



**DEBATES**  
OF THE  
LEGISLATIVE ASSEMBLY  
FOR THE  
AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

1 March 1994

**Tuesday, 1 March 1994**

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

**QUESTIONS WITHOUT NOTICE**

**ACTTAB - Contract with VITAB Ltd**

**MRS CARNELL:** Madam Speaker, my question is to the Deputy Chief Minister in his capacity as Minister for Sport. Minister, given the situation where a punter has two bets for the same amount on the same horse with both VITAB and ACTTAB, can you give the Assembly an assurance that the dividend paid to that punter by VITAB would be identical on all occasions to the one paid by ACTTAB?

**MR BERRY:** What VITAB pay their punters is a matter for VITAB. As far as ACTTAB is concerned, the dividend is quite clearly set out, and that is, of course, a matter for ACTTAB. As far as Mrs Carnell's question is concerned, it is obviously aimed at the issue of inducements, and I have told this chamber, I do not know how many times, that the issue of inducements is a clear one; that is, that VITAB have given us a written undertaking that they will not offer inducements to Australians. They just will not offer inducements. Other TABs have an agreement that they will not offer inducements to their opponents' patrons. We are in competition with State TABs and there is an agreement that we do not offer inducements to other States. The agreement that stands with VITAB is one that I am comfortable with. If you want to come forward - - -

**Mr Kaine:** Whom is VITAB in competition with?

**MR BERRY:** Hang on a minute, Mr Kaine. You get your turn later.

**Mr Kaine:** I will; but whom is VITAB in competition with?

**MR BERRY:** No, no; you take your turn in this place. Just take your turn. If you want to put forward some evidence, I am happy to look at it; but do not just keep trying to kick up the dust. That is all you are trying to do. If you have evidence, lay it on the table and I will deal with it. Just put the evidence forward. What dividend VITAB pays is a matter for VITAB. The dividend that is paid by ACTTAB is their business. We have it on the record, and it is on the record in this place, that they will not offer inducements. If there is any evidence that they are, I want to know about it.

**MRS CARNELL:** I have a supplementary question. Minister, if you have no assurance from VITAB that they will not offer exactly the same dividends as ACTTAB, do you then - - -

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**Mr Berry:** You do not understand this, do you?

**Mr Humphries:** No, no; you do not.

**MADAM SPEAKER:** Order!

**MRS CARNELL:** Does the Minister then accept that the major way that incentives are offered on racetracks, or via TABs in this country, is via a better dividend? If the Minister has no assurance that VITAB will not offer a better dividend, how can he be confident that the letter that he got from VITAB is worth even the paper it is written on?

**MR BERRY:** You are kidding yourself. You do not understand the business, for a start. The facts of the matter are that VITAB have said to ACTTAB, "We will not offer inducements". What you are suggesting is that they might offer an inducement. The letter is on the table. It is on the record here. Lay on the table the evidence that inducements have been offered and I will look into it. If you do not have the evidence, if you cannot put up - - -

**Mr De Domenico:** Will the dividends be the same?

**MADAM SPEAKER:** Order!

**MR BERRY:** Mr De Domenico, settle down. You will get your turn, like Mr Kaine. It is Mrs Carnell's turn to cop a burst. If you do not have the evidence, if you cannot put up, shut up.

### **Lennox House**

**MR MOORE:** My question is directed to Mr Wood as Minister for the Environment, Land and Planning, and particularly as the Minister with responsibility for ACT heritage. What action are you taking to assess and protect the heritage value of old Lennox House, which was originally used by workers during the establishment of the national capital?

**MR WOOD:** Madam Speaker, quite properly, primary consideration of the heritage listing, or otherwise, of Lennox House is in the hands of the ACT Heritage Council. That council has carried out a detailed examination of Lennox House and the issues surrounding it, and I understand that on Friday last it issued a statement on it. I have seen that statement; but, at this stage, I have not lined it up with all the issues. There are - - -

**Mr Cornwell:** I raise a point of order, Madam Speaker. I cannot hear the Minister clearly because - - -

**MR WOOD:** Because of Mr De Domenico.

**Mr Cornwell:** No; because Mr Connolly is advising Mr Berry over there on matters - - -

**Mrs Carnell:** He is trying to tell him about dividends.

**MADAM SPEAKER:** Order!

**MR WOOD:** Madam Speaker, I find it extraordinary that someone on the Opposition side should complain about noise. They are the ones who make all the noise in this Assembly. I have not yet lined up in precise detail the Heritage Council's submissions. There are eight or nine buildings over there of varying degrees of historical importance. Obviously, the significant component in this is the proposal of the Heritage Council. It is one that I must take with the greatest seriousness. I will be examining it and giving it the consideration I must in the near future.

#### **ACTTAB - Contract with VITAB Ltd**

**MR DE DOMENICO:** Madam Speaker, my question without notice is to the Deputy Chief Minister in his capacity as Minister for Sport.

**Mr Berry:** This will be about VITAB.

**MR DE DOMENICO:** It is about VITAB, Mr Minister. You informed the Assembly last week that the firm Price Waterhouse had provided you with advice in relation to VITAB. Which branch of Price Waterhouse provided you with that advice?

**MR BERRY:** I do not know what their address is either. I shall find out.

**MR DE DOMENICO:** I have a supplementary question, Madam Speaker. Minister, is it not true that the Vanuatu branch of Price Waterhouse provided you with that information? If it is true, Minister, will you provide the Opposition and the Assembly with a copy of that advice, and also a copy of the minute, or piece of paper, that asked for that advice?

**MR BERRY:** I shall find out.

#### **Australian Building Codes Board**

**MR LAMONT:** Madam Speaker, my question is directed to the Minister for the Environment, Land and Planning. I understand that this morning you signed the governmental agreement establishing the Australian Building Codes Board on behalf of the ACT. Could you explain the significance of this agreement for the Territory?

**Mr Kaine:** Who is on it?

**MR WOOD:** Who is on it? You would be pleased to know, as I am sure the Assembly will, that the chair of that board is Mr Jim Service of the ACT, the national vice-president of BOMA. He has played a very significant role in establishing the board and was present this morning at the signing. That signing was carried out surrounding the activity of the ministerial meeting, which Mr Connolly and I attended on and off over two days, of Planning Ministers, Local Government Ministers, Heritage, Construction and Housing Ministers. This was part of the COAG direction to cut down the number of ministerial meetings.

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I think it is an important announcement because the new Building Codes Board is a higher level body which has been established to consider building codes. We will be taking a national stance on that. Over the next five years the board will implement a major \$2m a year program for the reform of building regulations. That is the level of commitment from governments around Australia - the Commonwealth, State and Territory governments - of which our share will be about \$30,000 a year. It is part of the thrust that both Mr Connolly and I have taken over a period to ensure that our building codes are as efficient, as up to date, as money saving but yet as effective, as possible.

I might mention to the Assembly that not long ago Mr Connolly and I agreed that the building section would move from his department over to the Department of the Environment, Land and Planning because it is appropriate that those two bodies be in the one area. It will be not too long before we make the process more efficient. People coming in to make building applications will be able to have their applications dealt with on the one spot and perhaps by the one person, rather than having to run to two different points and two different bodies. I think the Building Codes Board, and our interest in it, is a further example of our intention to make building as good and as efficient as possible in this Territory. Mr Moore is going on and on over there. I cannot quite pick up what he is saying. Particular attention will be given to the reform of fire safety requirements - one of the most significant areas needing attention.

#### **ACTTAB - Contract with VITAB Ltd**

**MR HUMPHRIES:** My question is to the Deputy Chief Minister in his capacity as Minister for Sport. The Minister has carefully and helpfully explained to the Assembly that no inducements will be offered by VITAB to lure customers. Could he explain, therefore, why an Asian punter who wanted to bet on races in Australia would use VITAB rather than establishing, say, a telephone betting account with ACTTAB or VicTAB?

**Ms Follett:** They have a choice.

**MR HUMPHRIES:** Why go to VITAB then, another country?

**MR BERRY:** They have a choice and they make - - -

**Mrs Carnell:** Because they are offered better dividends.

**MADAM SPEAKER:** Order! Mr Berry has the floor.

**MR BERRY:** Whatever causes them to make the choice is a matter between them and VITAB. As far as Australia is concerned, and whether you like it or not, we have a letter that has been tabled and is on the record here that says that there will be no inducement offered in Australia. Whatever VITAB does overseas is a matter for them. What we do know is that it has been checked out here in the ACT by Treasury and by the Law Office, and already we are receiving the benefits. ACTTAB is already receiving the benefits.

**Mr Moore:** What are they? That is a supplementary question.

**Mr Humphries:** Tell us what they are.

**MR BERRY:** I think I can tell you that, too.

**MADAM SPEAKER:** Was there a supplementary question there, Mr Humphries?

**Mr Humphries:** That was Mr Moore's supplementary question. I want one too.

**MR BERRY:** My advice is that it has gained sufficient revenue to cover its set-up costs after only the first month of VITAB's operation. I do not think that is bad going.

**Mrs Carnell:** Why?

**MADAM SPEAKER:** Order!

**Mrs Carnell:** Because of the extra dividends that are being offered.

**MR BERRY:** That is because of the contract that we have with them and the 1.5 per cent payment which is made by VITAB to ACTTAB. The profits are starting to flow to the ACT now. I do not know who is supplying you with your information, but it does not matter.

**Mr Kaine:** I will tell you what, Minister; it is not you.

**MR BERRY:** I am providing you with the good oil - that is, that we are making a profit on an arrangement which was reasonable and which was reached with VITAB. Of course, the Opposition never likes to hear good news as far as the Government's operations are concerned.

**Mr Humphries:** This is good news, is it?

**Mrs Carnell:** We are happy to hear all the news on this one.

**MR BERRY:** We hear criticism of Price Waterhouse.

**Mr De Domenico:** No, not at all.

**MR BERRY:** No criticism? You are not criticising?

**Mr Kaine:** We just asked: Why did you not use the local firm?

**MR BERRY:** Okay; I am glad to hear that the Liberals are not criticising the international company Price Waterhouse.

**Mr Humphries:** We like Price Waterhouse, Canberra, a lot.

**Mr De Domenico:** We reckon that the ones in Canberra are really good.

**MR BERRY:** I am told that their reputation is good wherever they are, and my advice is yes, that it was the Vanuatu branch. I just received a note that it was the Vanuatu branch; but I do not think it matters, because they are recognised all over the world. Why should not one use Price Waterhouse, given their international reputation? We hear much criticism by the Opposition; but, at the

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end of the day, it is the profit that comes to the ACT which made this the most attractive offer that we could get our hands on, and, of course, it is safe for the ACT. It is safe for the ACT and it returns a profit, so that is good news on both scores.

**Mr Humphries:** Table the contract. Let us all see how good the news is.

**MR BERRY:** It has been cleared by Treasury.

**Mr De Domenico:** Table their advice.

**MADAM SPEAKER:** Order!

**MR BERRY:** It has been cleared by the Law Office.

**Mr Humphries:** End of case.

**MR BERRY:** The bona fides have been checked by Price Waterhouse, an internationally registered company.

**Mrs Carnell:** Vanuatu.

**Mr De Domenico:** Or was it the Cook Islands?

**Mr Cornwell:** Are you sure that it is not the Cayman Islands?

**MR BERRY:** They have no evidence; but, still, they are picking away, picking away, picking away. They have nothing.

**Mrs Carnell:** Yes.

**MR BERRY:** If you have something, lay it on the table and let us have a look at it. This nonsense about the arrangements that VITAB reach with people in Hong Kong - - -

**Mrs Carnell:** Keep digging away.

**MR BERRY:** If people want to ring the ACTTAB from Victoria they can do so. If people in the ACT wish to ring Victoria they can do so.

**Mrs Carnell:** Or VITAB.

**MR BERRY:** VITAB have given an undertaking that they will not offer inducements to Australian residents. They will not offer inducements. They have given an undertaking and they have also said that they want a statement from people to say that they are not ACT residents. I do not know what you are going on about. I think you are just wasting this place's time and everybody else's. You can waste yours. We will get on with the more serious business while you are doing it.

**MR HUMPHRIES:** I have a supplementary question, Madam Speaker. If it is true that VITAB could offer a better dividend than, say, ACTTAB, is there anything to stop an Australian punter from establishing telephone or computer betting facilities, betting accounts, directly with VITAB?



**MR BERRY:** I tell you again that we have an undertaking from VITAB that they will not offer inducements; nor will they recruit ACT punters.

**Mr Humphries:** Can they offer better dividends?

**MR BERRY:** So that is the end of the matter.

**Mrs Carnell:** New South Wales TAB offers better dividends than the ACT.

**MR BERRY:** Do you understand how the totalisator works?

**Mr De Domenico:** Yes, but you do not.

**MADAM SPEAKER:** Order!

**MR BERRY:** You share. Basically, you share in the pool.

**Mr Humphries:** You are going to have to share the blame, Wayne.

**Mrs Carnell:** Okay, so somebody - - -

**MADAM SPEAKER:** Order! Let Mr Berry answer the question.

**MR BERRY:** The dividends are going to end up being the same.

**Mr De Domenico:** Are they? On all occasions?

**Mr Humphries:** Are they the same?

**MR BERRY:** I have said to you a dozen times that there will be no offer of inducements. Stop rattling the sabre.

### **State Bank of New South Wales**

**MR STEVENSON:** My question is to the Attorney-General, Mr Connolly. It concerns the State Bank. I realise that the Treasurer may have an interest as well. On 15 December 1993 I raised a matter of public importance concerning the State Bank in which I detailed certain actions by bank officers, particularly senior bank officers, which would suggest that it needed further investigation. I ask the Attorney-General: Has he caused any action to be taken, or is he aware of any action that has been taken or is being taken with regard to these matters?

**MR CONNOLLY:** Madam Speaker, my understanding is that there is some litigation involving the matters that Mr Stevenson raised in this Assembly in the New South Wales courts, so it is inappropriate for me to comment further.

### **ACTTAB - Contract with VITAB Ltd**

**MR KAINE:** Madam Speaker, I have a question to the Minister for sports and recreation, I am sorry. Minister, when was the ACTTAB board first told about this deal with VITAB that was being cooked up within the administration? Was this advice after the departure of Mr Colquhoun from the board, and was that because you knew that the racing industry was concerned about the VITAB deal?

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**MR BERRY:** Mr Colquhoun has never been a member of the decorporatised ACTTAB.

**Mr Kaine:** That is right. When did you tell the board? You did not tell them while he was there.

**MR BERRY:** My advice on this matter in fact came from ACTTAB. As to whether or not Mr Colquhoun was involved, I can lay it quite clearly before you. Mr Colquhoun was not part of the board which was advising me on the question, and I do not know what he would have to do with it. What would he have to do with it?

**Mr De Domenico:** He was president of the racing club and chairman of ACTTAB before that.

**MADAM SPEAKER:** Order!

**Ms Follett:** At the same time.

**MR BERRY:** At the same time.

**Mr Kaine:** Can you tell me on what date the board was advised?

**MR BERRY:** I do not have the date with me, but I can tell you - - -

**Mr Kaine:** Will you find out?

**MR BERRY:** Yes, I can find out.

**MADAM SPEAKER:** Mr Kaine, is that a supplementary question?

**Mr Kaine:** No, it is not a supplementary question. It is my first question, which he has not answered.

**MADAM SPEAKER:** Please cease interjecting.

**MR BERRY:** I will find out the date, the relevant dates, if that is what you want; but it is a matter for ACTTAB. There are a few people out there stinging because ACTTAB is doing so well. Well, sting they might.

**Ms Follett:** They are jealous.

**MR BERRY:** There is some jealousy about the performance of ACTTAB, particularly since it has been taken back into the control of the Government, decorporatised, because we have now said to the people of the ACT that this is an ACT asset and it is not for sale. It has been for sale; some people have been talking about trying to sell it but it is not for sale. We will make that clear. There are a few people stinging about that, too, because they had some fancy ideas. They can forget all of those as well. As far as I am concerned, the chairman of the board signed the contract with VITAB after the required checks were made - - -

**Mr Kaine:** This was before Mr Colquhoun left?

**MR BERRY:** Mr Colquhoun, as I said to you, was never a member of the decorporatised board, so I do not have to provide - - -

**Mrs Carnell:** So you decorporatised it so that you could sign the deal.

**MR BERRY:** Oh! I will go back over a few historical details. Mr Colquhoun's term ran out when he was a member of the corporatised ACTTAB board. The Government had made a decision that it was going to decorporatise the board. Having done so, it installed a new board. Mr Colquhoun was not on that new board and therefore had nothing to do with the decision. The new board chairman signed the document - that is, he signed the deal with VITAB - after those necessary checks were made by Treasury and the Law Office in the ACT. You people are starting to look like fools on this. You are so embittered about ACTTAB's performance that you have lost your marbles. ACTTAB is doing well and you are going to have to wear it.

**MR KAINE:** I have a supplementary question, Madam Speaker. The Minister obviously cannot remember whether the board was informed before or after he decorporatised it. When he finds out when the board was advised, could he also tell me on what date the contract with VITAB was signed?

**MR BERRY:** I do not have those details in front of me, but - - -

**Mr Kaine:** Of course not, but would you find out and tell me?

**MR BERRY:** Sure.

### **Magistrates Court Building**

**MS ELLIS:** My question is directed to the Attorney-General. There have been recent media reports concerning the construction of a new ACT Magistrates Court. Could you inform the Assembly of the current situation on this matter?

**MR CONNOLLY:** I am pleased to report to the Assembly another example of progress being made by this Government, getting on with governing this Territory in the interests of the community, unlike this lot opposite who spend all their time ferreting around in the lowest rubbish bin, trying to find something with a bit of a smell on it - patently unsuccessfully. While you are focused down there in the muck, trying to find a scandal, we are out there governing in the interests of this Territory.

I was delighted that last week, after a meeting with Brian Howe, the Deputy Prime Minister, we were able to proceed and go ahead and build the Magistrates Court for this Territory on the site that we had identified, which was crucial. If we could not have built it on that site we could not have reaped the social justice benefit of having one court complex where a person who needs to go before the courts can easily be directed to the appropriate court. We could not have reaped the dollar efficiencies in terms of an integrated court administration which we can reap from that complex.

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What we have done, Madam Speaker, is reduce the height of the building from six to four storeys and drop it into the hill, so that it presents to Vernon Circle as a three-storey building, which was the concern of the national capital planners. The national capital planners have agreed that we can go ahead with that as a landmark building and they will then proceed with the longer-term planning for that whole precinct. They accept as a given that the court precinct will be a significant part of the landscape, as it should be, because in any civic community a courthouse is a prominent landmark in the local environment.

This will allow us to have facilities so that women seeking domestic violence orders are not confronted with the perpetrator in the corridors of the court. Anybody who has been to the ACT courts would know the run-down state of the infrastructure that this Territory as a body politic inherited. The courts were run down, the police stations were run down, the juvenile justice infrastructure was run down, and there is no prison infrastructure. Since this Government has been in office we now have the courthouse project up and running. I was pleased to see a press statement put out today by the Master Builders Association congratulating the Government on taking this project to fruition. It will mean \$17.2m being injected into the local building industry, and local builders getting out there employing people to do the work. On Friday we opened the new Quamby juvenile justice centre, which is a quantum leap in facilities for incarcerating young offenders in the ACT and pointing them in the direction of rehabilitation rather than reoffending; a facility of a quality and standard of care that exceeds anything else currently in Australia. The architects tell me that it probably exceeds anything available in North America as well.

Anybody who has driven out to Belconnen shopping centre recently would note a lot of activity going on at the old TAFE there, which is being refurbished at a cost of some \$10m to provide a new regional police headquarters for the ACT. Our record on delivering law and order infrastructure in this Territory is outstanding. It is way in excess of anything that happened when the Liberals were in office. Come to think of it, nothing happened when the Liberals were in office. Madam Speaker, again, we have solved the problem with the city courthouse, like this Government solves all the problems it is confronted with; unlike this discredited Opposition which can offer nothing constructive other than ferreting around in the smelliest rubbish bin it can see.

#### **ACTTAB - Contract with VITAB Ltd**

**MR CORNWELL:** Madam Speaker, my question is to the Deputy Chief Minister in his capacity as Minister for Sport. Mr Berry, on a number of occasions you have advised the Assembly that providing an avenue for Asian punters would greatly benefit the ACT in a financial sense.

**Mr Berry:** I told you; I answered that question.

**MR CORNWELL:** You have not answered this one. I am not even sure that you answered the first one. Why did you not open either an ACTTAB branch or an agency in Vanuatu, as the Victorian TAB has done, instead of signing a deal with VITAB?

**MR BERRY:** Because we never - - -

**Mrs Carnell:** They did not think about it.

**Mr De Domenico:** Because he likes - - -

**MADAM SPEAKER:** Order! Let the Minister answer the question.

**MR BERRY:** There is another thing which interests me in this whole debate. I wonder whether the Liberals asked Mr Colquhoun whether it was all right if they mentioned his name in the course of this debate. Did you ask him that before you mentioned - - -

**Mr Cornwell:** Madam Speaker, that was not my question, with respect.

**MADAM SPEAKER:** Thank you, Mr Cornwell.

**MR BERRY:** It troubles me that somebody's name is mentioned in this place.

**Mrs Carnell:** I would not be too worried.

**MR BERRY:** It does not help Mr Colquhoun to have his name mentioned in here without his permission.

**Mrs Carnell:** I think you can be quite comfortable.

**MR BERRY:** The Liberals say that he would be quite comfortable with having his name mentioned here in the context of their attack on the Government.

**Mr Kaine:** It does not do him any harm because we are not suggesting that he is at fault. It is you who are at fault.

**MADAM SPEAKER:** Order! The Minister will answer the question.

**MR BERRY:** That is good, as long as I know that. In relation to our ambitions overseas, we have none. We have no ambitions to open agencies overseas. We have not had them in the past. No decision has been made to open agencies overseas. The VITAB arrangement requires little work from us.

**Mr De Domenico:** It gets little profit, too.

**MR BERRY:** In the first month we have just about recovered our set-up costs. You tell me a business that can do that and I will be in it. You people would not even be in here if you could find businesses like that. Let us stop kidding ourselves. Lou is smiling. He knows what I am talking about. A business arrangement - - -

**Mr Westende:** I turned a \$3,000 a day loss into a profit in less than your time.

**MR BERRY:** That is right. You know what I am talking about. If you can do it in the first month or so of operation it is even better, is it not? We have no ambitions. VITAB offered us a deal which was cleared by Treasury and the Law Office as safe and profitable.

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**Mr De Domenico:** And Price Waterhouse.

**MR BERRY:** The Liberals urge me to mention Price Waterhouse again. I will. They are an internationally recognised company that has branches everywhere, I suspect, and they would all be reputable. The deal that was offered to us was profitable for the Territory, and is profitable for the Territory. On the advice that I have received, it is safe and it was therefore signed by the chairman of the TAB board - and it is going very well.

### **Traffic Calming Measures**

**MS SZUTY:** My question without notice is to the Chief Minister, Ms Follett. During the last election campaign the Chief Minister publicly stated during her policy announcements on television, "I will provide safe and secure streets for Canberra families". I also understand that the traffic and roads section of the Department of Urban Services has no dedicated budget for traffic calming as part of local area traffic management schemes. My question is: What exactly did you mean when you stated, "I will provide safe and secure streets for Canberra families"? Do you consider it acceptable that traffic calming measures to improve road safety do not have a specific budget allocation?

**MS FOLLETT:** Madam Speaker, I thank Ms Szuty for the question. I think it probably refers to Mr Connolly's portfolio as well as mine. One of the initiatives that the Government has taken in order to provide greater safety in the community is the community safety strategy, which I launched fairly recently, and the safety committee that is associated with that strategy. That committee, which is very broadly representative of our community, has a roving brief, if you like, in consultation with the community, to look at issues of safety, whether they are on the streets, in playgrounds, parks or whatever, and to recommend to the Government ways that our community can be made safer. I think that that activity demonstrates the priority that this Government does give to community safety.

There were two documents that I launched in conjunction with that strategy. The first of them was a background paper called "Towards an ACT Integrated Community Safety Strategy". That document outlined the broad principles of crime prevention and community safety that are being adopted overseas and in some other parts of Australia. It is a useful background document. I think perhaps the more important part of that document is the draft ACT community safety strategy. That focuses on some key issues, such as determining the extent of crime in the ACT and how to go about getting the very best information we can, and the criteria for evaluating community safety programs. If you are going to have community safety programs I think you need to evaluate them; you need to ensure that they are being effective. That is a very important part of community safety.

With particular reference to traffic calming and the traffic and roads part of Ms Szuty's question, Madam Speaker, I believe that the funding for that is in the minor new works budget. I can get further information on that for Ms Szuty, and I undertake to do so.

**ACTTAB - Contract with VITAB Ltd**

**MR WESTENDE:** My question is to the Deputy Chief Minister in his capacity as Minister for Sport. Minister, does the contract between ACTTAB and VITAB allow the ACT Government to have access to all reports and activities, betting records, financial transactions and turnover in order to protect the interests of the ACT taxpayers?

**MR BERRY:** As the member would appreciate, there are a lot of details in the contract which are, of course, commercial-in-confidence, and I have indicated in this place before that I will not be tabling the contract.

**Mr Humphries:** How can that be commercial-in-confidence?

**MR BERRY:** Hang on a minute. As I have said a dozen times before, it has been checked by Treasury as profitable for the ACT; it has been checked by the Law Office as safe. So on both of those grounds I think you ought to be satisfied. The proper checks have been made by both of those agencies. On those grounds, of course, the investment by ACT punters is safe because we are, as I have said before, giving a - - -

**Mrs Carnell:** How do we know?

**MR BERRY:** Because it has been checked by the government agency responsible, Treasury, and it has been checked by the Law Office. They provide us with advice across a whole range of issues. We accept their advice on this score, and the investment returns for the ACT are good ones. As I informed you earlier, our return has been a good one and we have recovered the set-up costs.

I should answer in relation to Mr Kaine's question. Those dates have just been provided to me. Mr Colquhoun was on the board of ACTTAB until 13 December 1992. You have to note, though, that that was the corporatised ACTTAB board. ACTTAB commenced negotiations with VITAB on 28 June 1993, some time later. The first meeting was held in late July 1993 and the agreement was signed on 22 October 1993. They were the dates you were after, were they not?

**Mr Kaine:** Yes.

**MR BERRY:** The point is that Mr Colquhoun's term concluded in December 1992.

**Mrs Carnell:** Was it extended?

**MR BERRY:** It concluded. It ceased.

**MR WESTENDE:** I ask a supplementary question, Madam Speaker. Minister, is the contract an exclusive contract? If so, why is it then commercial-in-confidence?

**MR BERRY:** I have told you before that you are not getting a copy of the contract from me, no matter what means you choose to pursue.

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**Mr Kaine:** On what basis, Minister?

**MR BERRY:** Because it is commercial-in-confidence and we have reached a deal with VITAB. Our understanding - - -

**Mr Cornwell:** It does not stack up, Minister.

**MR BERRY:** It stacks up, all right, because we have the money in the bag. It is commercial-in-confidence. It was an agreement between VITAB and us. While that commercial-in-confidence position is observed by both parties, it will be observed by us.

**Mr Kaine:** What have you got to hide, Minister?

**MR BERRY:** Not a thing.

### **Organ Donations**

**MRS GRASSBY:** My question to the Deputy Chief Minister has nothing to do with VITAB; it is about organ donation. Are there any moves to promote organ donation in the ACT?

**MR BERRY:** The Australian Coordinating Committee for Organ Registries and Donation - ACCORD is their name - is a national committee established by the Australian Health Ministers Advisory Council, AHMAC. It was established in 1989 to develop and implement strategies to overcome the low rate of organ donation in Australia. A public awareness campaign was held between March and June 1993 and a further media campaign is planned for July-August 1994. The contribution by the ACT will provide for advertising air time by the regional stations that focuses on increasing the yield of organs for donation, the distribution of donor cards and stickers, and the encouragement of family discussion.

That issue of family discussion is important. While individuals may choose to donate their organs, it is the practice for health professionals to discuss this matter with family members before taking organs for further use. This is very important. Anybody who anticipates that they might donate their organs in the event of their demise ought to take it up with their family and make it clear to their family that, come that point of discussion, they agree. It has been brought to my notice that sometimes families might well be reserved about the question and, at a time of such trauma, it is unlikely that health professionals would push the point. I think we can all accept that. This issue of family discussion is something that really has to be promoted out there in the community. It is not good enough just to get a sticker, put it on your licence and hope that somebody will find that; you have to tell everybody what you are on about. ACCORD will forward to all States a full report on the progress of the campaign, including a financial statement, one month prior to the campaign and at the completion of the campaign.



As far as members are concerned, I would urge those of you who think that you have organs which might be useful to somebody else one day, in the event of your demise, to consider this approach. You should discuss it with those people who might be in a position to discuss it with the medical profession should an unfortunate event arise. It is an important campaign. Across Australia we fare badly in terms of organ donation. Our rate is very low per 1,000 head of population, and we need to improve. The way to improve it is for members here to promote it. I think it is a bipartisan thing that we should not have any difficulty with. I am sure that Mrs Carnell will find something wrong with what I have said, but I am not sure what it might be at this stage.

**Mrs Carnell:** No. So far, not on this one.

**MR BERRY:** Then she might get it wrong. In any event, it is something that we ought to be able to deal with on a bipartisan approach, except for an occasional jibe. It is an important one as well.

**Ms Follett:** I ask that further questions be placed on the notice paper.

### **Casino Premium**

**MS FOLLETT:** Madam Speaker, I would like to provide the answer to a question which I took on notice. On 22 February Mr Kaine asked me a question regarding expenditure of funds from the \$19m casino premium. The answer which I have here is fairly lengthy. I would ask for it to be incorporated in *Hansard*.

Leave granted.

*Answer incorporated at Appendix 1.*

### **LEGISLATIVE ASSEMBLY (MEMBERS' STAFF) ACT Papers and Ministerial Statement**

**MS FOLLETT** (Chief Minister and Treasurer): Madam Speaker, for the information of members, I present two determinations, dated 18 February 1994, pursuant to the Legislative Assembly (Members' Staff) Act 1989. I ask for leave to make a short statement.

Leave granted.

**MS FOLLETT:** The determinations relate to the introduction of a new allowance in the nature of salary for staff employed under Parts II and III of the Legislative Assembly (Members' Staff) Act 1989. The determinations apply to SES equivalent staff only and are designed to maintain relativities with ACT Government Service SES staff in lieu of performance based pay. This allowance is paid for the 1992-93 year as a lump sum and for the 1993-94 period will be paid through the regular salary system, effective from 1 July. This is consistent with the arrangement for the payment of an allowance in lieu of performance based pay for senior officers, which was tabled in the Assembly on 17 August 1993.

## **NORTH WATSON RESIDENTIAL DEVELOPMENT Report and Ministerial Statement**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, for the information of members, I present an independent economic assessment of residential development in North Watson compared with a greenfields site, which was prepared by Access Economics Pty Ltd. I ask for leave to make a short statement.

Leave granted.

**MR WOOD:** Madam Speaker, as recommended by the Standing Committee on Planning, Development and Infrastructure in its report on the draft variation for North Watson, an independent economic analysis of the North Watson proposal compared with an equivalent greenfields site has been undertaken. The Government engaged consultants Access Economics to undertake the report and, as recommended by the standing committee and agreed by the Government, the report is now available to be tabled within the disallowance period for the variation to the Territory Plan to allow residential development at North Watson. Access Economics are a highly regarded company, and the Government's decision to engage them has been supported by members of the Standing Committee on Planning, Development and Infrastructure.

Access Economics have concluded that there is a significant saving for the community in developing North Watson, compared with an equivalent greenfields site. The report states:

Adequate capacity in the social infrastructure in adjoining areas produces significant savings in the economic costs of urban infrastructure compared to a greenfields project. The cost savings analysis takes account of the significant differences in both the timing and the level of the capital expenditures in North Watson compared to a greenfields development. This includes the possibility that North Watson will bring forward the City West sewer augmentation and the reality that slower greenfields development will not allow full pro rata deferral of infrastructure spending. The analysis shows that there is a significant saving in net present value terms by now developing North Watson and deferring greenfields developments in the range \$6 million and \$8.6 million.

Access Economics has also undertaken a cost-benefit analysis that takes a wider view of the project, going beyond direct cost, beyond capital costs and taking into account third party costs. The Access Economics report concludes that the dominant factor in the cost-benefit balance sheet is the large infrastructure cost savings from North Watson versus greenfields. This is a significant benefit to the whole ACT community. In undertaking their analysis, Access Economics has had the opportunity to investigate thoroughly the claims and counterclaims of both the Government and the Watson Community Association. Indeed, not only have they had access to relevant documentation presented to the Planning, Development and Infrastructure Committee; they have also held discussions with representatives of the community association, relevant Government officers, and other consultants engaged to provide advice on the North Watson development proposal.

I believe that the analysis undertaken by Access Economics provides a clear conclusion on the economic advantages to the Government and the community of developing North Watson compared with an equivalent greenfields site. The consultation period on the proposal to allow residential development at North Watson has been under way since October 1992. All the issues raised by the community have been thoroughly examined by both the Government and the PDI Committee. Both the Government and the standing committee have endorsed a proposal for residential development at North Watson, and it is now time for the Government to proceed with the proposal and begin to deliver the economic benefits identified in the report prepared by Access Economics.

**MR KAINE**, by leave: I move:

That the report be noted; and

That the debate be adjourned and the resumption of the debate be made an order of the day no later than Thursday, 3 March 1994.

I have moved for the resumption of the debate no later than Thursday, 3 March, so that the matter can be dealt with within the period that is provided for disallowance of the variation.

Question resolved in the affirmative.

#### **COUNCIL OF AUSTRALIAN GOVERNMENTS MEETING Ministerial Statement and Paper**

**MS FOLLETT** (Chief Minister and Treasurer): Madam Speaker, I ask for leave of the Assembly to make a ministerial statement on the implications and outcomes of the Council of Australian Governments meeting of 25 February 1994.

Leave granted.

**MS FOLLETT**: I take this opportunity to inform the Assembly of the outcome of the third meeting of the Council of Australian Governments held in Hobart on 25 February 1994. The council, or COAG, as it is known, was established with the aim of increasing cooperation among governments in the national interest. Having participated now in three COAG meetings and their previous incarnations, I am left in no doubt that the meeting was the most productive to date and that it further consolidated the ACT's position as an equal partner in the Federation.

The discussion at last week's meeting of COAG covered a wide range of nationally important issues, including micro-economic reform and the signing of a financial agreement between the Commonwealth, States and Territories. Without a doubt, micro-economic reform was the most important item before COAG on this occasion. The council agreed on the need to accelerate and broaden progress on micro-economic reform to support higher economic and employment growth on a sustainable basis. As a result, the council has provided an unprecedented opportunity to introduce reforms necessary to increase Australia's efficiency and international competitiveness. The ACT stands to make considerable gains from the liberation of a marketplace in which we are mainly consumers.

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Perhaps the most significant decision of the council was to agree to the principles of the competition policy articulated in Professor Hilmer's report on national competition policy. The Hilmer report suggests a framework for establishing a nationally competitive market for all areas of industry and business. The adoption of this framework would lead to more efficient industry, particularly in areas such as electricity and gas, and consequently reduced costs for consumers and a more internationally competitive Australia. The ACT, as a consumer of energy and many of the other goods and services subject to reform, will benefit greatly from this process.

Heads of government agreed that the Hilmer report would apply to all bodies, including Commonwealth, State and Territory government agencies and authorities. It also agreed to the merger of the Trade Practices Commission and the Prices Surveillance Authority to form the basis for a new Australian Competition Commission. Each State and Territory has agreed to report to the next COAG meeting on the practicalities of applying the recommendations of the Hilmer report in their jurisdictions. The Commonwealth has agreed to consider granting assistance for the costs to State and Territory governments of implementing the recommendations.

The council asked its working group on micro-economic reform to report to the next meeting with detailed proposals for further reform of the legal profession and the maritime sector. The council considered reform of the gas and electricity industries. The reforms agreed to in the gas industry are aimed at the best possible use of Australia's gas resources and the lowest possible prices for gas consumers. The council agreed to a set of principles and measures that would lead to free and fair trade in natural gas by 1 July 1996. These measures include removing all remaining legislative and regulatory barriers to the free trade of gas within and across jurisdictions. They also include complementary legislation so that a uniform national framework applies to third party access to all gas transmission pipelines. In relation to reform of the electricity industry, heads of government noted the progress towards implementing their commitment to have the necessary structural changes in place to allow a competitive electricity market to operate from 1 July 1995. They also agreed to principles for a national competitive electricity industry and for a uniform approach to network pricing and regulation.

Another key step in the micro-economic reform process and the introduction of national competitive markets in goods and services is the introduction of mutual recognition. The council noted the progress made in this area with the implementation of mutual recognition legislation and the associated intergovernmental agreement. The council also noted that discussions have commenced with New Zealand on the possibility of a trans-Tasman mutual recognition scheme.

Heads of government considered and endorsed the broad principles associated with the report from the working group on water resources policy outlining a strategic framework for the efficient and sustainable reform of Australian water resources. Because the changes flowing from the framework are extensive and far reaching in their implications, the council considered that a five- to seven-year implementation period will be required. COAG requested the working group to prepare a report for its first meeting in 1995 on progress in implementing the framework, with further reports to be prepared annually on progress over succeeding years.

Heads of government agreed to a number of reviews with the aim of reducing duplication of services in the areas of public housing, school education, industrial relations, child care, health and community services, and labour market programs. In recognition of the fundamental significance of this work, it was agreed to make this the main item for discussion at the next COAG meeting, scheduled for August this year. Discussion under this item also led to Commonwealth agreement to review the practice and specific incidences of tied grants at the next meeting. Tied grants have a strong influence on the Territory's policy and financial choices in such areas as housing, health, supported accommodation and TAFE services. I am keen to see the review lead to an improved financial relationship with the Commonwealth and greater Territory control over policy directions.

COAG examined the issues arising from the report of the working group on Asian languages and culture. Heads of government agreed to the implementation of a comprehensive Asian languages and culture education program in Australian schools, which will commence in 1995. I consider this to be a particularly significant outcome, as the development of a comprehensive understanding of Asian languages and cultures will enhance Australia's economic interests in the Asia-Pacific region. I believe that it is a sound investment which will provide economic benefits in the future.

Heads of government signed the new financial agreement between the Commonwealth, States and Territories, which for the first time formally includes the ACT as part of the Loan Council. As well as including the ACT and the Northern Territory as members, the new financial agreement abolishes the restrictions on States and Territories borrowing in their own name and removes the Commonwealth's power to borrow on behalf of the Territory. The signing of this agreement recognises the ACT's standing on an equal footing with the States and the Northern Territory. It is a further symbol of the way our self-government has matured.

Madam Speaker, as members will recall, I was responsible in 1992 for raising the profile of the national strategy on violence against women by bringing the strategy to the attention of our nation's leaders. At Friday's meeting I was able to keep the strategy in the national arena. I argued successfully that COAG should pursue the implementation of the strategy through a working group reporting directly to heads of government. COAG noted that all jurisdictions had made progress on implementing the strategy and agreed to establish a working group to survey government responses to the strategy. The working group will report to the next meeting on aspects of the strategy which could further benefit from a national approach and make recommendations on adopting a national approach in such areas.

COAG agreed to the public release of the summary reports on the national strategies for ecologically sustainable development and greenhouse response. The council also agreed to the formation of the National Environment Protection Council. All jurisdictions, except for Western Australia, agreed to introduce the legislation needed to establish the new council. The National Environment Protection Council will control environmental protection measures that will

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apply across participating jurisdictions in the areas of air, water, noise, hazardous wastes, motor vehicle emissions, and recycling. My colleague the Minister for the Environment, Land and Planning will be making a statement to outline further the ACT's progress towards the national ecologically sustainable development and greenhouse response strategies.

To improve the efficiency of the COAG process, heads of government agreed that jurisdictions should plan on the assumption that the council will aim to meet on the third Friday of February and August. The council also agreed that, consistent with these proposals, the date for its next meeting should be Friday, 19 August 1994, in Darwin. I leave it to members to understand why I will probably not be attending the meeting on the third Friday of February in 1995. I have also accepted the invitation to join with Premiers and the Northern Territory Chief Minister in a States and Territories forum which will precede each COAG. The ACT's acceptance as a legitimate player in this additional national forum further cements our place as an important component of our Federation.

Madam Speaker, for the information of members, I table the communique of the third meeting of the Council of Australian Governments and a copy of this statement. I move:

That the Assembly takes note of the papers.

**Debate** (on motion by Mrs Carnell) adjourned.

## **ECOLOGICALLY SUSTAINABLE DEVELOPMENT AND NATIONAL GREENHOUSE RESPONSE Paper**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.27): I present, for the information of members, the ACT's report on the progress towards the national strategy for ecologically sustainable development and the national greenhouse response strategy. I move:

That the Assembly takes note of the paper.

Madam Speaker, it is with considerable pleasure that I table, for the information of this Assembly, the Government's report on the ACT's progress towards the national strategy for ecologically sustainable development and the national greenhouse response strategy. Throughout the world, people have recognised that their future well-being depends upon the management of their natural environment in an ecologically sustainable way. A healthy, natural environment should be a birthright for all, and future generations have a right to the same choices and benefits that we ourselves have enjoyed. It is our responsibility as members of the community to manage the environment to achieve this. The Government has responded positively to this challenge and has demonstrated its strong commitment to effective environmental management.

The ACT has been an active participant in the development and implementation of national agreements, including the intergovernmental agreement on the environment, the national forest policy statement, and national strategies on biodiversity and endangered species. We have also been an enthusiastic participant in the national strategy for ecologically sustainable development, or ESD, and the national greenhouse strategy, which were endorsed by the Council of Australian Governments - COAG - at its meeting on 7 December 1992.

Our commitment to achieve effective implementation of these national strategies was demonstrated by the release in May last year of the ACT's own greenhouse strategy. As my colleague the Chief Minister mentioned, COAG has now released the first summary reports on the national ESD and greenhouse response strategies. However, space restrictions prevented the full contribution of each jurisdiction from being included in the summary reports. A lot of detailed information about the Government's environment management record in the ACT could therefore not be included.

In the interests of providing informative reports to the ACT community on these matters, the Government has decided to release the ACT's input as a separate report. While the information was current in November last year, when the ACT's input was provided to the drafting committees which produced the national reports, it has in some cases been overtaken by more recent developments. However, I see this as an opportunity to include in my statement today information about the progress the Government has made over the past few months in various areas of environmental management. Many of the initiatives mentioned in the report I drew to the attention of this Assembly last October in my ministerial statement on the Government's progress in implementing environmental initiatives. I will therefore use this opportunity to highlight some different initiatives which are featured in this report.

The report focuses on sectors and issues of particular relevance to the ACT. For example, mining and coastal zone management were not reported on because these sectors have little direct relevance to the ACT. One very important sector for us is energy supply and energy use. Through the Australian and New Zealand Minerals and Energy Council, the ACT Government has committed itself to shared funding in a number of projects aimed at achieving increased levels of energy efficiency on a national basis.

On the local scene, our electricity supply utility, ACTEW, continues to market strongly in the areas of both domestic and commercial industrial demand management, for example, solar and off-peak hot-water heating. ACTEW has also published buy-back rates and conditions of connection to encourage third party electricity generation and is negotiating with other interested parties over three potential natural gas cogeneration opportunities in the ACT. Conservation and demand management strategies for energy use are being demonstrated at ACTEW's energy efficiency display home in Banks, down in Tuggeranong. A cluster of three townhouses is currently being constructed by ACTEW in the Gungahlin suburb of Nicholls, which will show the cumulative effects of energy efficiency and water use by householders.

The Territory Plan, which came into effect on 18 October 1993, introduces a number of provisions relating to energy efficiency. In particular, the plan provides that from 1 July 1995 new dwellings will not be approved, except in special circumstances, unless they achieve a four-star efficiency rating.

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The Government itself has set a very good example since 1990 with its own energy efficiency initiatives. We are in the fourth year of the energy management program for government buildings. Projects are identified on the basis that they would recover one-third of their costs per annum. Some of the projects undertaken which have resulted in reductions in energy consumption include the installation of more efficient lighting and high efficiency gas boilers to replace less efficient gas-fired boilers that were originally designed to operate on oil. The energy savings are estimated to be 30 per cent of energy bills on an ongoing basis.

The eco-office scheme mentioned in the report has now been renamed the eco-workplace scheme, to better reflect the diverse nature of the ACT Government's work force. The scheme goes from strength to strength. The eco-workplace is all about the reduction and reuse of resources through the use of recycled products and the reduction of energy consumption through such measures as energy audits and staff awareness and education campaigns. A network of eco-contact officers has now been established in all ACT Government agencies and an implementation kit is currently being finalised. Additionally, the possibility of extending the scheme to our schools is being investigated, with a pilot eco-schools project at Theodore Primary School.

The Government is also actively encouraging the practice of recycling in the home. The recently announced intention to introduce a kerbside recyclables collection scheme using wheeled bins is a good example of this. Information has been made readily available to the community on organic recycling through displays such as those at Floriade, poster competitions, and the specific education of participants in the kerbside recyclables collection trial.

In the transport sector, our bus network, ACTION, has just completed a trial of three buses using diesohol fuel. The trial period was extended to today, 1 March 1994. Diesohol is a fuel blend comprising 84.5 per cent diesel, 15 per cent ethanol and 0.5 per cent emulsifier and has the added environmental benefit of using waste from the manufacture of food products from wheat. ACTION is also undertaking a trial of compressed natural gas. All new buses commencing operation with conventional engines will conform to the new European Community standards for emissions, which will result in lower greenhouse gas emissions. These standards are more stringent than the current Australian emission standards. A study of future public transport options for Canberra is under way, which considers transport, land use and environmental relationships. The study is also examining ways to improve the options for modes of commuter travel and consequently the use of fossil fuels.

In the natural environment sector, a nature conservation strategy for the ACT will be developed through community consultation. The strategy will cover the Territory's native flora and fauna, the management of potentially threatening processes, and the promotion of nature conservation in the community. It will provide a framework for implementing the flora and fauna guarantee legislation which will be introduced later this year. Members will recall that I released a draft ACT environment strategy in December last year. The strategy provides a framework for the development, review and revision of appropriate strategies and legislation need for effective environmental management. I have been pleased with the extent of the community's interest. In response, I have extended the period for public comment by one month to 31 March.



The ACT has an enviable record in the area of community education and information about environmental issues. An environmental education component is integrated into the school curriculum from kindergarten through to Year 12. Last year the environment decisions kit was produced for college students. It offers students studying biology or environmental courses insight into how scientific theory is applied in practice, taking into account the many aspects that may influence decision making in environmental management. A recycling education resource kit was issued by the Government last year. It comprises a guide for teachers and an accompanying video dealing with the three Rs of waste minimisation - reduce, reuse, recycle.

A separate Department of Environmental Science within the School of Applied Science at the Canberra Institute of Technology was established in 1993. The department includes a centre for training in waste management. A national curriculum project on the educational needs for environment and waste management is under way in the department. An associate diploma in environmental science is now available for students, together with a certificate in conservation skills. An environment education strategy is being developed which will link with issues identified in the ACT environment strategy, where education is highlighted as one mechanism for implementation. The strategy will highlight ways of targeting appropriate groups and will establish a plan to encourage raised environmental awareness, understanding, values and actions.

It is important to emphasise that, while the ACT report is prepared on sectoral grounds, as required by the national reporting guidelines, the Government does not see its environmental management role in terms of individual sectors. While there have been many achievements and many innovative programs, they are parts of the holistic and integrated approach we are using to ensure the continued protection and enhancement of our environment.

In summary, I think it is fair to say that the Government is establishing an enviable record in environmental management in the ACT. The Government recognises, however, that there is no room for complacency. The appointment of Dr Joe Baker as inaugural statutory Commissioner for the Environment is demonstration of this. The commissioner will provide an independent assessment of the Government's performance on environmental management. He will act as an environmental ombudsman, investigating community complaints about environmental management practices and policies of ACT Government agencies. No other Australian government has taken this step. In preparing the first ACT state of the environment report, I have asked the commissioner to include a particular focus on greenhouse issues, addressing agencies' compliance with the ACT greenhouse strategy and commenting on specific areas where there is scope for more effective agency action.

In conclusion, through the finalisation of the different strategies for environmental management mentioned above and the development of integrated environment protection legislation, the Government will continue to work with the community on ways of protecting our environment and promoting ecologically sustainable development in the ACT. Together we can ensure that the environment is protected in its own right and for the benefit of future generations.

Question resolved in the affirmative.

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**POLICING AND COMMUNITY SAFETY**  
**Discussion of Matter of Public Importance**

**MR DEPUTY SPEAKER:** Madam Speaker has received a letter from Mr Humphries proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The need to promote preventative policing and community safety through activities such as Canberra's Police and Citizens Youth Clubs.

**MR HUMPHRIES (3.42):** Mr Deputy Speaker, at various times we in this place choose to pay lip-service to a great many concepts - social justice, equal opportunity, level playing fields, preventative health care, multiculturalism. They are a few of the concepts we talk about in this place in favourable terms at various times. Occasionally, our rhetoric needs to be backed up with a positive decision, with some action, and I think that such is the case today.

I am sure that at various stages all have been heard to say that we believe that preventative policing is a positive and important strategy for lowering the levels of crime in our community. Preventative policing I would define as the strategies we pursue to head off criminal activity before it occurs, rather than responding retroactively to those incidents after they have taken place. A police force which merely hotfoots it to a crime scene to mop up the aftermath is a sad waste of a valuable opportunity and is also an expensive luxury. We have to think ahead. We have to think about ways in which we can prevent opportunities for crime occurring. We have to think out the pathways to crime and block them off. We have to think about designing out trouble spots, such as the one the Minister has often talked about at the Woden bus interchange - a very valuable initiative. We have to create incentives for socially responsible behaviour, and we have to make penalties for offences which might be committed realistic deterrents to crime. Perhaps most importantly of all, we need to integrate our policemen and policewomen into the community, to make them real parts of our community's operation, real partners with those people who are striving towards safer communities.

Particularly important, indeed an essential plank in that approach, has to be building bridges between our police force and those, in a sense, who are most at risk from the incidence of crime, particularly as committers of crime, that is the young in our community. In light of that important objective, one with which I think none of us would disagree, I view with great concern news of proposals by the ACT Government to pull out a number of uniform positions from Canberra's police and citizens youth clubs. Members will all be aware of the work those clubs do at the present time. I say "clubs", but in fact it is one club with three branches. Those three branches do a tremendously important job in our community, and if members have not been to see what they do they should take advantage of an opportunity to do so.

There are seven Australian Federal Police positions presently provided within the police and citizens youth clubs of Canberra - at least, there were until recently. It is integral to the operation of those clubs that there be police involved in those activities. Those seven police - or, at least until recently, seven police - serve in important roles in police and citizens youth clubs. They are involved in Blue Light discos, they are involved in the operation of those clubs, and they are involved in youth programs. They are both a practical and a symbolic part of the police and citizens youth clubs. The presence of police in those clubs draws them closer to young people. It presents them as friends, as real people who are actually concerned about young people beyond merely bringing a heavy hand down on the shoulder of a young person when they have done something wrong. Police and citizens youth clubs are one of the few well-established avenues for police to mix directly with young people, especially at-risk young people.

The three branches of the police and citizens youth clubs in Canberra, I think, have proved their capacity to provide a forum in which that important interaction can occur. Indeed, the clubs have an active commitment from the Australian Federal Police. They are an important part of their strategy for making that contact with young people. I was therefore quite disturbed to discover that the ACT Government has made plans for two of those seven positions I referred to to be removed from the police and citizens youth clubs. That is an utterly shameful decision. It is a pity that more members of the Government were not showing some interest in this important issue.

**Mrs Carnell:** They do not care.

**MR HUMPHRIES:** Indeed, Madam Opposition Leader, they do not care.

**Mr Kaine:** Their attention demonstrates clearly their interest in this matter.

**MR HUMPHRIES:** I think that is exactly right, Mr Kaine. They have just about no interest in this important matter. Mr Deputy Speaker, the loss of those two positions will have a serious impact on the capacity of the clubs to do their job. This is a question not just of making sure that there are police to interface with those young people, but of making sure that those clubs, with their many civilian volunteers, can do their job at all.

The club believes that certain activities, as a result of this decision, are at risk. There were 34 Blue Light discos in 1993; undoubtedly, if this cut goes ahead those clubs will have to reduce the number of Blue Light discos. A reduction in the number of opening hours of the three branches in Turner, Narrabundah and Tuggeranong will certainly be on the cards if this goes ahead. There will be an end to plans for expansion and redeployment of important facilities of the clubs. For example, the club has no significant presence in Belconnen at the present time. It is intended that the club should be able to do something about making that presence in Belconnen a reality. That will not be possible - an indication perhaps of the low level of concern felt by members of this Government for the people of Belconnen. It also puts a serious cloud over the prospects of the ACT being host, as was planned, of a national conference on police and citizens youth clubs in October.

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That is not the end of my concern, I regret to say. That concern about the operation and the future of the clubs was greatly heightened by my coming across a document today which foreshadows changes to the Federal Police budget in the 1994-95 financial year. I shall refer to that document, which I will table in a moment. The document is headed "AFP/AFPA Budget Working Party 1994-95 Budget" and it states:

**MISSION:** To identify areas for savings in the light of possible budgetary cutbacks in the 1994/95 by the ACT Government.

**SCENARIO:** 1. Budget increase.  
2. Budget same as 93/94.  
3. Budget reduction.

Not surprisingly, the next line reads:

**MOST LIKELY:** Scenario 3 i.e. reduction.

The document indicates that a 2 per cent budget reduction would be the equivalent of a \$860,000 cut from the police budget. It then goes through a number of possible areas in which savings could be effected, and things such as court escorts, restructuring and police attendance at court are mentioned. Of concern to me are two areas particularly, one headed "Youth Clubs" and the other headed "Police in Schools". The section on youth clubs reads in part:

At the 1993 Working Party consideration and discussion took place as to whether a recommendation should be made to withdraw all police from that function -

that is, police and citizens youth clubs. The document continues:

It is the view of this Working Party that due to the ongoing financial problems, the time has come to make hard decisions. It is the view of this Working Party that the seven positions within the Police and Citizens Youth Clubs be made redundant.

I will repeat that:

It is the view of this Working Party that the seven positions within the Police and Citizens Youth Clubs be made redundant.

Again I quote:

This area is clearly an administrative area and the reduction of seven ASL would have no direct impact on the provision of core functions in an operational sense. We strongly recommend that the function be withdrawn and redundancies offered.

It does not end there. Under the heading "Police in Schools", it reads:

Item 13, police in schools, was also discussed. The decision in 1993 was that those positions and the functions being performed should be reviewed. It is understood that a review was conducted by the OIC, Community Policing and Services Branch.

It goes on:

It is the view of this Working Party that the two Constable positions now allocated to the project be made redundant.

I greatly look forward to the contribution of the Attorney-General to this debate. He might settle in the minds of those involved in Canberra's police and citizens youth clubs and the community more generally just what the future of those activities will be and what the outcome of this paper on possible budget reductions might be in that sense. The paper goes on to identify how the savings in those areas will be made up. It says:

The Working Party has identified a total of 14 positions suitable for redundancies. They are as follows:

- . five (5) Superintendent/Work Level 4 positions now within the Duty Officers Branch;
- . one (1) Sergeant/Work Level 3 position in the Police and Citizens Youth Clubs;
- . four (4) Constable/Work Level 2 positions within the Police and Citizens Youth Clubs;
- . two (2) Work Level 1 positions employed within the Police and Citizens Youth Clubs (Now filled by Temporary Employees. Not to be renewed) -

that has not been acknowledged before, but it is in this document -

- . two (2) Constable/Work Level 2 positions within the Police in Schools Program.

That, in my view, is a disgraceful acknowledgment of the cuts facing our police budget. I note the final paragraph, which reads in part:

We are firmly of the view, however, that there is no alternative way of coming in on budget without identifying redundancies.

I do not think any of the police involved in that working party were happy about having to choose to cut back on police positions active in our community, actually providing direct face-to-face contact with members of our community. However, it is quite clear from this document that, in their view at least, there is not much room - in fact, there is no room at all - for further trimming at the edges. We are looking now at cutting back salaried police positions by virtue of this Government's mindless, ridiculous decision to impose a flat 2 per cent budget cut across all government departments, irrespective of the worth or otherwise of those cuts in particular areas. What a stupid and mindless decision to have taken!

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**Mr Kaine:** If they take 4 per cent out of health it is just fewer beds and more on waiting lists, and that does not worry Wayne.

**MR HUMPHRIES:** Indeed. Mr Deputy Speaker, I seek leave to table that document I just quoted from.

Leave granted.

**MR HUMPHRIES:** The rug may be pulled out from underneath not just all police and citizens youth clubs in the ACT but practically all structured interface between the AFP and Canberra's youth. It is an appalling decision and I hope that it will be reversed. Mr Connolly has prided himself on preventative policing and community safety initiatives. He deserves credit for having taken those initiatives, but he will get no credit if what he has provided with one hand is taken away with the other. There will be no pat on the back for redesigning bus interchanges or adopting country-style policing if at the same time he pulls the rug out from underneath an extremely important part of our strategy for contacting and staying in touch with young people in our community, namely, police and citizens youth clubs.

Let me give an illustration of this. We have recently heard concerns about activities of Aboriginal youth, Aboriginal gangs, so-called, in parts of South Canberra. The police have had a recent task force give attention to this matter. That is, with respect, a reactive role. What proactive efforts have we made in this area, apart from committees? Our Narrabundah Police and Citizens Youth Club has been very active in conducting Blue Light discos particularly targeted towards Aboriginal youth in our community. That is one of the activities that are at risk because of this decision to cut. I find it very hard to imagine how any Blue Light discos are going to be very successful if we take seven police positions - the entire complement of police resources in police and citizens youth clubs - out of those clubs. In fact, you might as well call them Canberra citizens youth clubs and forget the police altogether in those circumstances.

How do you get an interface between young people and police when you do that? You simply cannot. You cannot pay lip-service to strategies for community policing and then cut the few initiatives we have to do that. You cannot have a 37 per cent-plus youth unemployment rate in this town and not place special attention on building links between young people and the police. It is simply not feasible. It is a lack of reality on the part of this Government even to contemplate that idea. Developing physical and social skills, raising self-esteem, social interaction, learning about teamwork and fair play are the goals of our police and citizens youth clubs. I am appalled that members in this place would not think those were things worth supporting, not just with lip-service, not just with rhetoric, not just with cute press releases, but, in reality, through the decisions we make as a government and as an Assembly.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.57): I was pleased to hear in the opening of Mr Humphries's remarks that he seems to be won across to the strategy of crime prevention I have been talking about, both when I was in opposition in this place and since Labor has been in government. I am pleased that the Liberal Party's attitude to crime prevention is now somewhat enlightened, and I trust that that will remain the Liberal Party's position if

Mr Stefaniak becomes the self-appointed law and order spokesperson for the Liberal Party. He always took the view that this was all nonsense and that what we needed, according to one memorable statement, was to crack a few heads. I am pleased that Mr Humphries adopts a far more enlightened approach which recognises that we have come a long way in dealing with law and order strategies from that sort of antediluvian attitude of crack a few heads and apply a bit of force.

The problem can be simply stated. Crime rates across Australia and across the Western world have in the last 20 or 30 years steadily increased. Expenditure on police and justice systems in the equivalent period has also massively increased. It is clear that throwing massive resources at the law and order problem by throwing more police on the street does not work. The extreme example of this approach is to look at the United States, where massive police resources are poured into city streets, with massively armed police forces confronting massively armed criminal gangs. The streets of many cities in the United States are now literally battle zones.

About 10 years ago, when there were some difficulties in the south of France, some youth riots in Marseilles, the then mayor of Marseilles decided that there needed to be a different approach to the way the state responded to criminal behaviour generally, but particularly criminal behaviour involving young people. Mr Bonmaison, the then mayor of Marseilles, was really the originator of the crime prevention strategies that have been developed in continental Europe over the last decade and were picked up in Australia very strongly by the former Labor Attorney-General, Chris Sumner; trialled very successfully in Adelaide, to the point where the incoming Liberal Government in South Australia is quite enthusiastic about maintaining those crime prevention strategies; and picked up in New Zealand by the then Labour Government and very severely criticised by the conservatives, who now, in government, are continuing with these strategies.

We talk about situational crime prevention; we talk about environmental crime prevention. We have established in the ACT, as they have done in these other jurisdictions, a community based committee. It is chaired, as members would recall, by Mr Ken Begg. We have produced our draft community safety strategy, which I think I have circulated to members. Certainly Mr Humphries was there at the launch. We have set up a safer Civic subcommittee of that body. Mr Humphries will say, "Committees, committees", but we are seeing some action. Ken Begg and a couple of his key advisers there - - -

**Mr Humphries:** Is this relevant, Terry?

**MR CONNOLLY:** Given that the MPI is on crime prevention and the need to promote preventative policing and community safety, I thought this was highly relevant. Mr Humphries may think it is irrelevant; he can just sit and listen.

The results of Ken Begg's safer Civic committee are already flowing through. They went out one evening in December and highlighted a number of problem areas in Civic, particularly the lighting in what is known as the pits car park in Civic and the old public toilet block at the back of the Canberra Theatre, which they identified as an area where young people were congregating and some problems occurring. They recommended that we demolish that. We have done that. They recommended that we improve lighting at the pits car park. We have done that. They are developing a range of strategies for alcohol-free events for young people.

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Mr Humphries would say, "That is all being done. The police and citizens youth clubs get the boys in to play touch football with the police officers and run the Blue Light discos". The police and citizens youth clubs have certainly played a valuable role in the ACT community in their three locations. I hope that they want to stay in Narrabundah. I have seen some media reports that they want to abandon Narrabundah and move to Griffith. While only a short distance in terms of kilometres, their preferred location in Griffith is a vast quantum leap in terms of socioeconomic trends in Canberra. To the extent that they are doing a valuable job, I think they should stay where they are in Narrabundah, where there are perhaps more disadvantaged young people to come in contact with them.

I notice that Mr Humphries got himself photographed when he was promoting the police and citizens youth clubs funding bid, talking strongly about how they were helping disadvantaged youth. He was photographed with a couple of young chaps who identified themselves as coming from Deakin, which, as members would know, is probably not one of the more socioeconomically deprived suburbs of Canberra.

**Mr De Domenico:** I saw you being photographed today with a clown.

**MR CONNOLLY:** Mr De Domenico, I often have photographs with members of the Opposition. I have to do something to try to give them some media exposure. To the extent that Mr Humphries was trying to promote the idea that these facilities are focusing on disadvantaged youth, getting photographed with very pleasant looking young men from Deakin is not necessarily helpful. They look like the sorts of chaps who could probably afford to go to a commercial gym.

The police and citizens youth clubs do fulfil a useful role in those three areas of Canberra. I point out that they do not exist in Belconnen. Mr Dunne, the Liberal Party's new candidate, was on the radio last night attacking me for closing down facilities in Belconnen like the police and citizens youth club. The dill - there never has been a police and citizens youth club in Belconnen. I suggest to the Liberal Party that with this newfound commitment to Belconnen from Liberal Party members, including Mr Stefaniak - he was Mr Weston Creek, he was Mr Tuggeranong, and now he is Mr Belconnen - you should actually do a little bit of research and find out what is there before you accuse me of closing down something that has never been there. That was a tad amateurish.

Police and citizens youth clubs do fulfil an important role, and one we would like to keep an involvement in. I am not going to pre-empt the budget process with the police and citizens youth clubs, any more than I would pre-empt the budget process in relation to any other area under our administration. I suggest to the police and citizens youth clubs that doing media stunts through the Opposition is not a helpful way of negotiating a budgetary outcome. What I have said publicly is that we do have to prioritise policing, which I think Mr Humphries agrees with. I have said that, at the end of the day, if it is a choice between a police officer on foot patrol in the city or on the pushbike patrol or in the sexual assault unit and a police officer who is a gym instructor, I know which one we would cut.



The other thing Mr Humphries accuses us of is not prioritising within government; that we do not accord a sufficient priority to policing as opposed to other arms of government.

**Mr Humphries:** That is right.

**MR CONNOLLY:** He nods; he says, "That is right". Let us see what you did when you were sitting in Cabinet and when this bloke was the Treasurer. When you were running this show, you spent more on public transport recurrent subsidy than you did on policing.

**Mr Humphries:** Public transport?

**MR CONNOLLY:** That is right. It is extraordinary, is it not? You regarded the ACTION recurrent subsidy of \$57m as presumably more important than the police budget at \$54.5m.

**Mr Humphries:** Rubbish!

**MR CONNOLLY:** It is not rubbish; it is in the budget papers.

**Mr Kaine:** I raise a point of order, Mr Deputy Speaker. When the Alliance Government was in place, the police function was still being run by the Commonwealth.

**MR CONNOLLY:** Mr Deputy Speaker, the allocation of funding for policing, which transferred during the life of the Alliance Government, was \$54.5m, as shown in the budget papers. The allocation for the recurrent subsidy of ACTION in that same year was \$57m. This year the allocation for ACTION, as shown in the budget papers, is just under \$45m and the allocation for policing is some \$53m. So we show our priorities on this issue. We have demonstrated that we can pick an area of Government expenditure where we need to prune substantially and deliver savings, which you patently failed to do; whereas policing we regard as an important priority, and we do set savings targets.

Members may have noticed a little piece on page 3 of the *Canberra Times* this morning which I was quite pleased to see, although I must confess that I did not expect that it would have hit the *Canberra Times*. It was something I thought would have received more attention within the police force. The fact is that the Government has been doing something to change the police culture in terms of management practices and imposing some financial stringency there, making the Federal Police realise that they live in a real budgetary world where there is not access to unlimited funding and that we do have a problem in the ACT, where we have had a per capita policing expenditure way in excess of any State in Australia and exceeded only by the Northern Territory. What has happened over the last 12 months is that the AFP in Canberra have got to a position where, as is reported in the *Canberra Times*, they are well in surplus in terms of where they should be in their financial management for this year.

As a result of very clever planning by senior AFP management - as a result of Mr Dawson's process of devolving financial responsibility to the four regions which now service Canberra, as opposed to the three which used to operate, to give more direct accountability for people in Tuggeranong - they are up substantially on their funding position. Mr Dawson is therefore able to ease the

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funding gates and provide some sought after minor plant and equipment for a lot of police stations. Police morale is, as a result, very high. We are delivering a police budget that is very efficient, and the result of that efficiency is now flowing through.

**Mr Humphries:** On a point of order, Mr Deputy Speaker: I am really pleased to hear that we have more money for police radars and other police equipment, but we are talking here about community policing and preventative policing. Could the Minister please talk about that issue, particularly as far as Canberra's police and citizens youth clubs are concerned?

**MR DEPUTY SPEAKER:** I must uphold the point of order, Mr Attorney.

**MR CONNOLLY:** Mr Deputy Speaker, it is a fatuous point of order.

**Ms Follett:** Mr Deputy Speaker, if I could debate that point of order for one moment, Mr Humphries's own matter of public importance, as submitted, refers to the need to promote preventative policing and community safety through activities such as, but presumably not exclusively confined to, the Canberra police and citizens youth clubs. I consider that the Minister, in making remarks on other activities also aimed at preventative policing and community safety, is perfectly within the standing orders.

**MR DEPUTY SPEAKER:** I think, Chief Minister, you are putting the stress on the first part of the matter.

**Ms Follett:** Mr Deputy Speaker, I am reading the matter of public importance as put forward by Mr Humphries in its entirety.

**MR DEPUTY SPEAKER:** You are, quite properly, putting your interpretation on the first part of it. I was putting mine on the second part of it. I think probably the Attorney will be returning to the general debate now.

**Mr Kaine:** I would like to take a point of order, Mr Deputy Speaker. It has nothing to do with whether we are looking at the first words of the matter or the last words. If the Minister wants to talk about what is going on in his police force, he should be discussing how he can divert some of that \$1.5m surplus to the question Mr Humphries has raised, that is, the maintenance of the youth clubs, rather than spending it on other things. The Minister does not seem to be at all concerned about the youth clubs, but he is concerned about buying equipment. He might address the matter that is before us.

**MR CONNOLLY:** Mr Deputy Speaker, the Liberal Party has successfully taken three minutes away from my response here. I am not surprised that they do not want to hear the good news about how effectively we are running the police force in the Territory. I am not surprised that they do not want to hear the good news that was in the AFP's annual report, which indicates the extent to which the Canberra community is now feeling safer in the streets than they had previously. The Canberra community is very reassured by the strategy we are taking in terms of proactive community policing. We have seen the extension of the pushbike squad in recent years - a dramatic policing initiative which gets police talking to young people.

**Mr Stevenson:** Chasing.

**MR CONNOLLY:** No, speaking. We are finding, and police will tell you this, that a young person is much more likely to speak to a young police officer on a pushbike than they ever are to police officers in the squad cars. The police and citizens youth clubs do have a role to fulfil, but we need to go beyond that. We need to go beyond the Blue Light disco which, while it fulfils a valuable role, does attract only certain young people. Some young people - those most at risk and those to whom we really need to direct attention - would not be seen dead at a Blue Light disco.

**Mr Humphries:** That is not true, necessarily.

**MR CONNOLLY:** That is true, Mr Humphries. It is unfortunate and I wish it were not true, but it is true. There is a level of resistance. I also point out that Mr De Domenico has been urging me for the last three weeks to provide a subsidised bus to take Canberra's young people to what he calls a Blue Light disco in New South Wales which is run commercially. So it seems as though they can run commercially in New South Wales but they need to be subsidised in the ACT, which seems a tad unusual.

The police budget has yet to be brought down. Mr Humphries has referred to a working party document, which I thought represented confidential discussions between the Australian Federal Police union and police management about possible options. Mr Humphries chooses to table it in this place. I hope that that does not prejudice the discussions. No final decisions have been taken. The Government would like to continue a commitment with the police and citizens youth clubs, but I have to say that playing politics like this with the police and citizens youth clubs does not help.

**MR DE DOMENICO (4.11):** Madam Speaker, may I start where Mr Connolly left off. He used the words "playing politics". I ask the Minister who he really believes is playing politics.

**Ms Follett:** You are, so that is easy.

**MR DE DOMENICO:** The Chief Minister interjects. She can do that until her face turns blue or red, but the reality is that this Minister opposite has been playing politics with this issue for months and months. I was not going to mention this, but Mr Connolly did, so let us look at the Blue Light disco run by a commercial operator in Queanbeyan. It was suggested that young people who live in the Tuggeranong Valley might wish to go to Queanbeyan because this commercial facility provided under the one roof things such as Blue Light discos and slot machines.

**Mr Connolly:** Madam Speaker, could I draw your attention to the precedent that was set some minutes ago by the learned Deputy Speaker when he ruled that anything to do with the budget was irrelevant. I could not justify my remarks in discussing the police budget; I had to speak specifically to the Canberra police and citizens youth clubs. We are now going on an excursion on subsidised buses in Tuggeranong. I wonder which ruling we have to apply. Is the previous ruling that you can talk only about the police and citizens youth clubs in Canberra correct or is the ruling more general - that one can have these interesting, albeit irrelevant, discussions?

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**MR DE DOMENICO:** Madam Speaker, on that point of order: It was in fact the Minister himself  
- - -

**Ms Follett:** Yes; so?

**MR DE DOMENICO:** Just be quiet. I am speaking to the Speaker, not you. Madam Speaker, it was the Minister himself who mentioned Queanbeyan and the Blue Light disco. The Minister brought that up because he thought it was salient to the debate. I agree with him and I would like to continue along that course.

**MADAM SPEAKER:** Mr De Domenico, your point is not entirely out of order, but I would suggest that you keep to the spirit of Mr Cornwell's ruling, which was that you stay as much as possible on the main topic under debate.

**MR DE DOMENICO:** I shall do that, Madam Speaker. It was Mr Connolly who mentioned all sorts of things about Blue Light discos. As far as I am concerned, Mr Connolly ought to put the well-being of young people on his agenda before the politics that he and others try to play in this place. Had Mr Connolly been putting the interests of young people first on his agenda, he would not have given a damn, to be very honest, where those young people were going. What is wrong with people in the Tuggeranong Valley or anywhere else who wish to go somewhere in order to keep off the street and have some wholesome entertainment going to Queanbeyan, Belconnen or anywhere else? Mr Connolly acknowledged that there were no Blue Light facilities in Belconnen, for example. Perhaps people from Belconnen might wish to go to Queanbeyan or Tuggeranong, or perhaps to Narrabundah.

Mr Connolly is saying that five police currently working with youth and two police in schools are the targets of cost cutting. What will happen very shortly is that all these young people will have nowhere to go. That shows Mr Connolly's concern about young people. Mr Connolly made some other interesting comments.

**Mr Lamont:** Who wrote this for you?

**MR DE DOMENICO:** No-one wrote anything for me, Mr Lamont. You are entitled to make your contribution later on, and we will see how intelligent you are. Mr Connolly said that kids were more likely to speak to police on pushbikes than to police in motor cars. I acknowledge that that is true, Mr Connolly, but let me tell you what else they are more likely to do. They are more likely, and might have more time, to speak to police who are gym instructors, to speak to the police who run the Blue Light discos, than to police on pushbikes. What Mr Connolly fails to tell the Assembly about is the extra work that is done at these police and citizens youth clubs.

Let us have a look at one example that is near and dear to my heart, the Tuggeranong PCYC at Erindale, and at the activities that are offered by these clubs. At Tuggeranong they offer aikido, basketball, boxing, callisthenics, gymnastics, karate, volleyball, and Blue Light discos, to mention a few. Activities offered by outside groups using the facility include dance and tap dancing. Periodical users include the Salvation Army, local school groups, aerobics, self-defence, and Sharing Places - a physically and mentally disabled group with carers. These sorts of facilities are being used for a wide range of situations.

This Government and Mr Connolly in particular talk about social justice and all sorts of wonderful things. But what does he do? In one fell swoop he says, "We have taken what France does and what South Australia does and what New Zealand does and what the USA does". Who gives a hang about what all these places do? We are more concerned about what is going to happen in the ACT. I am concerned, for example, about what is going to happen in Tuggeranong. Mr Connolly said, "Mr De Domenico and others want me to provide a subsidised bus service to transport kids from Tuggeranong to Queanbeyan". Yes, Mr Connolly, we do. Mr Connolly continues, for example, to provide a subsidised transport service on buses with no-one on them. How many buses have we seen with no people on them? Mr Connolly talked about providing buses for young people to the Police and Citizens Youth Club, which perhaps he is going to close down, so kids will be able to go only to Queanbeyan. Well might Mr Connolly leave the room.

Mr Connolly also said in his speech that, in his mind, when it comes to providing police on pushbikes or providing gym instructors, police on pushbikes will always win.

**Ms Follett:** It is called priorities.

**MR DE DOMENICO:** The Chief Minister says, "It is priorities". What the Chief Minister does not realise is that a policeman who is a gym instructor may prevent some of those kids from doing the sorts of things they would do if that facility were not provided. I have heard Mr Connolly ask, "Would you prefer me to provide police on pushbikes or baby-sitters in buildings?". He has said that on a number of occasions. He says, "When it comes to providing community police, I would rather provide police on pushbikes than baby-sitters". That is Mr Connolly's social justice and understanding of this issue. Mr Connolly should be careful what he says in his press releases sometimes.

He has said that more police on the streets does not work, and he used the analogy of the United States of America. I should tell Mr Connolly that the police themselves believe that more police on the streets does work. Let us have a look at what more police on the streets means. It is not literally police in uniforms, walking up and down the beat with their truncheons in their hands, just waiting to bop somebody over the head if they do something wrong. More police on the streets means more police in places like the Tuggeranong Police and Citizens Youth Club. They can have that interface with young people that is so important. Perhaps that interface will stop those young people from doing the sorts of things that happen in Tuggeranong from time to time.

Who can ever forget the furore that Mr Connolly caused in Tuggeranong when members on this side of the house dared to say that there were problems there? Members opposite buried their heads in the sand. There were no problems, they said, until we found out that the police dog squad went in, for example. But no-one on the other side of this place wanted to admit that there was a problem in Tuggeranong or anywhere else. I am telling Mr Connolly and others that there are problems with young people, and the best way to stop those problems from occurring is to have that non-legal interface between the police and our young people.

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Mr Humphries said that there is an unexpected \$1.5m saving on this year's police budget. Mr Connolly does a lot of talking about community policing, and we agree with Mr Connolly. There needs to be a lot more done in terms of community policing. The bottom line is that the best sort of community policing in the ACT, and especially out in Tuggeranong, is having the police working closely with our young people. They are not baby-sitters, as Mr Connolly calls them from time to time; they are not gym instructors. They are people who are usually doing more than they have to - they do a lot of it in their own time - to make sure that our young people have somewhere to go.

Mr Connolly tried to wipe away the fact that not too many kids would go to Blue Light discos. Let us have a look at how many kids in Tuggeranong go to the Blue Light soccer which is provided. This activity is conducted by a subcommittee of the Tuggeranong PCYC branch and has been in existence for the past 10 years. One of my young sons has gone through Blue Light soccer. During 1993, for Mr Connolly's information, 560 young people in the Tuggeranong Valley were involved in Blue Light soccer. It is one of the largest clubs in the Tuggeranong Valley. For Mr Connolly to call them baby-sitters and gym instructors fails to acknowledge the wonderful work done by the police in these areas, the wonderful non-legal interface happening between police and young people.

**Mr Lamont:** Who is denying it?

**MR DE DOMENICO:** Mr Lamont asks: Who is denying it? Mr Lamont, I can tell you who it is. When you cut funds in these areas, you, the Government, are denying these facilities for our young people. That is the bottom line, Madam Speaker. Mr Connolly can talk about community policing and members opposite can sigh and cackle as much as they like. The reality is that the people out there know exactly what is going on. When Mr Connolly and others talk about community policing, that is all they do - talk.

**MS FOLLETT** (Chief Minister and Treasurer) (4.22): Madam Speaker, in the course of question time Ms Szuty asked me a question about community safety. I indicated briefly the Government's new initiative in terms of the ACT community safety strategy and our commitment to achieving community safety through very widespread, strategic and positive involvement of the community. Mr Connolly has spoken further about the community safety strategy and about the role of the committee that has been appointed to oversight the development of that strategy.

Essentially, the community safety strategy is looking for new directions in how we address crime. They are doing that by fostering partnerships between the community and the Government and by ensuring cooperation between Government agencies with a multi-agency approach to specific problems. By way of illustration, the first issue that that community committee took on was the issue of alcohol in Civic. As Mr Connolly outlined, there has already been a response to some of the committee's recommendations, but they want to continue working on a longer-term set of strategies to address all of the problems in Civic in a holistic way. That is very important work and it is work that ought to be on the record in a debate such as the one Mr Humphries has raised.

Also under that community safety strategy, individuals and community groups are able to seek funding for particular community safety programs. Those funding proposals will be assessed by the committee, which will be submitting its recommendations to the Government for decision. I think the Government's commitment to community safety and to a role of partnership with the community is very much to the fore, and it is one that, I think, ought to be supported by all parties in the Assembly.

If I could turn to the particular role of the police and citizens youth clubs, which I believe do some very fine work indeed, I find it regrettable that there has been an attempt by the Opposition to pre-empt the Government's budget. I certainly will not be addressing that or speculating on the budget in any way at all. However, I would like to comment that, in addition to the funding which the police and citizens youth clubs receive through the AFP budget, they receive substantial assistance from other areas of government. One of those areas is within the youth services grants program, under which the police and citizens youth clubs received \$46,200 this year and last year. So there has been no diminution of that funding whatsoever. That money, I believe, is used for salaries of assistant administrators for the police and citizens youth clubs, and clearly it must have been of some assistance to them.

The Office of Sport and Recreation have also provided funds to the police and citizens youth clubs through the capital grants program. There was a grant of some \$30,000 in 1994 for improvements to the Turner club. That grant was provided after very careful consideration of the police and citizens youth clubs' application and the demand on funds. I believe that a further \$60,000 was granted by the Commonwealth Government Department of Environment, Sport and Territories for that same project. So there has been a considerable amount of funding directed to the police and citizens youth clubs, in addition to their funding through the Australian Federal Police budget.

I believe that the Government has demonstrated a considerable level of support for this initiative in the community, and the police and citizens youth clubs can be confident that their work is valued. That is certainly the case. I know that there has been recent work done on priorities for funding in my youth area, looking at where gaps might exist - gaps of unmet need in the community, particularly for young people. Some of the gaps that I know have been identified relate in particular to the needs of Aboriginal and Torres Strait Islander young people and to the needs of non-English-speaking young people in our community. As the Government, we keep those sorts of funding programs under review and we need, in the course of that review, to respond to needs in the community, and those needs change over time. In terms of our support for the police and citizens youth clubs, I think we have been entirely responsible in our levels of funding and, given that they receive funding from more than one source, the kinds of fears Mr Humphries is raising must be put down as a bit of politicking.

However, I am not about to pre-empt the budget, as I said at the time. Mr Kaine is on the record as saying that he would cut the police budget. Mr Kaine has said that you cannot quarantine the police budget, and I agree with him. I think it is an entirely reasonable proposition for any government to say, "Within the funds available, we must look at our priorities". That is what we will be doing with the Federal Police. That is what we will be doing with every area of administration, and I believe that that is the responsible approach.

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To summarise quickly, Madam Speaker, the community safety and preventative policing, I consider, have been dealt with by this Government in a way that means real improvements for community safety. It is occurring in partnership with the community and it is occurring in a way which aims to involve all sectors of the community. Within that strategy, the police and citizens youth clubs have a role. They have enjoyed very good funding. In the light of current needs, they may from time to time have to change their focus. I would hope that they would not resist that. I would hope that they would always see their role as picking up the needs that exist in the community at the time, not focusing on what might have been needed 20 years ago. I believe that the police and citizens youth clubs are entirely capable of doing that. If you look at the police and citizens youth clubs within the whole spectrum of preventative policing and community safety, they have been well funded, they have been well supported by this Government, and they will continue to be.

**MR STEVENSON (4.30):** There have indeed been concerns in the community and in the police force about funding cuts. From the Chief Minister's comments, I thought we might expect that there would be some benefits in the budget for police.

**Ms Follett:** I am not going to tell you what is in the budget, you twit.

**MR STEVENSON:** Perhaps you could wait till I finish before you make your remarks.

**Ms Follett:** No; you never do.

**MR STEVENSON:** That is not true. I am concerned with the suggestion that the police and citizens youth clubs change the style of operation the Chief Minister talked about. What single area is there that they should do away with, where they should move with the times? Obviously, they can expand their activities; they are doing that, and that is what we should encourage them to do. To suggest that they should do away with some of their activities is simply an indication that someone does not know what they are doing.

This is one of the best places where we and the police can get involved in preventing crime. Police can set a wonderful example to young people, and others, as role models. There is no doubt that there are many areas where this happens. School lecturing is one that has been going on for a long time. There have been police trialled in some areas, almost staying in schools to work with the young people. I think that is a very interesting idea. I will get to the police and citizens youth clubs in more detail in a moment. Kenny Koala is a wonderful idea in community policing, getting communication between the police and the community, particularly young people, although many of us who are young at heart like Kenny Koala.

One thing that I do not believe has been mentioned today is the police exhibitions. We had one at the show over three days last weekend, and there have been others around Canberra. There was a very good one in the bottom level at Belconnen Mall some year or so ago, and there have been others. That is an excellent way to increase the exposure of police and the face-to-face contact between police and people in the community. If you have a police bike on show, obviously that would attract a lot of young people, and that is a beneficial thing. The Attorney-General mentioned the police on pushbikes. I think that



is an excellent idea. It is a low cost way to get police into the community and get them moving around in many areas without having to take a car. Mr Connolly said that it is easier to talk with people when police are on bikes than when they are in a motor car. Naturally it is.

As to the police and citizens youth clubs, I spent quite some time as a volunteer police officer with the police boys club, as it was at the time, in New South Wales. We used to go away to yearly camps, where schools would send their boys along - it was only boys at the time. That was one of the best possible things that could be done. We would play sport with the boys, we would live with the boys, we would encourage them in various activities and teach them various ways of operating in society. One of the things that should be stated is that not only do these activities develop youth but they also develop the police. There is no doubt that when anyone gets involved in community activities, particularly in the police and citizens youth clubs, that is of benefit to the people working there, not just the people that go along. We in this Assembly should do everything we can to encourage that.

The Chief Minister says that she is not going to pre-empt the budget, but let us hope that she bears in mind the statements that we are all making today, which the police and citizens youth clubs have stated as well. It is good to see that the former Griffith Primary School area will be made available. That is excellent. It is also good to see that the 1994 national conference of the police and citizens youth clubs will be held in Canberra.

**Mr Humphries:** We hope.

**Mrs Carnell:** It probably will not be now.

**Mr Humphries:** At the present rate, maybe not.

**MR STEVENSON:** Once again, I think we have had the opportunity today to encourage the Government, in their decision making capacity in this area, to take every opportunity to promote activities like the police and citizens youth clubs particularly, and the other things we have mentioned. It will result in crime prevention in the longer term, and this is the way we need to go. Certainly there is a crime problem that needs to be handled, but the long-term goal of crime prevention, of getting the police in face-to-face contact with the community and with our youth, is the greater answer.

**MRS CARNELL** (Leader of the Opposition) (4.36): Madam Speaker, nobody will be very pleased with the way this matter of public importance has gone today. There has been absolutely no commitment whatsoever from the Government to change their previous position on police and citizens youth clubs in the ACT, and I think that position is totally unacceptable. In March 1993, after discussions between the AFP and the PCYC board, we all thought an agreement had been reached on staffing levels. It now seems that in the next few months at least two police officers will lose their positions and, if the documents Mr Humphries tabled today are right, it could be another three. That means that the whole operation of the PCYC as we know it in Canberra will be over. That is in a climate, according to the *Canberra Chronicle* report in January, where there are between 10,000 and 12,000 attendances each month at the Tuggeranong facility.

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The PCYC estimate that there are over 100,000 attendances at the three clubs each year. That means that there is tremendous demand for this service. I find it curious that the patron of the Canberra police and citizens youth clubs is the Chief Minister.

**Mr Cornwell:** Who is that?

**MRS CARNELL:** The Chief Minister is the patron of the Canberra police and citizens youth clubs.

**Mr Cornwell:** She did not tell us that.

**MRS CARNELL:** No, she did not tell us that, but she is the patron. You would have to question her commitment to community based policing and to the youth of Canberra when you look at that situation. Personally, I think she should resign while she holds that attitude.

Unfortunately, the hopes of expanding the police and citizens youth clubs to Belconnen seem to have been dashed. There seems to be no capacity now for expanding this very valuable service. The people of Canberra should be asking whether the Government is committed to prevention. Is it committed to a situation where crime will be prevented in the future, or is it just a matter of attempting, with decreasing budget allocations, to effect a cure? Obviously, there is a huge problem.

The PCYC claim that any further staff cuts will produce cutbacks in such programs as the safety house program, Neighbourhood Watch, school based policing programs and Blue Light discos. The school based policing programs are very important in ensuring that our young people, the teenagers of tomorrow, the adults of the future, have a sensible approach to the police, that they know the police are on their side and that they are not fighting the community.

According to a member of the PCYC management committee, Bernadette Allen, the clubs' hours would have to be reduced, expansion into new suburbs would be curtailed, and most Blue Light discos, of which there were 34 last year, would have to be cancelled. The Minister argues that police are more urgently needed in operational roles than in these prevention roles. I would question that. That argument probably, though, is best answered by Daniel Clode, who wrote a letter to the *Canberra Times* in January this year. Daniel wrote:

I was disappointed to hear the explanation of the ACT Government for the scale-down of staff in police youth centres ...

Surely the responsible Minister cannot be ignorant to the invaluable good relations which the youth centres establish between police and young people ...

The ACT Police want expansion of the centres, not an ill-timed contraction. Why are the Minister and the Department at odds?

One would have to ask that question, Madam Speaker. The ACT's Chief Magistrate, Ron Cahill, also recognises that clubs are a proven method of crime prevention. He told the *Sydney Morning Herald* only two weeks ago:

These clubs help build a relationship between police and youth in the community.

After attending the clubs for a while, the kids start to realise the police aren't "pigs" and the police see the kids aren't as they sometimes picture them.

In other words, it improves relationships in the community and stops the problems down the track. It creates a situation where we will not be facing some of the problems we see here every day, such as robberies and the other unfortunate behaviour we have from some of our young people. Ron Cahill should know something about this.

Any staff reductions would have a very serious impact. According to the PCYC board:

The board believes that the failure to replace the police officers who were transferred with permanent staff and the further threat that others could be transferred and not replaced will almost certainly result in closure of some, if not all, of the clubs.

Due to the fact that for some years the clubs have had responsibility for Blue Light discos, it will also mean that these will cease.

This is at a time when 27 per cent of Canberrans are aged between 10 and 24. That is about 78,000 young people. It is at a time when the ACT simply cannot afford to lose such an important service to youth - youth who have real problems in this society, many of whom are unemployed or are looking down the barrel of unemployment. They need some support from this community. This is the least we can do.

**MADAM SPEAKER:** Order! The time for discussion of the matter of public importance has expired.

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

**MRS GRASSBY:** I present report No. 2 of 1994 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I ask for leave to make a brief statement on the report.

Leave granted.

**MRS GRASSBY:** Report No. 2 of 1994 contains the committee's comments on five Bills and seven pieces of subordinate legislation. I commend the report to the Assembly.

**Sitting suspended from 4.43 to 8.00 pm**

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## **SUPREME COURT (AMENDMENT) BILL (NO. 3) 1993**

[COGNATE BILLS:

MAGISTRATES COURT (AMENDMENT) BILL (NO. 3) 1993  
MAGISTRATES COURT (CIVIL JURISDICTION) (AMENDMENT) BILL 1993  
SMALL CLAIMS (AMENDMENT) BILL 1993  
CORONERS (AMENDMENT) BILL 1993  
ADMINISTRATIVE APPEALS TRIBUNAL (AMENDMENT) BILL 1993]

Debate resumed from 9 December 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

**MR DEPUTY SPEAKER:** Is it the wish of the Assembly to debate this order of the day concurrently with the Magistrates Court (Amendment) Bill (No. 3) 1993, the Magistrates Court (Civil Jurisdiction) (Amendment) Bill 1993, the Small Claims (Amendment) Bill 1993, the Coroners (Amendment) Bill 1993 and the Administrative Appeals Tribunal (Amendment) Bill 1993? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to orders of the day No. 2, No. 3, No. 4, No. 5 and No. 6.

**MR HUMPHRIES** (8.02): Mr Deputy Speaker, the Bills before us tonight are part of a package which provides for the establishment of a new basis for fees and charges being levied in the Supreme Court, the Magistrates Court, the Coroner's Court and the AAT in this Territory. Perhaps the genesis of these Bills was a decision made subsequent to the putting of a motion in this Assembly by the Liberal Party to disallow some Supreme Court charges last year. I think at the time the Government felt that there needed to be a review of the whole basis on which fees and charges were levied in the ACT. That was a sensible decision, and the result of that initiative was that we have these Bills before us tonight. I must say that because of that genesis of these Bills there has been considerable consultation between members of the Opposition and the Government and the Independents about these Bills and also, I understand, the representatives of the Law Society. As a result, I think we have before us a package of Bills which are eminently supportable and which will pass tonight.

The narrow base for determining fees and charges under existing legislation will be replaced under this package of Bills by a broad base of power for setting fees similar to one another. In other words, the same basis will be used in all of these courts at the one time. The other significant element of this legislative package is that the legislation will contain within its terms a fairly comprehensive list of the exemptions which are applicable for those who seek to have the fees of the court and the charges of the court waived in their favour.

For example, those exemptions include an applicant who is successful in proceedings. That applicant is generally entitled under this package to the refund of fees which he or she has paid in bringing that application in the court. A person who is legally assisted in the court is similarly not obliged to meet the cost of the fees. There is also provision made in the legislation for multiple applications. A single fee is payable, if the registrar permits that to be the case, where there are a number of applications on similar grounds brought before the court. The point is that all these grounds are the same, in a sense, for all six of these jurisdictions. Of course, we are talking about the Magistrates Court having three jurisdictions - small claims, civil and criminal - but essentially, across the six jurisdictions, we now have, with the passage of these Bills, the one legislative framework and the one set of criteria for deciding whether fees should be waived and on what basis fees should be charged.

Mr Deputy Speaker, I think that we can support the basis of these new fees and I think that they result in a simplicity which is missing in the present package of legislation. The Attorney, in his presentation speech for the AAT (Amendment) Bill, said:

These initiatives are in line with the Government's desire that review by the tribunal should be as inexpensive as is reasonably possible.

This applies also to the other courts, and that is a laudable aim. Naturally enough, the fees that are set by the Government underneath this new structure will be a different matter. They will be a matter that the Assembly will have the power to examine in detail and, if certain amendments are passed in the future, even to amend. I hope that the Government takes the opportunity of pursuing the goal which the Minister stated in that part of his presentation speech - that is, that proceedings before the tribunal and other bodies in the Territory should be as inexpensive as is reasonably possible. It can be achieved only by the way in which the fees are set.

It is very good to see that we have a number of clear exemptions now. I assume that the operation of these Acts will be such that we will see more people entitled to receive exemptions from payment of fees; but, if the Government intends at the end of the day to recover the cost of those exemptions by increasing the general fees which are paid, on average, by an ordinary citizen who seeks to bring proceedings in a court, then perhaps we have merely transferred the cost from one sector to the other. I am not so sure that that is a good idea. I certainly hope that the fee structure we see put in place is one that achieves equity, not just for those who need to have fees exempted but also for those who are in need of the assistance of the court and who are not eligible for some category of exemption.

I note that there is a provision in each of these Bills which is designed to overcome a decision of the Federal Court of Australia. That is a decision in a case called *Angus Fire Armour Australia Pty Ltd v. Collector of Customs*. The provisions, which in the AAT Bill appear as new section 59B, are a little bit hard to understand, a little bit obscure. The Attorney might be happy to explain to the Assembly exactly what is meant by those new provisions which appear in each of these Bills, because the objective being pursued is not particularly explicit.

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I also must say that I regret that the explanatory memoranda in all of these cases are somewhat unclear as to the financial impact of these changes. In each case comment is made to the effect that there will be some financial impact in that they provide for certain exemptions from payment of or the refund of some fees. That is fairly self-evident. I quote from the explanatory memorandum:

The determination of fees and charges that may be made under the determining power will have financial implications for parties before the Tribunal.

What is not clear is what, with respect, ought to be clear from any explanatory memorandum which comes before the Assembly, and that is, what financial impact these provisions will have on the Government's budget. Is it the intention that these sorts of structures be generally more onerous or less onerous in terms of the Government's contribution than they are at the moment? I look forward to the Minister making some kind of statement about the expectation of the Government.

Mr Deputy Speaker, the Opposition intends to move only one amendment, and that is to the Magistrates Court (Amendment) Bill (No. 3). It concerns the capacity of a person appearing before the Magistrates Court in its jurisdiction concerning the Mental Health Act. It aims at ensuring that a person who applies under the Act, as amended, for a treatment order should be exempted from the payment of any fees associated with that. I will speak at greater length about that amendment when we come to debate that Bill in the detail stage. I think, Mr Deputy Speaker, that we have here a better basis for levying fees and charges in our courts, and I commend the Bills to the Assembly.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.10), in reply: This essentially is a machinery process. We are setting out a structure for the levying of fees and charges in the various courts and tribunals in the Territory. The legislation does not set new fees and charges. It provides the ability to set them in the future. The explanatory memorandum is not the sort of thing one would read on a seaside holiday, but the issue of court fees and charges is not necessarily a thing that one would read on a seaside holiday either.

**MR DEPUTY SPEAKER:** Perhaps if it was raining, Mr Attorney.

**MR CONNOLLY:** It would have to a very long period of rain, Mr Deputy Speaker. It is inherently a fairly dry subject. Inventive as my officers are, I think the limits of their creative writing skills were reached in trying to simplify this. The issue about the financial impact, which does seem a little vague, goes to the fact that of themselves these legislative changes do not alter the fee structure. There are some provisions for exemptions. The Opposition has indicated that it proposes to move one other exemption provision. I am advised that in respect of those applications no fee is charged at the moment. Mr Humphries is being abundantly cautious and making it clear that we do not charge a fee. Well, we do not charge a fee, so we have no objection to that being imposed.

Last year the Assembly, at the instigation of the Opposition, did knock off some court fees that we had imposed. One of the ironies of politics was involved in that, Mr Deputy Speaker, in that the Liberal Government in New South Wales, facing a Labor Opposition and Independent members controlling the numbers on any given day, had imposed a schedule of new fees. We thought that was a fairly sensible package and we imposed a very similar schedule. In New South Wales the Opposition and the Independents said, "Shock, horror! This is a terrible set of fees" and knocked them off; and in the ACT the Independents and the Liberal Opposition said, "These are terrible fees" and knocked them off.

**Mrs Carnell:** And we were right.

**MR CONNOLLY:** Clearly the Labor Party and the Liberal Party in different jurisdictions were quite right. It is a question of which Labor Party and which Liberal Party, so there we go. We lost on that, but it did seem appropriate.

There is a process going on of tidying up a lot of the basis of the courts in the ACT. I mentioned during question time that we have the Magistrates Court building under way, which is something that is very welcome, but there is a lot of tidying up in the actual structure of the courts in the Territory. The fee-making powers and the fee-setting powers were all over the shop and it was unclear from different jurisdictions as to how the fees were to be set. We have attempted to create a structure that has a commonality across the various courts and tribunals, and I am pleased that the Opposition sees that as a sensible piece of housekeeping.

While it is a fairly weighty package, when you look at all the amendments and all the supporting material it is essentially a fairly simple principle, and I am pleased that it has the support of members opposite. The amendment that Mr Humphries spoke to me about the other day is something that we will be supporting. In due course we may need to revisit this because there is a substantial reform of mental health laws currently before an Assembly committee. Should that process come out of that committee and be enacted, we will have to look at the issue of fees for new court and tribunal structures that will emerge from that legislative package. In the interim, we are happy with that amendment.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **MAGISTRATES COURT (AMENDMENT) BILL (NO. 3) 1993**

Debate resumed from 9 December 1993, on motion by Mr Connolly:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

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## Detail Stage

Bill, by leave, taken as a whole

**MR HUMPHRIES** (8.15), by leave: I move:

Clause 10, page 4, line 32 -

Proposed new subparagraph 248C(2)(c)(vi), omit "or".

Proposed new paragraph 248C(2)(c), after proposed new subparagraph 248C(2)(c)(vi), insert the following subparagraph:

"(via) under the *Mental Health Act 1983*; or".

These amendments provide for exemption from payment of fees and charges to flow to people who make applications under the Mental Health Act 1983. It may be, in due course, that that Act is superseded by a piece of legislation that is being considered at present by the Social Policy Committee. For the time being I think it is appropriate that we have a policy in the courts that people who make such applications are entitled not to have to pay the fees; that they, like anybody else who makes applications under the other Acts mentioned in that proposed paragraph, should be able to refer to the exemption in the legislation, not as a matter of administrative discretion. I commend the amendments to the Assembly.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.16): As I indicated in the cognate debate, the Government accepts these amendments. This is really reinforcing current practice; but, as we have established a right of fee remission in certain cases, it is appropriate that we do it here as well.

Amendments agreed to.

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

Bill, as amended, agreed to.

## **MAGISTRATES COURT (CIVIL JURISDICTION) (AMENDMENT) BILL 1993**

Debate resumed from 9 December 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.



**SMALL CLAIMS (AMENDMENT) BILL 1993**

Debate resumed from 9 December 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.

**CORONERS (AMENDMENT) BILL 1993**

Debate resumed from 9 December 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.

**ADMINISTRATIVE APPEALS TRIBUNAL (AMENDMENT) BILL 1993**

Debate resumed from 9 December 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.

*1 March 1994*

## **JUDICIAL COMMISSIONS BILL 1993**

[COGNATE BILL:

JUDICIAL COMMISSIONS (CONSEQUENTIAL AMENDMENTS) BILL 1993]

Debate resumed from 16 December 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 Judicial Commissions (Consequential Amendments) Bill 1993? There being no objection, that course will be followed. I remind members that in debating order of the day No. 7 they may also address their remarks to order of the day No. 8.

**MR HUMPHRIES** (8.19): These two Bills are fairly significant and they are the result of a long period of public consultation and discussion. They put in place a very rarely used procedure - hopefully, a very rarely used procedure - nonetheless an extremely important one, to cover the circumstance where, for whatever reason, a member of the judiciary of the ACT needs to be removed from office.

Not surprisingly, Madam Speaker, this is a matter about which there is great sensitivity on the part of the bench. I can recall an appearance in the ACT Supreme Court on 3 March 1989. Members will recall that that was the day before the first ACT self-government election. The issue was raised in a very pointed fashion by the Chief Justice when referring to procedures for issues of this kind in the event of the ACT becoming self-governing and there being a Legislative Assembly which would have power to take an interest in these matters, if not finally determine what the fate of particular members of the judiciary should be in certain circumstances. As I recall, His Honour at the time suggested that the Assembly ought not to have the power to remove members, at least, of the Supreme Court bench. I have no doubt that since that time, since that view was expressed, there has been tremendous debate at levels of government, between members of the various ACT governments, the Federal Government, no doubt, which was responsible for the Supreme Court until a couple of years ago, and members of the bench, about what the appropriate procedure would be. Members of the court would have been sensitive, and, I am sure, still are sensitive, to the procedures that are put in place.

Members here will be aware that it is the capacity of some other parliaments in Australia to remove members of the judiciary for proven misbehaviour or misconduct, or incapacity, without any other intervening process or any other intervening event. They essentially have the power to take the decision as a procedure of parliament. At least one other jurisdiction has in place the procedure which, more or less, is being put in place here; that is, that the Assembly should not exercise its power to remove a member of the bench unless there has first been a decision by a judicial commission that the removal should occur.

Madam Speaker, there has been discussion about the contents of this Bill. That discussion has occurred in the months since the Government laid on the public table the exposure draft of this Judicial Commissions Bill. The result, I think, has been a healthy process of give and take, to which the Attorney-General has referred in his presentation speech. I want to go through some of the things that were raised in that presentation speech and indicate my support of the decisions that the Attorney has made with respect to those issues. I have no doubt that some members of the judiciary raised matters of concern, and those have been dealt with in this process.

Madam Speaker, I understand that there was support for a discretion to be vested in the Attorney-General not to act upon certain sorts of complaints made to him or to the Government concerning members of the judiciary, particularly complaints which are frivolous or vexatious. The Government has decided that that discretion ought to occur and has conferred on the Attorney-General the power to decline to act upon a complaint which he considers to be of that nature. There is a safety valve in that circumstance. The Assembly does have the power, in the event that the Executive decides not to act on such a complaint, or the Attorney decides not to act on such a complaint, to initiate a judicial commission. Although at the first instance the Attorney-General can decide that a particular complaint is vexatious or frivolous, there is a capacity for others to take a different view.

Another concern raised was about what the Attorney calls the filtering mechanism. This was the concept that there be certain stages before you get to the ultimate stage of a vote in this place to remove a judge or magistrate. The suggestion was made that there ought to be a standing commission comprising the heads of each court in the ACT on an ex officio basis, together with, for example, a lawyer and a lay member of the community. The Attorney discussed this option at some length and then took the view that the present arrangement, which is a more streamlined one, is a better course of action, and I would respectfully agree with his view. He does say, though, that there is merit in the concept of a judicial ombudsman - presumably, that office could be combined with the ombudsman that already exists in the ACT - and I think that that view is also worth consideration in the future. For the time being, however, the present arrangements are satisfactory.

There was a suggestion that the identity of a judicial officer who was named in proceedings of this kind should be protected, that the identity should be suppressed. The Attorney takes the view that that ought not to be the case, and again I think that is a sensible view to adopt. A member of the bench who is subject to these proceedings obviously will be well known within legal circles, and probably much more widely in the ACT, it being such a small place.

There was debate also in the course of this public consultation period about the size of the majority needed in this Assembly to remove a judge or magistrate. The suggestion was made that there ought to be a two-thirds or even a four-fifths majority of this place for that to occur. There is some attraction in the concept that members of our bench who are appointed to exercise their judgment fearlessly, without favour, ought to have special protection. Perhaps there is a case for saying that they should be removed by the political process only where a high degree of consensus exists across chambers such as this for that to occur.

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I think the better view is that we have here a judicial commission process which is fairly exhaustive and which ensures that the Assembly cannot act simply on the basis of some whim, on some bee in the bonnet that some party or member might incur and which causes them to wish to move against a particular judge or magistrate. The process is far better defined than that, far more careful than that. In circumstances where a properly constituted judicial commission makes a recommendation to the Assembly that certain steps be taken, I think that a simple majority of the members of the Assembly acting on that recommendation is all that is required. I think going beyond that is unnecessary in the circumstances, and I again would support the decision of the Government that a simple majority be all that is required to operate the removal of a judge or magistrate.

There was also discussion in the public consultation process about whether judges were entitled to the recovery of their costs incurred in proceedings where they have to appear and defend their position in court. When I say "in court", I mean before the judicial commission. The point is rightly made that these proceedings can be extremely expensive and that they are, in fact, akin to a trial. The judge or magistrate concerned will need to mount a defence in much the same way as if they had been charged with some criminal misconduct. I note that the two most recent cases of removal of judges in Australia, which were in Queensland, involved costs to all the parties, or possibly just to one of the parties, of \$1.92m and \$815,000 respectively. It will naturally be an expensive process and it is wise for the Government to say that we should not be giving a blank cheque, so to speak, to pay those costs in all circumstances. Where there has been unequivocal acquittal - put it that way - then clearly the question of costs should not be in dispute. Where, however, there is anything less than that, I support the contention that there should be a discretion on the part of the Government as to the extent to which a member of the judiciary's costs are recoverable from the Consolidated Revenue.

Madam Speaker, I think that the other provisions in this Bill have been the subject of some debate, both in this process of public consultation and also between members of this Assembly. Since the Bill was tabled I have discussed some of these provisions at length with members of this place, and I am generally happy with the position that has been put forward. There are several amendments that the Attorney has circulated, all of which I strongly support.

I might point out, Madam Speaker, that there is a very important concept entailed in this Bill, and that is that we are dealing with this power that the Assembly might exercise in a more restrictive fashion than we deal with possibly any other particular decision that it is capable for this Assembly to make. We can move a motion of no confidence in the Chief Minister by giving seven days' notice - do not get excited, ladies and gentlemen - with certain procedural requirements having been met. That can be dealt with on that basis. The removal of a Chief Minister is a fairly momentous process, and that can be dealt with in that very well-defined fashion.

Removing a judge from the bench under this procedure will be considerably more difficult. It is much harder to remove a judge from the bench than to remove a Chief Minister from the chair over there, and that, I think, is appropriate. The Assembly gives up a number of rights in this process.

It gives up the right, through one of its members, to raise a matter in the Assembly concerning the conduct of a judge. If I hear that a particular member of the bench has misbehaved I do not have the discretion to come into this place and tell the Assembly what I know. Under this legislation my obligation is to advise the Attorney-General of the Government that I know these things about a particular member of the bench, and the Attorney-General of the Government then has an obligation to take the information away and decide whether it should be translated into the commissioning of a judicial commission.

Similarly, when the report of that commission comes down, the Assembly is constrained to act within the terms of that commission's report. If the commission exonerates the member of the bench concerned, the Assembly does not have the power to disregard that advice. Similarly, if it decides that the judge or magistrate stands condemned, the Assembly, as I read the legislation, must take the step of moving that motion. Madam Speaker, the capacity we have to make statements and to make decisions, which, in other respects, we have in a fairly unfettered fashion, is not the case here.

The Attorney has assured me that the provisions of proposed subsection 23(5) of this Bill, which makes it an offence for a person to publish a report or part of a report that has not been laid before the Legislative Assembly by the Attorney-General, do not affect members of the Assembly themselves; that the \$20,000 fine, or imprisonment for two years, or both, is not a penalty that a member would incur in exercising their privileges before the Assembly of laying certain information before the Assembly, or making certain statements in respect of that. I am pleased to hear that because, although I strongly support this very standardised arrangement, this very ritualised arrangement, as it were, for removing judges, I do not support the removal of that discretion or that privilege from members of the Assembly.

Madam Speaker, I have to level this criticism. I found the explanatory memorandum to this Bill to be particularly useless. I do not mind the officers concerned knowing this. The fact is that all the explanatory memorandum does, basically, is summarise or paraphrase, in a not particularly succinct way, what the words that appear in the legislation say. That is not very helpful. I would hope that in future we can have explanatory memoranda which are a little bit more capable of delivering information than this particular document is.

Madam Speaker, I think that we have here a piece of legislation which will be rarely used - I certainly hope that it is rarely used - but I believe that it is important for us to have in place a process which has the agreement of the Assembly as a whole and which will be used with discretion by the Assembly as a whole. We will all understand and respect the importance of exercising the powers conferred by this legislation in only the most extreme circumstances and only in accordance with the spirit of the legislation, which both protects members of the bench in the work that they do and ensures that if they are responsible for conduct which is unbecoming they will be dealt with in a particular fashion which is respected by all sides of politics. It would be very easy for a judge's conduct or statements to be the subject of political debate. In fact, they have been the subject of political debate in this country in the last few months. I am thinking particularly of a certain judge in South Australia. In those circumstances it would be very easy to raise issues which were damaging to the independence of our judiciary. I hope that this procedure, put in place by tonight's Bills, will prevent that from occurring and ensure that we deal with these matters only with the highest regard for the independence of our judiciary.

*1 March 1994*

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.35), in reply: I thank Mr Humphries for his support. It looks likely that we will pass this legislation in a fairly short time this evening. I think we should reflect that, while we have dealt with this legislation fairly quickly, that in no way should diminish the significance of this measure. In some ways this piece of legislation really completes the constitutional structure of the self-governing ACT. Getting the judiciary right was always the most difficult issue. Mr Humphries referred, in his opening remarks, to a fairly agitated state in which the judiciary found itself just before self-government. There was a lot of concern and a lot of fear from various sections of the judiciary that they could become some sort of political plaything in this presumably irresponsible and erratic, new, funny little parliament that had been established in the ACT.

The process by which we have transferred the responsibility for the superior courts to the Territory's jurisdiction and then gone about creating judicial commissions legislation, I think, reflects credit on the whole chamber. This would have been a very easy issue for members to play some partisan politics about. When I was in opposition I avoided that process, and Mr Humphries in opposition also has avoided that temptation, and I think that is very important. A judicial commission is something that is often sought in other parts of Australia. We have dealt with this in a consultative manner. We produced a discussion paper and a draft Bill over a year ago. We went out for extensive discussion with the community on a sensitive area.

We discussed the issue of judicial tenure with the judges and with the Law Society and in this Assembly we have come up with a package that seems to have the broad support of members opposite and Independent members.

I am very pleased that the Opposition has accepted the Government's point of view on one issue in particular, and it is a very significant issue for the way the community sees this chamber and the way we as members see this chamber. As I pointed out in the introductory speech, the issue that attracted the most calls for change - and there were some quite strong views from the judiciary, the Law Society and the bar - was the issue of the removal majority. There were some quite strong calls to suggest that there needed to be a two-thirds majority. We rejected that because we felt, as Mr Humphries pointed out, that a very comprehensive process would be gone through before we got to the issue of a removal majority. There was also the view that to some extent that call for a two-thirds majority could be seen as a slight or reflection on the competence of this chamber.

It came from a suggestion of Commonwealth officers before self-government. It was perhaps premised on the suggestion that this would be a funny, erratic little parliament with peculiar members who would go off on frolics of their own, and the judiciary would be under challenge if that were allowed to occur. So there needed to be a higher removal majority than the Parliament of the Commonwealth applies for the removal of Commonwealth judicial officers, or the parliaments of New South Wales or Queensland have adopted for removal of New South Wales and Queensland judicial officers. We felt that there was a significant principle at stake there. We had to assert that, in the final year of the Second Assembly, this is a parliament that exercises its powers in a responsible manner, and this is a parliament the community should have sufficient confidence in to expect that it will not act in a capricious manner.

That essentially was what Mr Humphries said in his remarks. I thank the Opposition for not playing politics on that issue, because it would have been a very easy one to play politics on. There was support from the Law Society. Playing that card would really have reflected on the way we see ourselves in this Assembly.

This legislation is legislation that, one would hope, will never be called upon. Today, fortuitously, we were able to say in question time that we have resolved the issue of the Magistrates Court building, and now the physical infrastructure of the courts in this Territory for the long-term future is clear. We will build our magistrates and tribunals complex on Vernon Circle. It will be linked to the Supreme Court building by a plaza. When the Magistrates Court building is finished the magistrates will move out of half of the existing Supreme Court building. That will allow us then to gut that half of the building, to provide appropriate facilities for the judges and appropriate facilities for juries, which we now do not have. We will take the opportunity then to refocus the entrance point for the Supreme Court building to the plaza facing the Magistrates Court. We will have, in the long term, a court precinct of physical facilities that are of the highest standard in the country.

In saying that, I recall, as a young law student, having been in a mooted competition in New South Wales and having seen what was then the brand new Supreme Court of New South Wales. I was waxing lyrical to an about-to-retire professor of law at Adelaide University who had grown up in Germany during the war. I was waxing lyrical about this wonderful facility in New South Wales, this great new court building, and he made a point that I will always remember. He said, "The standard of justice does not depend on the standard of buildings; the standard of justice depends on the quality of the judiciary". You can have all the paraphernalia and all the physical manifestations of a great justice system, but if you do not have good judges, if you do not have a judiciary that you have confidence in, you have nothing. That, in the ACT, is significant, because, although we have a very run-down infrastructure here and very poor facilities, historically we have been served by a very high standard of judiciary. It is pleasing that we have not had criticisms and controversies, by and large, in this Territory, and I would hope that we do not. I would hope that we do not, but we now have the provision to deal with it.

This legislation recognises a substantial amendment to our self-government Act, passed by the Commonwealth after a unanimous vote of this Assembly, which entrenches the independence of the judiciary in our constitutional arrangements. The self-government Act, which is our constitution, establishes the courts as the third arm of government, with the legislature and the Executive, and requires that there be a judicial commission, and that judges cannot be removed without a judicial commission process. We also sought to entrench the courts so that no Assembly can capriciously abolish the courts and do in judges that way. There has been controversy in Australia where governments at State and Federal level have abolished levels of courts, and there has been significant criticism from the legal profession and academia both at the issues surrounding Justice Staples and the recent - - -

**Mr Humphries:** So the courts cannot abolish us.

**MR CONNOLLY:** I think they were tempted from time to time, but we have survived that challenge. There has been criticism of the recent abolition by the Victorian Government of an entire bench of industrial compensation judges. Madam Speaker, we in fact stand at the forefront in Australia, to the extent that we have been prepared to entrench the independence of the judiciary in our constitutional arrangements. That has been done by a new parliament, and a parliament that from time to time people are prepared to poke fun at. Indeed, regrettably, somebody indulged in that in the Capital news tonight, basically suggesting that this is all a bit of a joke, that nobody deserves their salary and that we are all an imposition on the Canberra community. There was a very regrettable form of cheap journalism tonight. We have in fact, in a bipartisan manner, developed some quite significant constitutional arrangements here, and this is one of them. I think we should all take some pleasure from the fact that we dealt with a matter as sensitive as the relationship between the legislature, the executive government of the day and the courts on that central issue of freedom and independence of the courts, which is so essential to a vibrant democracy, in a way that has been quite uncontroversial and has garnered support from across the Assembly.

There are a couple of points that I need to reiterate. The penalty provision for a person leaking a copy of a judicial commission report before it has been tabled in this place is quite significant. It is two years' imprisonment or a \$20,000 fine, and that is significant. If we were having a debate about freedom of information we could be throwing rhetoric about what a draconian measure that is. I am pleased that that is supported by members. It recognises the significance of a potentially adverse judicial commission finding and the fact that it needs to be dealt with by due process.

I can assure Mr Humphries, as he foreshadowed, that it is my clear view - I have had some advice to back that up, orally, but I have not sought counsel's advice - that it must follow from first principles that that penalty cannot apply to the privileges of members in this Assembly. If a member were so irresponsible, and I think Mr Humphries would agree, as in this place, under privilege, to publish the findings of a judicial commission before they had been properly dealt with, parliamentary privilege, which is central to our existence, would protect that person. They would not be subject to these penalties. That is a clear acknowledgment of the principal place of the Assembly in constitutional arrangements. One would hope that members would refrain from doing that.

At virtually every point in the complex process of the judicial commission's legislation there are discretions vested in the Attorney-General of the day. As long as I occupy this office - I think this would apply to anybody who occupies the office in the future - I would approach making a decision under this legislation with the highest level of gravitas. It is not a matter to be taken lightly. The filtering mechanism that we built in here, which came out of the consultation, could be seen as perhaps giving too much discretion to the executive government. Basically, we are creating a mechanism to protect the public, in the sense that we are creating a mechanism to allow complaints against judicial officers to be investigated, and we have provided a filtering mechanism, which is that the Attorney-General can exclude matters if they are frivolous or vexatious.



That is a power which I would acknowledge, in the abstract, could be seen to be an extreme power; but it is an important one because there is the risk that somebody who loses a case gets a grudge against the judge and tries to drag the judge through the mud. It is certainly a power which I will exercise with the greatest degree of care.

I would expect that this legislation, to the extent that decisions are being made, may well prove to be a piece of legislation where it may be useful to establish some traditions; the Attorney of the day may have some discussions with the person in the Opposition with responsibility for law and justice matters so that the Opposition is across what is going on. I would certainly be happy to consult with my opposite number, whoever that may be, from time to time to give advice as to how we are going in exercising these sorts of discretions.

This is an important piece of legislation. I am very pleased that it has the support of the Opposition and the Independents here tonight. I am even more pleased that from day one, when we sought the resolution of the Assembly to entrench the judiciary in the self-government Act and when we announced that we would go down the path of a Judicial Commissions Bill, it has been handled in a bipartisan manner. We avoided the temptation to play politics with that very sensitive interrelationship between this Assembly, as a legislative body, the role of the executive government in carrying out the ordinary day-to-day affairs of the Territory, and the role of the judiciary. I think it is something we can all take some pleasure in.

I think it may be appropriate that we speak to the various amendments as we go through the Bill, because there are some issues of some significance. I was able to sit down this evening and discuss those with both Ms Szuty and Mr Humphries, and we again have an agreed set of amendments, one of which is a quite significant matter of principle. Again I thank members, not just for their support tonight but also for the way we have handled a very important piece of legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clauses 1 to 21, by leave, taken together

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.49), by leave: I move:

Clause 14, page 7, line 5, paragraph (3)(b), omit "7", substitute "5".

Clause 19, page 8, line 38, paragraph (2)(b), omit "15", substitute "5".

This arose from some discussions that Ms Szuty and Mr Humphries had with me earlier this evening. Those discussions related to the time periods which apply under this Act for various matters to flow. The first one really fetters the ability of a member to go straight after a judge, if I can put it so bluntly. It fetters members' abilities to raise issues of concern, of allegations about a judge. If a citizen has come to a member with allegations surrounding a judge, the member should go to the Attorney of the day and give the executive government

the ability to crank this judicial commissions legislation into play so that the member can bring the matter before the judicial commission. The out is that, if the government of the day refuses or fails to bring the mechanism into play, the member can then raise the matter in the Assembly.

We had a process that said that there should be seven sitting days' notice given before the member raises the matter. Ms Szuty pointed out that, as we tend to sit three days at a time, that really takes us over two sitting periods and it could, over a Christmas holiday or mid-year break, mean a quite long time. In discussion we thought that five sitting days was appropriate. It means that there is sufficient time for the Executive to consider the matter; it does not fall within the one week. If an issue was raised during a sitting period the Executive would have, in effect, a week to think about the matter. I think that probably would be sufficient. Again, as I said earlier on, this is a matter where every time a decision is made it will be a decision of the utmost gravity. If a member had an allegation against a judge of sufficient concern that they thought they should raise it here, that they wanted the government of the day to bring the judicial commissions legislation into play, I would expect that it would be something that any Attorney would move very swiftly on. So I think five days is adequate.

The second amendment relates to, in effect, an effluxion of time clause. It basically says that, where there is a motion on the table attacking a judge, after 15 sitting days, if it has not been defeated, it is deemed to have been defeated. Again, I think it is highly unlikely that an effluxion of time clause will ever come into play because, if a member moved a motion relating to a judicial officer, it would be a very significant matter. From time to time we might move against various regulations and things that are not of terrific import, but a motion directed against a judicial officer would be a very significant matter. It is hard to contemplate circumstances where a government of the day would not want to bring that motion on and debate it in the Assembly as a matter of urgency, and give it the gravity and attention that it would deserve. Again, 15 sitting days did seem a little long; but we picked that, I am advised, because we were patterning it on the subordinate laws provisions. After some discussion with Ms Szuty we have gone to five, which patterns it on the planning knock-off provisions, which, I guess, were designed in that way because planning matters are quite important. This is probably the most important resolution or one of the most significant resolutions that would come before the Assembly and it is hard to imagine that any government would let the matter lie on the table for 15 days before bringing it on.

**MS SZUTY (8.53):** I would like to add to what the Attorney-General has said about these amendments. The first amendment relates to Part IV of the Bill, which is headed "Complaints against judicial officers", and specifically clause 14, which is headed "Making of complaint". Paragraph 14(3)(b), as it stands, says:

A member of the Legislative Assembly shall not raise in the Assembly a matter that relates or may relate to the behaviour or physical or mental capacity of a judicial officer -

...           ...           ...

(b)           unless the member has given to the Attorney-General not less than 7 sitting days' notice of the motion and the member has not been notified by the Attorney-General within that period in accordance with subsection 16(2) ...

It would seem to me, Madam Speaker, that seven sitting days within which a member must inform the Attorney-General of a motion relating to the behaviour or physical or mental capacity of a judicial officer is an extremely long time. Given our current sitting pattern, most of which is six sitting days in two weeks and some of which is three sitting days in one week, it may, in fact, take several months for the Attorney-General to be informed about a motion. As the Attorney has said, we are talking about unusual and extraordinary circumstances which relate to the behaviour or physical or mental capacity of a judicial officer. I believe that the Assembly needs to deal with these matters as expeditiously as possible and should require the urgent attention of all members when such occurrences arise.

The second amendment relates specifically to clause 19, which is headed "Judicial officer excused", and particularly paragraph 19(2)(b), which says:

A judicial officer who has been excused shall not resume the performance of any such function unless -

... ..

(b) a motion in the Legislative Assembly to require the removal from office of the judicial officer is withdrawn or is not called on within 15 sitting days after the Attorney-General has laid the Commission's report before the Legislative Assembly in accordance with section 23 ...

Again, 15 sitting days is an extraordinary length of time in which a motion to require the removal from office of the judicial officer is not called on. A considerable number of months potentially could elapse while a judicial officer is excused from performing his or her functions, at the end of which time the motion regarding his or her behaviour may not have been called on for debate. I believe, Madam Speaker, that five sitting days, the same period of time in which the Assembly considers disallowance motions regarding planning variations, should be sufficient to enable the Assembly to decide to debate a motion regarding the removal of a judicial officer, given that the Attorney-General has already laid the judicial commissions report before the Legislative Assembly.

Amendments agreed to.

Clauses, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.56): Madam Speaker, I move:

Clause 22, page 10, lines 10 to 14, subclause (3), omit the subclause.

This does require a little explanation. Mr Humphries pointed out to me, as we were discussing this earlier on this evening, that clause 18 of the Bill provides that the Assembly can pass a resolution to say that a matter should be looked at by the judicial commission, and the Executive is then required to appoint the commission and set a time period for it to conduct its investigation.

*1 March 1994*

Subclause 22(3) suggests that a report, once the commission has finished its inquiry, shall be submitted to the Attorney-General, where the Assembly has, by resolution, fixed a date, on or before that date, or, in the other case, effectively whenever it finishes. As the Assembly has not been given a power to set a date and the Assembly simply says, "We want an inquiry", and the Executive sets up the inquiry and sets the date, that provision about the Assembly setting a date is superfluous. We did discuss whether it was immaterial, whether we would just leave it because it did not matter; but it probably is better to clear it up. The best way to clear it up, on reflection, is simply to delete subclause 22(3). It will mean that there will be some Clerk's amendments afterwards. We will sequentially renumber so that we will not have a gap in the legislation.

Once we take out the reference to an Assembly resolution, which is superfluous, all subclause (3) then really says is that a report from the commission is given to the Attorney-General as soon as practicable after they have finished it. Basically, it says that they cannot give it to me before they have finished it; they give it to me after they finish it, which is a pointless thing to say. It is probably better to strike out the clause.

Amendment agreed to.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.59), by leave: I move:

Clause 22, page 10, line 37, after subclause 22(5), insert the following subclause:

"(6) The Attorney-General shall accept a recommendation referred to in paragraph 4(f) unless he or she is satisfied that there are compelling reasons of public policy why the relevant report should be laid before the Legislative Assembly."

Clause 23, page 11, line 3, subclause (1), omit "in accordance with subsection 22(4)", substitute "in relation to which he or she has accepted a recommendation referred to in paragraph 22(4)(f)".

Clause 23, page 11, line 13, subclause (3), insert "in relation to which the Attorney-General has accepted a recommendation referred to in paragraph 22(4)(f)" after "subsection 22(4)".

We move now, Madam Speaker, to a matter of somewhat more significance in terms of the amendments before us. The inquiries of a judicial commission obviously could range into some fairly sensitive areas. We are really setting up, in many ways, a mini-royal commission that could be making allegations about all sorts of behaviour, either morally sordid or straight out criminal. Indeed, both of those categories have been basically the outcome of two judicial commissions that did report adversely on judges in other parts of Australia recently. What is in these reports can thus be very significant.

Where the report is making adverse findings about the judge, it is clear that that report comes into this Assembly and, if the finding is that the judge should go, the Assembly then deliberates on that; but a lot of people can get caught up in that process. We have a provision in clause 22, which basically deals with reports, that provides that, while generally I must table reports, the commission

can express its opinion not in respect of the judicial officer but in respect of somebody else who has been caught in the net, somebody who is a player, perhaps only a bit player, in the circumstances that lead to the adverse finding against the judge. If there are adverse findings against that person that may prejudice a fair trial if an offence has been committed, that may prejudice an investigation, that may reveal the existence of confidential sources of information which would prejudice law enforcement or which may prejudice the safety of the person, that part of the report should be kept secret. It does go further than that because it says that there may be prejudice to the safety or reputation of that person.

I guess that it could be argued that that is a little bit broad. I am looking at subclause 22(4). The first three paragraphs there clearly are grounds for a matter being kept secret - prejudicing a fair trial of a person, prejudicing the conduct of an investigation, and prejudicing the source of information to police or prejudicing a person's safety. Clearly, they are good grounds for holding a document secret. It does go a little further to the reputation of a person, which again may well be very good grounds for keeping a matter secret. There could well be circumstances where what is alleged about the judge, his criminal behaviour or behaviour of gross impropriety goes to some issue of morality and where another citizen is involved in gross moral turpitude, or whatever one wants to call the conduct, perhaps conduct falling short of criminal offence, and that citizen has just been caught up in the web. There is no reason why that citizen's name needs to be dragged through the public process. So there could be cases where it is quite proper, because of an adverse effect on the reputation of a citizen, that the matter should not be made public.

The Bill, in its present form, where it goes on to tabling reports, basically says that I must table reports other than under subclause 22(4), other than reports where there is a recommendation to me that, because of safety or prejudicing a trial or prejudicing a reputation, I should not table the report. It does raise the question of whether there is a discretion. I would have thought that there probably was a discretion; but we agreed, in discussing this with Mr Humphries earlier on, that it does make sense that we clarify that. There are some consequential amendments which flow from that. The amendment basically says that, where there has been a recommendation that that part of the report which does not go to the judge's conduct but goes to other persons' conduct not be published, the Attorney-General shall accept that recommendation unless he or she is satisfied that there are compelling reasons of public policy why the relevant report should be laid before the Legislative Assembly.

Again it is creating a discretion. It is fettering it by saying that you really should act on the recommendation for secrecy unless you are satisfied that there are compelling reasons of public policy why the matter should be made public. There could well be cases because, when we get to this point where there has been the full judicial commission inquiry and there is a report, it is probably adverse to a judge, so other consequences may flow. There may be significant public disquiet. There may be a question of preserving confidence in the judicial system which may justify a decision, even though it may do some side damage to a person other than the judicial officer. Perhaps reasons of public policy would compel that we do publish the report.

*1 March 1994*

I would expect, Madam Speaker, that that decision by an Attorney-General to override the recommendations of the judicial commission in relation to privacy would not be lightly made. I would expect that it would be a decision that would not be lightly made and may well be made after consultation with other members of the Assembly, to get a level of bipartisanship into the decision; but I think it is important that we have that discretion. This is a matter of some significance and we came up with the wording of this after discussions earlier this evening.

**MR HUMPHRIES (9.05):** Madam Speaker, subclause 22(4) did give me some concern when I first read it. I was not entirely sure of the reason for the need for a confidential report, and I was also unsure that we needed a confidential report that might make adverse comments on someone's reputation and that that report should then be kept confidential. The scenario that came up in my mind is where a judicial commission consisting of judges reports on another judge's conduct and has to make an adverse comment on that judge's conduct but decides, because the other person is one of their brethren, that that confidential report should remain confidential and should not be publicly aired. I am not entirely happy with that concept, but perhaps that is not what this particular clause has in mind. Therefore, I am prepared to keep an open mind about it. What I was keen to ensure, though, was that we set out what was to happen with that confidential report. I am pleased to see that the Attorney has taken up the idea that the circumstances in which he would exercise a discretion to table it before the Assembly, notwithstanding that it was confidential, are set out in the legislation. So we know when and how that comes about, and I support the amendment.

I might point out, Madam Speaker, that when I was talking before about the Bill I think I unnecessarily restricted the discretion of the Assembly by saying that the Assembly was compelled to act on a recommendation of a judicial commission to remove a judge or magistrate. I think it is true to say that we cannot act without a recommendation in that direction, but I probably overstated it by saying that we must act on a recommendation to remove from office. We certainly must consider it, but we need not necessarily actually pass a resolution to effect that removal. I went back and checked the Bill and I think that was my better reading of it.

Amendments agreed to.

Remainder of Bill, as amended, agreed to.

Bill, as amended, agreed to.

### **JUDICIAL COMMISSIONS (CONSEQUENTIAL AMENDMENTS) BILL 1993**

Debate resumed from 16 December 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.

## **ASSOCIATIONS (INCORPORATION) (AMENDMENT) BILL 1993**

Debate resumed from 16 December 1993, on motion by Mr Connolly:

That this Bill be agreed to in principle.

Debate (on motion by Mr Humphries) adjourned.

## **WORLD'S INDIGENOUS PEOPLES - INTERNATIONAL YEAR Ministerial Statement**

Debate resumed from 16 December 1993, on motion by Ms Follett:

That the Assembly takes note of the paper.

**MS SZUTY (9.09):** Madam Speaker, the International Year of the World's Indigenous Peoples in 1993 has concluded. I decided to adjourn the debate on this important year, however, to enable members to reflect on its success early in 1994. It is probably most important to recognise that the significance of 1993 as the International Year of the World's Indigenous Peoples very much continues into 1994. The Chief Minister announced in the ACT Legislative Assembly last week, as part of her speech on the Government's priorities for 1994 and the autumn legislation program, that an early item in the Government's legislation program this year will be the introduction of the Native Title Bill which will complement the Commonwealth Government's Native Title Act which came into being towards the end of 1993. The Chief Minister said in her speech:

... the Government believes that our response to the Mabo decision needs to deal with not only the complex legal and land planning implications but also the broader social justice issues. Accordingly, we are developing a specific Aboriginal and Torres Strait Islander social justice agenda. The agenda will be broad in scope, in recognition of the economic disadvantage Aboriginal peoples have suffered due to dispossession of their land. We aim to increase the participation of Aboriginal peoples in decisions that affect them, and to support the maintenance and the development of Aboriginal cultures. The agenda will also aim to address the aspirations of Aboriginal peoples beyond the entitlements created by the High Court's Mabo decision and the Native Title Act 1993.

I am delighted to hear the Chief Minister's comments in that regard, Madam Speaker. I believe that, while the International Year of the World's Indigenous Peoples was successful to a degree in the ACT, more needs to be done to enable indigenous peoples to actively participate in the decision making processes which affect them, and I will speak more on that later in my speech.

*1 March 1994*

The second major issue of significance to be decided in 1994 will be the form, content and location of the Aboriginal keeping place or cultural centre funded as a result of the \$19m casino premium paid to the ACT Government. While the matter was referred to the Aboriginal and Torres Strait Islander Advisory Council in 1993, details have not yet been finalised as consultation continues with key Aboriginal groups and organisations in the ACT. I am not concerned about this, Madam Speaker, as extensive consultation on this issue is important to enable an outcome with which all Aboriginal groups will be satisfied. I recently heard the Chief Minister say that the establishment of the Aboriginal and Torres Strait Islander Advisory Council was the Government's significant achievement during the International Year of the World's Indigenous Peoples in 1993. There is no doubt that the council fulfils an important role in advising government, and we know that that advice has been forthcoming in such areas as employment, education, training, the administration of justice and the planning of Gungahlin.

According to the Chief Minister, the role that Aboriginal and Torres Strait Islander Advisory Council members perform is unique in Australia and is held in high esteem as a great achievement by Aboriginal and Torres Strait Islander peoples nationally. However, most of us are probably also aware that the Ngunnawal Land Council's perception of the advisory council is that it is unrepresentative and a lame duck. I am sure that members would agree that a well functioning Aboriginal and Torres Strait Islander Advisory Council providing expertise and advice to the Chief Minister and her department that is considered optimum in terms of its membership and representativeness is desired by all.

These difficulties, I trust, can be resolved with discussion, consultation and cooperation as, after all, every Aboriginal and Torres Strait Islander grouping needs to have its voice heard and needs to actively participate in and contribute to the decision making process to ensure appropriate and successful outcomes for Aboriginal peoples in the ACT.

The establishment of the Aboriginal and Torres Strait Islander Advisory Council by the Chief Minister effectively fulfils the national focus for the International Year of the World's Indigenous Peoples on involving indigenous peoples in the planning, implementation and evaluation of policies and programs affecting them. I believe also that effective consultation is vital to the achievement of self-determination for Aboriginal and Torres Strait Islander peoples.

Another national emphasis for the International Year of the World's Indigenous Peoples was enhancing the relationship between indigenous Australians and the wider community. Members will be aware that the Chief Minister, in partial response to this objective, established the Parliamentary Awareness Group, comprising members of this Assembly with an interest in Aboriginal and Torres Strait Islander issues. The establishment of the Parliamentary Awareness Group has been a laudable achievement by the Chief Minister; but to my knowledge it has met only once, some months ago now. It seems to me that for the activities of the Parliamentary Awareness Group to be meaningful, creating an effective mechanism for discussion of Aboriginal issues, more frequent meetings of the group need to take place, and the anticipated meeting of members of the group and members of the Aboriginal and Torres Strait Islander Advisory Council also needs to take place as a matter of urgency. I am pleased to hear,



however, that a number of awareness programs have been established in many government agencies, for members of the Australian Federal Police, magistrates and school principals. It is encouraging to see that the awareness program involving school principals has been so popular that it has been extended to be available to teachers in government schools.

Another national emphasis for the International Year of the World's Indigenous Peoples was increasing knowledge and understanding of Aboriginal and Torres Strait Islander cultures as part of our unique national heritage. The allocation of \$2.5m from the casino premium for the establishment of a keeping place and cultural centre is perhaps the most obvious contribution made by the ACT towards achieving this objective. Also worthy of note, however, is the establishment of the Department of Education and Training's departmental advisory committee on Aboriginal and Torres Strait Islander education, which brings together Aboriginal and Torres Strait Islander parents, students, community members, departmental representatives and Aboriginal education workers. I believe that the establishment of this committee is an important initiative, which no doubt aims to achieve a successful school experience for Aboriginal students in the ACT.

Madam Speaker, I would now like to briefly address the Government's stated achievements during 1993, the International Year of the World's Indigenous Peoples, to redress disadvantage experienced by Aboriginal and Torres Strait Islander people in our ACT community. The Chief Minister stated in her speech on this matter:

A joint Commonwealth-ACT funding package was announced in recognition of the need for action in the areas of health and housing for people from Aboriginal and Torres Strait Islander backgrounds.

The package included funding for a number of initiatives - a coordinator for the Winnunga Nimmityjah Aboriginal Health Service, an Aboriginal drug and alcohol worker, an Aboriginal mental health worker, an Aboriginal hospital liaison worker, training for mainstream health workers and the promotion of immunisation services. Under this strategy the Government is also committed to jointly fund an Aboriginal emergency accommodation project to ensure the adequate provision of housing to Aboriginal and Torres Strait Islander peoples.

Earlier this year the Chief Minister said that she had announced, as part of the 1993-94 ACT budget, funding for an Aboriginal and Torres Strait Islander employment initiative and an equity training allowance, these programs being aimed at increasing the opportunities for Aboriginal and Torres Strait Islander peoples to participate in employment programs. Other budget initiatives were an Aboriginal officer in the Office of Sport and Recreation in the Department of the Environment, Land and Planning, and \$500,000 for the upgrading of facilities at Boomanulla Oval.

Madam Speaker, the Chief Minister, in her speech, goes on to say that the ongoing implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody by ACT government agencies aims to redress many aspects of disadvantage experienced by Aboriginal and Torres Strait Islander peoples. I think it is worth recalling, members, that the ACT Government responded to the report of the royal commission in 1992.

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It seems that two years after the tabling of the report the Government is still implementing its recommendations. I understand that the scope of the royal commission's recommendations was broad. However, it seems to me to be appropriate that we call on the ACT Government in 1994 to provide the Assembly with a status report as to how far these recommendations have been implemented, and what exactly remains to be done.

In summary, Madam Speaker, while there is no doubt that considerable achievements occurred during 1993, the International Year of the World's Indigenous Peoples, more will be achieved and can be achieved in 1994 and ongoing years. Two of these achievements will be shortly realised through the passage of our own native title legislation and through the establishment of a keeping place and cultural centre. We can do more, though, by resolving the perceived difficulties with the membership of the Aboriginal and Torres Strait Islander Advisory Council, by enhancing the role and the work of the Parliamentary Awareness Group, by revisiting the recommendations of the Royal Commission into Aboriginal Deaths in Custody, and by directly involving Aboriginal and Torres Strait Islander people in decision making processes about issues which directly involve them.

Madam Speaker and members, we know what the International Year of the World's Indigenous Peoples has meant to the ACT Government, but the real test of the success of the International Year of the World's Indigenous Peoples must be measured by the indigenous peoples of the ACT themselves. The Government, to its credit, has recognised that many Aboriginal and Torres Strait Islander people feel totally dispossessed, regardless of the Mabo decision and the provisions of the Commonwealth's Native Title Act 1993. Nonetheless, the effect of the rescission of the concept of terra nullius, which assumed that Australia was uninhabited before European settlement, is profound, and we as a community must ensure that the rescission of the concept flows into our current decision making processes in relation to the indigenous peoples of the ACT. I believe that it is important for our future well-being, Madam Speaker, that our ever growing ACT community effectively comes to terms with the issues of reconciliation in relation to our own indigenous peoples, for our mutual and advantageous benefit for many years to come.

**MS FOLLETT** (Chief Minister and Treasurer) (9.20), in reply: I would like to respond to some of the issues that Ms Szuty raised in her address on this matter. She raised a number of important points. I would like to emphasise again, at the outset, that the International Year of the World's Indigenous Peoples had a theme, and that theme was "Indigenous Peoples - a new partnership". I believe that that theme was very much borne out during the year. It is a new partnership and, like many a new partnership, it has a long way to go until it reaches maturity; but I think the international year made a very good start. A part of that very good start, the major part of that very good start, must be said to have been the establishment of the Aboriginal and Torres Strait Islander Advisory Council.

Members will be aware that the Royal Commission into Aboriginal Deaths in Custody had as its central theme the empowerment of Aboriginal peoples themselves. I consider that having the Aboriginal and Torres Strait Islander Advisory Council within our community really goes to the heart of empowerment of our local Aboriginal and Torres Strait Islander peoples.

The royal commission report pointed out, Madam Speaker, the fact that effective consultation is absolutely vital to the achievement of that empowerment for Aboriginal and Torres Strait Islander peoples. To the white community, the non-Aboriginal community, the consultation that that involves is often remarkably intensive and lengthy. Nevertheless, Madam Speaker, it is necessary that the consultation continue, and that it continue in a way that is meaningful and that is appropriate for Aboriginal peoples themselves. It is not up to any other sector of the community to inflict a consultation mechanism or methodology on them. It is up to them to exercise their own power in consultation, and to do it in the way which they believe is the most appropriate.

Madam Speaker, I think also that the Aboriginal and Torres Strait Islander Advisory Council has thrown up a new leader in our community in the form of the chair of that council, Kaye Mundine. She has been remarkably effective in ensuring that the council is indeed a conduit for the Aboriginal and Torres Strait Islander peoples within our community, that it does form a focus for them to raise issues which are of concern. Also, of course, the council is invaluable in the advice which it gives to the Government. I think that Ms Mundine has done a superb job in drawing together her own community and also in raising awareness amongst the broader community of the issues of concern to Aboriginal and Torres Strait Islander people. I believe that the council has been extremely effective in providing a link between the Aboriginal and Torres Strait Islander communities and the Government. They have certainly provided a forum in which members of those communities can raise issues of concern, and also through which the Government and government agencies are able to seek community comment and advice. I consider that the council has had to work very hard on that. There is a huge backlog of issues on which their advice was required.

One of the biggest tasks before them is the recommendations of the report of the Royal Commission into Aboriginal Deaths in Custody. Madam Speaker, that report contained some 300 recommendations, so, clearly, working through them is going to take some time. I am relying on the advisory council for advice on the recommendations, but I would be very pleased to take up Ms Szuty's request for a status report and I will undertake to give such a report to the Assembly as soon as I possibly can.

Ms Szuty made another important point which concerned the composition of the Aboriginal and Torres Strait Islander Advisory Council. I share Ms Szuty's view that the council should be as representative as is humanly possible. Of course, that means that it should include representatives of the Ngunnawal Land Council. At the very outset, at the very formation of the council, I did invite Ms Matilda House to join the council, and I have subsequently repeated that invitation to Ms House. She has not taken it up. I still hope that at some future stage she will take up that invitation to membership. Her brother is a member of the council, so there is some Ngunnawal representation on the advisory council. Nevertheless, I agree with the point Ms Szuty made, but you cannot force people to join a council. Ms House would be very welcome on the council if ever she does decide to take up that invitation.

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Madam Speaker, Ms Szuty also mentioned the Parliamentary Awareness Group. I regard that as a valuable group because it is a fact that in this place we have treated Aboriginal and Torres Strait Islander issues in a non-party way, a non-partisan way, and I believe that we should continue that. I did try to get a meeting together in the period when people had all come back from holidays and before the Assembly resumed, but it was not possible. I have it on my agenda to call a meeting as soon as we possibly can and to get the Aboriginal and Torres Strait Islander Advisory Council to meet with the Parliamentary Awareness Group. It is an initiative which I intend to go on with and which I do think is valuable in informing ourselves of Aboriginal and Torres Strait Islander issues within our own community and doing so in a non-partisan way, which I think has previously been agreed, and I would certainly like to see it continue.

I do look forward to working further on the social justice agenda which flows out of the Mabo decision and out of the International Year of the World's Indigenous Peoples. Our next step is to introduce the Native Title Bill in the ACT, the Bill which will complement the Commonwealth's native title legislation. I intend to introduce that in the April sittings of this Assembly. As is usual, I would very much like to see members take advantage of briefing on that Bill. If we can continue to operate in a non-partisan way, I think that would be a very good step forward for us as well. I welcome Ms Szuty's contribution to this debate, Madam Speaker. It was, as usual, thoughtful and very well researched. I look forward to further such contributions in what is a very important debate, not just in this Assembly but nationally as well. Our next opportunity will be the Native Title Bill.

Question resolved in the affirmative.

## **ADJOURNMENT**

Motion (by Mr Berry) proposed:

That the Assembly do now adjourn.

## **Teaching Service**

**MR MOORE** (9.28): Madam Speaker, I thought I would take the opportunity this evening to pay some compliments to the teaching service in the ACT. I was fortunate enough last evening to attend a school information night that was put on by the teachers. Each of the teachers, in turn, presented exactly what their class was going to do and how they would go about it. It seems to me that this very open approach of teaching staff is a very professional approach and it ought to be lauded by members of this Assembly. The teachers were prepared to take their time. I must say that we hear lots of teacher-bashing comments - we have heard them for years - but rarely do they take into account the time that teachers

spend not only on this sort of information evening and the information parent-teacher evenings that some of us attend but also attending staff meetings, and marking and preparing work at home. What I perceived last evening, Madam Speaker, was a very professional group of people who were prepared to explain what they were doing, and they were able to justify why they were doing it. It seemed to me that we ought to pay a great compliment to them and to their professionalism.

One of the things that came out of it, Madam Speaker, was something that gave me a great deal of pleasure this very evening, and that was that my youngest child read her very first book. It is a great milestone in life when somebody sits down and reads their first book. Of course she was entirely pleased with herself, and her dad could not be any prouder, let me tell you; so much so that I am prepared to stand up here and comment on it this evening.

**Ms Follett:** What was the book?

**MR MOORE:** The book was about tickling a dragon. That was the way of frightening the dragon off. Unfortunately, just at this moment, I cannot remember the title of the book. I was concentrating so much on helping my daughter read through it two or three times. The tickling of the dragon, first of all on the toes, and then the nose and then the tail and so forth, was well worth while. It was one of those great milestones in somebody's life that occur because the teachers help them in just that way. Madam Speaker, I would suggest to you and to each of the members here - those who can read - that it was probably a teacher who helped them.

Question resolved in the affirmative.

**Assembly adjourned at 9.31 pm**