson, Pharmacy Board; the chairperson, Optometrists Board; the chairperson, Chiropractic and - - -

Mr Cornwell: I would not have responded if I had been addressed that way.

MRS CARNELL: You are right, Mr Cornwell; I did not get a response from them. Whom did I get a response from? From Mr Berry. To my knowledge, Mr Berry is not the chairperson of any professional board, let alone the three that I sent the Bills to. I do not know about you, Madam Speaker, but when I send a letter to a particular person I usually get a response from that person. But that is not the case when you send a letter to anybody who is even moderately associated with ACT Health. So it was, I must admit, to my great surprise, that I got a letter back from Mr Berry, after I had sought to consult with the various people that were affected by it.

Mr Berry: What did it say?

MRS CARNELL: I think I will just quote from the letter. Remember that this letter was to the people whom this legislation affects, the people who are going to have to implement it. I get a letter back from Mr Berry, not the people involved, saying:

I have been advised that all three Boards have been highly satisfied with the degree of consultation in the preparation of the amending Bills and have had adequate opportunity to discuss the issues of concern -

with everybody except us, and certainly only with the Government. I do not think that is terribly acceptable. I can fully appreciate that the various people involved may like the legislation, but I think it would be appropriate for them to be able to tell us, the Opposition, that they like the legislation. I do not think Mr Berry really needs to speak for these people.

Real consultation means speaking to everybody, not just the people who will tell you what you want to hear. I want to know what Mr Berry is scared of. Are the chairpeople of the boards, whom he appointed, unable to string two words together? I know that that is not the truth. They are very capable of writing a letter. I am also very sure that they are capable of telling me, and anybody else, for that matter, what they think of the pieces of legislation.

Professional boards are not made up of public servants. On the whole, they are half elected by the professions involved, in most cases, and they are half appointed by the Minister. They are not, or are not supposed to be, under the direct control of the Minister. The Minister is not supposed to be telling the boards what they should do from minute to minute. That is the whole point of setting up boards. I have a huge problem with the Minister intercepting letters that go to bodies which are not part of the public service.

Mr Berry: Of course you would. You are in opposition; you are supposed to. You are the Leader of the Opposition and you should take even huger issue with it.

MRS CARNELL: The Minister does not seem to think this is an important issue, but I do.

Mr Berry: Trevor never ever took huge opposition to these matters. He understood.

MRS CARNELL: I am sure that Mr Kaine would never have intercepted anybody else's mail.

Mr Kaine: Never. I never even tripped up the postman.

MRS CARNELL: Absolutely, as I suspected. Even if Mr Berry does not think it is an important issue, the important issue here is the independence of the professional boards. Those boards must be independent. They must be able to act in an appropriate manner under the legislation that sets them up. They must be able to do what they see as appropriate. It seems that the Minister does not believe that to be the case. He does not even believe that they are capable of responding to their own mail.

Mr Cornwell: He is trying to save stamps for the budget, Mrs Carnell - the health budget blow-out.

MRS CARNELL: I can fully appreciate that, Mr Cornwell, but I do not believe that this is an appropriate approach. Even though he intercepts their mail, he does not intercept their phone calls. I am pleased to report to Mr Berry, although he is not totally right about their total, absolute support for these pieces of legislation, that we on this side of the house do totally support this legislation.

We could spend a large amount of time running through the various areas that are not quite as they should be. One of those areas, and I understand that it is going to be sorted out, is that unfortunately there is a spelling problem in these Bills. I hope that by the end of this evening I will have assurance that the various members of the legislative drafting group realise that you spell "practice" as a noun with a "c" and not with an "s".

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (8.13), in reply: You would never detect from that contribution that the Opposition supports the Government in the passage of these Bills. If you have a look at the various Bills, and I am sure you have - - -

Ms Follett: This is the non-adversarial mode.

MR BERRY: Yes, the non-adversarial mode. Mrs Carnell, being such a knowledgeable person on the matter of boards - - -

Mr Cornwell: I am glad that you acknowledge that.

MR BERRY: She says that she is a knowledgeable person on the issue of boards which relate to the various health professionals, but if she had taken the time to have a look at the legislation and the powers and duties of those various boards she would be able to discern from a one-off examination that none of them say, "Consult with the Opposition". They are boards which regulate the performance of the various professions within the ACT. They are regulatory boards which are responsible, in this case, to me. When I consult, I expect to get a response from the boards in relation to individual boards.

Mrs Carnell has not yet got over the fact that she was once a board member. You have to make up your mind what you want to be involved in. Do you want to be involved in politics or do you want to be a pharmacist? It does not seem as though you are able to make up your mind. You have not made up your mind yet. If you want to be on the Pharmacy Board, hand it back to Trevor. Where has he gone? I am sure that he will take it on the full with both hands. You should hand it back to Trevor and let the politician have a go. If Mrs Carnell wants to be on the Pharmacy Board and get involved in the processes of the Pharmacy Board and be busy out there selling aspirin, getting the mortar and the pestle out, banging together a few of those very important chemicals which make our lives much easier, she ought to do that. But she cannot continue to whinge about the obligation of the boards to regulate the various professions but to be, at the end of the day, responsible to the government of the day in some respects as well.

One of those responsibilities is to advise the Government on particular parts of legislation which the boards have an interest in. This nonsense that Mrs Carnell spouts about intercepting mail might be something the Liberals would want to do. You have to understand that they are matters of concern to the Government. As Leader of the Opposition she has no special access to any boards, unless she wants to lay a complaint about some members of the profession with which those boards might be concerned. She cannot get over the past.

Mr De Domenico: This is Labor's version of open, consultative government.

MR BERRY: This Government is a consultative government. These are the people who bleat about consultation within the Government. Where was the consultation about their Bill to undermine the Government's budget?

Mrs Carnell: We talked about it for three weeks.

MR BERRY: That is different. You talked about it. You talk about a lot of things - talk, talk, talk, talk. You have been done over for that stupid act. You have been done over in a big way.

Mr Connolly: "Not fit to govern", I think was the view of the *Canberra Times*.

MR BERRY: Yes, not fit to govern. I love that. Not fit to govern, and rightly so.

Mr De Domenico: Do you believe everything you read in the *Canberra Times*?

MR BERRY: That one I am committed to. At the end of the day, the Opposition will hang their limp hands in the sky to support this Bill, though they will do it without the opportunity of being able to grab themselves a cheap headline. I am not sad about that. Those issues which might be confined to matters of grammar will be fixed up, I am sure, by the secretariat. I expect that anything of a grammatical nature that has to be addressed will be addressed by the Clerk.

Mrs Carnell: It was not, when I asked for it to be, in the briefing.

MADAM SPEAKER: Order!

MR BERRY: Mrs Carnell, you have to get used to the fact that nobody snaps to attention these days when you ask for something to be done. You should get used to that.

Mrs Carnell: So now you are going to spend a huge amount of money fixing it up because you did not pay attention.

MADAM SPEAKER: Order!

Ms Follett: Madam Speaker, I know that you are trying to keep order, but I really do object to the constant interjections coming from the Liberal Party, particularly from the Leader of the Opposition. They are making it impossible to understand what the Minister is saying.

MADAM SPEAKER: Order! The point is well made.

MR BERRY: We have a very clear situation where a piece of progressive legislation has been put before the chamber. It will be endorsed by the chamber, despite the protestations of the Opposition about matters various, none of which has any effect upon the legislation itself. They do have some effect on the ego of the Leader of the Opposition, and I guess that she will just have to get used to that because it is going to happen again and again.

Question resolved in the affirmative.
Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to

OPTOMETRISTS (AMENDMENT) BILL 1993

Debate resumed from 21 October 1993, on motion by **Mr Berry**:

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.

PHARMACY (AMENDMENT) BILL 1993 [NO. 2]

Debate resumed from 21 October 1993, on motion by **Mr Berry**:

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.

REAL PROPERTY (AMENDMENT) BILL 1993

Debate resumed from 21 October 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 Real Property (Consequential Provisions) Bill 1993? There being no objection, that course will be followed. I remind members that in debating order of the day No. 4 they may also address their remarks to order of the day No. 5.

MR HUMPHRIES (8.23): Madam Speaker, the ACT is a fortunate jurisdiction. This system is probably unique in Australia - I am not sure about South Australia. Fortunately, the present Labor Government, progressive or otherwise, cannot take very much credit for it. It goes back to a period of Liberal administration in the ACT, and the ACT has benefited from the fact that we have a system consisting almost exclusively of new system title, or Torrens title.

For people like Mr Berry, who does not understand much, the Torrens title system is essentially one which provides that, instead of having documentation to prove one's ownership of land - that might relate to a series of documents that go back a number of years demonstrating that a person has what is described as a good root of title - one has in the ACT, I think exclusively now, a system which provides for documentation of the kind that proves title to be available in a single place, in usual form in a single document, a single certificate of title which conclusively proves that a person has a particular block of land or a particular interest in real estate.

It was only a year or so ago - very recently anyway - that the last piece of freehold land in the ACT was acquired, which means that the whole of the ACT is consolidated under this one system. That is not, unfortunately, the case in some other places - at least, not when last I was aware of it. In some other jurisdictions, such as New South Wales, it has long been the case that old system title remained a very real part of the way in which land tenure was organised. Old system title basically consists of a person having to prove that they own land by producing a series of deeds and documents proving that over the last 40 years, I think, that title can be traced. In the event that someone cannot trace their title back in history for the full 40 years, one has a certain problem in proving that one has ownership of a particular piece of land. The Torrens title system, giving a high degree of certainty and convenience to users of the system, is a great advantage of our present ACT arrangement. It means that the whole picture can be seen at any one time in the single place, that is, the Land Titles Office just across the square from us here.

These two Bills, the Real Property (Amendment) Bill and the consequential provisions Bill, extend the great benefit of the Torrens title, that is, the certainty and the convenience of that system, to its next logical step, a system whereby Torrens title can be ascertained not by looking at particular written documents on pieces of paper but through the benefits of computer technology in a much more convenient format. The Bills provide for the automation of the Land Titles Office to allow for land titles to be placed on computer so that information can be conveyed more quickly, it is possible for people to have access in a more convenient format, and changes updating the title can occur much more rapidly.

There are many advantages, of course, with these arrangements. Searches can be conducted by going to the Land Titles Office and, in due course, they will be conductible from the offices of solicitors or people conducting conveyances. People will have access to the Land Titles Office through on-line computers. Speed will also be a great advantage in those circumstances. Relatively instantaneous access will be quite important in making sure that the sequence of events, which is very important in dealing with titles, is maintained. There will not be the problem under this new arrangement, once it is fully up and running, of having documents not available because the particular single title deed is being searched by another person at the Land Titles Office or is somewhere being dealt with by officers of that office.

There is also an end to the problem that solicitors sometimes face of trying to search so-called unregistered dealings, where one goes to the Land Titles Office to conduct some transaction and has to search also through the dealings which have been lodged but not yet registered. Obviously, registration in the present format is a cumbersome process requiring some time and some use of the valuable time of people who are highly trained in this area and who obviously could be doing better things than putting stamps on thick pieces of paper.

I note that this new system proposed by the Government, which is progressively being put in place - not all at once, of course, but over a period - will allow records and documentation within the system to be searched by a number of people, presumably simultaneously. As the transition between the present system and the new system takes place, and perhaps on a longer-term basis, it will be possible for records to be kept on different media, that is, on computer discs and on paper at the same time. The Government assures us that no legal rights are to change with the passage of this legislation.

There are some potential dangers with these arrangements, and I draw the Assembly's attention to them briefly. I suppose that it is at least theoretically possible for there to be some danger of losing information as information is transferred from written form to computer form. Just as we can now, with our modern technology, transmit information very quickly from place to place, from person to person, from machine to machine, it is also quite possible, as we all know, for information to be transmitted into oblivion with just as much ease. I note the comments made by the Minister in his presentation speech concerning devices to prevent that occurring, but when it comes to matters relating to computers I do not think anybody can be absolutely certain that they know what will happen when human beings and machines come into contact.

I also wonder whether there might be some threat to the accuracy of the present system with computer technology. At the present time, there is meticulous preparation of the documentation that is required to establish some change in the title, such as a notice of transfer, and that is meticulously transferred from the document which is lodged by a party onto the title deed, the certificate of title. That process of manual transfer allows for careful checking and does make for a fairly high degree of accuracy. Certainly, there is very little dissatisfaction in the present system with people not getting accurate documents.

It seems to me that automation, and the great speed with which documents and transactions will be able to be registered, does mean potentially that the new system could be slightly sloppier, less prone to the accuracy of the present system. It is also important in this process to ensure that we educate the users of the new system. I do not mean by that merely the lawyers who will from time to time conduct searches but the many other people who on a day-to-day basis access that system, who are frequently not lawyers, who are paralegals or even so-called gofers in legal offices in this town whose job it is to conduct searches. To prevent inaccuracies, to prevent problems arising in the transition period, we will have to be very certain that people understand the full implications of this new system and how it works.

Finally, I draw attention to what would be a problem at all times for all computer systems - the intrusion of so-called hackers. I have read in the media accounts of people being able to penetrate the computer systems of organisations such as the FBI, the CIA and NASA. If those stories are true, it would also be possible theoretically for some talented, computer literate youngster, or perhaps not so young person, to penetrate the defences of our Land Titles Office.

One could imagine the havoc that would be wreaked on our present land titles system if someone was able to transfer hundreds of thousands of dollars worth of property into their name by manipulating the system. Maybe that is guaranteed conclusively not to happen by the procedures the Government has put in place, but somehow I doubt that that is ever entirely possible.

Despite those concerns, this must be seen as a very positive development in increasing access and the speed of access of individuals to our land titles system and making sure that we continually update and take advantage of the possibilities that computer technology presents in our society. This is only one of many ways in which our community can benefit from this kind of technology. It will have the benefit, I am sure, in the long term of reducing even further the costs of conveyancing - a matter already of some political sensitivity. I am sure that we would all like to see it become even less expensive than it is now.

I understand that a matter was raised by the Scrutiny of Bills Committee concerning the commencement of the consequential provisions Bill. The Minister might have responded on that matter to the Scrutiny of Bills Committee; but, if there is any outstanding matter, I look forward to the Minister's comments on that. I would also appreciate the Minister indicating to the Assembly how long he feels it will take for this new system to be fully up and running. That is not referred to in the presentation speech, and having some idea of what period of transition members of the community are facing in developing this new system will be convenient for those members of the public who need to know how to cope with a dual system for some period. Madam Speaker, these Bills are supported by the Opposition. We hope that they will provide an efficient, effective, convenient and speedy system of land title usage in the ACT.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.34), in reply: I note that Mr Humphries's main concern in this legislation is the possible risk of transferring the data onto computer and losing that data. I was reminded of the old saying: "To err is human, but to really stuff up requires an expensive computer". There is the possibility of those sorts of problems he adverted to occurring. At the moment, all the records are on hard copy. They are, in effect, a single set of documentation, and there is a risk that in a fire or other calamity in a building you could lose the records. The advantage of a computerised system is that it does allow you to back up, and the ACT Government Computing Service, with its principal database at the government offices at Callum Street, Woden, does maintain a back-up of sensitive data at a separate location. I am advised by the people who know about these things that that is as good a system as you can get. I would certainly be happy to offer Mr Humphries a briefing from the Government Computing Service people about this system and the various guarantees that are in place.

As Mr Humphries indicated, the principal advantage of this will be ease of access to conveyancing. As members would be aware, the Government has a discussion paper still in circulation dealing with expanding competition in the area of conveyancing and allowing non-lawyers to do conveyancing. It is interesting that Mr Humphries adverted to the fact that much of the work at the moment is done by non-lawyers, by paralegals or so-called gofers. The lawyer signs off the documentation, but a lot of the actual work is done by conveyancing clerks. The intention of the Government is to allow people to undertake appropriate training, obtain appropriate forms of insurance, and do the conveyancing themselves without the necessity of a five-year law degree and admission as a legal practitioner.

It is interesting that what would be a new category of conveyancer in the ACT goes back to the origins of the Torrens title system. Mr Humphries opened his remarks by talking about the great advantage the Torrens system had over the previous old common law system of land, and I heartily endorse those remarks. The advantages of the Torrens title system were drummed into me at an early age because the government high school I attended in the port district of South Australia was built on the former estate of Sir Robert Torrens. The Brokus, a museum on Woodville Road, Woodville, is the old house of Sir Robert Torrens. It was also infamous in the sense that they introduced sparrows on that property for amusing game shooting and they have become a major pest.

The introduction of the Torrens title system has some salutary warnings for another group of professionals in the ACT. The introduction of the system resulted in the first known black ban by a professional group in Australia. When Sir Robert Torrens introduced the Torrens title system through the South Australian Parliament with a view to making it easier and cheaper for people to undertake land conveyancing, the Law Society of South Australia took great exception to a parliament making it easier for people to deal in land, thus making it less profitable for lawyers to engage in the conveyances. The Law Society of South Australia announced that it would black-ban the Torrens title system, that no solicitor would engage in the conveyance of a Torrens title property. The answer by Sir Robert Torrens was to say, "If you want to put a black ban on this system, that is your business. We will create a new category of conveyancer". In South Australia, the profession of land broker was created back in 1870, when the Land Titles Act first went through the colonial parliament, as a response to a professional black ban.

Perhaps the doctors in the ACT, another professional group imposing a black ban, might realise that there have been professional groups imposing bans in Australia for over 100 years, and at the end of the day they will not prevail.

Mrs Carnell: Started by lawyers.

MR CONNOLLY: It was, I must confess, started by lawyers, but that unpleasant habit has been picked up by the doctors. The lawyers did not prevail. As a result of their black ban, we have the system of conveyancers. I am sure that the legal profession, which does not like the concept of conveyancers anywhere in Australia, rather wishes that back in 1870 they had not imposed a black ban on Torrens title land.

Mr Humphries asked for a timeline on the final completion of this project. I am unable to give a firm date of completion. The project of bringing the ACT's land title system onto a computerised database does go back some time. It commenced at about the time of self-government and so has gone across each of the administrations in the ACT. We have approved some expenditure in this year's budget to continue the process, and it is expected to be completed in a couple of years' time.

It will not be an overnight process; it will take some time. But when it occurs it will facilitate faster and simpler conveyancing. That will benefit individuals who wish to do their own conveyancing, because it is an option for members of the community to do their own conveyancing. There is nothing magical in the process, and a lay person who is prepared to put a bit of time into reading some

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guide books and is prepared to be meticulously careful in following those steps can quite satisfactorily complete a conveyance. It will be much easier for a non-legally-qualified person to do their own conveyancing. It will also be easier when we are able to complete the process of bringing into being in the ACT a new class of professional, that is, a conveyancer, a person trained in land law and equipped with appropriate professional indemnity insurance to protect the consumer. We hope that at about the time that is coming on stream this system will be in place to facilitate ease and simplification of conveyancing. I thank members for their support of the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

REAL PROPERTY (CONSEQUENTIAL PROVISIONS) BILL 1993

Debate resumed from 21 October 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.

FOOD (AMENDMENT) BILL (NO. 2) 1993

Debate resumed from 23 November 1993, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

MRS CARNELL (Leader of the Opposition) (8.41): Madam Speaker, this is the third and final stage of a program to review and modernise food legislation in the ACT. This process, as everybody knows, was started a very long time ago. The main purpose of this Bill is to give administrative support to the previous legislation by defining the appointment and powers of health officers for the sampling of food, the analysis of food and associated enforcement powers. The Bill substantially mirrors the operation of the model Food Act endorsed by Health Ministers as early as 1980. It certainly has been a very long time in coming.

In essence, the Liberal Party supports the Bill; but, as members can see by the amendments that have been circulated, there are a few concerns, and I would like to address those amendments as they come forward.

Ms Follett: Did you consult us on these amendments?

MRS CARNELL: Last week.

Mr Lamont: Did you consult the community?

MRS CARNELL: Yes.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (8.42), in reply: I am pleased that the Leader of the Opposition has indicated that the Opposition are going to support this Bill in principle. I saw her beaming smile when the issue of consultation was talked about. I just cast my eyes to the bottom of the document which has been circulated today and it shows "7.12.93 - 1.55 pm". The job was completed - - -

Mrs Carnell: Do you want to know when we asked for them? Do not do this.

MR BERRY: Hang on a minute. Anyway, the job was completed and I happened to be - - -

Mr Humphries: That is not our fault.

MR BERRY: Hang on a minute. I happened at about that time to be talking to Mr Humphries in my office. We really never saw these until this afternoon. So let us not beat around the bush in terms of consultation.

Mr Humphries: We got them only this afternoon; that is why.

MR BERRY: I understand that. I am not - - -

Mrs Carnell: When did we brief your officer to do it? Last week.

MADAM SPEAKER: Order! Mr Berry has the floor.

MR BERRY: I question all of that. What you were going to do and what you end up doing are nearly always different. It is difficult to deal with these. I understand that you are not going ahead with a lot of these.

Mrs Carnell: No, that is not right.

MR BERRY: You are going ahead with the lot of them?

Mrs Carnell: I am going ahead with all but one, and Mr Humphries is bringing up a different one in its place.

Mr Cornwell: That is not a bad track record. See whether you can better it.

MADAM SPEAKER: Order!

MR BERRY: You may have a different one in its place. We will just have to see.

Mrs Carnell: You know perfectly well what we are going to do.

MR BERRY: No. I had a long discussion with Mr Humphries about many of these matters this afternoon and I think we probably agreed to disagree on some of them because time was not available to us to sort out some of the issues. There is a new one here that I have just talked to Mr Humphries about, the final amendment to which Mrs Carnell referred. The amendment circulated by Mr Humphries might be more satisfactorily dealt with by a form of words which I was just able to discuss with him. At this point it seems that we might not be able to proceed to finality with the Bill, given that there are issues that really need to be addressed by the Law Office, to ensure that matters are heard. I am prepared to argue as many of those as possible, before we get to the point of giving up, to see where our Independent friends are coming from on this score.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

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

Clause 6

MRS CARNELL (Leader of the Opposition) (8.46): I move:

Page 4, line 21, proposed new subsection 19YA(2), omit ", has been or will be," substitute "or has been".

What that means, basically, is that this clause or this part of the Bill will not include the future tense. "Offence" will not mean an offence that may be committed at some stage in the future.

Mr Berry: It is nervousness about move-on powers. This is different.

MRS CARNELL: I have not said anything about move-on powers. Madam Speaker, as the Bill currently is put together it suggests that an offence under this part of the Act will not mean just an offence that has been committed or that is being committed, but also one that might be committed at some time in the future.

Ms Follett: Like move-on powers.

MRS CARNELL: The Chief Minister mentions move-on powers, Madam Speaker, and I think that is a very appropriate thing to put forward. The Government has adamantly rejected move-on powers, but it wants them now for health inspectors. It suggests that the police - - -

Mr Connolly: Yes, to move on rotting food out of public eating.

MRS CARNELL: If the food is already rotten, Mr Connolly, you can do it. It is only if it might be rotten at some time in the future. Madam Speaker, seriously, to suggest in a food Bill that an offence under Part IICA of this Bill includes not just something that has been committed or is

being committed but also something that might, in the view of a health inspector, be committed is patently ludicrous. There is absolutely no reason, no reason that anybody has managed to give us, or no example that would mean, or that could mean, that this sort of prospective power should be given to anybody. The Government says that it should not even be given to police officers, let alone health inspectors.

Madam Speaker, we believe very strongly that any power given to anybody should be given only when it is necessary, when dramatic problems can be overcome by the giving of that power. We have been given no indications of cases where - - -

Mr Berry: You have. You were not even there. You could not be bothered coming.

MRS CARNELL: You did not ask me. If the Government, in the various briefings that we have had on this Bill, could have given us any indication of a situation where this dramatic extension of power could be warranted the Liberal Party would have looked at it; but they have given us none. This is a quite substantial extension of power to health officers. As there have been so many interjections, I will be very interested to look at any information that can be given to us. It certainly has not been given to us to date, Madam Speaker.

MR MOORE (8.50): Madam Speaker, I discussed this issue this morning with somebody from Mr Berry's office and I found the explanation given to be inadequate. The fact that every other legislature in Australia does something is not reason enough in itself. It is, of course, something that one takes into consideration. The notion that we have legislation that sets up a situation that deals with an offence in the future is unacceptable to me. It seems to me that the problem is the way that the drafting instructions have been given. The example that I was given was about chickens that are sitting out on a bench and being stored at room temperature. Whilst they are sitting there at room temperature there may not be a problem, but, quite clearly, within a very short while there is going to be a salmonella problem, and a very dangerous one.

Mr Connolly: That is what this is intended to catch.

MR MOORE: Mr Connolly interjects, "That is what this is intended to catch". What we ought to be talking about is "an act that will have the consequence of". If you had given drafting instructions in that style it would have been acceptable. The notion of something that will be committed, in the opinion of a health inspector, is clearly open to abuse. That is the problem. There was a way of putting this together. If the Government is prepared to come back with it at some future time, that will be worth considering.

Mr Connolly: But it is on reasonable grounds, which is challengeable.

MR MOORE: Mr Connolly interjects, "But it is all on reasonable grounds". It will be challenged; but, in the meantime, somebody has lost their chooks and so forth on the action of a health inspector. The point is that, when we are dealing with legislation like this that is setting up the notion that something is likely to be committed, it really is a very difficult argument to sustain. Mr Connolly argued very strongly, with reference to the move-on powers, against the notion that somebody is about to commit an offence.

Mr Connolly: You are putting the restaurant industry at some risk here because the public will think there is no power to control rotting food.

MR MOORE: Mr Connolly suggests that there is some terrible urgency to get this through tonight because rotting food is going to cause us a huge problem and so forth. This obviously has been a low priority for this Government since they first started to deal with it. It seems to me that we have not had a specific problem with this issue. This legislation, even with this amendment, if it is carried, will tighten up the situation as it is now. If the Government decides to come back we will be able to deal with it then. Madam Speaker, the suggestion that some offence is likely to be committed in the future really is difficult to maintain.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (8.55): I am glad that Mr Moore has been able to come to a so-called in-depth assessment of what the Government is on about without having first listened to the Government, but there you go. Let us put aside the issue of the move-on powers, for a start. The exercise of the move-on power depends on a state of mind of a police officer.

Mr Humphries: It does here too.

MR BERRY: Hang on a minute. This is about the presentation of very clear evidence which demonstrates that there is a need to protect the public health. As Mr Connolly rightly interjected, this does put at risk public health. It also would raise questions in the community about the ability of public health officers to deal with the matter. There is no question about that. Some examples have been provided to the Opposition and to the Independents which might be those about which officers would be concerned. For example, food like salt will absorb moisture when kept in the open. When stored in a galvanised bin it will also absorb zinc coatings from the bin. If one went to a restaurant and there was salt held in a container like that and evidence gathered in the restaurant or place where food was sold indicated that in the normal course of events that salt was used in food which was for sale to the community, then - - -

Mrs Carnell: There are very long bows in there.

Mr De Domenico: What a great example!

MR BERRY: You can laugh. Zinc poisoning is a silly matter, according to the Opposition.

Mrs Carnell: The health inspector would say, "Please get that out of that and put it somewhere else".

MR BERRY: Mrs Carnell interjects that the health officer would say, "Please get that out of the container". If the proprietor says, "No, I am not going to, because that is the way we have always done it and I have never seen anybody stagger out of this place poisoned", then, on reasonable grounds, the officer can act, according to this legislation. If he has not acted on reasonable grounds there is a defence. Very clearly, in the legislation, reasonable grounds are required before one acts. Mrs Carnell sits there with a grin on her face, laughing about zinc poisoning. It is very funny for the Liberals.

Let us take the issue of the chickens, which was explained to Mr Humphries this afternoon by our health officer. If a chicken is thawed in the washbasin and stored on the sink in preparation for cooking and sale to the public some hours later, there is a real danger of food poisoning for the person who buys the food. If in those circumstances the officer says, "You cannot do that; that is unhealthy", and the manager disagrees and says, "You can go away; we always do it that way", what does the officer do? Does he have to come back later on when they are selling the food which has deteriorated and catch them actually doing it, before he can pinch them? No, in my view. They must act to defend the public health. That is the stupidity of what the Liberals have proposed, and it seems that they are supported by Mr Moore. If public health officers cannot act to secure the health of the community in these sorts of circumstances, in a very reasonable way - reasonable grounds have to be proven; it is not as if - - -

Mr Moore: After the fact.

MR BERRY: Mr Moore's understanding of the matter seems to be very thin. There would be a defence, by anybody who had a claim in respect of these matters, that the officer had acted without reasonable grounds. That is a fairly common defence. But do we wait until after the health officer has taken the risk about poisoned food and degraded foods being served to the community, or do we have a situation where the officer is allowed to move on reasonable grounds to prevent people from being poisoned? That is the difference. What the Liberals are proposing is that the proprietor ought to be able to try it on, and the health officer ought not to be able to prevent him from doing so. That is the very clear message that we are getting from the Liberals and from Mr Moore. I am absolutely surprised that they are trying to draw some connection between this and the move-on powers. There is no connection.

Mrs Carnell: It is exactly the same.

MR BERRY: No. There is no connection. Having examined the situation and having determined on reasonable grounds that the food is in the process of being prepared for sale to the community for public consumption, in my view that health officer is bound to act. He ought to be, because he is going to prevent somebody from being poisoned. You are saying that he ought not to be able to act; he ought to have to come back and see the proprietor handing it over to the second person to be poisoned.

Mrs Carnell: The second to be poisoned?

MR BERRY: The second person that has been poisoned. He might have missed the first one because he did not happen to be there on time. This is the stupidity of what is proposed by the Leader of the Opposition. Madam Speaker, this amendment will remove confidence in our ability to provide protection for the community. What the Liberals are about is trying to spoil Labor's splendid record on bringing forward these protection measures for the food that the community eats. They have not been able to do it, ever. They have not been within a bull's roar of it. They could not even contemplate taking this sort of action. Labor has done it. These are just spoiling tactics. What they are going to do is remove the confidence of the community in this particular legislation. I say again, Madam Speaker, that for an officer to act he has to have reasonable grounds. That is a reasonable defence also for somebody who might be aggrieved by the decision. If the officer moves on reasonable grounds he ought to be able to protect the community.

MR STEVENSON (9.04): This clause would grant power to a health officer to act under unusual circumstances where he considers, on reasonable grounds, that an offence will be committed. Mr Berry says that a common defence for someone charged with that sort of matter would be that the person was taking the action on reasonable grounds. There is no limit to the powers that one could give officers in protecting people for their own good. We have a situation in Australia with consumer affairs, as an example, where people are well protected. They have trade practices regulations. They have consumer affairs associations, national bodies, State bodies and local council bodies. We also have the media. Programs like *The Investigators*, *A Current Affair* and a number of others are largely dedicated to protecting people against being defrauded, ripped off, taken advantage of, or whatever. What has this resulted in? It has resulted in many people handing over to government bodies their responsibility for looking after themselves and their families.

What is the record of those government bodies in looking after people? I suggest that it cannot be too good, because at this time we have more people being ripped off than ever before in the history of man. It is simply not working. You set up a situation whereby you say, "You do not need to worry. You do not need to accept any responsibility for your life, for the lives of your families. Trust us. We are doing the job properly". What happens if you do not do the job properly? Have you committed an offence? Should there be some offence if you tell somebody, "We will protect you", and you then do not protect them? Would that be a reasonable offence? Would it be a reasonable offence if a person, a consumer, on reasonable grounds thought that you may commit such an offence in the future by passing a Bill like this? The problem is that there is absolutely no limit whatsoever to the powers you can grant to someone to look after someone else.

Mr Berry: Were there any around to protect people from depilation?

Ms Follett: They got their hairs ripped off.

Mr Berry: It was all right to rip their hairs off, wasn't it, Dennis?

MR STEVENSON: I would suggest, Madam Speaker, that Mr Berry should not talk about hair removal.

Mr Berry: I would not let you near me. I would have none left.

MR STEVENSON: It would depend on where you were talking about. Madam Speaker, I consider, along with Mr Moore and the members of the Liberal Party, that this clause goes too far. It gives a power that is unreasonable. To suggest that the person who has been charged, who is hauled off before a court, has a defence is not a reasonable situation. This is one we should knock out.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.08): Madam Speaker, there have been lots of giggles and chuckles and carrying-on tonight. It is a case of "We have all got together and we are going to roll the Government, and that is a jolly funny thing"; but this is a serious step that members are taking. Members should not be under the misapprehension that you are removing from the Government's desire a sweeping power which we wish to introduce.

Mrs Carnell: No, it has been there for ages.

MR CONNOLLY: Exactly right, Mrs Carnell. It has been there probably from about 1931. The law in this area at the moment is the Public Health (Sale of Food and Drugs) Regulations, a hotchpotch piece of legislation drafted in a manner that would give any member, if we were to produce that legislation now, the absolute horrors. It is poorly drafted and difficult to interpret, but replete with undefined terms like "rancid" or "unsound". It is very difficult legislation to interpret, but it is legislation which provides prospective powers. It gives the inspectors powers to act prospectively. That, as an issue of principle, is one that, properly, the Scrutiny of Bills Committee picks up. The purpose of the Scrutiny of Bills Committee is to put up the little red flag, saying that this is something that we should not generally be doing. Indeed, it is something that we should not generally be doing. But this is in one of the most commonly accepted exceptions to that, which is public health.

Mrs Carnell glibly says that it has been there for years. Can Mrs Carnell produce one case, not half a dozen, of this power being abused? Of course she cannot. Can Mrs Carnell produce one industry association which says that this power has been abused in the past? Of course she cannot. What Mrs Carnell and the Liberals - - -

Mrs Carnell: It has not been used at all.

MR CONNOLLY: It is used regularly, Mrs Carnell. It is used daily. It is used here; it is used in Queanbeyan; it is used in Melbourne; it is used in Adelaide. Health inspectors exercise their powers to enter premises, to look at matters and to say, "That is a problem - not at the moment, but the chook is going off".

If you persevere in this little stunt you are going to deprive those health inspectors in this Territory of powers which you acknowledge have been there for a very long time and which you are totally unaware of having been abused. It is all coming out now. You acknowledge that these powers are in place in every other jurisdiction in Australia. Why are you doing this? For a little political stunt, for a little chuckle, as you have had tonight.

Mrs Carnell: That is not true.

MR CONNOLLY: Have you discussed this with industry? Have you said to the AHA or the restaurants association, "Look, we think that we should have significantly weaker powers for health inspectors in the ACT". When it is reported tomorrow that the Liberals have decided that there should be significantly weaker powers for health inspection in the ACT, the public will think, "Does that mean that I am as protected here? Why should I be less protected when I go to eat in a restaurant in Canberra than when I go to eat in a restaurant in Queanbeyan?". Does the AHA think that is a very good idea? Of course not. You have not discussed the matter.

Mr Humphries put out on the weekend a clever little press release saying that the Government will not act on move-on powers, but it is trying to introduce this draconian legislation.

Mr Humphries: That is right.

MR CONNOLLY: Exactly, yes. You did not acknowledge, I bet, in that press release what you have just acknowledged - that this has been the law since 1931.

Mr Humphries: That makes it all right, does it?

MADAM SPEAKER: Order! You will have your opportunity later.

MR CONNOLLY: You did not acknowledge that it is not a case of the Government trying to introduce new draconian powers but of the Liberals wanting to remove, from public health inspection in the ACT, a power which has always existed, and which exists in every other jurisdiction. That is what you are doing tonight. You, Mrs Carnell, of course, did not attend the briefing. You stood up here and said what was not said in the briefing. Mr Humphries attended the briefing, and Mr Berry can go further into precisely what was said. Essentially, if you support this Liberal amendment, you are not stopping the Government from introducing new sweeping draconian powers. What you are doing is removing a power which has existed - it is a bit difficult to tell - probably since 1931.

Mrs Carnell: But you do not know?

MR CONNOLLY: Mrs Carnell, it does take some time to track down precisely changes in amendments to regulations over that length of time, particularly in the very poorly drafted style of that 1931 Bill. It is a law which you glibly acknowledge, with a little smile on your face, has been there for a long time. You cannot provide a single example of a complaint about the exercise of this law. You are unable to provide an example of where it has been abused.

Mr Stevenson says that we should be very careful with these sorts of sweeping powers. We would agree, Mr Stevenson. It is a significant step to give these sorts of prospective powers. That is why the Scrutiny of Bills Committee, very properly, raises that red flag. But the area of public health is one where every jurisdiction in Australia, way, way, back, from the turn of the century, has had these sorts of prospective powers. It is considered fundamentally important that when the inspector goes in he has the ability to say, "That is a problem". At the moment, at that very instant, the butter is not off, it is not rancid, but it may become so.

Mr Humphries: May become so.

MR CONNOLLY: It will become so. He has reasonable grounds for believing so. I must confess that the detail of this obviously has not been my responsibility. When I heard Mr Moore's speech it occurred to me that we can fix Mr Moore's problem very easily. We will just insert a "has reasonable grounds" provision. Despite the rhetoric, such as, "He may do if he thinks" - that was the sort of rhetoric you were using and that Mr Moore was using - when you look at the provision it is a "has reasonable grounds" provision. The sort of fix that I was going to put in is already there. You have glibly chosen to ignore that.

You have glibly chosen to say that these are extraordinary, sweeping powers. They are more extraordinary powers than one would normally wish to see in a piece of legislation. I freely acknowledge that. But you acknowledge, Mrs Carnell, that they have been there for a long time, and they are there in every other Australian jurisdiction. Either everybody else is wrong and Mrs Carnell is right, or there is a reason for having more sweeping powers in public health food regulations. That is certainly the view of the Government.

To retreat in the ACT, to have the ACT an island for rancid food, or food that is about to go rancid, is a highly irresponsible course of action. It started from a silly press release that pulled together the move-on powers debate and sought to make a political point to embarrass the Government - to say that the Labor Government is not prepared to give police move-on powers but it is prepared to give health inspectors these sweeping powers. That is fair enough. That is fair, rough-and-tumble political debate. But for members, on the basis of that sort of a glib little political stunt - a fair political stunt to make, but a political stunt nonetheless - not to allow in the ACT the sort of power -
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Mrs Carnell: You must have had a bad night.

MR CONNOLLY: You think it is funny, but it is not.

Mr Humphries: No-one is laughing.

MADAM SPEAKER: Order!

MR CONNOLLY: No, they should not. You want to not allow in the ACT the continuation of a type of power that has existed probably since about 1931 - in Mrs Carnell's view anyway, for a very long time - and which no-one is able to give an example of it being abused. You had in your little speeches all these shock, horror scenarios of its abuse, but not one example. You have not one example of an industry body that is in daily contact with these health inspectors saying that there have been abuses of power, that these powers have been unreasonably exercised. Every other jurisdiction in Australia has that legislation. You are not having the straightforwardness - I am careful of my words - in your remarks to acknowledge that this has always been the law. When pressed you say that it has always been the case. In your little speech earlier, your great presentation of principle, you did not think it necessary to say to members - obviously, not every member can be across the full detail of every piece of legislation - that your objection was in principle but members should realise that that same principle has been there for many years. But you do acknowledge it.

It is a very important move that is being proposed tonight. It is not denying this Government some desire for sweeping powers. It is saying that you think public health legislation in this Territory should be weaker than it has been hitherto, despite there being no complaints about its exercise, and should be weaker than public health legislation that applies in other States and Territories. If you think that is a clever thing to do, by all means support the Carnell amendment. If you have concerns about that proposition, reject the Carnell amendment.

MR HUMPHRIES (9.18): Madam Speaker, the Government, as usual when it finds itself outnumbered in this place, tends to resort to all sorts of rather despicable tactics, like accusing members of wanting to poison members of the public of the ACT, and of having a giggle about public health - that kind of stupid comment. I think people examining the seriousness of the debates and the arguments that have been put up in tonight's meeting of the Assembly will know that those issues that have been placed on the table by Mrs Carnell's amendment are not frivolous. They contain extremely important points.

It is very interesting to note that, in addressing the arguments tonight, neither Mr Berry nor Mr Connolly has addressed the principle of why that kind of anticipatory power is necessary when it is not required in other kinds of legislation in the ACT. They have said, "We have done it for a long time and other States do it. Therefore it is good enough". Those are not good enough arguments, Madam Speaker. As Mr Connolly continually tells us, the ACT can do better than other jurisdictions. As he continually tells us, we are constantly updating the laws of the Territory to improve them from the state that they were in hitherto. The Labor Government is making things better, to quote Mr Berry's often used phrase. Madam Speaker, if that is the case we should be looking at every piece of law in this Territory, whether of recent origin or of ancient origin, and saying, "Is this an appropriate law to protect the rights and citizens of the ACT?". That is the issue that has been carefully avoided, with all the rhetoric, all the bluster and all the abuse being hurled from the other side of this chamber. It has been carefully avoided in this debate so far and I will come back to it.

Madam Speaker, I want to quote Mr Connolly's comments from 15 September. He said:

The Labor Party, whether in government or in opposition, does not believe that there should be arbitrary law on the statute books in the Australian Capital Territory that gives police officers extraordinary powers to interfere with the rights of citizens who have committed no crime.

Mr Cornwell: Who said that?

MR HUMPHRIES: Mr Connolly. In fact, he said it not once but three times in almost identical terms in the course of that one debate. What is the real distinction between that case and the case that has been put forward in the Bill tonight? Let us examine them. What is the harm being addressed here? The harm is the apprehension of violent conduct in public places which results in individuals in this community being hurt. That was the issue with that Bill. In the Bill before us tonight the issue is people not being injured by consumption of food which is not fit for human consumption. Apparently the two are very similar, would you not say, Madam Speaker? Is it not very similar to talk about those two sorts of goals in the one breath? We are talking about the grounds on which that kind of power might be exercised.

Mr Berry told the Assembly that there is a safety catch in his Bill. The safety catch is that the power to anticipate that a crime is going to be committed can be exercised by a health inspector only where there are reasonable grounds for believing that it is going to be committed. That, he said, was the distinction between this and the move-on powers. That is not so.

Mr Connolly: No, no.

MR HUMPHRIES: That is what Mr Berry said, Mr Connolly. I am not going to change it now. We do not want to correct his *Hansard* record. What he said was that "reasonable grounds" was the basis on which a court could refuse the exercise of this power. Let me read from the move-on powers Act. It states:

Where a police officer has reasonable grounds for believing that a person in a public place is engaged, or is likely to engage, in violent conduct in that place, the police officer may direct the person to leave the vicinity.

It is very similar, is it not? Is it not precisely the same issue? It is precisely the same issue.

Let us look at the question of who might exercise the power. In the case of the Police Offences Act the power is exercised by a police officer. In the case of the Food (Amendment) Bill the power is exercised by a health inspector. What is the substantive difference? Very little, except that the police officer probably has more years of training than does a health inspector. That is probably the only difference I can point to in these two pieces of legislation.

Mr Connolly: And there is not a single record of a complaint against a health officer. You put out a press release about complaints against police and said that there were too many.

MR HUMPHRIES: Let us come back, Madam Speaker, to this other issue. He keeps on raising them. Mr Connolly has said, "No-one can give us an example of it", meaning the powers exercised under this legislation - - -

Mr Connolly: Prospective-style powers, yes.

MR HUMPHRIES: No-one can give an example of the prospective-style powers having been abused, and therefore we should support those powers. How many complaints were received about the move-on powers, Mr Connolly? To quote Mr Connolly, "Give me one example".

Mr Connolly: I can tell you lots of groups that lobbied against the powers. You show me one organisation that objects to this.

MR HUMPHRIES: Sure, lots of groups, yes. Madam Speaker, the double standards being exercised tonight are absolutely sickening. Mr Berry and Mr Connolly cannot accept the fact that they have applied in this place a standard which they cannot now accept in respect of a different piece of legislation. Listen to your own words, Mr Connolly:

... the Government has always taken the view that you should not use an arbitrary power to give the police power to deal with a citizen who has committed no offence.

Later on he refers to the use of statutory powers against individuals who have committed no crime. Madam Speaker, a health inspector comes into a restaurant and sees, for example, to use Mr Berry's example, a tub of galvanised metal in which flour or salt has been placed. That health inspector says, "In a month's time that galvanised metal is going to leach into the flour or the salt and it is going to poison that flour or salt by contaminating it with zinc. Therefore, a person who consumes that flour or salt in a month's time is going to become ill or maybe even die". That is a very good point to make; but, Madam Speaker, we have no proof, we have not the slightest evidence, in fact, that a person to whose attention a possible breach of health regulations which might occur in the future is drawn will not, in those circumstances, take some steps to rectify that problem.

Similarly, someone shown a piece of chicken sitting on a bench, thawing out, tells the inspector, "I am going to use that tonight". The inspector says, "Look, if you use that tonight it will have been sitting out here for several hours. It will not be fit for human consumption. It is not acceptable practice for you to do that". In 99 cases out of 100 that person is going to say, "Okay, I will not use the chicken in that way. I will follow the correct procedures for dealing with this kind of thing and I will not do it". But for a health inspector to say, "I know that in a month's time you are going to be using this flour from this bin; you therefore are guilty of an offence and I am going to seize your means of livelihood", is quite unacceptable. There are other ways of dealing with this problem.

Madam Speaker, Mr Connolly seems to think that uses of these sorts of powers can occur every day. They do not occur every day. They are not appropriate in these circumstances. I think that we have to be asking ourselves whether any sort of public official in this Territory - whether it is a police officer or a health inspector or any other kind of public servant - should have that power. I would maintain that the particular goal being met by the Police Offences (Amendment) Bill that we dealt with in 1989, that is protecting public safety, is a very important goal, and the right being affected by the exercise of that power is a very small right - that is the right of a person to stay in a particular public place - whereas in this case a health inspector who seizes, say, a machine used for making food in someone's premises, or the food itself, potentially deprives that person of his or her livelihood, his or her capacity to earn a living, the capacity of that person to provide an income and to support their children or their family.

Mr Connolly and Mr Berry have to understand that it is simply not good enough to say, "This has been done for a long time somewhere else; it is good enough to happen here". If that argument does not wash on other occasions, in their minds, it should not wash today. Madam Speaker, I think that we have to stand up against this kind of excessive use of legislative power. Obviously, Mr Berry has been lobbied by his health inspectors and they say, "We need these powers, we want these powers; anything to make our job easier"; but that is not good enough for this Assembly.

MR LAMONT (9.28): Madam Speaker, I was quite fortunate some time ago to have been involved with the health inspectors in the ACT.

Mrs Carnell: Were they on strike?

MR LAMONT: No. Because they exercise their powers and negotiating skills quite reasonably, that was not the case, Mrs Carnell. Your flippancy in that sort of throwaway line addresses the very heart of the basis of your party's objections to this part of the Bill. You are being inconsistent in running the line that you are, but that does not really matter. You would rather allow your police spokesman to run your public safety issues on health in order to try to drag up and score points again because of a resounding defeat in this chamber about move-on powers some little time ago. The simple fact is that it is, in my view, the responsibility of this chamber - - -

Mr Humphries: It is more important than violence in public places, is it?

MR LAMONT: If Mr Humphries would care to listen for once, he might understand what his responsibilities are. It is the responsibility of this chamber to assess the different circumstances that exist within our community, when judging laws that should be passed. That is the reason why it is quite consistent for the Government, on the one hand, to oppose the move-on powers continuation, and on the other to propose - - -

Mr Cornwell: I take a point of order, Madam Speaker. I cannot hear the speaker because of the heavy lobbying going on by the Government on the two Independents.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

FOOD (AMENDMENT) BILL (NO. 2) 1993 Detail Stage

Clause 6

Debate resumed.

MR LAMONT: I believe that it is competent for this chamber to determine the difference between the two issues. There is essentially a significant difference between the philosophy that Mr Humphries is keen to march around the Territory as his pet subject, the move-on powers, and the issue we are discussing tonight. It is quite clear that the circumstances warrant the type of wording contained within the legislation. It is consistent with the regime of legislation that, although convoluted, has provided us here in Canberra with probably one of the best records in Australia as far as food and public health are concerned. What is being proposed is a 180-degree turn as far as the authority of our health inspectors is concerned, a change to the basis upon which they have been able to ensure that the public can proceed with confidence to a restaurant or an eating house, conduct a function and know that a health inspector may have seen foodstuffs or matters prescribed within the Act and prevented them from being used.

Madam Speaker, it is not an offence under this Act to allow the chook to go rancid, but it is an offence to sell it. A health inspector is a person of considerable expertise and considerable training. Mr Humphries shows his ignorance of policing as well when he suggests that a policeman, let us say a constable, is as qualified as or has gone through the same sorts of requirements as a health inspector. That plainly is not the case. Even Mrs Carnell knows that.

I would have thought that she would have been able to advise Mr Humphries. It is quite clear that they have not been talking; otherwise Mr Humphries would have told her what happened in the briefing that she did not attend this afternoon.

What we are talking about here is the ability of a health inspector to look at the chook, as an example, and say, "Stored in the current condition, this chook will be able to be eaten without it causing food poisoning". If a health inspector is not in a position to do that it defeats the whole purpose of the Act. That is how significant this change will be to public safety in the ACT. The people opposite have not been able to argue that in those circumstances that power is not reasonable. What they are arguing is a philosophy of objection. They are actually saying that their objection is not based upon this Act; it is not based upon public safety; it is not based upon history; it is not based upon the record of the health inspectors in this town; it is based upon the small-mindedness of Mr Humphries.

What this amendment talks about is just how small-minded Mr Humphries has become. He is bitter that he has not made the front bench and bitter that he never will. Now he is trying to force his imprimatur as far as issues are concerned on his current leader. It is interesting to note that one of the few people who have been consistent on the matter of public health - - -

Mr De Domenico: Look at who is bitter at not being on the front bench.

MR LAMONT: Could bubble-and-squeak quieten down for a minute? The only person who has been somewhat consistent on these types of matters is Mr Kaine. I am sorry, Mr Cornwell; the two of you. Both you and Mr Kaine have been somewhat consistent on these matters.

Mr Cornwell: You have not heard me yet.

MR LAMONT: Okay; Mr Kaine has been consistent on these matters, Mr Cornwell. I can understand why there now appear to be two camps over there. They have no real argument in relation to the Food Bill or the principles in it. They cannot, in reality, argue against this issue being continued in the Food Bill. Mrs Carnell has acknowledged that, clearly, and is even now trying to backtrack from that acknowledgment. That is the simple position. What has happened is that Mr Humphries, in order to continue to perpetuate this myth about his brilliant legal mind, has decided to pursue his phobia with the move-on powers by having a look at this piece of legislation and saying, "Despite the public health issues, this is the way we are going to proceed".

Madam Speaker, I hope that the Independents are prepared to accept that. I hope that that is the way that the press report this debate tonight. It is one of the more significant debates about public health that have occurred in this chamber since I have been an MLA and so - - -

Mrs Carnell: No-one has talked about one thing to do with health.

MR LAMONT: No, you have not. Mrs Carnell, you have not. The person squeaking behind you has not, and neither would any of your other members. You have not talked about the issues. All you have talked about is the drivel that your shadow legal spokesperson continually goes on with, his pet phobia, the move-on powers. The philosophy of objection is about all he has raised. You have failed the test, both being - - -

Mrs Carnell: Well, it is only once today.

MR LAMONT: No, Mrs Carnell, unfortunately it is not just once today. You probably have a different recollection of question time than we do. You have failed on more than one occasion today, and the rest of your friends behind you also have failed on that same test. This debate should be reported as on the Humphries move-on amendments. If this gets up, I suppose Mr Humphries will turn all his policemen into health inspectors so that they can take part in it. That is the level of hypocrisy that your argument comes to.

MR CORNWELL (9.37): If, indeed, Mr Humphries could turn his policemen into health inspectors, under this piece of legislation they would have more power than they had when they were policemen. We are dealing with these words "or will be" - this anticipation. I would like to raise a couple of questions to which I would be pleased to hear the Government's response. I was very interested in the rather petulant performance of the Attorney-General. I notice that when he is not getting his way he gets very petulant. He kept saying that there was not one case where the health inspectors' powers had been abused. Commonsense would indicate to me, if I was running a restaurant and I had a health inspector coming in telling me to do certain things, to do them pretty quick smart. After all, my livelihood depended on them. Therefore, to make the suggestion that there is not one case presented where this has been abused is absolute nonsense. It does not mean that it has not been abused; it just means that people might be too frightened to report them.

There is another point that I would like to comment on. I find it rather interesting that Mr Attorney over there said that this legislation has been in place since 1931, he thought - something like 60 years - and it was also in place elsewhere in the country. It occurred to me that 60 years ago - - -

Mrs Carnell: There were no refrigerators.

MR CORNWELL: Exactly. Thank you, Mrs Carnell. There was no refrigeration. I think the first refrigerated ships were in about the 1930s, to the United Kingdom, but I could be wrong.

Mr Connolly: No, no. They started exporting mutton to England in about 1880 - Elder Smith Goldsbrough Mort. I think it was Mr Mort who invented them.

MR CORNWELL: Not in refrigerated ships. They might have put it in barrels of brine and things like that. The point I am making is this: We are looking at legislation that was created 60 years ago when circumstances were much different from what they are today. Therefore, it is hardly an argument to leave in legislation in 1993 something that was first introduced in 1931. Neither is it a defence, in my view, Madam Speaker, to argue that other States have similar words in their legislation, because we are all aware that many of the States do not review their legislation at regular intervals. Who is to know, if they did review their food legislation, that they would not also decide, as this side of the house has decided, that this is an outrageous imposition to place upon anybody? They may well remove it. So I do not see that you can argue that, because the other States have these words in their legislation or, indeed, they have been sitting around for the last 60 years, this is any justification for placing them in the Food (Amendment) Bill (No. 2) of 1993.

I fear that what I see here is a government's desire - not necessarily this Government's, but almost any government's - to control things, and this is something that I believe this Assembly has to be very careful about exercising. There is a natural tendency when something is perceived to be a problem for the Government to step in, to regulate and to control. I believe that we members of this Assembly - all of us, but particularly those on this side of the house - have a responsibility to see that this type of thing is not abused. I would suggest to members that it is being abused in this case. I do not believe that there is any justification in saying that there has been no case reported where it had been abused, any more than I believe that Mr Connolly's interjection, "Well, what about the case of the Australian Hotels Association, or some other body?" is justification. Most of these groups, I would suggest, probably have maintained extremely high standards within their kitchens and would not be troubled by this, but that does not mean to say that it is right.

The fact remains that we should not be putting in pieces of legislation which prejudge and which suggest that over a period - - -

Mr Berry: What about half a dozen dogs taken from the dog pound, dressed and on the way to the restaurant?

MR CORNWELL: No, there is no time limit. Mr Humphries has indicated that it could, in fact, be a month, and if a health inspector thinks an offence might be committed action can be taken. I do not believe that we should give that sort of power to anybody in that area. Certainly, we should not give it to a health inspector if we are not prepared to give it to a policeman.

Debate (on motion by **Ms Szuty**) adjourned.

PRIVILEGE

Statement by Speaker

MADAM SPEAKER: Members, I would like to bring to your attention a privilege matter. On 29 November 1993 the former chairperson of the Select Committee on Estimates 1993-94, Ms Szuty, gave written notice of a possible breach of privilege concerning the premature and unauthorised release of information in the Government's response to the Estimates Committee report. Ms Szuty alleged that the response was based on an early draft of the report and not the final report which was presented to the Deputy Speaker on 12 November 1993 and subsequently to the Assembly on 23 November 1993.

Under the provisions of standing order 71 I must determine whether or not the matter merits precedence over other business. If, in my opinion, the matter does merit precedence I must inform the Assembly of the decision and the member who raised the matter may move a motion without notice forthwith to refer the matter to the Standing Committee on Administration and Procedures. Assembly standing order 241 provides:

The evidence taken by any committee and documents presented to and proceedings and reports of the committee shall be strictly confidential and shall not be published or divulged by any member of the committee or by any other person, until the report of the committee has been presented to the Assembly: Provided always that the publication or divulging of any evidence, documents, proceedings or report confidentially to any person or persons by the committee or by any member of the committee for the execution of any clerical work or printing, or to the Speaker, a Member, or, if it be necessary, in the course of their duties, to the Clerk or other officers of the Assembly, shall not be deemed to be a breach of this standing order.

Under Section 24 of the Australian Capital Territory (Self-Government) Act the Assembly and its members and committees have the same powers, privileges and immunities, as those for the time being held by the House of Representatives and its members and committees.

As Speaker, I am not required to judge whether there has been a breach of privilege or a contempt of the Assembly. I can judge only whether the matter merits precedence. Having considered the issues raised by Ms Szuty, I am prepared to allow precedence to a motion to refer the matter to the Standing Committee on Administration and Procedures.

Motion (by **Ms Szuty**) agreed to:

That the matter of the contents of the Government response to the report of the Select Committee on Estimates 1993-94 be referred to the Standing Committee on Administration and Procedures as a matter relating to the privileges of the Assembly.

ADJOURNMENT

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

That the Assembly do now adjourn.

Prostitution

MRS CARNELL (Leader of the Opposition) (9.45): Madam Speaker, the Chief Minister today told the Assembly that I was draped in the doorway of a brothel. Prior to that latest cheap shot I had been on the receiving end of a number of other statements from members - I think Mr Lamont was one of them - with regard to this serious issue. Madam Speaker, I wish to clarify my position on brothels and why I believe - - -

Ms Follett: Ha, ha!

MRS CARNELL: It is interesting, Madam Speaker, that the Chief Minister still seems to believe that this is a funny issue.

Ms Follett: It is.

MRS CARNELL: Ms Follett, I was not draped in the doorway of a brothel. I was drawing community attention to two issues which, I believe, are important, and you, obviously, do not, and that is the protection of women from exploitation and the practice of safe sex. These two issues, obviously, as I have said, are not close to Ms Follett's heart. I launched the open day at Mitchell because I wanted to promote health issues and to let the community know - - -

Ms Follett: You made a bad mistake.

Mr Berry: You made a blunder.

MRS CARNELL: Madam Speaker, please!

MADAM SPEAKER: Order!

Ms Follett: She talks through everybody else, so I think we ought to be able to talk all through her.

MRS CARNELL: Thank you. I wanted to let the community know that, I think rightly, this Assembly voted to decriminalise brothels in the ACT in order to allow them to operate under close scrutiny, with the protection of the wider community in mind. One of the greatest problems facing society today is, obviously, the transmission of AIDS. I believe that this is an important issue, Madam Speaker. I think this Assembly accepted, during the debate last year, that brothels would always exist and that it was very, very important for this community to ensure that they were regulated properly. I have, therefore, supported, as has everybody else in this Assembly, strict guidelines for the operation of brothels in the ACT.

When I was approached by the AIDS Action Council and WISE to open the brothel open day as part of AIDS awareness month, leading up to AIDS Action Day - something that I believe is very important - I was very happy to go ahead. I believe, unlike, obviously, the Chief Minister, that one of the important things that we did as an Assembly when we passed that legislation was to protect the rights of the women who work in these establishments, to ensure that they are able to work in an establishment as other people are willing to work, and to stop the spread of sexually transmitted diseases, and AIDS in particular. I believe that this is an important issue, Madam Speaker. I am disappointed that the Chief Minister does not.

Tourism Commission

MR STEVENSON (9.48): I wish to congratulate the Tourism Commission and those responsible for the excellent service that they are providing. Recently some people I know came to Canberra and went to the Tourism Commission. They were pleasantly surprised to get a list of accommodation with various price ranges. That may seem a logical and simple thing, but it is not usually done. It is an excellent idea. On a number of occasions I have called in to the commission to check whether they are pushing magazines that advertise pornography or to see what sort of a service they have. I must admit that I am encouraged by the professional approach of their staff and the wide display of the many magnificent attractions we have in Canberra. So, all in all, a job well done.

Question resolved in the affirmative.

Assembly adjourned at 9.50 pm

ANSWERS TO QUESTIONS

**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION N0.997**

Education and Training Portfolio - Advertising

MR HUMPHRIES - asked the Minister for Education and Training on notice on 14 September 1993:

In relation to the 1992-93 financial year

- (1) What services were advertised by (a) the Ministers department; or (b) each of the agencies under the Ministers control.
- (2) What was the total cost of advertising of these services by (a) the Ministers department; or (b) each of the agencies under the Ministers control.
- (3) In what publications were advertisements placed by (a) the Ministers department; or (b) each of the agencies under the Ministers control.
- (4) How many advertisements were placed for positions vacant - by (a) the Ministers department; or (b) each of the agencies under the Ministers control.
- (5) What was the total cost of advertising positions vacant by (a) the Ministers department; or (b) each of the agencies under the Ministers control.
- (6) How many positions vacant were filled by external applicants with respect to -advertisements placed and detailed in (4) and (5).

MR WOOD - the answer to Mr Humphries question is:

(a) Department of Education and Training

- (1) The Department advertises domestically a broad range of services provided including course training, public meetings, public notices and a careers hotline. Additionally the Department advertises internationally in South East Asia in relation to international students.
- (2) Total cost of advertising these services was \$25,096.18.
- (3) The majority of advertising, was placed in the Canberra Times with others in -the Australian., Chronicle, Public Eye, Sydney Morning Herald, Valley View, Shoalhaven and. Nowra News, Career Magazine, Melbourne Age, Koori Mail, Financial Review, Real Estate and Community Times-and a limited number of overseas magazines/newspapers, mainly the Australian Study. News - Hong Kong.

(4) 83.

4345

7 December 1993

(5) \$67,177.70.

(6) 204.

(b) Canberra Institute of Technology

(1) The Canberra Institute of Technology advertises a broad range of services to the community through a number of advertising outlets. These services include course advertising, recruitment, advertising for industry specific purposes eg fashion parades, photography exhibitions, the restaurant and general advertising in tourism guides.

The Canberra Institute of Technology is responsible for advertising vocational education and training in the Canberra region.

(2) The total cost of advertising of these services by the Institute was \$173,760.72.

(3) The majority of advertising was placed in the Canberra Times, with articles in the Floriade Souvenir Guide, Canberra Regional Magazine, Telecom Yellow Pages, NSW Training Directory, South East Magazine and other industry related journals.

(4) 34.

(5j) The total cost of advertising positions vacant was \$33,412.96, this figure is included in (2).

(6) 69.

4346

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1058**

ACTION - Stationery

Mr De Domenico - asked the Minister for Urban Services: In relation to the two colour printing on ACTION envelopes and letters -

- (1) What are the printing costs for ACTION stationery.
- (2) Why are two colours used.
- (3) Is it more expensive to print with two colours.,
- (4) How long has the two colour stationery been used.
- (5) What is the basis for the decision to use two colours for the ACTION logo on stationery.

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

- (1) \$3712 in the financial year 1992/93. This was the total cost of printing ACTIONs envelopes and letterheads using two colours.
- (2) To reflect the two colours in ACTIONs bus livery which has a high public profile.
- (3) Yes. For example printing a second colour increases the cost on 1000 envelopes from \$40 to \$55.
- (4) The earliest invoice is dated 13 September 1990 which was during the time of Mr Kaines Alliance Government.
- (5) To reflect ACTIONs familiar bus livery and reinforce its corporate image.

4347.

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1077

Oaks Estate Properties - Sewerage System

Mr Cornwell - asked the Minister for Urban Services:

- (1) How many properties in Oaks Estate are connected to the ACT sewerage system.
- (2) How many properties by type, eg house or flat, are there in Oaks Estate.
- (3) How many properties in Oaks Estate are paying sewerage rates.
- (4) What charges are these properties paying if they are not connected to the ACT sewerage system.

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

- (1) None.
- (2) Houses 97
Flats 84
Non-Residential 14
- (3) 195
- (4) Each property pays basic sewerage charges to ACT Electricity and Water (ACTEW) in accordance with the Schedule of Charges for water & sewerage. The basic charge for residences in 1993/94 is \$264.00. For sewerage services to non residential properties the basic charge is \$264.00 together with \$264.00 for each flushing cistern in excess of two.

This is in accordance with an agreement with the Queanbeyan City Council where ACTEW collects the charges on a quarterly basis, and pays the Queanbeyan City Council annually.

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1089**

Totalcare Industries Ltd - Mini-bus Fleet

Mr De Domenico - asked-the Minister for Urban Services - What, in percentage terms, in a 24 hourday, is the utilisation rate of the motorcars Industries fleet of mini buses..

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

These buses are widely used to transport persons with disabilities to employment, education and recreational opportunities. The overall rate of usage is 25%, but this of course covers 24 hours, The utilisation rate of the motorcars Industries fleet of mini buses is 50% from 6 am to 6 pm. The buses are not used from 6 pm to 6 am.

4349