DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

11 May 1994

Wednesday, 11 May 1994

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

PAPER

MRS GRASSBY: Madam Speaker, I ask for leave to present a petition which does not conform with the standing orders as it does not address the Assembly.

Leave granted.

MRS GRASSBY: I present an out-of-order petition from 338 residents requesting extended hours of opening for the Kippax library and the upgrading of its facilities and lending services.

DISCHARGE OF ORDER OF THE DAY

MR MOORE: Madam Speaker, in accordance with standing order 152, I move:

That order of the day No. 1, private members business, relating to the Voluntary and Natural Death Bill 1993, be discharged from the notice paper.

Question resolved in the affirmative.

PAIRS

MR BERRY: Madam Speaker, a pair is in operation for Mr Humphries until further notice.

POISONS AND DRUGS (AMENDMENT) BILL 1993

Debate resumed from 20 April 1994, on motion by Mrs Carnell:

That this Bill be agreed to in principle.

MADAM SPEAKER: Mrs Carnell, you will be concluding the debate.

MRS CARNELL (Leader of the Opposition) (10.33), in reply: Yes, Madam Speaker. I was interrupted at the stage when Mr Connolly circulated his amendments. Many of my comments on this Bill I have already put forward. The important issue with anabolic steroids is that they are a growing problem for young people particularly in our health arena. We have seen regularly in reports - I think Mr Connolly also mentioned this - that the use of anabolic steroids is no longer just amongst our elite sportspeople, who probably have been stopped from using such things by drug testing; we are now looking at anabolic steroids being used by young people, even by young sportspeople at school level. You only have to go into gyms, body building establishments, and so on, to see quite categorically that they are a problem.

This issue has been addressed by every other State in Australia. It was brought up initially at the 1990 conference of Health Ministers, at which there was unanimous support for adopting some form of national approach to the problems of anabolic steroid abuse. I have in previous speeches spoken about the very real health problems that occur with anabolic steroids, particularly when they are used by young people who have not finished their growth phase. They can cause stunting of growth; they can cause problems with bones not reaching their full potential and with the end plates of bones not forming properly; they can cause sterility problems for young people; they can cause problems with abnormalities in foetuses for women who have used anabolic steroids in the past.

The interesting issue with anabolic steroids legislation, though, rather than that for other drugs of abuse that we have handled in this Assembly, is that anabolic steroids are not illegal drugs. They have very valid uses in medical practice for a number of different issues, which really creates some deal of difficulty in how you legislate for anabolic steroids. That is probably why we have ended up with a problem in the legislation at the moment. Anabolic steroids currently are treated in exactly the same way as other drugs that are available on prescription. That means that it is illegal to sell them without a prescription but it is not illegal to possess them without a prescription. My Bill makes it illegal for people to possess anabolic steroids that they have not got on a prescription.

Legislation is now in place in every other State, I think, although South Australia still might not have finally passed theirs. I know that it is currently on their books. The ACT has been very slow in adopting the 1990 Health Ministers conference recommendations on these drugs.

Ms Follett: And cautious.

MRS CARNELL: No, just slow in this case.

Mr Connolly: And we have now done it properly, without amendments.

MRS CARNELL: I was just going to make the comment that I think Mr Connolly's amendments to my Bill greatly improve the Bill, and certainly take on board a number of the other recommendations of the same Health Ministers conference. Certainly during the detail stage we will be supporting Mr Connolly's approach to this Bill, which we believe is appropriate. The problems that exist for both Customs officials and police have already been spoken about in this place. The problems they have in not being able to do anything about the illicit trade in anabolic steroids have been well documented. I commend the Bill to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 3, by leave, taken together, and agreed to.

Clause 4

MR CONNOLLY (Attorney-General and Minister for Health) (10.38), by leave: I move:

Page 2, lines 5 and 6, omit "Before section 48 of the Principal Act the following provision is inserted in Part IV", substitute "After section 47Z of the Principal Act the following section is inserted".

Page 2, line 8, proposed new section 47A, omit "47A.", substitute "47ZA.".

As Mrs Carnell indicated, the Bill before the house implements part of a decision taken in 1990 by the Ministerial Council on Drug Strategy to deal with this issue of steroids, which were not in themselves illegal drugs but there was growing community concern that they were leading to significant public health problems. The consequences of inappropriate steroid use were recited by Mrs Carnell. They have quite serious long-term effects on young persons, who may be tempted to take them to increase their sporting prowess, without realising that they can lead to long-term problems, and sterility is a major problem that has been identified.

The Bill, however, did not implement the whole package of recommendations decided by Ministers. The Government, while it was chided for being slow, had been progressing that whole package. As Mrs Carnell has moved part of it, we have been able to produce amendments to give the Assembly the chance to vote on the entire package agreed in 1990. I am pleased that the Opposition will be supporting our completing of the circle in order to have us in line with the 1990 position.

I would say only that, while this was an important issue in 1990, it is probably a more important issue now - not so much from the public health perspective, although that is obviously important, but from the perspective of our international reputation in terms of sport and abuse of drugs in sport. Since the Ministerial Council on Drug Strategy meeting in 1990, Sydney has been successful in obtaining the Olympic Games for the year 2000 - a significant achievement of which all Australians are proud. We, as Australians, are proud that we have a very good reputation for controlling the abuse of drugs in sport. In this city we have the Sports Drug Agency, which is providing assistance to nations around the world that are developing a sports drug strategy. We host the Australian Institute of Sport - again an organisation that has taken a strong role in the fight against drugs in sport.

It has been argued - and I saw a lot of newspaper and television comment pieces as we led up to the decision on Sydney's bid for the games - that Australia's reputation as amongst the cleanest in the world and for taking the fight against drugs in sport seriously may have played no small part in convincing uncommitted delegates that Australia had a legitimate claim to host the Olympic Games. It is a very important reputation that Australia has built and, for that reason, while this was important in 1990 it is even more important in 1994. The package, as presented, with the Bill moved by Mrs Carnell as a private member and the Government amendments I am moving today, will close that circle and provide legislation that meets the national standards, which are so important. I present a supplementary explanatory memorandum for my amendments.

MR MOORE (10.41): Madam Speaker, these two amendments facilitate an arrangement in relation to the later amendments Mr Connolly will move. His amendment No. 3 will then fit into clauses 5 and 6 of the Bill, and I am inclined to address that part of the Bill when we get to those amendments. I have one small concern that, should the amendment by Mr Connolly and my amendment to insert a new clause 47ZB be carried, we will have a problem about the numbering. However, the Clerk can clarify that afterwards, if necessary. I have some real concerns about the amendments put up by Mr Connolly - not so much in regard to these two clauses, but in regard to the ramifications of the final clauses. So, to a certain extent I will address my comments to those as well as to these amendments.

Mrs Carnell put the notion that we need to ensure that trafficking in this area stops, that prescriptions can be written and the use of illicit drugs controlled, and that the police have the power to do so by being able to book people for possession. The amendment circulated by Mr Connolly relating to committing an offence in the use of anabolic steroids - I do not know whether this was intended, or whether it has been recognised by the Liberals - includes the words, "administer to himself, herself or another person". That is individual use by a person who may think that in some way this is going to make their body beautiful, and certainly some people believe that and become involved in the use of steroids in that way.

I want at this point to distinguish between that and the use of steroids in sport, which I believe we are all agreed is simply cheating. If somebody agrees to play a sport, they do it by the rules. The recommendations of the national committee on drugs in sport are very clearly to stop people cheating and using steroids as part of a method of cheating.

Nobody is debating about the need for harsh legislation under those circumstances. However, when you are talking about somebody who is using steroids because they think it is going to make their body beautiful, the ability to put them into prison for six months is an entirely inappropriate approach. That is an issue I want to take up in further detail when we get to that stage of the Bill. These two amendments to clause 4 simply facilitate a rearrangement of the legislation Mrs Carnell has before us, and I have no objection to that rearrangement.

Amendments agreed to.

MR MOORE (10.46), by leave: I move:

Page 2, line 8, proposed new section 47A, after "possess" insert "more than 5 tablets, or 10 ampoules, or".

Page 2, line 25, proposed new section 47AB, after proposed new section 47A insert the following section:

Offence notices

"47ZB. (1) Where a police officer reasonably believes that a person has committed a prescribed steroids offence, he or she may serve an offence notice on that person.

"(2) Where an offence notice is served on a child and the police officer serving the notice reasonably believes that the child is residing with a person who stands in *loco parentis* to that child, the police officer shall serve, or cause to be served, a copy of the notice on that person.

"(3) An offence notice shall -

(a) specify the nature of the alleged prescribed steroids offence;

(b) specify the date on which and the time and place at which the prescribed steroids offence is alleged to have been committed;

(c) contain a statement to the effect that, if the alleged offender pays the prescribed penalty for the alleged offence within 60 days after the date of service of the notice, no further action will be taken in respect of that offence;

(d) specify the amount of the prescribed penalty;

(e) specify the place at which, and the manner in which, the prescribed penalty may be paid; and

(f) contain such other particulars (if any) as are prescribed.

"(4) If the prescribed penalty is paid in accordance with the offence notice -

(a) any liability of the person in respect of the alleged prescribed steroids offence shall be deemed to be discharged;

(b) no further proceedings shall be taken in respect of the alleged prescribed steroids offence; and

(c) the person shall not be regarded as having been convicted of the alleged prescribed steroids offence.

"(5) Any substance, equipment or object seized under any Act in connection with the alleged prescribed steroids offence that would have been liable to forfeiture in the event of a conviction shall, on payment of the prescribed penalty in accordance with the offence notice, be forfeited to the Territory.

"(6) Subject to subsection (4), nothing in this section shall be construed as affecting the institution or prosecution of proceedings for a prescribed steroids offence.

"(7) In this section -

'child' means a person who is under the age of 18 years on the date of the alleged offence;

'prescribed steroids offence' means an offence under section 47ZA where the alleged offender possesses no more than 15 ampoules, or 30 tablets, of an anabolic steroid.

"(8) In relation to a prescribed steroids offence, the prescribed penalty is $40.".

I have moved these two amendments together because they are designed specifically to provide for a more rational approach to drug policy in this area, as in other areas. Generally in Australia there has been a movement away from harsh drug policy with regard to personal use of drugs, and these amendments are to deal with personal use.

Contrary to the approach taken by the Minister for Health whereby we would put somebody in prison for six months or impose a $5,000 fine, the sensible approach would be to say that, where somebody makes what I perceive to be a ridiculous decision to build their body by using these sorts of drugs, there ought not to be a penalty. Rather, we should be bringing people into the health sector, because it is a health and psychological question rather than a question of illegality. We risk here having exactly the same problems as we have created with so many drugs that are illicit by moving them over into the policing section rather than keeping them within the health arena. We should be dealing with the problem of steroids as a health issue rather than as a policing issue.

It is for that reason that I have proposed an amendment that covers a person who has in his possession a very small amount of steroids - just five tablets or 10 ampoules. If you think in terms of a packet of Panadol, say, we are talking about a packet with double or triple that number of tablets in it. So we are talking about only a very small amount for personal use. Under those circumstances, to turn somebody into a criminal - because that is what will happen under this legislation - is entirely inappropriate. That takes account of the first of my amendments.

The second amendment suggests that where people have just a little more than that - about double that quantity - we should be saying to them that we consider this entirely inappropriate, and use an expiation or traffic fine system, which this Assembly approved with the legislation on cannabis, and provide for an expiation notice system of $40. It is a very sensible approach to personal use or, as it is described in the legislation, administration. It is important that we distinguish between those sorts of people and people who are using steroids as a part of their competitive sport. We have appropriate drug testing in competitive sport to catch people who are cheating. The rules for competitive sport provide that you cannot use steroids, and I have no difficulty, where people are participating in competitive sport, in having a set of rules.

But, additional to that, we have a large number of people who believe that they will in some way enhance their body by using steroids as part of the body building process. These are the people I am concerned with. My personal opinion is that they have psychological problems if they need to try to change their bodies in that way instead of accepting themselves for what they are. However, that is a personal view. It is not something for which I would want to put somebody into gaol, and that is the ramification of the legislation as it stands.

I believe that the amendments I have put up are very sensible. They take a much more rational view, and they also take into account general thinking in Australia, which advocates harm minimisation. When you use a system that penalises people and gaols them for personal use, you are talking about a system of prohibition, and we know that prohibition does not work; it makes things worse. It has made things worse in every other case where we have used it, with the exception of barbiturates. It made things better with barbiturates because there was an alternative. Here we have no alternative.

In Sydney there is a doctor by the name of Tony Millar, whom I mentioned in my in-principle stage speech, who prescribes steroids for body building use because he believes, and argues very strongly, that if people are going to use steroids they ought to be able to do so safely; they ought to be able to do so other than in the black market.

What will happen here will be the same as has happened wherever we have made other drugs totally illicit. People will use them very dangerously, without advice; they will continue to use them, and they will continue to use steroids that come from veterinary supplies. I am sure Mrs Carnell will agree that that is already what is on the market in terms of steroids that are not prescribed. That is why we have one person who takes a broader view and says that we must look after the health of individual people who are determined to go down this line.

When I had this amendment drawn up, Parliamentary Counsel drew to my attention the difficulty of defining tablets and ampoules in the legislation. The advice I was given was that a single tablet may be 20 grams or it may be 40 grams, and so there will be a different intensity. Therefore, there is some difficulty with the way the legislation is set up. To extrapolate further from that, if there were a single tablet of a huge size, that could be a way of getting around this legislation.

I think this part of the legislation does need further review. We ought to take a little more time to discuss with the people who are most involved - I discussed this matter with Mr Connolly this morning - including those involved in public health as well as those involved in the sporting community, these issues and what their approach would be, to see whether we can find a more sensible approach, and, at the same time, resolve the matter of the number of tablets and the number of ampoules. It is for that reason, after we have had some general indication from members about this amendment, that Ms Szuty will be moving the adjournment of the debate.

MR CONNOLLY (Attorney-General and Minister for Health) (10.55): The amendments Mr Moore has moved raise a very substantial issue of principle which, at the moment, the Government would not be able to support. The Bill, as it has emerged from the original Opposition Bill and the amendments that I understand will be agreed to by the Opposition, implements in the ACT a nationally agreed strategy on dealing with steroid use and abuse. As I said in my earlier remarks, that was important when it was agreed to in 1990. It is probably more important now, given that Sydney is going to host the Olympic Games, and that we are a city that is working closely with Sydney to get benefit to Canberra from the Olympic Games, and that we all support the Canberra Olympic Committee and their important work to ensure that we get the maximum benefit. We are proud of the fact that we host the Australian Institute of Sport and that the Australian Sports Drug Agency, with its valuable international reputation, is based in Canberra. Again, as I said earlier, Australia's reputation on sports drug issues was an important factor in getting the Olympic Games to Sydney.

Mr Moore is presenting here an important issue of principle, which is to say that we should adopt a harm minimisation approach to the issue of steroids. That is an issue that has received the support of the majority of this Assembly in other contexts. A majority of this Assembly did take the view in relation to personal use quantities of cannabis that a harm minimisation approach may be to provide an on-the-spot fine for a defined small amount of cannabis. This amendment goes further. This does not just refer to an on-the-spot fine; this actually says that it is all right to possess a certain amount and that there will be an on-the-spot fine for a larger amount. This is going significantly further than the cannabis harm minimisation approach, but that is an approach that philosophically

has been advocated by Mr Moore. It has received some support from the Government side; and I read with some interest the speech Mrs Carnell gave to the Young Liberals' national conference in January this year, when she gave in-principle support for the harm minimisation approach. So it is a valid approach which has received support across the chamber.

The Government cannot at this stage support it because, as we saw yesterday, it needs further thought on two categories. I want to take considered advice from a public health perspective on what this would mean, and I think that is very important. The Government, and my colleague Mr Lamont, feel equally strongly that we need to take some very considered advice on what this may mean in relation to Australia's sporting reputation. While it is true that Mr Moore has made it very clear that he does not encourage, indeed he joins us in condemning, the use of steroids by sporting persons, I am concerned about what signal we would be sending if Canberra were to be the first jurisdiction to adopt the harm minimisation approach on steroids and say, "We think small personal use of steroids is okay in this jurisdiction". I am worried about what signal that would send to our friends in Sydney who are planning the Olympic Games, to the Australian Institute of Sport, to the Australian Sports Drug Agency, and to overseas nations who look to Australia for leadership in the issue of controlling the abuse of drugs in sport. At the moment, if this issue were to go to a vote today, the Government would oppose these amendments and would maintain the position as agreed at the 1990 Ministerial Council on Drug Strategy.

In order to get the Government to change its position, I would want to see what the approach of other governments is. I am not sure what the approach is in New South Wales, and I think that is important. We do have sound reasons for disagreeing with the Government of New South Wales from time to time; but on an issue such as this I would want to have a sound reason for departing from the New South Wales approach, particularly given that the New South Wales Government is planning for the Olympics and that Sydney is the successful city. I would be loath to agree to anything, even if this Government agreed that there might be a sound philosophical reason for it, that was seen by the New South Wales Government to impact upon its Olympic bid. That is something we would think very long and hard about before we moved on it.

I want to get a view from the Ministerial Council on Drug Strategy, which is meeting in the next couple of weeks, and discuss this with my colleagues there. I know that Mr Lamont would want to discuss it with his colleagues as sports Ministers. It raises a very profound question: By endorsing this harm minimisation approach, which each major party has in the past indicated is a sound philosophical position for some areas of public health, would we be undermining public health strategies in relation to steroid abuse, which is very important? Would we be potentially undermining our reputation for control of drugs in sport? Could we inadvertently - I am sure that this would be the last thing Mr Moore would want to do - by agreeing to this approach, cause problems for the Olympic Games bid? It is a very important issue.

Use of steroids in sport - an issue that was really not discussed some years ago - has rapidly come to the forefront. Australia has done a lot on this issue, and we can all be proud of the reputation we have for that. While Mr Moore says quite properly, and I accept what he says, that he does not condone the use of drugs in sport and that he would support moves against the use of drugs in sport, I am concerned that by adopting this harm minimisation approach, by saying that small quantities of steroids will be lawful in this jurisdiction, which may well put us out of kilter with the rest of Australia, we are sending a wrong and potentially damaging signal to the rest of the country and the rest of the world.

Mr Moore, at this stage the Government would oppose your proposals - not because we disagree with the harm minimisation philosophy, but because we think it raises profound issues for public health and the issue of sports and our reputation on sports drugs. The Government could be open to persuasion. If there were a view from other Ministers on the Ministerial Council on Drug Strategy that this was sensible, that would obviously impact greatly on our thinking. If there were a positive view from the sporting fraternity, particularly those involved in the Olympics bid, and if the New South Wales Government, which has the prime responsibility for that Olympics administration, and our Federal colleagues, who are supporting that bid, felt that this was not a problem, the Government might well reconsider. But we would not wish to do anything that would put in jeopardy our reputation on steroids in sport, and the issue of the Olympics is a very important one.

I thank Mr Moore for the courtesy of saying that he does not want to push this today, because, if it were to be pushed, the Government would have to oppose it. I am not saying that the Government rules out a harm minimisation approach as a sensible strategy, because, indeed, in other contexts we have supported that, as has Mrs Carnell, as an abstract idea. So there is agreement on both sides of the chamber that the concept is a valid one. But on an issue such as drugs in sport and on an issue such as steroids, the stakes are very high. The Government would be very cautious before going down this path and would need to be convinced that it was the right course of action. At the moment, we would oppose it, and you would need to convince us on those grounds of public health. That may be the easier path to convince us on. You would also need to convince us on the issue of our reputation for sports and drugs and what this could mean and how this signal could be misinterpreted as we move into the pre-Olympic stage.

MRS CARNELL (Leader of the Opposition) (11.02): Madam Speaker, the issue here, and I think Mr Connolly put it very well, is that everybody in this Assembly supports harm minimisation to some extent. The issue Mr Moore has brought up with his amendments is the definition of what is possession and what is supply. He has taken it somewhat further to suggest that possession of small quantities is not even possession at all; in fact, it is all right or acceptable to the community. I must admit that at this stage I would have trouble going that far, and I think the Liberal Party would have trouble going to the extent of suggesting that five tablets, 10 ampoules, or whatever it happens to be, should not be subject to a penalty at all.

My understanding of the legislation in other States is that some States do differentiate between possession and supply, most notably New South Wales. My understanding is that New South Wales has already gone down the track of looking at a differentiation between the two, and I believe that the Liberal Party would not be negative to an approach that suggested that possession for personal use and for supply should have differential penalties. But to suggest that possession of a small amount should not be subject to any penalty at all, I think, flies in the face of our views on a number of other issues and, I think, this Assembly's view on a number of other issues.

If we are to send out a message that anabolic steroids are dangerous to young people, and they are, then suggesting that it is all right to have enough for your own use but not all right if you supply them to other people does send out a wrong message. I think we would all agree that the last thing we would want is to see young people who are misguided enough to use anabolic steroids end up in gaol or with criminal records or whatever. That would be inappropriate. But to say that it is all right is a quite different issue. So I too am pleased that we will adjourn this debate today to see whether we can come up with an approach that is acceptable to all members of the Assembly.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (11.04): Madam Speaker, the Chief Minister, in attending the Premiers Conference and also the Council of Australian Governments, has been at the forefront of discussion in this country about national uniformity on a range of issues. One of the issues that have been referred to sports Ministers is the question of the uniformity of drug laws in Australia, in particular as they affect sport and elite athletes. We have been able to achieve through that forum an agreement by State Ministers of varying political persuasions that we need to treat the use or abuse of anabolic steroids on a uniform basis, that the national drug testing agency should be able, right across Australia at the elite level and even below the elite level as defined, to conduct the appropriate checks and to administer appropriate national drugs laws in relation to the sporting community.

Mr Moore's harm minimisation approach in relation to drug abuse is, in general, to be commended. We have had many debates in this chamber about the decriminalisation of the possession of marijuana, as an example, and there have been a number of other issues on which we have had extensive debate. When we are talking about harm minimisation, there is a negative effect to that process, and that is the implication I have just pointed out, Mr Connolly has pointed out, and Mrs Carnell has alluded to. I suppose we have an interesting dichotomy. On the one hand, we have a proposal which suggests harm minimisation in the use of anabolic steroids; but, on the other hand, in doing that we are not minimising the harm people do in the macro sense, in the broader sense, and that is the concern I have as Sport Minister.

For all of those reasons I have suggested, it would be sending the wrong message. It would be doing us more harm to proceed down the road Mr Moore is suggesting. For that reason, I have indicated, as Mr Connolly has, that the Government has great difficulty in agreeing to Mr Moore's proposal; but I would welcome the opportunity to hold further discussions with the sporting community over the coming week, to allow this debate to be finalised after Ms Szuty adjourns it today.

MR MOORE (11.09): Madam Speaker, before this part of the debate is adjourned, I would like to make a couple of comments. It seems to me that if we go for prohibition of steroids we are going to have deaths. The language I hear being used today, at a much lower level, is the same language that has been presented to prohibit drugs for the last 100-odd years. Let me emphasise again that it is at a much lower level and with much more understanding; nevertheless, coming through behind it is the same sort of language - the language of sending mixed messages, of what the message is that we are sending young people.

I think it is important for us to realise that just because we do not make something illegal does not mean that we approve of it. Making something illegal is one way of saying, "We do not approve", but there are many things that are not illegal that we still do not approve of, and that is an issue we need to keep in mind. It is wrong to suggest that the message we will be sending to people is that we think it is okay to use steroids. That is not the message we will be sending at all. On the contrary, with the amendment I have presented to this legislation we will be saying that it is not okay. Quite clearly, the whole thrust of the legislation, however we put it, is one that is saying that it is not okay. On the other hand, we are also saying that we are not prepared to put people in gaol for personal possession. We are prepared to treat them in a health sense rather than through the criminal justice system. I think that is the important message we could learn.

In taking advice from people, as Mr Connolly and Mr Lamont have suggested, it is very important for us to get advice from Professor Peter Baume, who is probably the earliest and longest advocate of harm minimisation in Australia and who brought down a series of recommendations about drugs in sport. His view is the view shared by everybody here, as I understand it: Once we talk about drugs in sport, we are talking about cheating, which puts it in an entirely different perspective. It is that cheating that we want to avoid in terms of the Sydney Olympics, I agree. I do not want to put that at risk, but at the same time I am particularly concerned about the health of individuals who are determined to use steroids.

By ensuring that anabolic steroids go into a black market system, we do not slow down the sale of such drugs. All that happens is that we develop a black market system which is based on pyramid selling and is a very effective method of dragging in new people. They are the sorts of risks that need to be considered carefully by members over the next couple of weeks in dealing with this issue. I am absolutely delighted with the approach of the Labor and Liberal parties in being prepared to take a bit of extra time to consider the harm minimisation aspect. It is quite clear that the numbers are there to push this through today, should people wish to do it, so that extra bit of time is greatly appreciated.

Debate (on motion by Ms Szuty) adjourned.

PUBLIC INTEREST DISCLOSURE BILL 1994

Debate resumed from 23 February 1994, on motion by Mrs Carnell:

That this Bill be agreed to in principle.

MS FOLLETT (Chief Minister and Treasurer) (11.14): Madam Speaker, the Public Interest Disclosure Bill, as members will be aware, deals with the issue of whistleblowing. That is usually taken to mean the scope for officers or contractors to report suspected maladministration or corruption they come across in the course of their job, for that matter to be properly investigated, and for the officer concerned to be given protection in the course of making such reports.

Members will be aware that the Government's Public Sector Management Bill, which I introduced during the Assembly's last sittings, contains whistleblower provisions. It is my view that the provisions contained in the Public Sector Management Bill are superior to those offered in the Public Interest Disclosure Bill, and I will go into some detail on that. I also consider that the embedding of whistleblower provisions in the Public Sector Management Bill is the preferred course of action because that Bill covers the variety of conditions of employment for government officers, and the whistleblowing arrangements are very much a part of the employment regime for public servants. I put it to the Assembly that the Public Sector Management Bill is the preferable course of action.

I would like to go through the issues in the Public Interest Disclosure Bill to which I take exception. My own whistleblowing provisions in the Public Sector Management Bill are based on the recommendations of the Gibbs committee. The Gibbs committee and my legislation which flows from it provide a model that I believe is perfectly adapted for this Territory. It was developed in the administrative law framework of the Commonwealth and, as members will know, in this Territory we have closely followed that framework. That is a general criticism of the Bill we have before us. Mrs Carnell's Bill is not based on a model that was specifically developed for use in the Territory. It certainly does not appear to be. It duplicates many of the provisions that exist in other Acts, and I will go into some detail on that. Those Acts include, for instance, the Ombudsman Act and the Public Service Act.

A major difficulty I have with the Public Interest Disclosure Bill is that it does not cover the majority of public servants in the ACT Government Service. That is the major deficiency in the Bill. Public servants are currently employed under the Public Service Act of 1922 and are bound by that Act and the Commonwealth Crimes Act. The Bill before us today cannot override those Acts, and it is silly to pretend that it can. The duties of public servants under those Acts are governed by those Acts. If you leave aside all of those public servants, you will see that Mrs Carnell's Bill covers only about half of those staff who are currently employed by the Government Service.

Mr De Domenico: I think you are wrong, like you were yesterday.

MS FOLLETT: Madam Speaker, I do not believe that I am wrong on that matter, but I am prepared to hear debate on it.

Another grave omission in Mrs Carnell's Bill is that it does not provide for public disclosure, and the whistleblower provisions in the Public Sector Management Bill do. I think it is a major shortcoming in the current Bill. What the Public Interest Disclosure Bill does do, and it is like the provisions in the Government's Public Sector Management Bill, is allow for disclosure to an officer within each agency, and I agree with that, and to the Ombudsman, and I agree with that also. But the Government's Bill has gone further than that, and I think it is an important further step. Our Bill not only allows disclosure in addition to the Auditor-General, which Mrs Carnell appears to have overlooked, but also provides, in certain circumstances, for disclosure to the public or to the media. Again, I think that is a significant advance which the Public Interest Disclosure Bill has not dealt with.

Mrs Carnell's Bill does allow disclosure to the Ombudsman as a proper authority, and I have said that the Government's legislation also contains that provision. Clearly, it is one that I support. The only difference in Mrs Carnell's Bill from my Bill is the power under clause 14 of the Carnell Bill for the Ombudsman to direct a public sector unit to implement certain procedures. The Government believes that procedural issues are more appropriately dealt with by the Public Service Commissioner in the management standards. Given that the commissioner has the role in management of whole-of-service issues, and the whistleblower provisions are a whole-of-service issue, I believe that that is the appropriate course of action to follow. Again, it is a matter of embedding the whistleblower provisions into the appropriate legislative framework. It is my view that the Public Sector Management Bill is the appropriate legislative framework.

If I could turn to Part III of Mrs Carnell's Bill, this essentially spells out in detail matters that already take place under Government provisions, and I do not consider that there is a need to spell them out in that way. For example, Investigation under proper authority, clause 18 of Mrs Carnell's Bill, duplicates provisions that are already in the misconduct provisions, which are linked to the whistleblower provisions, and very importantly too, as well as duplicating investigatory powers that are already spelt out in the Ombudsman Act and the Audit Act. That is one of the matters I referred to in my opening remarks.

The Government believes that the powers of both of those bodies are already spelt out in sufficient detail in their own legislation. The Auditor-General has stated that he believes that our Bill gives him sufficient powers. I think that is important. Clause 21 of Mrs Carnell's Bill, Action by proper authority, actually duplicates powers in both the Audit Act and the Ombudsman Act. Any disclosure to an officer within the department would be dealt with, under the Government's legislation, by the discipline provisions, and I believe that that ensures that swift action, such as the suspension of an officer, can take place. It is important that that action does take place, to ensure that misconduct, or alleged misconduct, is dealt with immediately. Mrs Carnell's Bill simply does not allow for such action to be taken. Again, I think that is a significant omission from the Bill.

On procedural matters, clause 9 of the Public Interest Disclosure Bill, in my view, is overly prescriptive in its dealing with procedural matters. The Government believes that the public sector management standards are the more appropriate vehicle for that procedural detail. There are a number of advantages in using the management standards in this way. The first is that it gives some flexibility, in the light of experience with whistleblower provisions, in the bedding down of that legislation. It is an area where we do not have a great deal of experience to go on, and I believe that some sort of flexibility in allowing changes to the standards is desirable.

Putting the procedural provisions into the standards has another important advantage in that it ensures that information on the procedures is available to all staff and is available in plain English. I know that many members would agree that expecting staff to understand their conditions of service, their rights, purely from legislation is asking a great deal. If we can ensure that the information is accessible to our entire staff, we will be doing a better job.

In the definition of corrupt conduct in clause 4 of Mrs Carnell's Bill, she has included a number of matters that can all be summarised as misconduct. The Government does not believe that any of the reasons for disclosure included in Mrs Carnell's Bill that go beyond the Government's provisions warrant the need for disclosure under the whistleblower provisions. The Public Sector Management Bill does provide for misconduct matters to be dealt with under the discipline provisions of that Bill. Again, in the case of misconduct, I think the discipline provisions are the correct place for them to be. Secondly, I do not consider that there is a great deal of need to deal with these matters as whistleblower disclosures. Officers are required to disclose evidence of misconduct to either their supervisors or their chief executives in any case, and they cannot be subject to discipline or to criminal action for such disclosures. Again, it is something of a redundancy.

In Part IV, Division 1, Mrs Carnell's Bill deals with unlawful reprisals. The provisions are quite similar to those in the Government's Bill, but they do provide power to relocate an officer who requests to be so relocated. Again, I do not believe that that is a necessary provision. An officer can apply to a chief executive or to the commissioner for relocation, and in the circumstances that request for relocation would be considered to be justified.

Finally, Division 2 of Mrs Carnell's Bill does seem unnecessary. Division 2 deals with rights at common law and officers retaining their rights. I do not consider that that division is necessary, because officers of the Public Service do retain their common law rights. There is nothing to deny that to them. They have the right to undertake legal action as for a tort, and these rights do not need to be spelt out again in the legislation.

In summary, the Government has a range of areas in the Public Interest Disclosure Bill that we would want to amend. Given the reservations I have about some clauses of the Bill, if it is the will of the Assembly to proceed with the Bill before us I will require some time to get appropriate amendments drafted. However, on the more general argument, I consider that the Public Sector Management Bill is the appropriate vehicle to contain whistleblower provisions. I urge members to give consideration to the two Bills side by side, to give consideration to the points I have made today and, if it is their decision after that consideration that we proceed with the Public Interest Disclosure Bill, to allow me time to get the amendments I consider necessary to bring this Bill up to scratch.

MR KAINE (11.28): Madam Speaker, I believe that this Bill put forward by the Leader of the Opposition is a very significant Bill. It is not a trivial one. It is one we need to give very careful consideration to. It is very significant because of the changes that have taken place in our society in recent decades. Those changes are reflected, for example, in the way that government does its business and in the way that the administration is established and operates. We are in the middle of some of that change right now with the establishment of our own public service. Anybody who is a student of public administration and politics would be well aware of the enormous changes in Australia in recent decades in the approach to politics and to public administration. Part of that change, and I suppose part of a societal change, is a very significant change in the standards of professional conduct and ethics.

If we were to go back and look at the public service of 30 or 40 years ago, public servants had very secure tenure. There was an absolute commitment to lifetime employment in their profession. There were very high standards of performance required. Those standards of performance were complied with - not because there were laws or regulations or standards that they were obliged to comply with, but simply because it was the corporate ethic. It was part of the standards of the community of the day. Today, the requirement to comply with professional and ethical standards is becoming more and more embedded in published standards, regulations, documents that require public servants to perform in a certain way. Many of them are now under contract by way of employment conditions instead of the old way of becoming a public servant and simply being bound by the provisions of the Public Service Act of the day.

The final thing that has changed is that there are today many incentives to people in public life to take, if you like, the easy dollar. I am sure that Mr Moore will not mind me referring to a forum he and I attended yesterday in connection with drugs and the decriminalisation of drugs. Mr Moore made the point that anybody involved with drugs in this country today is confronted with the second largest industry in the world.

The money involved is massive. Anybody involved in public administration of drugs, for example, comes up against enormous incentives to ignore the law, and some people succumb to that kind of temptation. Perhaps it was always so, but I do not think it was so to the extent that it is today. I use that as one example, because it is not only drugs in connection with which there are massive incentives. We went through a debate recently about X-rated and violent videos, where there is no doubt that there were certain incentives; I do not know whether that is still true.

These are massive changes in the way government works, in the way politics operates, in the way the administration works, and in community attitudes to what people do. The old checks and balances of government are perhaps no longer appropriate. They do not work any more, because the whole infrastructure within which they have to work has changed. That is why it is important that we look at a subject such as this. Within the whole mechanism there are thousands of individuals working, and when corrupt or inappropriate behaviour takes place they see it, and they may be the only people who do. I think it is true to say that the people who are working in the system are the first ones to see when something is wrong, and they are probably the best qualified to notice when something is wrong; but, with the way the system works, although there are incentives to corrupt behaviour and the like, there are very few incentives to correct the situation when somebody perceives that something is wrong. Indeed, within the corporate entity there are often very great disincentives to seeing that something is done. That is why we need to provide some protection for people who, having perceived that there is something wrong, decide to do something about it. Despite their commitment to the corporation, to the corporate ethic, to the body they work for, despite their loyalties, when they decide that something is so wrong that they need to bring it to the attention of proper authorities and have something done about it, they need and deserve protection. That is why this is so important.

I am very interested that the Chief Minister has suddenly become most interested in this legislation and an expert on it. Only last year, when the Leader of the Opposition indicated that she was going to bring forward legislation such as this, the Attorney-General said, "We do not need it". In February, when the Government was considering the first draft of the public administration Act, it was not included. So it is only since February that the Government has decided that this kind of legislation is needed and the Chief Minister has become an expert on it.

Mr Humphries: She went to Damascus.

MR KAINE: I suspect that she walked down the road to Damascus somewhere between the middle of last year and now. Presumably the Attorney-General has also.

Listening to the Chief Minister's comments on Mrs Carnell's Bill, it seemed to me that, despite the fact that she had obviously been well briefed to participate in today's debate, she really does not understand the subject, any more than she understood the purpose of the Bill yesterday, when she sought advice from her advisers, could not get it, and had to adjourn the debate because she did not understand her own Bill. I suspect that she does not understand this one either. I suspect that she does not understand her own Bill, which

contains whistleblower provisions. Rather than lecturing the Opposition on what is wrong with this Bill, the Chief Minister should have informed herself on what is wrong with her own. There is no question that this Bill is far superior to the legislation the Government hurriedly cobbled together to tack onto the end of the public administration Bill only within the last few weeks.

There is clearly a need for this kind of legislation. There has been a series of royal commissions and other inquiries by State and Commonwealth governments over recent years that clearly indicate that this kind of legislation is necessary. The need almost invariably focuses at the administrative level. At the political level, I suspect that there are enough checks and balances, even today. At the end of the day, a politician who is in any way tainted with corruption or inappropriate behaviour has to confront the electorate every two or three years anyway. That is the ultimate place where a decision can be made. With people involved at the administrative level there is no such methodology, so we need to know what is going on there.

If there are people who are prepared to come forward and make it known when something is wrong, we have to give them the necessary protection. Very often when things are going on within the public sphere, even the accountability rules do not work. It is not so much what is revealed in terms of the accountability procedures that is important; it is what is not revealed, what is hidden. Superficially, you can come up with accountability criteria everybody can comply with that indicate that everything is okay because those responsible are told only what they need to be told to satisfy the accountability criteria and are not told what is going on sub-surface.

The Chief Minister raised a couple of questions. She said that this applies to only a limited number of people. Madam Speaker, this Bill applies to everybody, whether they are public servants or not public servants. I draw attention to clause 15, Making a public interest disclosure, which states:

Any person may make a public interest disclosure to a proper authority.

That includes people outside the public service as well as those inside it. As far as I am concerned, "any person" means any person, and it also means every person. So everybody is covered by this, whether they are inside the public service or outside it. If somebody outside the public service is aware of some corrupt conduct in terms of awarding a contract or the operation of a department or an agency in some fashion, they too can come forward under the provisions of this Bill. That is why I said that the Chief Minister clearly did not understand the Bill that is before her, even though she was apparently comprehensively briefed on it.

Secondly, she wants two bob each way. In one place she says that there is no provision for public disclosure. She said, in effect, "This Bill is not sufficiently prescriptive". In fact, it does provide for follow-up reports of an annual nature to tell everybody, including this Assembly, what is going on, so I do not know what sort of public disclosure you want. She said that this was not sufficiently prescriptive, but her very next comment was that in another place in the Bill it was overly prescriptive. Which does she want?

Does she want detailed prescriptions about public disclosure and everything else, or does she want to reduce the amount of prescriptive provision that is in the Bill? I do not think she knows. She wants two bob each way. In one part the Bill is not sufficiently prescriptive; in the next it is overly prescriptive. I am quite clear that she does not know what she is talking about, and if she had not had a comprehensive brief she would not have had anything to say. Somebody has handed her some notes and she has read them without really understanding what the notes say, let alone what the Bill says relative to what her own Bill says or does not say.

Then the Chief Minister gave us a little homily about what is and what is not corrupt conduct. Perhaps she is an expert in that field. I am not, but I do not find anything wrong with the description in this Bill of the kinds of behaviour that can be reported under the provisions of this Bill. Again, if it is overly prescriptive in the Chief Minister's mind, maybe that is a good thing, because in other places she said that it is underprescriptive, as I just pointed out. I do not think the Chief Minister really understands this. If she did understand it, if she had read this Bill carefully, if she had done what she exhorted the members of this Assembly to do - that is, sit down and compare her Bill with ours - I am sure she would have discovered that our Bill is much more comprehensive and much more appropriate. It is not simply a last minute add-on, cobbled together quickly to say that we have covered the subject, when up until two months ago the Government had no intention of making such provision, either in the public administration Bill or in any other way.

I think it is pretty clear that I support the Bill put forward by the Leader of the Opposition. I believe that it is necessary. I believe that it is timely. I believe that it is sufficiently comprehensive, not overly so. I do not support the Chief Minister's contention that it is overly prescriptive. I urge members of the Assembly to support the Bill.

MR STEVENSON (11.41): As many government and bureaucratic actions have become more secretive and closed, the need to let the public know about these actions has increased. In the past, when people have been prepared to do this, what has usually happened is that standard and severe reprisals have been brought against those public servants worthy of the name. Actions used in reprisal against them have involved threats, denigration, harassment, claims about mental illness and being sacked. This seems to be fairly standard operating procedure when anyone is prepared to stand up and let the public know what is going on.

While they need to be protected, there is a far more important factor here, and that is that the matters they bring up need to be effectively investigated. That is why they do it. They see something they believe is wrong, and the attack on them is made simply so that the matter will not be investigated. I brought up a matter some years ago in our First Assembly. Someone came along to me and said that there were problems in a particular government facility. I worked with that person over a period of many months. I did not immediately take any action, but I helped them as I could, and I saw what happened. The result was that the person was sacked, after being accused falsely of not doing his job.

I brought the matter up in the Assembly. The then Attorney-General, Mr Collaery, said that the matter should not be discussed as it was sub judice. I said, "Where is the evidence of that?", and he said, "There is the evidence". It was a note on his table that said that the matter was before the courts. I said, "That is not evidence; that is just a note from someone in your bureaucracy". He said, "I will take you to the section head", and I said, "Okay". The man stood in front of me at the back of the old Assembly and said that he had seen the writs put out by the person I was representing. I thought that was interesting because I had not heard anything about it. But here was the man saying, "I have seen the writs". I happened to have the fellow upstairs in my office, and I said to him, "I have just been told that someone has seen writs you issued". He said, "Do not believe it; I did not issue any writs". Unfortunately, nothing happened to that public servant who stood at the back of this Assembly and lied to me in order to prevent that matter being brought up.

There was another case in this Assembly that we all know about, and it could relate to what the Chief Minister mentioned earlier. She said, "Officers are required to disclose evidence of corruption and misconduct". In other words, the requirement is already there; why do we need anything? That is one of the most amazing statements anyone in Canberra could imagine - and there are some amazing statements made in this place. Why is it necessary? For a start, a public servant can make a complaint and then be talked to by people in the department and decide not to make what is referred to as a formal complaint. We have an interesting situation: When is a complaint not a complaint? The answer is: When it suits the power brokers. There are two laws - one for those who hold the power and one for the rest of the people.

The whistleblower legislation that is being introduced around Australia is to protect those courageous individuals who are prepared to stand up knowing full well what the inevitable consequences have been in the past for other people who have done the same thing. At least they do not shoot people; but the sort of thing I have seen - the mental harassment - is of an extreme nature. I saw a documentary on television many years ago - it may have been on *Four Corners* - which chronicled about five people in different areas of the Commonwealth Government who had blown the whistle. Every one of them had left their job for one reason or another. Every one of them had fairly severe mental depression. It had been going on for years and years. Some had been involved in expensive litigation, their names had been dragged through the mud, and so on. Most people here would remember the case of Eddie Azzopardi in Sydney, who blew the whistle and was subjected to a campaign of harassment. As fortune would have it, because Eddie is a fairly tenacious sort of a guy, he won in court not that many months ago.

Ms Follett also mentioned that the relocation principle was not necessary. I would think it was demanded. At least you can move people out of the heat for a while and let them carry on some sort of productive work while the matter is looked at. The Chief Minister mentioned that department heads and others can take action. Of course they can, but what we are concerned about is corruption. We are concerned about the fact that action is not taken. There is too much political covering up going on.

I see a major change in society. Many people feel that we are going down the gurgler in Australia, and in Canberra; that there are so many areas of corruption we read about on a daily basis that the show is almost over and we have had it. I see it differently. I see the fact that the corruption is being exposed as a cleansing process, as a process working towards democracy, which would be a wonderful thing to have in Australia. Far be it from being a bad thing; it is a good thing. It certainly looks bad, but it is far better to have it exposed than to have it covered up.

The Chief Minister suggested that the Bill the Government tabled was a better Bill than this one. It does not appear to be. The Bill tabled by Mrs Carnell does go into detail and seems to work for the people it needs to protect - firstly, the whistleblower and, secondly, the people of Canberra. Those people who would cover things up are not really afforded much protection at all, and is that not a good thing? However, it is highly likely that there may be some benefits in some of the matters the Chief Minister raises, and I think it is an excellent idea that the Government have the opportunity to present amendments to the Bill and that this Assembly decide which are the best. From a democratic point of view, this is one of the most important Bills we have debated in this Assembly since its undemocratic institution.

MR MOORE (11.51): It is ironic, is it not, Madam Speaker, that Mr Stevenson should talk about this undemocratic institution today, which is the fifth anniversary of self-government? I would think Mr Stevenson by now would have begun to realise that he is fading into the past as far as his views on abolishing self-government go. The reality is that people now have self-determination, have used it widely, and will continue to use it.

I agree with Mr Stevenson's point that this is one of the most important issues we have dealt with in this Assembly. It comes down to the fundamental issue of accountability. People who know that something is wrong ought to have the avenue by which they can express that, rather than going through the frustration that whistleblowers have previously gone through. There have been far greater penalties for public servants who have known that something is wrong and who in conscience have taken a decision to put themselves at grave risk, both from their career point of view and from other perspectives, in order to achieve what they thought was right.

It has been interesting to listen to the two sides of this debate, with the Chief Minister presenting her form of whistleblower legislation and the Leader of the Opposition presenting the Public Interest Disclosure Bill. Mrs Carnell showed me her first version of this Bill well over a year ago and asked me for comments on how we might go about improving the Bill. I have seen a couple of versions of it since then as it has grown and been modified. I think there are some very effective provisions in both Bills, and the logical way for a small group such as our Assembly of 17 people to go is to pick out the best from both Bills, put them together and deliver them for the benefit of the people of the ACT.

The Chief Minister has been talking about grandstanding. I think, rather, that the Leader of the Opposition has done a great deal of work on this. To have her Bill debated is entirely appropriate. It certainly seems to me to be a very effective Bill, and I have had the opportunity to have input into that. It seems to me that it achieves the goal we are

setting out to achieve, which is to increase accountability. Often, of course, we are talking about corruption, but we are also talking about misuse of money, which may not have a corruption element about it but may well have just an element of poor decision making that people may misconstrue as corruption.

These Bills both provide an appropriate opportunity for people to have room to blow the whistle, and so they should. To ensure that we have the utmost accountability, the best system is for us to take the best parts of both Bills. We are very fortunate at the moment to have a select committee looking into the ACT public service. There can be no better way to deal with this than to ensure that that committee has the opportunity to look at both Bills and to choose the best parts from the two and put them together. It does not worry me one iota whether the final version comes through as Mrs Carnell's Bill or as Ms Follett's Bill. The point is that the Liberals were working on this long before the Government started working on it and they have come up with a good result.

Mr Lamont has indicated to me privately that he is interested in moving a motion to refer this matter to the Select Committee on the Establishment of an ACT Public Service. That committee may need a little extra time because the task we have given them is already huge, and I think they need to be able to do this effectively as well. I do not see that as necessarily delaying the process; the process could well be geared, in terms of debating the legislation tabled by the Chief Minister with reference to the public service, to the select committee report. But it is important that that select committee have the appropriate opportunity within the timeframe I understand all members have agreed on and that we are trying to move towards - for the public service transition to occur by the middle of the year. I think we can have the best possible result by using that approach, and I look forward to Mr Lamont putting that motion and will have pleasure in supporting it. We can then work towards what is best for the people of the ACT rather than what is in the best interests of one or other of the parties.

MR HUMPHRIES (11.57): Madam Speaker, I indicate that the Opposition welcomes the Government's late conversion to the cause of whistleblowing. It is very good to see that they have seen the light on the subject. I must say, however, that there are some signs that it is not fully comfortable with the concept, and one has to suspect that they might have jumped on the band wagon in order to steer it in a slightly different direction. Clearly, the principles guiding the legislation Mrs Carnell has put forward are principles of maximum capacity to disclose information which could in certain circumstances be thought to be in the public interest.

I think the Government's perspective is, rather, one of making a more rigid test of what is in the public interest, and therefore necessarily leaving public servants in some doubt as to whether they can or cannot disclose the information, and making the avenues for response to those sorts of disclosures more uncertain. That, I think, is a very good argument for not accepting the comments of the Chief Minister that there should be no consideration of this Bill in favour of her own Bill. I think that her Bill is designed, and I mean this with no disrespect, by public servants in the interests of, particularly, senior public servants. That is not the perspective Mrs Carnell's Bill has taken, and that is a very important reason why it needs to be under active consideration.

The provisions of this Bill, I think, are vastly superior to those of the Public Sector Management Bill. There are clear signs in the Public Sector Management Bill that the provisions dealing with whistleblowing have been inserted as an afterthought. We heard the comments from our "Shoot first, ask questions later" Attorney-General to the effect that we do not need whistleblowing protection in the ACT. We now see that the Government has brought those sorts of things forward, but you have to ask yourself why. Is it because they actually believe in the principle, or is it because they realised that the numbers were there to get this legislation through anyway and it was better, therefore, to put their own provisions forward in the hope that they could prevent things happening which would not be in the interests of a party that might see itself as an entrenched government? I think that is very true.

To give an illustration of what I am talking about, paragraphs 236(a) and (b) and subclause 237(1) of the Follett Bill, which are the provisions that say what sort of information should be disclosable, talk about information that relates to an indictable offence, gross mismanagement or waste of public funds, or a substantial danger to public health or safety. Let us look at the adjectives in each of those three matters. There is reference to an indictable offence; therefore summary offences are not included. If someone in a department is committing a summary offence - and there can be quite serious summary offences - bringing that matter to public attention or to the attention of other people is not protected by the Follett legislation.

Next, there is gross mismanagement or waste of public funds. That is a very ambiguous phrase, or at least it is open to some interpretation. What might be gross to me might not be gross to somebody else. I could say with some certainty that what I might consider to be gross would probably not be considered gross by the Minister of the department responsible, who would generally want to defend the action of his own public servants or of individuals acting potentially in the interests of the Government. To leave that expression there - "gross mismanagement or gross waste of public funds" - necessarily adds to uncertainty. The Chief Minister said when she responded to this Bill that she wants the public servants covered by this Bill to know what the provisions mean. With great respect, it is impossible for any plain English language to define what "gross mismanagement or gross waste of public funds" means. On the same standard, we have "a substantial danger to public health or safety". What is a substantial danger? Is it one that threatens imminent loss of life or imminent injury, or is it something less than that?

The Government's provisions are fairly restrictive and would make it difficult for a person contemplating speaking out to be sure where they stand, and that is the central flaw in the Follett legislation. The Chief Minister said that her Bill seeks to deal with suspected maladministration or corruption. With great respect, corruption and maladministration are only part of the questions we are considering here. She certainly tried to paint the Public Sector Management Bill as more friendly to whistleblowers. This was at the same time as she commented that the Carnell Bill was both more restrictive and more open than her own Bill. I do not quite understand how it can be both, but I reject the suggestion that the Government's Bill is more friendly. In fact, we see here in the Carnell version a Bill which will be more favourable to those who believe sincerely that there is a case to be made for public benefit.

The Bill before us today deals with dishonest and corrupt conduct or partiality in the performance of a public servant or a unit. It also deals with conduct of an official or unit which amounts to a breach of trust. That goes further than the Follett Bill. It enables investigation of misuse of information acquired in the performance of official duties by public officials. The onus in the Carnell Bill is on honesty. Conduct by public officials should always be able to be challenged openly and legally where it is suspected that the conduct is dishonest, not just illegal. Clearly, the Government has a different view of that matter. The Public Interest Disclosure Bill goes considerably further. It allows the investigation of any matters which constitute criminal conduct or conduct normally open to disciplinary action. It allows the investigation of conduct which is normally reasonable grounds for terminating the services of a public official. It allows the investigation of wastage of public money where that money is not specifically being used to give effect to a law of the Territory - not just, as the Chief Minister's Bill puts it, a gross waste of public funds. It also allows investigation of risks to public health and safety - not necessarily a substantial danger to public health and safety.

I think it is quite wrong to suggest that the Government Bill is comprehensive and complete. I want to deal with one particular aspect of the Bill before us today to illustrate that point. This is the area of unlawful reprisals against those who take advantage of the provisions of this legislation. "Unlawful reprisal" is defined in the Public Interest Disclosure Bill. It is conduct which causes or threatens to cause injury, loss, damage, intimidation, harassment, discrimination, disadvantage or adverse treatment in relation to a career, profession, employment, trade or business of a person who has made a public interest disclosure. We all know that the extent of threatened or actual reprisals in the public service is a factor.

Mr Stevenson referred to the fact that whistleblowers do not as a rule tend to remain in their positions for long after they have disclosed matters, particularly into the public arena. It is obvious that you therefore have to provide very strong protection for public servants and others in circumstances where they might face those reprisals. It is essential that those protections be there. The history of whistleblowing in this country demonstrates that if you do not have the protections there you are going to cut down the number of people who will bring these sorts of matters to the attention of superiors where it might cost them in terms of their job or some other interest.

The Public Interest Disclosure Bill establishes a provision for a person subjected to unlawful reprisals to claim civil damages from a person engaging in such conduct and allows the subject of that reprisal, or the Ombudsman on that person's behalf, to seek an injunction to prevent unlawful reprisals occurring. That is a very significant difference between these two Bills. Another significant difference is in the area of how false complaints are handled. The Public Sector Management Bill contains no provisions at all about this. I assume that either it has been overlooked or it is not intended that there be any provisions dealing with this - to leave the matter, again, uncertain for those who might seek to use the provisions. Presumably an officer might open himself or herself up to disciplinary action under normal public sector guidelines otherwise. Clause 33 of the Public Interest Disclosure Bill establishes a penalty of up to $10,000 or one year's imprisonment, or both, for people knowingly or recklessly making false or misleading declarations.

On the question of reporting, there are important differences. Clause 237 of the Public Sector Management Bill provides that the Auditor-General and the Ombudsman shall publish reports of disclosure and responses in annual reports. However, clause 238 enables an authorised official within a department or authority to decide for himself or herself whether or not to refer a matter to the Ombudsman or the Auditor-General. So it will not necessarily reach the Ombudsman or the Auditor-General. In some circumstances, that referral to those people may not happen and the matter is investigated internally under clause 186 of the Bill, which deals with internal departmental disciplinary action, in which case all documentation is kept secure; that is, there is no reporting.

Clause 10 of the Carnell Bill, by contrast, requires detailing in annual reports of the procedures for whistleblowers. That answers the point the Chief Minister made about there being no provisions there to explain to people what is going on or what are the provisions dealing with whistleblowing. In addition, the unit has to provide in these annual reports statistics showing a number of things: The number of public interest disclosures received in the period of the report; the number of each type of PID received; the number of PIDs referred to that agency by other agencies; the number of PIDs investigated; the number and type of PIDs referred to other agencies; the number of PIDs upon which no action was taken and why; and the number of PIDs taken which were substantiated by investigation. The remedial action taken on each substantiated PID or recommendation of the Ombudsman will have to be shown as well.

If I were seeking to disclose some matter in the public interest, I would much rather have the protections afforded by Mrs Carnell's Bill. I would very much rather be in that position. I think anybody, if they sincerely acknowledge a desire to protect public servants and others in these circumstances, would make that acknowledgment as well. Under our Bill, the maximum protection would be supplied to whistleblowers. Where there is a risk of unlawful reprisal, the complaint will be handled within the relevant authority or by the Ombudsman. It will not be passed around to somebody else. Unlawful reprisals themselves are punishable by a $10,000 fine or up to one year's imprisonment, or both.

Clauses 34 and 35 of our Bill ensure that a whistleblower is not liable for making a PID, although I referred before to false or misleading statements. Whistleblowers will also be provided with information about protection and remedies against unlawful reprisals and, with his or her consent, an officer affected or potentially affected by unlawful reprisals can be relocated. I refer the Chief Minister, if she still thinks there are no provisions about information of that kind, to clauses 25 and 26 of the Bill. I wonder whether she has actually read it.

I refer finally to the point the Chief Minister made about the appropriate location for whistleblower protection. The Chief Minister believes that it should be in her Bill - there are no surprises in that, I suppose - because public sector matters are dealt with in that Bill. I think there is a very good reason for not locating it in that Bill. First of all, let me say that there are many provisions dealing with the role of public servants that are, at least

at the moment, outside public sector legislation. I refer in particular to the Crimes (Offences Against the Government) Act. That is not, as I understand it, being incorporated into the Chief Minister's Bill, so you are not going to have a one-stop shop anyway.

Putting that to one side, the Bill Mrs Carnell has put forward does not apply just to public servants. It applies to anybody, as Mr Kaine pointed out. Any person is covered by this, and that is very important, because there are circumstances where a person who is not a public servant, or an ex-public servant - - -

Mr De Domenico: Board members.

MR HUMPHRIES: As Mr De Domenico points out, board members of statutory authorities, even ordinary individuals who come across information, might, under certain circumstances, be liable for prosecution if they were to disclose that information. That is why it is essential that this be stand-alone legislation. It is not just about public servants; it is about anybody in this community who believes that the public interest in certain circumstances is protected by disclosing certain information.

The two packages before us today are very different and they deserve to be gone through with some care. I welcome the motion Mr Lamont will move to refer them to that committee, already established, which will be looking at this question. I believe that it is only appropriate that we acknowledge that Mrs Carnell has put this issue on the agenda. She deserves credit for that fact, and we ought to accept that the motivation behind her Bill has a great deal more to recommend it than the motivation behind the Chief Minister's Bill.

MR DE DOMENICO (12.12): Madam Speaker, I will not take too much of the Assembly's time. As usual, the technical aspects of the legislation have been most aptly handled by Mr Kaine, followed by Mr Humphries. I listened very intently to the debate, and there were some comments made by Ms Follett and others that need clarifying. Once again, I think it is all about politics. I think Mr Moore hit the nail on the head when he said that he was shown a copy of Mrs Carnell's initial Bill a year ago, and that is what we are talking about today. If it were not for the Liberal Party and Mrs Carnell's Bill, we would not be here debating the issue.

Ms Follett: Why did you not show it to me?

MR DE DOMENICO: Let me answer that question, Ms Follett. When Mrs Carnell went public and suggested that she was getting together a Public Interest Disclosure Bill, what did Mr Connolly say publicly? He said, "We do not need one. The Labor Party would not support this sort of thing because we do not need one". That is the answer to Ms Follett's question. We did not talk to you, Ms Follett, because a senior Minister in your Cabinet said that, as far as the Government was concerned, they were not interested. He was not speaking personally, although from time to time Mr Connolly does tend to disagree with other members of caucus. That is why we did not show the Government a copy of the Bill.

Let me get back to my initial point. In terms of the way this Assembly works on most occasions, if it were not for the Liberal Party and the other three non-Government members, a lot of the good things that have been done would not have been done. Let us get it down on the record so that everybody knows what we are talking about.

Mr Lamont: This was about the same time as you were holding up Dr Hewson as the bastion of all things warm and wet in Australia, was it?

MR DE DOMENICO: I look forward to Mr Lamont's intelligent contribution to this debate later on. It is a case of politics at the expense of the public servants. As my colleague so aptly said, Mrs Carnell's Bill offers more protection for the public servants, and for everyone. The Government's viewpoint is to play their own politics at the expense of everybody else, including public servants.

Ms Follett says, "Why did you not show us a copy of the Bill?". We know exactly what the Government's view is when any information is disclosed. Who will ever forget the health budget disclosures in the *Canberra Times* a couple of years ago? In went the police. One wonders what will happen in the future. Do we send in the tanks next time? That is the Government's view on whistleblowing legislation and protecting public servants.

Mr Humphries made the very good point that the Government's Bill has been drafted, albeit in the last two or three weeks, by the looks of it, under the initial Government view, which was, "We do not think we need one". Based on that, the Government then issued drafting instructions to draft a Bill. Their initial position was, "We do not think we really need one", and the Bill reflects that. Ms Follett's Bill reflects the fact that the Government is being dragged there kicking and screaming, knowing what the numbers are. I acknowledge that Mr Lamont especially can count, and he can count very well.

Mr Lamont: Not as well as you can. I could never turn one vote into four, like you can.

MR DE DOMENICO: The Government is saying, "Let us get a Bill in because it is going to get up anyway". We know that because Mr Connolly publicly said so last year. I will not respond to that interjection because it does not need responding to. Finally, let me say this: Ultimately, it will be this Assembly that decides what is best for the people of the ACT. That is the way it should be and that is the way it will be. When this Assembly decides, we will see, once and for all, whether it is the Liberal Party's and Independents' view of whistleblower legislation that gets up or whether it is the view of Ms Follett, whose initial view was that we did not need a Bill, that gets up.

There is no doubt in the minds of members on this side of the house that it is Mrs Carnell's and the Liberal Party's Bill that is the superior Bill. There was an embryo of the Bill about a year ago and it has been nurtured ever since, with community consultation, public consultation and consultation with those members of this Assembly who showed a real desire to take on board whistleblower legislation. The only party that did not show that desire was the Labor Party. So, for the Labor Party to come in here today and say, "Your Bill is no good; ours is better", is complete and utter humbug and political nonsense. It shows double standards, but we are used to double standards from this Government.

In summary, Madam Speaker, the Liberal Party will quite happily support Mr Lamont's decision to move that this Bill go to the public service committee. We look forward to that committee's deliberations and we feel sure that what comes out of that committee will be in the best interests of all concerned and of the people of the ACT.

MS SZUTY (12.18): Madam Speaker, other speakers this morning have mentioned that Mr Lamont will move to refer the Public Interest Disclosure Bill to the Assembly Select Committee on the Establishment of an ACT Public Service. This is a sensible move, as similar provisions have been included by the ACT Government in their Public Sector Management Bill. The committee is therefore best placed to examine effectively the provisions of both Bills, I believe.

I indicate to the Assembly that I support the concept of the types of provisions contained in the Public Interest Disclosure Bill. The concept has been supported by the Leader of the Opposition, Mrs Carnell, and the Liberal Party in general for some time. Mr Moore mentioned the earlier draft of the Bill that he and I were made aware of last year, if not the year before. That earlier draft was known as the Whistleblowers Protection Bill. I have not had time to revisit the contents of the Public Interest Disclosure Bill in the light of the earlier draft legislation and to compare the provisions of the Government's recently tabled Public Sector Management Bill. It is apparent that the Chief Minister, Ms Follett, has also not had long enough to consider the detail of the Bill. On that note, I welcome the move to refer the Bill to an Assembly committee, of which I am a member, and I look forward to further examining the issues.

I have listened very attentively to the speakers this morning, and I take Mr Humphries's point that we may not end up with one Bill, the Public Sector Management Bill; we may well end up with two pieces of legislation which this Assembly can consider. I have an open mind on the subject, and I look forward to further deliberation on the issues with my committee colleagues.

MR LAMONT (12.20), by leave: I move:

That:

(1) the Public Interest Disclosure Bill 1994 be referred to the Select Committee on the Establishment of an ACT Public Service, and that the Committee report at the same time as it reports on the Public Sector Management Bill 1994;

(2) upon the Committee presenting its report to the Assembly resumption of the debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next sitting.

Madam Speaker, I think it is acknowledged that we have two pieces of competing legislation and it is appropriate that these pieces of legislation be dealt with as a single entity. It is, in my view, an appropriate way to attempt to arrive at one provision relating to whistleblower functions, activities and responsibilities. If we are not able to arrive at that position, so be it; but I think that is an appropriate course of action in the first place.

Referring it to the committee will do a number of other things. Mr De Domenico will be disabused of some of the misconceptions apparent in his address to the Assembly this morning. He will be shown, amongst other things, that, irrespective of this legislation applying inside or outside the ACT public service, it will not apply to the Commonwealth Public Service. If he understood what was being proposed by the Public Sector Management Bill in the ACT, he would know that it will apply to authorities under the control of the ACT. In those circumstances, the lines that have been run by some members of the Opposition will be able to be more closely examined than in a 20-minute speech here today.

What the motion proposes procedurally is that this matter, in terms of the agreement in principle, come back at the same time that we are debating the Public Sector Management Bill. It is appropriate that that occur. I think the process we are endeavouring to implement is quite clear. The committee will be able to disabuse Mr De Domenico of his belief about Cabinet documents and the provisions of the Crimes Act which apply to the - - -

Mr De Domenico: I did not say anything about that.

MR LAMONT: You did. You referred to some other matters about the *Canberra Times* and the police and that sort of thing. You do not understand what those mean and their implications. I hope that your colleague Mr Kaine, who chairs the Select Committee on the Establishment of an ACT Public Service, will have the time to educate you in what would be included and what would not be included. I am confident that he will be able to do that, which will save me disabusing you of your misunderstanding about what is going on. I am sure that even Mr Moore looks forward to having you disabused of those things. Madam Speaker, I believe that this is the appropriate way to deal with this matter. Given that we have a short time to report, I am confident that the Opposition will support this motion.

MR KAINE (12.25): Madam Speaker, the Opposition has no difficulty with this recommendation, except that, as chairman of the select committee, I have to point out that there are one or two problems. First of all, I understand that some feelers were put out to the secretariat earlier this week suggesting that the Public Sector Management Bill was going to be brought up for debate by the Chief Minister next Tuesday. I remind members that the terms of reference of the select committee are such that, the minute that happens, the select committee goes out of existence.

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Ms Follett: You have not met yet.

MR KAINE: I know; that is what is worrying me. As long as the Government and the Assembly are aware that the select committee will need adequate time to examine the two Bills that will now be referred to it, I, as the committee chairman, have no difficulty with that and neither does the Opposition.

MRS CARNELL (Leader of the Opposition) (12.27): I support Mr Lamont's motion to refer this Bill to a committee. I think it is an appropriate way to go. However, I urge members of that committee to look at the Bills in great detail and understand that the whole purpose of whistleblower legislation is to protect the person who wants to disclose, not the system.

MR HUMPHRIES (12.28): Madam Speaker, I note the interjection that Mr Kaine's committee has not met yet. I think it is worth responding that not all of the legislation that his committee is meant to deal with is on the table yet. The Government is still to table the consequential provisions Bill, and when that happens I am sure - - -

Mr Lamont: That is why it is not being brought on next Tuesday.

MR HUMPHRIES: I am sure that that is why Mr Kaine's committee has not met, Mr Lamont.

Mr De Domenico: Stop disabusing Mr Lamont.

MR HUMPHRIES: Educating Mr Lamont is a very difficult task. For better or worse, Madam Speaker, those are the facts.

Question resolved in the affirmative.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

ACTTAB - Link with VicTAB

MS SZUTY: My question without notice is to the Chief Minister, Ms Follett. Is it true that you knew about the severance of the link between ACTTAB and VicTAB prior to the February and March sittings of the Assembly and well in advance of the public announcement made by the then Minister for Sport, Mr Berry, on 15 March, which was when Assembly members were first informed?

MS FOLLETT: Madam Speaker, I ask for your guidance on whether this question would be considered out of order by virtue of being the subject of an inquiry.

MADAM SPEAKER: The process of sub judice, on which I have asked for advice, is that it is, to a certain extent, up to the Assembly to decide. The matter is under inquiry and the answer that may be provided may influence the course of the inquiry in terms of publicity that could be read by witnesses or by the inquirer, and I would caution all members to bear that in mind. I will not rule the question out of order nor direct the Chief Minister not to answer it, but simply say that either in asking the question or in answering the question one runs a very severe risk of influencing future witnesses or in some way influencing the outcome of the inquiry. Chief Minister, you may proceed.

MS FOLLETT: Madam Speaker, it is certainly true to say that Mr Berry had discussed with me the matter of the ACTTAB link with VicTAB before he made his public announcement about VicTAB's action on that matter. I cannot advise members of the precise dates; I do not recall them. It is also the case that I saw a document on that matter, again before the matter was public. Beyond that I am not prepared to comment.

MS SZUTY: I ask a supplementary question, Madam Speaker. According to evidence tabled during the Pearce inquiry by the Department of the Environment, Land and Planning, it is stated at paragraph 5.9 - - -

Mr Connolly: I raise a point of order, Madam Speaker. While you did not rule the first question out of order, a question premised according to evidence given before an inquiry currently proceeding must be an issue that goes to the sub judice convention.

Mr Kaine: On the point of order, Madam Speaker: Surely what is going on in another place does not preclude the Chief Minister answering a question as to whether she knew or did not know something on a certain date. It is totally irrelevant to the inquiry.

MADAM SPEAKER: She has answered that question. I would caution Ms Szuty to look at the standing order on supplementary questions, which does not allow new material to be introduced in a supplementary question. The supplementary question may be only a supplement to the first question that was asked.

Mr Humphries: We have not heard the question yet, so how would we know?

MADAM SPEAKER: If you choose to interrupt, Mr Humphries, perhaps you may take a point of order. Ms Szuty, I would caution you to check the standing order on supplementary questions. I again draw to your attention my caution on any question asked being able to influence the witnesses who are yet to appear before the inquiry. Proceed, Ms Szuty.

MS SZUTY: Madam Speaker, I am well aware of both the issues you have raised. In her answer the Chief Minister said that she had seen the document prior to the sittings in April, when we considered the motion of no confidence in Mr Berry. What I would like the Chief Minister to do is to table the brief which was forwarded to her through the Minister for Sport, for the information of members.

MS FOLLETT: Again, I have to seek your guidance, Madam Speaker. I do not have that document to table. I do not know whether you wish me to acquire that document. Members opposite say that it is a public document. I am willing to try.

MADAM SPEAKER: I will rule on that question at the end of question time, Ms Follett, when I have had a chance to think about the issue. It is a matter of quite some concern to me that this issue has been raised at all in question time. I will proceed cautiously on the document question.

Breast Cancer Research Funding

MS ELLIS: Madam Speaker, my question is directed to the Chief Minister. I ask: Is it true that in the budget handed down last night the Commonwealth has cut funding to the ACT for breast cancer research?

MS FOLLETT: I think all members would agree that increased funding for breast cancer research is something we would support. Members who have visited our own breast cancer screening clinic in Civic have seen the work they do there. It certainly deserves all of our support in trying to detect this disease early. I am very pleased to be able to allay fears that might have arisen that the Commonwealth funding to the ACT has been reduced. In fact, that is not the case, Madam Speaker, and the Commonwealth budget paper that contains those figures is incorrect. What has occurred is that the Northern Territory and the Australian Capital Territory figures have been transposed. The correct figures for the ACT are that the Commonwealth's funding for 1994-95 will total $887,789 and this represents a 19 per cent increase compared with the current year. I am very pleased indeed to see that increase. I am also very pleased to know that in the ACT we are well ahead of some other States in our progress on this matter. Particularly, we are ahead somewhat of New South Wales, our large neighbour. We have got to our target for screening, and I think that is a great achievement. I am very pleased that this work will be able to continue with increased funding. The Commonwealth funding is not the end of the story, of course. It is a significant contribution to the program, but I would like to advise members that overall we expect that expenditure on breast screening in the Territory in the coming year will total some $1.7m. So it is a significant effort indeed.

Commonwealth Public Service - Job Cuts

MRS CARNELL: My question without notice is directed to the Chief Minister. On ABC radio this morning the Chief Minister said:

There have not been massive cuts in the Federal Public Service, and the intentions appear to be that the Commonwealth will be maintaining its work force at about the same level as last year. Now, that is a good sign for us as well.

Noting that the Federal Government plans to slash 352 jobs from the CSIRO in the next 12 months, most of which will be lost in Canberra, can the Chief Minister tell us why that is good news for Federal public servants in the ACT? How can the Chief Minister reconcile her statement on radio this morning with the budget papers, which show that the Federal Government plans to shed more than 715 Public Service jobs over the next year, hundreds of which will be lost in the ACT?

MS FOLLETT: Madam Speaker, I have never at any stage said that the Federal Government would not overall be cutting jobs. What I have said is that they would be maintaining their employment at roughly the same level. I expect that the Commonwealth will undertake the same sort of process of efficiency that we have undertaken in the Territory and that all other governments are also undertaking. Members will know well that I am on the record as opposing the massive removal of jobs from this Territory by the Commonwealth. I have done it in the past and I would do it again. However, members should also know that the ACT is not the only place where Commonwealth public servants are employed; they are employed throughout Australia. It is just not correct to say that all job losses will be occurring in this Territory. That is just not the case.

I have said that there would certainly not be the kind of wholesale transfer of departments out of the Territory that Dr Hewson was promising the citizens of this Territory before the last Federal election. I know that members opposite cringe at the memory of that, but it is the case. Who could ever forget Mr Reith's statement that he would turn Canberra into a ghost town? His proud boast as an election commitment to the people of Canberra was that he would turn it into a ghost town. If there were a sign that there would be jobs lost to the Territory, that is a matter that would concern me. However, we do not have evidence of the kind of wholesale slash and burn approach that was anticipated in some sections of the media prior to the Federal budget, and I am very grateful for that fact.

MRS CARNELL: I ask a supplementary question, Madam Speaker. Chief Minister, if you do not think the loss of 352 jobs from the CSIRO is significant and you question whether they would be from the ACT, what about the 167 jobs that will be lost in Canberra specifically from such areas as the Australian Institute of Criminology, the National Gallery, the War Memorial, the National Film and Sound Archive, the National Library, the Science and Technology Centre, the NCPA, the Bureau of Statistics, the Therapeutic Goods Administration - and I could go on? Are you doubting that those jobs are in the ACT?

MS FOLLETT: What about the 3,000 jobs that Mr Kaine, in his time as Leader of the Opposition and in fact in government - - -

Mr Kaine: On a point of order, Madam Speaker: The Chief Minister has often refused to take questions on the basis that they are hypothetical. There is nothing more hypothetical than what she is putting forward now.

MS FOLLETT: Madam Speaker, I notice that Mr Kaine has taken a point of order on his own members' interjections. That is a very interesting approach from members opposite. The fact is - and it is a fact - that Mr Kaine, while in government, supported by those of his colleagues who saw fit to support him, which was not very many, was proposing to cut 3,000 jobs out of the ACT Administration. There is no doubt about that. He is on the record.

As I have said, I expect the Commonwealth to conduct its business as efficiently as it possibly can in order to provide value for the Australian taxpayers' dollar. That is the same sort of process as we must go through in this Territory and as all governments are going through. If members had read their budget papers they would see that the greatest job losses which were announced yesterday in the budget are in repatriation hospitals, and we do not have one of those in the Territory. At least they have caught on to that. The loss of jobs in repatriation hospitals comes to a total of some 900, which far and away exceeds what Mrs Carnell is speaking of, and not one of those jobs will be lost in the Territory. You should be grateful for those sorts of figures.

Commonwealth Capital Works Projects

MR DE DOMENICO: Madam Speaker, my question without notice is to the Treasurer and relates to the same radio program this morning, when Ms Follett said:

The projects that have been committed here in Canberra are quite significant. They add up to well over $100 million.

Noting that the budget papers show capital works funding from the Commonwealth to be approximately $60m, what is the Treasurer's source for this claim? Is she relying on some other commitment from the Prime Minister that was not included in the budget papers available to the rest of us? If this additional funding does exist, will the Treasurer table the document containing the commitment?

MS FOLLETT: Madam Speaker, I would ask members to do their sums with me. If we look at the budget papers, there is $43m there, from memory, for the refurbishment of the defence offices at Russell. If you look at the refurbishment of the Administrative Building, there is $61m. If we look at the construction of the Department of Industrial Relations' new building, the commitment by the Commonwealth is some $12m. That is over $100m. These are first grade sums that you have not done. Madam Speaker, those additional construction expenditures by the Commonwealth will support jobs in this Territory. I find it extraordinary that members opposite are seeking to denigrate this kind of activity in the Territory.

Mr De Domenico: We are not denigrating at all. We are trying to find out the truth.

MADAM SPEAKER: Order!

MS FOLLETT: That kind of economic activity by the Commonwealth is very important to our economy. Madam Speaker, in speaking to the business people that I have met with today, they recognise that point. It is only the members opposite who do not, or who seek to belittle it.

Mr Berry: I raise a point of order, Madam Speaker. There was a clear imputation from Mr De Domenico about the truthfulness of the Chief Minister's response. Mr De Domenico would not know the truth if he saw it, but I ask that you require him to withdraw that.

Mr De Domenico: Who misled the Assembly, Mr Berry? Don't you stand up and talk about the truth.

MADAM SPEAKER: Mr De Domenico, order! Thank you for bringing that to my attention, Mr Berry. The level of interjections was such that I did not hear the comment.

Mr Berry: No, the difference is that you said that I misled the Assembly.

MADAM SPEAKER: Order!

Mr De Domenico: No; the Assembly agreed, Mr Berry.

MADAM SPEAKER: Order! Mr De Domenico, I will ask you to withdraw everything in a moment. Let us have a bit of order.

Mr De Domenico: Well, tell Mr Berry the same thing.

MADAM SPEAKER: Order! Mr De Domenico, you are being asked to withdraw an improper imputation. I am giving you leeway because I did not hear it. I will caution you. You may either choose to withdraw it or make no more such imputations.

Mr De Domenico: Thank you, Madam Speaker.

Housing and Community Services

MRS GRASSBY: My question is directed to the Deputy Chief Minister in his capacity as Minister for Housing and Community Services. In light of the wonderful budget that the Federal Government brought down last night, what are the implications of the Federal budget for ACT Housing and Community Services?

MR LAMONT: I thank the member for her question. With much delight I rise to my feet to inform the Assembly of the significant improvements announced in last night's budget. New initiatives in direct Commonwealth programs will have a positive impact on the ACT. I am hopeful that those opposite will remain quiet and contain their enthusiasm for these new initiatives for long enough to make sure that they are adequately recorded in *Hansard*. In the first instance, Madam Speaker, there will be increased funding for family mediation in the ACT. There will be supplementation of the job placement and employment and training programs which find jobs for young homeless people. There will be improvements in access to social security services for young people and homeless people, and a new program to develop housing options for older people. Improvements in employment training programs for people with a disability should help injured workers and people with disabilities moving from training to work.

As expected, Madam Speaker - I am very pleased that this was announced last evening - the Commonwealth has implemented an innovative national prevention strategy for child abuse and neglect. All of the States and Territories will be involved in that program, and I am sure that it has the total support and commitment of all members of this Assembly. In addition, Madam Speaker, the budget provides funds to continue the national child-care strategy. These last two initiatives, in my view and in the view of this Government, are matters which will receive, and should receive, the support of the community at large, but most certainly of this Assembly. I look forward, as the responsible Minister, to working not only with my Government colleagues but also with those opposite and on the cross benches to implement these strategies in the coming year.

Literacy Survey

MR CORNWELL: My question is to Mr Wood, the Minister for Education. Mr Wood, I refer to the Federal Government's decision to provide $3.2m over the next three years to conduct a national survey of the literacy of students aged 7, 9 and 13 years. Do you know how much is going to be provided for the ACT?

MR WOOD: Madam Speaker, I do not know how much will be provided to the ACT. It is obviously a national program, so the ACT will clearly be part of it. I am surprised that Mr Cornwell, in view of the tone of questions from the Opposition today, has dared to ask a question about education. What the national ALP Government has done in education is just so far ahead of what John Hewson was proposing that any question from that side is simply laughable. When you compare the different policies of Hewson and Keating in vocational education and training in particular, you people ought to be ashamed of yourselves. You ought to close your mouths on the subject of education. The ALP Government in Canberra will be providing nationally $1.5 billion for vocational training up to 1997. That is an immense amount of money. Hewson was barely able to perceive of any need at all. He could not comprehend the issue at stake.

I have a list of what the budget provides in the way of education over and above the immense amount that the Commonwealth has been pouring into education over the years. Incidentally, the conservative States, Mr Cornwell's colleagues in Western Australia in particular, do not really want it. They are not very happy with the Commonwealth contribution. They seem to want the Commonwealth to get out of education altogether. There is $48m over the next three years for national Asian languages and study strategies to encourage further what we do in Canberra, and what other schools in Australia do, in teaching Asian languages. That is something I have never heard the Opposition talk about. There is off-the-job training provider assistance, to come through ANTA, worth $8.6m nationally. That is a very specific program which will also feed back to the ACT. There is about $9m as part of the national equity program, of which we will get our share, for early literacy - to improve further our very strong efforts in that area.

There is also, as Mr Cornwell mentioned - it was the only point he picked up, of course, because there is too much good news in it - the $3m for the national survey of Australian literacy. There is $38m, over four years, for more school and industry training programs - something the ACT has been doing very well at. With our share of that money, we will be doing even better on it. Education is a high priority for the ACT Government. It has also been a high priority for the Keating Government, especially in the area of vocational education and training. If you were to pay some attention to it, you would not dare ask a question.

MR CORNWELL: Madam Speaker, I have a supplementary question. Mr Wood has indicated that he does not know how much of the $3.2m for the literacy study will be provided to the Territory. In the *Canberra Times* of 30 September 1991, Mr Wood, you said that the ACT is the only public education system which does not have some form of uniform monitoring of literacy and numeracy, and there is no urgency. On 20 May 1992 you went on to say:

The ACT Government has not changed its general view about mass testing of pupils in grades 3, 4, 5, 6, 7 and so on. We still know very well what happens there; we still know that the Year 12 graduates we turn out are excellent by all criteria.

Mr Wood, do you now agree with your Federal colleagues that there is now an urgency for such testing here in the ACT, as you have indicated that we are getting some funding, and therefore does this indicate a deterioration in the standards of education in the ACT since 1991 under an ACT Labor Government?

MR WOOD: Why does he lead with his chin? First of all, Mr Cornwell said that he wanted to know exactly how much of that $3m was coming to the ACT following an announcement that was made in the Commonwealth budget last night. You can do your divisions if you like. If it is on a per capita basis, I think we get about 1.8 per cent of the national spending. In fact, I do not know whether we will get any money specifically here - - -

Mr Cornwell: Ha, ha!

MR WOOD: Do not be stupid. This clearly is a national program, with the Federal Government obviously working in cooperation with the States and the non-government sector, to implement a snapshot. They are the words that they have been using. Its organisation will be national and local. To the extent that we actually get some money into this system, who knows at this stage? We will be willing to cooperate. If all we have to do is to provide some input, as I would certainly expect, into the testing arrangements and into the nature of those tests - that is a very important aspect - we will willingly provide that advice and guidance at no cost to the Commonwealth. If it then comes down to a matter of providing the sampling that is probably necessary - it is certainly not going to be a test of every student in Australia; it is a sampling arrangement - we will provide our contribution and whatever information is required. On the day of the testing we will, with the non-government schools, I expect, fully support what is required. There may be

no actual cost to the ACT, but you had not thought about that. There may be some contribution to that $3m coming to the ACT, but I really expect that that will be substantially the Commonwealth cost. I will be happy to provide all the arrangements here that we can. If you had thought about this just a little bit more, you would not have asked those questions.

ACTTAB - Link with VicTAB

MR MOORE: Madam Speaker, my question is directed to the Chief Minister. It relates to a public document also referred to by Ms Szuty. Madam Speaker, I shall take care to note what you said earlier. The public document that I refer to is a submission to the board of inquiry from the Department of the Environment, Land and Planning.

MADAM SPEAKER: Mr Moore, in what way is that public? I do not quite understand this business. May I question you, using the prerogative of the Chair?

MR MOORE: Certainly, Madam Speaker. As part of the submissions that were made to the board of inquiry, I understand that this document was made public.

MADAM SPEAKER: I am sorry; I still do not understand. Is it under an authority to be published, to be used anywhere else, to be distributed, or to be given to anyone? I simply do not understand; I am sorry, Mr Moore. That is why I am asking you.

Mr Connolly: Are you trying to use this Assembly to get privilege?

MR MOORE: Madam Speaker, I am not using this Assembly to get privilege. I shall only quote - - -

MADAM SPEAKER: I am not inferring that, no.

MR MOORE: I do not have those details at my fingertips, Madam Speaker. I shall just quote two lines from the document, Madam Speaker. It says - - -

Mr Lamont: Madam Speaker, I rise to take a point of order in relation to the use of the document that has been referred to by Ms Szuty and now by Mr Moore. I understand that this document is a document that will be considered by Professor Pearce in his deliberations on the evidence presented to him by people appearing before his inquiry. For this Assembly to be debating, discussing and/or dissecting such a document while that inquiry is still being undertaken involves, I would suggest, at the worst - - -

Mr Berry: Propriety is not going to worry Mr Moore.

Mr Lamont: There is a question of propriety. On the best scenario, this does not necessarily place this Assembly, or members of the Assembly, in contempt of that inquiry; but it would, I believe, lead to the public in general viewing the conduct of this Assembly in a far lesser light if we have a document which will be used to arrive at a decision by Professor Pearce being debated and discussed in this Assembly.

Mr Humphries: May I address you on the point of order, Madam Speaker?

MADAM SPEAKER: Just a minute; I want a moment for myself with the Clerk. Mr Moore, I am sorry that I addressed the question to you. If you spare me a moment, I will now ask the Clerk the same question because that is what I am uneasy about. It is not for you to give me that answer. I will seek advice from the proper authority. I will take your point of order on the point of order in a moment, Mr Humphries. I was seeking confirmation of something that I thought was right, Mr Moore. I was simply curious as to the status of the document. You are in fact entitled to proceed exactly as you chose to proceed under my guidance beforehand. Mr Lamont's point is again a further point of guidance, in that people may misinterpret your intent; but that is up to you. Mr Humphries did have a point of order. I am willing to entertain it.

Mr Humphries: I think it has been taken care of, Madam Speaker.

MADAM SPEAKER: Are you happy enough with that?

Mr Humphries: Yes.

MADAM SPEAKER: Fine. I wanted to be absolutely sure of the status of the document. The Clerk rightly confirms that my previous guidance is sufficient.

MR MOORE: Thank you, Madam Speaker. I indicated to you that I would take note of that guidance. The two lines I wish to quote are:

On 17 February 1994, Mr Meyer forwarded a brief to the Chief Minister through the Minister for Sport advising of the cancellation of the linked pool arrangement.

Madam Speaker, my question to the Chief Minister is this: Is this the brief that you referred to? Did you read this briefing? Also, as part of the clarification arising from Ms Szuty's question, will you make that document available to members of the Assembly?

MS FOLLETT: Madam Speaker, I do not have the document with me. I have said already that I had seen at least one document. I think it was only one. I have not denied that. It could well be this one. I would have to check the document, which I have not done.

MADAM SPEAKER: May I now say what I was going to say on the previous question that the Chief Minister had asked me about the document, and then I will take your supplementary question, Mr Moore. As the Chief Minister rightly pointed out, you cannot ask for a document in the Assembly unless it has been quoted from. On that point of order, that is the beginning, as you know, under standing order 213.

Mr Moore: I have a supplementary question, Madam Speaker.

MADAM SPEAKER: Let me finish, because I want to make absolutely clear the Chief Minister's rights in terms of being asked about documents in response to Ms Szuty's question and in response to the Chief Minister's request. In general practice the documents that the house orders to be tabled should be of a public or official nature. In this situation it is up to the Chief Minister. Of course, the house can order her, should it so choose, by motion; but I caution that, in general, the practice is only to call for papers that are official or are of a public nature.

Mr Humphries: I raise a point of order, Madam Speaker. Standing order 213 refers to a document being ordered by the Assembly to be presented. I do not think the question Ms Szuty asked proposed that there should be any order on Ms Follett. There was a question about whether she would table the document. The question to her was whether she would table the document.

MADAM SPEAKER: Yes, your point of order is quite correct, Mr Humphries. I wanted to put it in the general context - that usually, when one asks for papers, it is papers that are quoted from. For orders, you are quite right. I think we are all clear.

MR MOORE: My supplementary question, Madam Speaker, relates to the document to which Ms Szuty referred and to which I have also referred. Will the Chief Minister now indicate whether she will make it available to members of the Assembly?

MS FOLLETT: I have already answered the question, Madam Speaker. I said that I will look for the document and consider the matter, and again take your guidance on it.

Fringe Benefits Tax

MR WESTENDE: Madam Speaker, my question without notice is directed to the Chief Minister in her capacity as Treasurer. I draw her attention to last night's Federal budget. The Commonwealth is expecting a substantial increase in collections of fringe benefits tax in 1994-95 - an increase of some 131 per cent to $3.23 billion. What is the extent of the increase in liability for the ACT Government and its agencies in the coming financial year? What arrangement is the Government considering to deal with this impost on the Territory?

MS FOLLETT: Madam Speaker, I will have to take that on notice. I do not have my calculator handy. I will attempt to get the sums done for Mr Westende.

Hospital Services - Interstate Patients

MR STEVENSON: My question is to Mr Connolly, as Health Minister. It concerns the use of the ACT hospital system by patients from New South Wales. Firstly, I ask whether he has an understanding of how many there are. What are the current arrangements with the New South Wales Government for subsidising those patients? When was the last review of that area done? Do those arrangements look fair to both sides? As one of his staff mentioned a little earlier, as the ski season is coming, perhaps this is the relevant time to look at it.

MR CONNOLLY: I thank Mr Stevenson for his question. This is a very sensible question to ask on the important public issue of health. As far as I am aware, it is an issue that the Opposition never raised with my predecessor, despite their huffing and their puffing, and their whingeing and their moaning. Mr Stevenson, I think, is the first member of the Assembly to ask for some public disclosure about this very important issue. Madam Speaker, the cross-border financial arrangements for health are very important because something like 25 per cent of the public hospital patients in the ACT are from out of State. While for most other States it is a sort of knock-for-knock arrangement and it all cancels out, for the ACT there is a massive imbalance in the sense that far more New South Wales patients end up in the ACT than our patients end up in New South Wales.

The issue is addressed in the Medicare agreement. The Medicare agreement, you may be aware, was re-signed in 1993 for a five-year period. This was an issue that Mr Berry, as the then Minister, pursued with some vigour to ensure that we got the best deal for the ACT. The structure that has been arrived at for these cross-border arrangements works on what are called the KPMG - referring to Peat Marwick, the national accounting group - national cost weights. This is an accounting formula for working out the cost of a person in a bed in a public hospital in Australia. As a result of some vigorous negotiations, the cross-border deal with New South Wales was worked out not on the KPMG national average cost weights but specifically on metropolitan cost weights, recognising that it is not an average hospital bed stay. New South Wales residents coming to the ACT tend to be in our major hospital, mostly Woden, for major items. As a result of that we have a better deal with New South Wales than we have with other States, based on metropolitan cost weights, and this benefits the ACT to the tune of about a million dollars in front of where we otherwise would have been.

I am happy to table for Mr Stevenson's information the breakdown of cross-border payments and receipts intended for the current financial year. The bottom line is, Madam Speaker, that we have a total revenue of nearly $31m coming in under that formula and expenditure going out of some $5.5m, for a total net benefit of about $25m. The bulk of that by far is from New South Wales. This matter is taken very seriously by the Government. It was taken very seriously by Mr Berry when that 1993 Medicare agreement was being negotiated.

Do we think it is a fair deal? One can always think we should have done better; but we did, in our negotiations with the Commonwealth and New South Wales, get a better deal on that important issue for us of New South Wales patients than is the case with other States. We are maintaining, and have maintained for some time with the other States, that they also should reflect the metropolitan cost for the ACT because, again, their patients seem to be in our major hospital. We are probably down by about $35,000 because we do not have that formula for the rest of Australia; but that really is fairly minor compared to the important cost pressure from New South Wales, where we have the better deal. I am happy to table, Madam Speaker, a chart showing cross-border payments for 1993-94. Mr Stevenson is quite right in saying that in the ski season we probably will end up with a few more fractures.

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

Commonwealth Public Service - Job Cuts

MS FOLLETT: I would like to add briefly to an answer that I gave in response to a question without notice from Mrs Carnell concerning jobs in the Commonwealth Public Service as a result of the budget. I would refer members to the Commonwealth budget papers, table 14, "Total Running Costs and Staffing, All Agencies". The figures in that table show that for 1993-94 the total staffing for the Commonwealth is 157,553. For 1994-95 the figure is 156,838. That is 715 fewer. Madam Speaker, if you put against that the fact that the repatriation hospitals are to lose 906 jobs, it would appear that the public service generally is expected to increase by some 191 jobs.

AUDITOR-GENERAL - REPORT NO. 1 OF 1994
Overtime and Allowances - Part 2

MADAM SPEAKER: Members, I present, for your information, the Auditor-General's report No. 1 of 1994, "Overtime and Allowances - Part 2".

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

That the Assembly authorises the publication of Auditor-General's report No. 1 of 1994.

INTERNATIONAL AIRPORT
Discussion of Matter of Public Importance

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

Why we should strongly support Canberra as an international airline destination in time for the Sydney Olympic Games.

MR STEVENSON (3.12): What is the difference between Canberra and Cairns, Townsville, Darwin, Broome and Hobart? Apart from the fact that they all have a far lower number of people living there, the answer is - - -

Mrs Grassby: It is the temperature. It is warmer up there.

MR STEVENSON: Not in Hobart. The answer is that, while Canberra is the national capital, they all have an international airport and we do not. Most people in Canberra and around Australia who are involved in aviation would agree that the question is not whether Canberra Airport will become an international airport but simply when it will.

Today I want to present some of the reasons why we should work toward that happening in time for the Olympic Games to be held in Sydney. I do not call them the Sydney Olympic Games because we could well be involved in hosting some of those events. I have found out a number of interesting things during research on this area. One that is important is how international airports operate in Australia. They all operate on a paired airport destination basis. What that means is that when an aircraft arrives from overseas at one location it terminates a portion of its passengers and picks up a number of passengers who are going to fly out, overseas, back to the original departure point of the aircraft. It then flies into the second Australian airport and terminates the rest of the passengers.

Mr De Domenico: Oh! With heat-seeking missiles or what?

MR STEVENSON: I did look at that. Apparently that is a term that is used in the industry and I thought I would use it. I would have preferred something else. It is like a number of things that happen with regard to airports. Some of us are a little concerned when we fly. You take your concerns and your case out to the airport and just before you leave they say, "This is your final call", which does nothing to make you feel better.

Once they have terminated the rest of the passengers they flew into Australia with, at the second airport at which they have landed in Australia, they pick up the rest of the passengers who are going to fly overseas. They do not take domestic passengers; they take international passengers. That is how every international airport operates in Australia, and that is how Canberra will operate when we have international flights coming into Canberra.

One could say that we already have international flights coming into Canberra. There are 600 people a year arriving in Canberra directly from an overseas country. There are all sorts of reasons for that. The principle of this paired airport system could work well for Canberra. For instance, a Boeing 737 - they carry 110 passengers - could fly direct from New Zealand to Canberra, particularly now that the Commonwealth has designated the trans-Tasman route as a domestic route, and then fly to another major destination. It would not be Sydney, of course, as that is too close; but it could well be Melbourne, Brisbane or one of the other international airports.

There are 12 major airports in Australia, although not all of them are international. We could have twin-engine, wide-bodied aircraft being used initially in Canberra. Most of the international carriers currently flying to Australia have such aircraft in their fleets. Qantas operates Boeing 767 aircraft on both its international routes and its domestic routes. Very simply, Canberra can already have unrestricted flights for these 767 aircraft. At one time Britannia Airways flew charter passengers into Canberra. They had one flight arriving every 10 days; so, to that degree, we were an international airport. We are not necessarily talking about bringing loads of 350 people in per day or per week. The idea is to do it on a gradient. The development and infrastructure costs do not need to be high at the outset. As we pick up more international passengers we can increase the length of the runway, the width of the runway, the taxiing areas and the parking areas. As Trevor Kaine would know, it is important to have plenty of parking space.

Mr Kaine: Plenty of air space too.

MR STEVENSON: Particularly when the aircraft are a lot bigger than a Cessna or whatever it is that Mr Kaine is currently flying.

Mr Kaine: A Piper Warrior.

MR STEVENSON: It is a Piper, is it? One of the benefits to international passengers flying directly to Canberra is that it could well save them costs. If they off-load at one of the other international airports they are required to pay a domestic fare to Canberra, which is not cheap. If that trip was included on a direct flight their fare could well be lower. That would depend on the carrier and whether or not they were getting reduced rates for flying into major airports.

Let us look at some of the other international airports in Australia. We well know about Sydney, Melbourne, Brisbane and so on; but let us look at some of the others. Broome has an international airport, although, currently, there are no scheduled international flights coming in there. They have a population of some 8,000 people. Townsville, with 118,000 people, has one international carrier flying there regularly. They have, per year, 15,000 international passengers. When I talk about international passengers, they are the ones who come in. Of course, nearly all of them go out again.

You would double that if you wanted to say total flights, but I talk about people who arrive. Cairns has 90,000 people living there and they get 330,000 international passengers from seven international carriers. Hobart has two international carriers. They have 190,000 people and about 4,500 people arrive from overseas each year. Darwin has six carriers. They have about 80,000 people and about 44,000 arrive from overseas each year.

It is interesting to look at the scope there is for international passengers into Canberra. At the moment international visitors to Canberra make up about 8 to 10 per cent of all the people who visit Australia each year. About 242,000 international visitors arrive in Canberra, not necessarily by plane, in a year. The last year for which we have the figures was 1992. Hobart originally was provided with an international terminal because of the Hobart casino. They looked at attracting New Zealand tourists directly to Hobart. Hobart could never expect to fill a 747 each week. They even had difficulty filling a 737, with its 110 passengers, weekly. Darwin originally became an international airport because of the requirement for servicing and refuelling. Aircraft coming in from overseas needed to stop, particularly after a long - - -

Mr Connolly: It became an international airport when Kingsford Smith landed there. It was the first plane to land in Australia, Dennis.

MR STEVENSON: Well said, Mr Connolly. No doubt he needed refuelling and servicing as well. Obviously, with modern technology, aircraft are capable of over-flying Darwin, and for many years Darwin was little used. In the last three to five years its use has increased because of international passengers coming to Kakadu and Ayers Rock. Domestic passenger throughput at Canberra certainly exceeds that of Darwin. Townsville was given international status by the Commonwealth Government because they required Qantas to fly a direct service between San Francisco and Townsville. They were using the 747 aircraft, which was new at the time, and it carried 350 passengers. That coincided with the Paul Hogan tourist promotions overseas and they did very nicely. Townsville was an immediate success for the Government and it directed Qantas and British Airways to open a new international service to Adelaide. That required fast-tracking of a new international terminal there, which they did. It was similar to what was done at Townsville. The situations were similar. It was fast-tracked, and there were benefits from that.

Qantas and British Airways, who had been directed to fly into Adelaide Airport, were both critical of the Federal Government for requiring them to do that. For some time they operated uneconomically. Because of that the British Government reduced the number of Qantas flights into London at Heathrow and suggested that they could have extra flights into Birmingham. This is what happens when governments start making regulations. Adelaide, since then, has done very well. As I mentioned earlier, there are quite a few international flights coming into Adelaide. Although the first two companies were directed to fly there, it then became commercially popular. There are 12 major airports in Australia and seven of them operate economically. They make a profit.

Let us look at some of the benefits to Canberra. Obviously it would be a tremendous benefit for Canberrans as far as tourism is concerned. I do not need to highlight the specific benefits in that area. It would affect every aspect of the infrastructure. Just think of the airport services, such as refuellers. Filling up big planes is expensive and a profitable business. Think of the aircraft servicing and maintenance people. It would be likely that if Canberra was an international airport international carriers would use local people to service their aircraft rather than setting up their own bases. There are the airfreight handlers. It has been suggested, as the Chief Minister mentioned yesterday, that Canberra could become a major airfreight handler. There would be benefits for duty-free shops and everything else - the entire infrastructure throughout Canberra, including, of course, the ACT Assembly, who would get their hands on more taxes in one way or another.

I mentioned earlier that we do need to look at a number of major factors, such as airport length. At the moment in Canberra it is 8,500 feet. In Sydney it is 13,000 feet. These things can be done gradually as we get more international passengers coming to Canberra. That is the way to do it. We do not need large outlays of money initially. It can be done over a period and it could work beautifully. As for the types of aircraft which could fly here, a Boeing 727 takes 130 passengers. I mentioned that the Boeing 737, with 110 passengers, can already fly into Canberra. This has been done on a charter basis. The Concorde could fly into Canberra with 100 passengers on unrestricted flights.

Mr Kaine: Is the runway long enough for a Concorde?

MR STEVENSON: Yes, because they get off very rapidly.

Mr Kaine: I am not thinking about getting off; I am thinking about getting on.

MR STEVENSON: They come down and stop rapidly as well. It is not a problem for the Concorde. The 747s can land in Canberra, and have done so. When President Bush was here we had three 747s land at Canberra Airport. They can land and they can take off. The problem is that there is not a large safety margin, so if you have a problem you could have a real problem.

Mr Kaine: And you would have to shift all the runway lighting.

MR STEVENSON: You have to move the runway in a hurry, yes. As I said, 767s can come into Canberra. The question is not whether we have an international airport in Canberra. The only question we need to ask is when. There are benefits to Canberra and to people coming from overseas. Rather than rush into the hurly-burly of Melbourne or Sydney, or all that sun in Queensland, why not come to Canberra, relax for a few days and enjoy the benefits of Canberra? It is like going to the United States. Rather than going to New York, why not go to Albany, where you can relax for a few days while you plan your detailed attack on the big cities? This could be a benefit for people coming from overseas. We could start major tourist campaigns around the world.

MR DEPUTY SPEAKER: Order! Your time has expired.

MS FOLLETT (Chief Minister and Treasurer) (3.28): I welcome the opportunity that Mr Stevenson has provided to tell the Assembly again what the Government is doing in the way of attracting more international visitors to Canberra and to ensure that we do maximise the opportunities presented by the Sydney Olympic Games in the year 2000. Members will know that tourism in Canberra employs some 9,000 people and many of them are young people. We are very keen to explore all potential opportunities - I stress all potential opportunities - to increase the number and the range of jobs that are provided in this area.

Mr Deputy Speaker, direct international flights to Canberra are only one way of bringing international visitors here. I would like to make the point that Canberra is already a destination for international airlines. Qantas is an international airline and it brings international passengers from other cities to Canberra all the time. Ansett has a code share arrangement with United Airlines which effectively includes Canberra as a point on United's global network. Ansett has international rights to fly to Indonesia, Japan and New Zealand, and these will be progressively developed within the next 12 months; so Ansett also will become a designated international airline. Both airlines transport passengers from other international airlines.

We should also note, Mr Deputy Speaker, that the airline industry is changing the way in which it operates. There are two major changes going on. There is an increasing trend towards what are called hub and spoke airports in the United States, Europe and Australia, and this will increase as aircraft become larger. As passengers are off-loaded onto smaller interstate aircraft, airlines are able to streamline their schedules and avoid the very steep cost of flying part-empty jumbos on domestic legs. Sixty-three per cent of all international visitors to Canberra come through Sydney at present. The other major hubs in Australia are Brisbane, Cairns and Melbourne.

Hand in hand with that hub and spoke development is seamless or painless transfer, the process whereby passengers are transferred to and from domestic flights with the minimum of inconvenience and the minimum loss of time. Eventually this will mean that domestic timetables will be much more closely coordinated with international arrivals and departures, and that domestic and international flights will operate from the same terminals in the hubs. That, of course, will increase the efficiency of transfers enormously. In fact, Canberrans going overseas now will notice that this is partly in place. Ticketing, luggage and boarding passes can all be finalised at Canberra Airport, and that avoids queuing for a second check-in at Sydney.

The Government is examining ways in which we can attract more international visitors to Canberra, whatever mode of transport they choose, be it air, road or rail. As Mr Stevenson has pointed out, there were some 254,000 international visitors to Canberra in 1992-93, and only 32 per cent of them came by air. Forty-one per cent came by vehicle and 25 per cent came by coach or bus. We do need to ensure that there are efficient ways of bringing visitors to Canberra by road especially, and also by rail.

Everybody here would agree that Canberra is a unique visitor destination - as the national capital of Australia, as a totally planned city, and as a city with a wide variety and large number of attractions. The city is marketed internationally as a clean, green, safe and friendly destination. It offers the international visitor an experience of city life and culture and the nearby Australian bush. There is a growing number of built and natural attractions which offer international visitors very wide-ranging experiences, from the arts, cultural and heritage features to the national park, Namadgi, with its many and varied species of flora and fauna. I will not go through the attractions of Canberra; I am sure that all members here know and love them. I would like to say, though, that I do consider that ecotourism has enormous potential for the ACT, and I was very pleased to announce a process of drawing up an ecotourism strategy for the Territory. I hope that serious commentators, at least, will want to take part in drawing up a suitable strategy for the Territory - one which, whilst it makes the most of our natural features, at the same time protects those very features from exploitation and from degradation, because they are not just there for us; they are there for future generations, and they need that protection.

Mr Deputy Speaker, I think it is fair to say that Canberra's facilities for international visitors are of world-class standard. That includes the hotels, restaurants, sporting facilities and so on. The opportunities for the city to host major international sporting and other events leading up to, during and post the year 2000 Olympics are excellent. International sports like soccer, equestrian sports and handball are currently being considered for Canberra leading up to the Olympics. Identifying and maximising those opportunities is very important. The world cup showjumping event that was held recently in Canberra is one such example. Traditionally this event does not receive international media coverage. However, our Tourism Commission was able to arrange for one hour of highlights from this event to be replayed on Eurosport and Star Television to an estimated audience of 300 million viewers in Europe, North America and Asia. The centenary of Australian Federation in 2001 is also seen as a marketing plus for Canberra as an international destination. Many events and celebrations will be held in support of this important year, and it is my belief that Canberra should be the focus for those events.

Mr Deputy Speaker, the Tourism Commission's international marketing efforts are being concentrated in a few key market areas. They are Japan, Asia generally, and New Zealand. These markets are already providing some 45 per cent of the total international tourist visitors to Australia, and they are forecast to grow in importance. Japan and Asia alone are forecast to provide over 50 per cent of all international visitors to Australia in the year 2000. To further promote Canberra in the international marketplace, 10 publications which are produced by the Tourism Commission are distributed throughout Europe, the United Kingdom, America, New Zealand, Japan, Asia and, of course, Australia.

The Government's business delegation which I led to Japan in October/November last year was integral in forming important tourism links. Japan is the largest single country provider of visitors to Australia, and the Tourism Commission is continuing to build up and to strengthen the contacts that were made during that visit. As members will be aware, I have also been supportive of the possibility of upgrading Canberra Airport to international status. The Standing Committee on Tourism and ACT Promotion is

currently investigating what is required for, and the economic viability of, upgrading the airport to international status. As I informed members yesterday, my department has commissioned a consultant to investigate aspects related to the establishment of an international facility at Canberra Airport, and we will be presenting a submission to the standing committee on 24 May, I believe.

As members know by now, the Federal Government has announced that over the next four years it will sell all the airports that are owned by the Federal Airports Corporation. The ACT Government is examining options regarding the airport, but this will require complex negotiations between the Departments of Defence and Transport, the National Capital Planning Authority, the airlines themselves, the local shire councils and, of course, the community.

Mr Deputy Speaker, we do recognise that the ACT has enormous potential to attract international visitors. We have here a unique product - a product that is growing and developing, and a product which we are promoting in key international markets. The attraction of additional international visitors to the ACT is a very important element in the development of what is one of our key industries, namely, tourism. The Government, in conjunction with the private sector, is taking positive steps to expand this market. The question of how the visitors get here is also very important. The Government has been pursuing the development of Canberra's external transport links - air, road and rail - as a matter of economic importance. Within that context, air links obviously are especially important to international visitors. The Government will continue to explore the options for improving access for international visitors.

MR WESTENDE (3.38): This matter of public importance is "Why we should strongly support Canberra as an international airline destination in time for the Sydney Olympic Games". I, for one, certainly do not have to be sold on that idea. It therefore gives me great pleasure to speak to this MPI. As the Chief Minister said, the Standing Committee on ACT Tourism and Promotion is currently conducting an inquiry into the feasibility of Canberra Airport getting international status. Without infringing on the findings of this committee, I will cover some general but very important facts.

Canberra Airport is currently a joint Department of Defence and Federal Airports Corporation facility. If my information is correct, and I believe that it is, the FAC has only a 99-year lease on the land west of the north-south runway. The FAC in turn subleases sections of the land to both Ansett and Qantas, which in turn own the terminal buildings erected on those subleases. It would therefore appear to me that, for the ACT to acquire the FAC's interest in the 99-year lease, not a great deal of money would be involved. Remember that the land is owned by the Defence Department, the FAC has only a 99-year sublease, and Ansett and Qantas have subleases and own the buildings that are erected thereon.

Fact two is that Canberra is a profitable airport. For the year ended 30 June 1993 Canberra Airport made just under $3m in profit. That fact can be easily ascertained from the 1993 FAC annual report. Probably less than half of the FAC's airports are running at a profit. Therefore, it could not really be considered a drain on finances, and this would assist in making an international airport a viable proposition.

Let us look at fact three. According to the FAC submission, upgrading Canberra Airport to accommodate B747 aircraft would cost $25m, excluding the terminal. In fact, according to the FAC submission, a totally new facility including combined domestic and international terminals, and upgrading all the services, such as the runways, would cost $57.5m. Let us look at it. Here we are talking about a once only capital cost which can be written off over a number of years. Compare this with the subsidy that this Government gives every year to ACTION buses, which is written off each and every year. If you compare the economic benefits of the two propositions, I know which one I would take.

What we need, Mr Deputy Speaker, is a government with a bit of courage, the courage of its conviction that Canberra is the capital of Australia and has very little commercial infrastructure on which the economy depends. What we need is the political willpower to proceed to develop our most important industry, and that is tourism. Tourism is Canberra's most important commercial source of income - income which equals jobs, especially for our youth. Canberra gets only a very small proportion of the international visitors - some 200,000-plus per annum out of the total of some three million, according to the *Canberra Times* of 13 January. I quote from the Federal Government's white paper of last week, under the heading "Tourism - Industry Profile":

... the real growth potential lies with inbound tourism which is expected to grow at an average rate of between 8 and 13 per cent per year.

It is therefore most important that we broaden our base in tourism, and the most important way is to attract international tourism. We know from the ABS publication "Australian Capital Territory in Focus", which deals with the 1991-92 figures and which was issued in 1993, that in 1991 the ACT generated some $47m from international visitors. That came from only about 30,000 international visitors. ATIA and the ACT Tourism Commission estimated that in 1992-93 over 200,000 international visitors contributed some $100m to $120m to the ACT economy. If we could only double that figure of 200,000-plus, Canberra tourism would benefit by a total of some $250m per annum. In my opinion that is not an insignificant sum. This would in itself create jobs for our young people, and this is an area where we are lagging behind the rest of Australia.

Let us hear what the ACT 2000 Committee, under the chairmanship of Jim Service, had to say. I quote:

The experience of Cairns, Queensland, in establishing international facilities and successfully increasing tourism through aggressive marketing, is an indication of the benefits that could be derived for Canberra and the region.

He continued:

The Committee believes that private sector development will provide the essence of economic growth for Canberra in the future. International facilities at Canberra Airport will enhance our competitive advantage in developing the ACT's private sector and add value as the National Capital and the home of Federal Government.

May I reiterate what I said before: Tourism is our biggest industry and we do not have a great deal of commercial infrastructure in this town. We are fairly limited. We do not have many large factory facilities and supports. He went further and said:

International facilities developed at Canberra Airport would also facilitate the following opportunities, which are directly related to the 2000 Games.

. As the home of the Australian Institute of Sport, many athletes and international sporting organisations will want to come to Canberra to access AIS training and support facilities in the years and months preceding the Games.

. With 80 per cent of all accommodation in Sydney during the 2000 Games booked for the Olympic family, Canberra is ideally placed to provide accommodation for visitors for the Olympic Games, particularly as visitors will not be attending the Olympics every day.

. The increased international exposure created as a result of the 2000 Games will profile Australian industry, sport and expertise and attract business and tourism.

During our inquiry the inbound tour operators made it quite plain to us that the best way to attract international visitors is to have direct flights.

Let us now consider other cities. Darwin, a city of some 65,000 people, has had an international airport for a number of years. Nine international airlines are using its airport. Cairns, a city with fewer than 65,000 people and with a catchment area in the whole of northern Queensland of only 170,000, has had, since 1988, an international airport which operates on a 24-hour basis, services seven international airlines, and has 55 flight arrivals per week. Why should not Canberra, with a population of 300,000, or half a million counting the region, have an international airport? After all, it is one of three national capitals in the world that do not have an international airport. *(Extension of time not granted)*

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (3.49): Mr Deputy Speaker, I want to raise a number of issues and hopefully add to what I believe is a quite necessary public debate on the future of our airport. I think there are two basic issues that need to be addressed. There are, of course, the economic issues, which Mr Westende has outlined at some length this afternoon; but there are also environmental issues which need to be addressed in our consideration.

Mr Moore: After our discussion.

MR LAMONT: I suppose that it is somewhat like the chicken and the egg. Mr Moore, I am fortunate to have been part of the committee inquiring into the question of an international airport and, along with Mr Westende and Ms Szuty, I undertook inspections of the Cairns Port Authority and the Cairns domestic and international airports. During discussions with the local Labor member for the region a number of concerns were expressed. It is not that there is not a substantial economic benefit derived by the Far North Queensland region from the establishment of Cairns Airport as an international airport; but there needs to be a sensitivity, in the development of that airport, to environmental issues and community concerns. I think that is an essential point which we must take into account when we are discussing the expansion of our airport into an international facility, and the expansion and utilisation of the region's resources as a result of that development.

I think that there is a first step that needs to be taken before we can assess the environmental issues. In the first instance we have to make a decision as to whether or not we want an international airport and, if we do, whether our airport is capable of being expanded into an international facility. If it is, how do we do it? What do we do to ensure that that airport, once expanded, is able to attract not only international operators but also national operators to take a larger role in its operations? I think it needs to be clearly borne in mind that we need to take account of those environmental issues once we have made a decision as to whether or not we are going to proceed down this road. My personal preference is that we do proceed down this road and address each of these tests.

The fact that the Olympics will be held in Sydney in the year 2000 of itself cannot, and should not, justify the establishment of Canberra Airport as an international airport. I believe that the Olympics will provide an impetus. They could provide increased use at an earlier stage and could operate to encourage international marketing activity centred around Canberra and the south-east region; but, of itself, holding the Olympics in Sydney in the year 2000 cannot justify the type of expenditure necessary to expand Canberra Airport into an international airport. I think that those two fundamental positions need to be borne in mind when we are considering this matter of public importance.

It is interesting to note that since this debate was kicked off by a number of us in this chamber some years ago the ground rules have changed. When we first considered this question it was on the basis of how we could get the Commonwealth to agree, through the Federal Airports Corporation, to expand Canberra Airport into an international

facility. I suppose the question now is: Who is going to own it, and will Canberra, or the ACT region and its economic interests, be taken into account in the process which the Federal Government has now announced? That is the reason why it is important that we do not lose sight of the fundamentals in considering what should happen to the airport.

The scoping study which is being undertaken by the Commonwealth will determine how they will allow the Federal Airports Corporation to divest itself of its asset here in the ACT, and, indeed, its assets around Australia. We need to be mindful not to buy a pig in a poke and say, "Oh yes, we are in. Here is the cheque book. Here is your $60m, your $100m, your $90m," or whatever the price tag ends up being, and then find out that there is going to be unfettered use by the air force; that they will still have direction and control over all of the activities, and that they will still have control over the development that may occur there. The Federal Airports Corporation currently lease Canberra Airport from the air force. Those things need to be clearly identified; and they will be, through the scoping study which is being undertaken by the Commonwealth. That is another matter that we need to bear in mind, Mr Stevenson, when considering this matter of public importance.

It is true that we in Canberra have a lot to gain from the conduct of the Olympics in Sydney because we are the home of the Australian Institute of Sport. That organisation not only has some of the best facilities in the world, but also is regarded as having best practice in the world when it comes to things like sports medicine and the training regimes and strategies that are developed at the elite level in world competition. We also have, dare I say it, a climate that is compatible with a very large region of the Northern Hemisphere, all year round. People who like to see the seasons will be competing in Australia at a time when they will need to have become acclimatised to Australian conditions, and Canberra provides the perfect opportunity for them to do so, albeit at a slightly higher altitude than Sydney. We are, by road, two hours away, in a very fast car. In a very fast train it would be only an hour and a half.

Mr Kaine: Cannot we have the not so fast train?

MR LAMONT: No, I will not go into that. In this debate there is a spirit of cooperation, Mr Kaine. We are placed in a perfect position, geographically and because of the facilities that are here, to take advantage of the Olympics. Obviously, what we need to adjudge in discussing this MPI is whether or not we can take advantage of the Olympics without an international airport. In my view we can. But if we do have an international airport we will be able to say to international federations, whether it is basketball, hockey, or any of the other Olympic sports, who between now and the year 2000 will be holding international competitions, "Look, with the minimum of fuss you can land at a venue called Canberra where you can participate at the elite level at some very well serviced grounds. You can take advantage of the excellent facilities we have". That is going to be a selling point in that period around the games.

What is not well recognised is that a four-year cultural program is generally developed in the lead-up to the games to promote the idea of friendship and international camaraderie. Obviously that will involve visits to Australia by a range of people who would not necessarily be identified as being involved in an elite sporting event. That is also an

important thing for us to consider. If we can attract those people to Canberra as part of their visit to Australia it will assist us in meeting repayments on capital that may be borrowed and so forth.

We are not necessarily talking about a government saying, "We will buy the airport and then, using our capital works funds over a period of years, we will expand it into an international facility as demand is able to be demonstrated or as a proper development plan emerges, such as the Port of Cairns Authority developed in 1982". There may be ways to fund the acquisition and the expansion of a facility here in Canberra through a non-budget process. The test, Mr Stevenson, about whether or not you will get great support to the level that your enthusiasm would require will depend to a very large extent on the outcomes of the Commonwealth scoping study. That should be known, as I understand it, some time towards the end of this year. The Commonwealth has indicated that it will then go through a very long process, but a very appropriate process, in assessing the outcomes of that scoping study. That will, I think, give us the impetus to address the economic issues; but there is the fundamental issue that must be addressed as part of this process. You do not want to build the road to Damascus - - - *(Extension of time not granted)*

MR KAINE (4.00): I have no hesitation in saying that I totally support the matter of public importance that is before us, and there are a few things I would like to say about it. I am not going to get into the statistics, because they have been amply put forward by Mr Westende, the Chief Minister and Mr Stevenson, who talked about B747s and passenger numbers.

Mr De Domenico: And terminations.

MR KAINE: Yes. I wondered for a while whether we were talking about "Euthanasia Airlines". There are some general comments that I would like to make. Given that I think we all support the proposition that we ought to have an international airport, perhaps the timescale is something that we would debate. I would like to see it long before the Sydney Olympics. I would like to see it next year.

I would like to make some comments about the practicality of our achieving that objective, and I do so with some knowledge and long acquaintance with the situation at Canberra Airport. In 1954, when, with one or two exceptions, probably nobody in this room other than me was born, I was responsible - - -

Mr Stevenson: Nineteen when?

MR KAINE: In 1954. I was responsible for the total base maintenance of RAAF Fairbairn as it then was. I was the landlord and I was totally responsible for the maintenance and management of the base. It was a totally RAAF-owned base. 86 Wing of the Royal Australian Air Force transport wing operated out of there with three squadrons of aircraft. Occasionally a commercial airliner would come in, and it landed on this side where the terminals are today. In 1964 I spent another year there at the air force's staff college. In 1974 I was discharged from the air force at that base. In 1994 I fly from there regularly in my little Piper Warrior. I think I can say that I know the base pretty well, and I have known it pretty well over a long period of years.

What is the likelihood that it will be turned into an international airport in the near future? I would say, without qualification, that while it remains the property of the Commonwealth it will not be. There are a number of reasons why I say that. There are a lot of vested interests that would prefer to see overseas passengers coming into Sydney and Melbourne, and not Canberra. While that is the case, I do not see the Commonwealth spending a lot of money to upgrade the Canberra Airport when, for the reasons that the Chief Minister put forward, some people see it as being unnecessary. We get, by somebody's definition, plenty of overseas visitors coming to Canberra now, the fact that they have to come here by road or by an inefficient rail system notwithstanding. The fact is that, if we had airliners coming directly into Canberra from overseas, the numbers would increase, in my view, dramatically. I think that is incontrovertible. But while the airport is owned by the Commonwealth, or operated by the Commonwealth, it simply will not happen, for many reasons.

We have open to us a window of opportunity with the FAC and the Government considering selling it. I would have thought that we would have jumped at it and grabbed it with both hands. There are many reasons why we would, and some of those have been put forward this afternoon; but there are complications. I support the Chief Minister when she says that we need to proceed with care, and we need to do our homework thoroughly, because there are questions of ownership. Perhaps, as Mr Westende said, we would be buying only the remainder of a 99-year lease on a very small part of the ground out there. That might be the case. On the other hand, if the Commonwealth is considering selling that airport, it may make a decision at Cabinet level to sell the whole airport. In other words, the air force could become a tenant instead of the air force owning it. So we might be considering having to acquire the whole property rather than just the FAC's current interest, whatever it is. There are many things to be considered as to what it is that we would be buying.

Depending on what we are buying, there will be a different price attached to it. We could be talking about something that might range from $5m, on the low end of the scale, where we might be buying just the residue of a lease on a small piece of ground, to $50m or $60m if we are buying the whole thing - or even more. I do not know. I would not attempt to put a value on it. Assuming that we do buy it, there arises the question of how we are going to operate it and what we are going to do with it, particularly if we are going to turn it into an international airport. What is the price tag? Mr Stevenson, I think, said that you could do it gradually; you do not have to do it overnight. That is probably true, but you still need to know what the price tag is.

I remember that 10 or 15 years ago it was suggested that to upgrade that airport to an international airport would cost something of the order of $60m. I presume that that had to do with upgrading the runways, the taxiways, the hardstandings, the terminal facilities, and the navigation aids that make it easy for aircraft to fly in and fly out without flying into the mountains around the place. Whether that is a good figure today or not, I would not know. There are many things that we would need to look at. I would suggest that, if the opportunity to purchase the airport is likely to arise in the very near future, we as an Assembly, and the Government, would be remiss if we were not working very hard now to consider all the aspects so as to be ready, if we consider it worthwhile, to make an offer. Otherwise we might be third or fourth in line instead of first. I would have hoped

that, apart from what the standing committee of this Assembly is doing, the Economic Development Division of the Chief Minister's Department would be doing its homework right now and looking at all of the potential costs, at all of the possibilities, at all of the options, and at the profitability.

We have heard that it is one of the few airports of the second echelon in Australia that make a profit. Others of the same standard, like Hobart, do not. They incur an annual operating loss. Presumably the FAC has a saleable commodity here that maybe it does not have in other places. I would hope that the Economic Development Division is doing its homework so that, on the day that the Government announces that Canberra Airport is available for sale, we are in a position to make a bid to begin to negotiate. If it is an economic and viable proposition, if there is a potential for increasing the activity out there and increasing its profitability and its turnover by bringing in maybe twice as many or three times as many passengers and aircraft as operate out of there now, there are going to be plenty of operators out there who will be willing to buy it. We would be foolish if we did not do it under those circumstances. I would hate to see the opportunity lost simply because we had not done our homework beforehand. If it comes up within the next few months and we purchase it, then we can determine what the timetable is for turning it into an international airport. That may be next year or the year after, or it may be the year 2000 or it may be at some future time.

Madam Speaker, I totally support the general concept in the proposition put before us by Mr Stevenson, but I also support the Chief Minister in her stated intention to move slowly and cautiously. We need to know what we are getting into if we intend to buy and to operate that airport as an international airport.

MR MOORE (4.09): Madam Speaker, the matter of public importance that Mr Stevenson has raised is almost in the form of a motion. It reads:

Why we should strongly support Canberra as an international airline destination in time for the Sydney Olympic Games.

I think that Mr Stevenson's motion is premature. The reason it is premature is that we need to go through an appropriate process. That process has started with the Government expressing their interest and the standing committee of the Assembly that looks into tourism going through the process that it is going through. I draw the attention of members to the question that I asked the Chief Minister yesterday on the environmental matters associated with the development of the airport, and to her reply. There are grave environmental concerns. Therefore, what Mr Stevenson's motion ought to be saying is that it is appropriate for us to assess Canberra as an international airline destination, rather than that it is time that we strongly supported it.

It may well be that we support the concept but we must remember at all times the environmental consequences. Mr Stevenson was talking about the possibility of landing a Concorde there. Whilst I accept that that was said, to a certain extent, with tongue in cheek, nevertheless it does raise the issue of noise pollution, and I think that is a most significant issue. Some of us are probably aware of the issue that cost Mr Gary Punch his ministership. His constituency was so concerned about the third runway at Sydney Airport that he was not able to hold the government line. He resigned from his ministry

rather than pursue that line. Their concern was environmental. They live near an international airport. The difference - the Chief Minister raised this point yesterday - is that they live with an international airport that has a curfew. Our airport has no curfew. I realise that there are some who might say, "That is lucky because the aeroplanes can come and go when everybody is asleep and you will not notice". There may well be some truth in that. There is also the fact that aeroplanes are becoming quieter. They are having to meet international standards on noise. Nevertheless, those matters must be considered.

Mr Lamont said in his speech a short while ago that he had visited the Cairns Airport and was conscious of the environmental sensitivities. Madam Speaker, I wonder whether he was fortunate enough to look at the mangrove swamp that surrounds the Cairns Airport. I recommend this to members, as a matter of interest. Half-way along the public road that leads to the airport there is a boardwalk that takes you out among the mangroves. It is about a kilometre out and back. It takes you over those mud-flats, and you can see mudskippers there. It is a breeding ground for prawns and so forth. Of course, any expansion of that airport is likely to interfere with those mangroves. The airport, according to my understanding, was built on that mangrove swamp.

Whenever we talk about an expansion of a facility like an airport we have to be particularly conscious of the environmental issues involved. People who live in North Canberra, as the Chief Minister mentioned yesterday, and people living in Queanbeyan, Tuggeranong and Woden are under flight paths currently. No doubt they would be particularly concerned about jumbos using those same flight paths, not only because of the noise perspective but also because of the amount of avgas they use and the burnt out gas that would wind up falling onto our fair city.

Madam Speaker, the notion that we should strongly support Canberra as an international airline destination needs much more careful consideration than saying, "Let's support it; let's go for it". We have to consider the ramifications for the people who live in our city. Madam Speaker, in most of my speech I have been pouring cold water on the idea. I have been doing that because I heard such enthusiasm from other members who have not taken those issues into account.

MADAM SPEAKER: The time for the discussion has expired. The discussion is concluded.

FINANCIAL AGREEMENT BILL 1994

Debate resumed from 10 May 1994, on motion by Ms Follett:

That this Bill be agreed to in principle.

MS FOLLETT (Chief Minister and Treasurer) (4.14), in reply: In concluding the debate on the in-principle agreement to the Bill, Madam Speaker, I would like to pick up some of the points that were made by members in the debate on the matter yesterday. I thank members for their comments.

Madam Speaker, the Financial Agreement Bill 1994 provides for formal membership of the Loan Council for the Australian Capital Territory. As members are aware, this is the first time that has occurred. The new agreement also reflects changes to the role of the Loan Council that have occurred over recent years. As evidenced by recent Premiers conferences, the Loan Council now assesses the total financing requirements of all governments - the Commonwealth, the States and the Territories, including local government - and this assessment includes all forms of financing, such as financing leases, and not just the conventional borrowings, as was the case previously. The Loan Council also now has the responsibility of assessing the viability and the sustainability of each government's overall financial position. I must say, Madam Speaker, that the ACT has fared very well under this kind of scrutiny.

The new arrangements were made public in a document that was agreed by the Loan Council at its meeting on 5 July 1993. That document is called "Future Arrangements for Loan Council Monitoring and Reporting". The new agreement has been proposed in the context of reforms which were agreed by all governments, and there are other reforms apart from the membership of the ACT and the Northern Territory. The agreement, as it appears before us, abolishes the restriction on States borrowing in their own names. This recognises that States have in the past adopted a practice of borrowing through State financing authorities. The agreement also removes the Commonwealth's explicit power to borrow on behalf of the States, and this recognises that in fact the Commonwealth has made no new borrowings on behalf of the States since 1987-88. The agreement also removes references to the National Debt Sinking Fund, as this is now redundant. Madam Speaker, the new agreement comes into operation when the parliaments of the Commonwealth, the States, the Northern Territory and the Australian Capital Territory enact identical legislation through our respective parliaments. I understand that all jurisdictions have commenced this task.

I would like to comment in greater detail on some of the points raised by members. Mr Kaine made reference to clause 4 of the agreement. This clause, Madam Speaker, relates primarily to procedural matters such as convening and chairing meetings, quorums for meetings and so on. But subclause 4(9) has very complex drafting, as we found. In fact, it stumped me yesterday. This subclause reflects an agreement reached between the Commonwealth, with the support of the other States and Territories, and the then new Western Australian Government. It reflects the fact that the Loan Council has traditionally operated on the basis of consensus. Agreement between governments and improved disclosure requirements and scrutiny by financial markets make it appropriate that this consensus approach be continued.

Western Australia, in the course of debate on this matter, considered that subclause 3(15) of the existing agreement, which refers to Loan Council resolutions as being legally binding, could imply reliance on legal constraints rather than on consensus. So the wording of subclause 4(9) was settled following very lengthy discussions between the Solicitors-General of Western Australia and the Commonwealth. What it is intended to do is to confirm that Loan Council resolutions are not legally binding.

The precise wording for giving effect to this intention has been adopted to also reflect that Loan Council resolutions are not mere recommendations but represent firm commitments by Ministers under agreed arrangements. Madam Speaker, I said yesterday that I thought the drafting was extremely difficult, and I certainly would not commend that kind of drafting. It is not the kind of drafting that is typically in Bills produced in this Territory.

The other question that Mr Kaine asked was with reference to the final phrases of subclause 4(9). This enables the Loan Council to exempt a public sector entity from Loan Council resolutions. Public sector entities that meet strict commerciality criteria - including, for example, part ownership by the private sector - have been exempted from previous global limit controls. That subclause is intended to pick up that spirit again.

Mr Stevenson raised the issue of the apparent contradiction of the new agreement abolishing the prohibition on States borrowing in their own name, given that the ACT is already able to borrow in its own name. We would say to Mr Stevenson, were he here, that the ACT is not a party to the current agreement. This prohibition, therefore, does not apply to the ACT. The Northern Territory, of course, is in the same position. Madam Speaker, the Commonwealth and the States have recognised that the prohibition incorporated in the current agreement is anachronistic. Most States have, in fact, borrowed in the name of State authorities, including central financing authorities, such as the New South Wales Treasury Corporation. The new agreement removes the need for States to borrow through such separate authorities and confirms that all States and Territories are responsible for their own debts. I think I have covered most of the issues that were raised in the in-principle debate, Madam Speaker. I hope that that clarifies some of the trickier issues for members. I again commend the Bill to the Assembly.

MR KAINE: Madam Speaker, I know that it is unusual, but I did raise the question about what subclause 4(9) of the agreement meant, and I am still not certain. I seek leave of the Assembly to seek further clarification from the Chief Minister as to her explanation, because I am still not clear.

Leave granted.

MR KAINE: Madam Speaker, I believe that it is in the interests of the members of the Assembly to know exactly what we are endorsing here. Chief Minister, setting aside the qualification at the end of that subclause, which you have explained - the exceptions - and setting aside the reference to that subclause in the early agreement, which I now understand, you said that the resolutions are not legally binding nor are they mere recommendations. That still does not clarify for me how a resolution of the Loan Council affects the ACT and what the ramifications for us are if the Loan Council makes a resolution. That is really the only outstanding matter in my mind. If they are neither legally binding nor mere recommendations, then what is their force and what are the ramifications for us?

MR CONNOLLY: (Attorney-General and Minister for Health): Madam Speaker, I could possibly assist here. I seek leave of the Assembly to do so.

Leave granted.

MR CONNOLLY: Mr Kaine, I do not have the precise citations, but I can get them for you. A case in the High Court of Australia in about 1913, the case of South Australia v. the Commonwealth, was about an argument over enforcement of promises made to provide a transcontinental railway. It expands to some extent on the legal ramifications of the outcomes of agreements between governments in Australia. It basically holds that they are more than mere promises but less than legally enforceable agreements. South Australia failed in its attempt to litigate to get the Commonwealth to build the transcontinental railway, which I think was finished many years after the original promise had been made.

While I cannot be certain that that is what is intended here, I suspect that this is an attempt by the Commonwealth draftsperson to clarify that position - that agreements of bodies as important as the Loan Council are more than mere political agreements, more than mere promises, but that they fall short, as the High Court has held, of legally binding contractual agreements that may be enforced in the courts. I will get the reference to that authority. That is the High Court authority that establishes the status of intergovernmental agreements in this country.

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I seek leave to speak again briefly on this issue.

Leave granted.

MS FOLLETT: Madam Speaker, to respond again to the issue that Mr Kaine has raised, I would say that it is not straightforward, and I suspect that the argument falls somewhere between an ardent States rights argument being put forward by Western Australia and the concept of perhaps a gentlemen's agreement. I would like to read to members some of the letter that I have from Mr Ralph Willis, the Federal Treasurer, acting as chairman of the Loan Council, concerning the new Financial Agreement. The relevant part says:

I draw your attention to the wording of clause 4(9) of the proposed new Agreement concerning the status of Loan Council resolutions. This wording was developed by Commonwealth and Western Australian officials in the light of differing legal opinion as to whether the earlier draft Agreement gave adequate effect to Loan Council's policy intention that its resolutions not be legally binding. Western Australia sought an explicit statement in the text of the Agreement that resolutions are not legally binding. The Commonwealth considered that such a statement was unnecessary from a legal viewpoint and would appear permissive given that Loan Council resolutions represent firm commitments by Ministers under agreed arrangements.

Clause 3(15) of the existing Agreement provides for Loan Council's decisions to be "final and binding on all parties to this Agreement". However, clause 3(15) will be rescinded by the new Agreement. The Commonwealth agrees that, under the new Agreement, Loan Council resolutions will not be legally binding on the parties and that the wording of the new Agreement is intended to express that legal and policy position.

Mr Kaine: I think that clarifies my mind, Madam Speaker. Thank you very much.

MS FOLLETT: That is about as clear as it is going to get, I am afraid, Mr Kaine.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

SUBORDINATE LAWS (AMENDMENT) BILL 1994

Debate resumed from 3 March 1994, on motion by Mr Connolly:

That this Bill be agreed to in principle.

MR HUMPHRIES (4.27): This is a fairly simple Bill which makes three small changes to the Subordinate Laws Act, and I want to comment briefly on each of those three changes. The first change is that there is to be included in the Subordinate Laws Act an interpretive section so that we are able to read into every other piece of legislation which contains a regulation making power certain assumptions - that is, that the regulations are made for, or can be made for, the purposes that are required or permitted by the Act or that are necessary or convenient to be prescribed for carrying out or giving effect to the Act. I suppose that that will save a little bit of ink, and possibly some paper and a few trees over the years, so it is to be welcomed.

The second provision is an interesting one to me. It talks about there no longer being a need to publish the full determinations of fees and charges or disallowable instruments in the *Gazette*. Instead, it is sufficient to have that little table that we often see in the *Gazette* showing the names of particular pieces of legislation. In this case it will show delegated legislation which has been made and the date on which it has been made. This will also be a regime to reduce the amount of ink and paper that we are using for the purposes of making these regulations.

I must say that I do not have any strong objection to that course of action. I must admit that it would be illogical, as the Minister points out, to have a less rigorous regime for the notifying of legislation than for notifying subordinate legislation. Obviously, we need to make those consistent. It is perhaps a pity to lose access to another place where information can be obtained. A person perusing the *Gazette* will now no longer be able to see what new determinations apply and what exactly it is that they say. However, I accept that the basic fact of life is that, of course, nobody peruses the *Gazette*, except for a few individuals with nothing better to do with their time. The *Gazette* is not one of the great best-sellers in this community. I even ask myself in the present circumstances whether we really need a *Gazette* any more. The *Gazette* has to be published specially and distributed each time we notify that new legislation or regulations have been made. It is much better in colour, Minister, than it is in black and white.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

SUBORDINATE LAWS (AMENDMENT) BILL 1994

Debate resumed.

MR HUMPHRIES: Madam Speaker, I have to make a statement under standing order 46 in a minute, but for the moment I will plough on with the Subordinate Laws (Amendment) Bill 1994. Madam Speaker, I wonder why it is that we actually need the *Gazette*. We have a paper published in this Territory every day. We are now publishing just the names of subordinate legislation, no more information than that; and the names of substantive legislation, no more than that. I wonder why we need to do any more than just publish that in the *Canberra Times*, but it is for the Government to consider whether it is actually cheaper to do that than it is to publish - - -

Mr De Domenico: Or the *Canberra Weekly*.

MR HUMPHRIES: Or the *Canberra Weekly*, indeed - another august publication which, I am sure, would be happy to accept an account from the ACT Government to have the *Gazette* published.

Madam Speaker, the third purpose of this Bill is to amend the Subordinate Laws Act so that where the Assembly actually amends or makes subordinate legislation this legislation may be amended further, or even repealed, by the Executive, as they have a normal power to amend or repeal subordinate legislation. That also is obviously a sensible provision, because you will find from time to time that things need to be updated, and the fact that the Assembly might have spoken on this question should not preclude the Executive from doing that. It would, in theory, throw up the possibility of a Minister overruling a decision of the Assembly because the Assembly makes a change and the Minister just unmakes the change. That could happen, in theory, without the matter coming back to the Assembly. But, of course, we do have the power to do something about that when that regulation is tabled in the Assembly, so it is not a real problem. These are minor changes, and they are supported by the Opposition. Hopefully, they will make our laws operate a little more simply.

MR MOORE (4.33): Madam Speaker, the concern I have with this piece of legislation has to do with the limitation of information that is going to people. I am thinking particularly of the part of the Subordinate Laws (Amendment) Bill concerning notification in the *Gazette.* Instead of people being able to read the *Gazette* and see where there have been changes to fees, they will now have to actually seek to find out what those changes are. There is certainly a range of fees that over the years I have looked at in the *Gazette* and monitored. It seems to me that the *Gazette* notice has been useful. I note the point that the Attorney-General raised in his introductory speech - that a relatively small number of people actually look at *Gazette* notices and that they still can get access to the information if they wish.

Madam Speaker, I will be supporting this Bill on this occasion. I will monitor the changes to determine whether, in fact, we have removed something that is important to people. Under the Subordinate Laws Act, where we would be in a position to amend subordinate laws, those fees would not be included because of the amendments that we made last time, and therefore they are not as critical as they might otherwise have been. Madam Speaker, with those few reservations, I think it is important that we have the opportunity to watch what is happening with subordinate legislation, which is a large part of the law-making process of the Territory. Having expressed those few reservations, Madam Speaker, I point out that I will be supporting the Bill.

MR CONNOLLY (Attorney-General and Minister for Health) (4.35), in reply: I thank members for their support, although the issue of principle that Mr Humphries adverted to and that Mr Moore went into in some greater detail is one that I think should be addressed. We are saying that it is illogical that an Act of this Assembly - by which we can impose all sorts of rights and obligations, taxes or, if we so choose, retrospective taxes, although we would rarely do that - be notified by a simple line "An Act has been passed"; whereas the procedure to date has been that a subordinate instrument is published in full in the *Gazette*. That is an illogical way to proceed, and Mr Humphries agrees with that. But Mr Moore says that that perhaps raises a problem in that the public will not be as well informed as it should be.

Mr Humphries questioned why we publish the *Gazette* anyway, because it is true to say that most members of the community are not to be seen on an ACTION bus avidly reading the ACT *Gazette*. If they ever did that, they certainly do not do it now. Given that we are progressively putting our Acts and regulations on a computer database, given that generally speaking people who want to access the *Gazette* are from the business houses or the legal profession, who will be no doubt subscribing to our on-line *Gazette* service, and given, as the Chief Minister has announced, that we are experimenting with the Austouch computer terminals in the shopfronts and in the shopping malls - and members may have seen the demonstration of that at the Royal Canberra Show earlier this year - we may well be in a position, not next month and maybe not even next year but in the foreseeable future, where we can dispense with the *Gazette*.

We could instead publish the information electronically. This would give access to Acts and regulations of the Assembly. Commercial interests who need to know the state of the laws in the ACT would be billed for accessing this information through an electronic mail system. A member of the public who may just want to know what the law is could wander into a shopping mall or ACT government shopfront and pull the information up on an Austouch machine. So it may be that in the future we can satisfy both Mr Humphries's query about why we bother with the *Gazette* anyway and Mr Moore's concern, which is right in principle, that the public should have access to data, even though we know that in practice most members of the public are not greatly interested. It may well be that technological advances will allow us to provide that information in that way in the not too distant future. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

BUILDINGS (DESIGN AND SITING) (AMENDMENT) BILL 1994

Debate resumed from 14 April 1994, on motion by Mr Wood:

That this Bill be agreed to in principle.

Debate (on motion by Mr Cornwell) adjourned.

ASSOCIATIONS INCORPORATION (AMENDMENT) BILL 1993

Debate resumed from 1 March 1994, on motion by Mr Connolly:

That this Bill be agreed to in principle.

MR HUMPHRIES (4.38): Madam Speaker, this is also a fairly straightforward piece of legislation. Members may be aware that there are a number of national bodies which are registered in the ACT under the ACT's Associations Incorporation Act. These bodies often have voting members with multiple votes. For example, certain organisations which make up a national body will have a certain number of votes perhaps proportional to their size or to their shareholdings or whatever it might be, and that is the way in which those organisations operate. Until now, under our associations incorporation rules, for a special resolution to pass through an association so registered under that Act it has been necessary for three-quarters of all the members of the national association to support the resolution, even though they might not equal three-quarters of the actual voting power of the national organisation.

Madam Speaker, that is the reason that the Opposition will be opposing this piece of legislation. We can see a very good reason why this legislation will actually disadvantage people and organisations that come from the ACT. Many of these national bodies are divided into State and Territory components. We have all had the experience of being part of a small ACT delegation going to a national meeting, trying to get our voice heard and being voted down by the larger States. Of course, under the present legislation it has been possible for a coalition of small jurisdictions to get together and block the moves of the bigger jurisdictions, because two or three small jurisdictions can constitute 25 per cent or more of the votes making up the national organisation.

With the passage of this legislation we will now see it possible for New South Wales, Victoria and Queensland, or New South Wales, Victoria and South Australia - they are the usual line-ups that I have noticed in national organisations - to gang up together and to knock off little places such as the ACT. I do not think we are very enthusiastic about this legislation, Minister, and I hope that you realise that you are probably putting a rod to the back of many small ACT delegations rolling up to all sorts of national bodies, but I am sure that you have your reasons.

MR CONNOLLY: (Attorney-General and Minister for Health) (4.41): Madam Speaker, I seek leave to speak without closing the debate.

Leave granted.

MR CONNOLLY: Mr Humphries began his remarks so reasonably that I thought he was supporting the Bill, but then at the end of the day there was this possibility of the dastardly big States ganging up on the plucky little States, so we should oppose this Bill. This amendment to the Associations Incorporation Act does not itself say how federated organisations should arrange themselves. They may choose to say that New South Wales has the same vote as the ACT, or they may not.

The reality is that there is a quite booming industry in Canberra with national associations choosing to set themselves up here, choosing the ACT as the domicile for the Federal body. That makes sense, because, after all, most Federal bodies exist to lobby the Federal Government, and the Federal Government tends to spend most of its time here. Anyone who drives through Deakin, particularly if they do not often spend time at Deakin, will see these new bodies sprouting up like mushrooms. There really is a quite thriving industry in the ACT.

Mr Lamont: Because we are such a good government, they are attracted.

MR CONNOLLY: We are the world's best government, indeed. More seriously, a lot of national bodies are choosing to domicile themselves in the ACT, have their legal structure under ACT law and conduct their business in Canberra. As a result of requests from national organisations, we are seeking to make it a little easier for them.

The pigeon fanciers association of Australia may have in each State a federation of the local pigeon fanciers clubs. The Federal body may choose to give New South Wales, which has a lot more pigeon fancier clubs, more votes than the Northern Territory, where there is only one club. If they want to do that, we thought that they should be able to choose to do so. We are not saying that they have to. We are facilitating that, if that is the way the organisation wants to operate.

Far from doing ourselves in, and the ACT - the plucky little jurisdiction - helping the big jurisdictions to gang up on us, what we are really trying to do here is to facilitate the ACT as a place for national organisations to do business in. They may choose to adopt a structure that is not strictly federal in the sense of one vote, one State. With only eight members, one from each State and each Territory, they may choose to give each State and each Territory one vote, or they may choose to break the votes down - and that is what we are seeking to facilitate in order for Canberra to be a good place in which to do business. I am in the hands of the house. I flag that this is not an issue that the Government would take as an issue of confidence.

MS SZUTY (4.44): I understand that the reasons for proposing this legislative change have come from a number of organisations or national associations which have affiliated member associations, usually State or Territory. Currently, for special resolutions to be carried at annual general meetings or national conferences under the requirements of the Associations Incorporation Act, three-quarters of the votes of the member associations are needed. Under the amended Act, for special resolution votes to be carried at annual general meetings or national conferences, three-quarters of the votes of association members are needed. Presumably the reason behind the need for the change in the Act is to enable special resolution votes to be more easily passed.

We may well ask, Madam Speaker, what special resolutions are. Section 70 of the Associations Incorporation Act states:

A resolution of an incorporated association shall be taken to be a special resolution if -

(a) it is passed at a general meeting of the association, being a meeting of which at least 21 days notice, accompanied by notice of intention to propose the resolution as a special resolution, has been given to the members of the association;

... ...

They are therefore resolutions about serious or significant matters with which an annual general meeting or national conference of a federated association would be concerned.

I have had personal experience, Madam Speaker, of being one delegate of four from the ACT Council of P and C Associations to the Australian Council of State School Organisations national conference on more than one occasion, so I understand well how these matters arise and how they can be addressed. The affiliates of the Australian Council of State School Organisations are a series of State and Territory affiliates which have equal representation at national conference level. Securing three-quarters of the member associations' votes regarding a special resolution is a very different matter from securing three-quarters of the votes of delegates present.

I further understand, Madam Speaker, that one of the key organisations seeking these changes to the Associations Incorporation Act is the National Union of Students. Apparently delegates attending national conferences or annual general meetings are free to vote as they wish - a very commendable practice. However, I would caution any national or federated association which may see the changes to the Act as an opportunity to push through votes or special resolutions more easily than they may have done in the past. I believe that matters of special resolution are best resolved by consensus rather than by vote, which - following these changes to the Act - may be perceived to be easier to achieve.

In conclusion, Madam Speaker, while the proposed changes to the Associations Incorporation Act appear at first glance to be eminently reasonable, I sincerely trust that the changes will not be the prelude to vociferous divisive debates at national conference and annual general meeting level, which may lead to the perceived disenfranchisement of a number of people previously not placed in that position.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

Motion (by Mr Lamont) proposed:

That the Assembly do now adjourn.

South Africa

MR DE DOMENICO (4.48): Madam Speaker, I rise to talk briefly about the fact that in October 1992 I was fortunate enough to be invited to make a trip to South Africa. At the time, certain people thought that that was a bit of a worry. But so be it; off I went. Amongst the people I met in South Africa was someone - at that stage I did not realise who he was - who was prepared to sit down with me for about three-and-a-half hours and talk to me about the fact that, notwithstanding that he had a master of economics degree, had studied in London, had worked for the World Bank and had done an enormous number of things, he still was not allowed to vote in his own country. Of course, that would be a matter of concern to all of us, I should imagine, being used to a democracy. I truly did not know who that person was at that stage.

I have today written a letter to that person congratulating him on just being elected Senior Vice-President in the Republic of South Africa and also head of the new South African Cabinet. That man is Mr Thabo Mbeki. Notwithstanding our political persuasions in this chamber, I dare say that we would all delight at what has happened in South Africa in recent times. Democratic elections have been held and the people have spoken, and so they should have. I say thank you to the people who invited me. It was certainly an eye-opener. It demonstrated that we are lucky here in the ACT and in Australia with the democratic processes that we have. I would like to congratulate Thabo Mbeki on having been elected Senior Vice-President of the Republic of South Africa and thank him for the enlightening three hours that he spent with me. I dare say that it made me change a lot of the views that I had held before going there, and I thank him for that as well.

Self-Government Anniversary

MR MOORE (4.50): Madam Speaker, what Mr De Domenico said about democracy in South Africa and the way people fought for it there, of course, contrasts greatly with what happened in the ACT just five years ago. I felt it appropriate to stand in the adjournment debate today and state how proud I feel to have served in the ACT Legislative Assembly for its five years. I could not allow this anniversary to go by without comment. Madam Speaker, we had some difficult years in those first three years in particular. To those of us in the Second Assembly, the new Assembly building seems to be a far more reasonable place in which to work. It has certainly been a very rewarding experience, as far as I am concerned. Madam Speaker, I take this opportunity to thank the people of Canberra for giving me the opportunity to serve them in this way.

South Africa

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (4.51), in reply: Madam Speaker, very briefly, I too rise on the occasion of the celebrations of our - - -

Ms Follett: Where is the champagne?

MR LAMONT: I was very pleased, Chief Minister, to have had a glass of champagne last evening, not only to celebrate the introduction of a magnificent budget by our colleagues in the Federal Labor Party but also because during the evening I was able to see Nelson Mandela invested as the first President of the true Republic of South Africa. It is appropriate for Mr De Domenico to reflect upon an important point in his life - his meeting with Vice-President Mbeki.

I also wish to reflect upon the 25 years of struggle in South Africa exhibited by many who were not present at the investiture last evening - the people of South Africa who were forced out of their country, many of whom I have been privileged to meet upon their migration to this country. Over the last 25 years they have been involved in struggle in this their new homeland to achieve independence for all South Africans within their former homeland of South Africa. These people from a wide range of political persuasions who stood in vigil outside the South African Embassy here in Canberra were at times brutalised in South Africa because they stood up for that which has now been recognised as an essential element of any member nation of the international community - a truly non-racial democracy.

On this occasion I certainly hope that we remember the people here in Australia who contributed significant amounts of their time and committed themselves, at times under very trying circumstances, to raising the consciousness of Australians about the plight of people in South Africa. From Mandela's imprisonment on Robben Island, through Steve Biko's death to the investiture last evening has been one of the darkest periods in the history of the African continent.

While Mr De Domenico feels extremely privileged to have been able to meet the Vice-President on his recent visit to South Africa, I feel equally privileged to have been involved with and to know many people here in this chamber who supported the struggle in South Africa. Mr Berry for many years was an active supporter. His family were actively involved in the activities at the South African Embassy to raise people's consciousness about the plight of South Africa. I mention also the Chief Minister, my other colleagues here on the Labor side and Mr Moore and Ms Szuty. The activities of these people should be recognised on this occasion. I too congratulate South Africa on achieving a multiracial parliament that I hope will stand as testimony to what struggle can achieve in the world - in this case a struggle that has at the end of the day proved to be quite just.

Question resolved in the affirmative.

Assembly adjourned at 4.56 pm