



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

17 October 1995

Tuesday, 17 October 1995

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The Assembly met at 10.30 am.

(Quorum formed)

MR SPEAKER (Mr Cornwell) took the chair and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

PETITIONS

The Clerk: The following petitions have been lodged for presentation:

By **Mr Hird, Mr Kaine, Mr Osborne** and **Ms Tucker**, four petitions of similar wording, from 36, 48, 27 and six residents, respectively, requesting that the prayer be restored to the opening of the Assembly's sittings.

The terms of these petitions will be recorded in *Hansard* and a copy referred to the appropriate Minister.

Legislative Assembly Prayer

The petition read as follows:

Petition to the ACT Legislative Assembly, through the Speaker, Mr Greg Cornwell MLA, seeking the restoration of prayers at the commencement of each session of the Legislative Assembly.

To the Speaker and Members of the A.C.T. Legislative Assembly in Parliament assembled.

The petition of the undersigned residents of the Australian Capital Territory respectfully notes that:

1. We are opposed to the abolition of the Legislative Assembly's opening prayer and replacement by 'silent reflection'.
2. We believe that, as the population of the Australian Capital Territory is at least 75% Christian (committed and nominal), the Legislative Assembly has ignored the greater majority of the residents of this territory.

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We request that the Legislative Assembly recognise the Christian beliefs of the majority of A.C.T. residents, and to rescind the motion that abolished the opening prayer.

And your petitioners, as in duty bound, will ever pray.

Legislative Assembly Prayer

The petition read as follows:

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly our deep concern with the decision to abandon the formal prayer at the beginning of each sitting day of the Legislative Assembly. We believe this goes far beyond a well held practice in all other Parliaments in the Australian Commonwealth and was made without proper consideration of the opinions of the people of the Australian Capital Territory. We believe that no Party or individual has a mandate to endorse this decision.

We request that the formal prayer for God's blessings on the Assembly be restored to its rightful place at the beginning of each sitting day.

Petitions received.

WORKERS COMPENSATION PROVISIONS - SELECT COMMITTEE Report

MR BERRY (10.31): I present the report of the Select Committee on Workers Compensation Provisions entitled "Report by the Select Committee on Workers Compensation Provisions", together with extracts from the minutes of proceedings. I move:

That the report be noted.

It is a particular pleasure to be able to continue Labor's tradition of ensuring safe workplaces and guarding the rights of workers in the Territory. Labor's first Bill in the First Assembly was the Occupational Health and Safety Bill, and throughout this Assembly we have defended the rights of ACT workers in both the public sector and the private sector at every opportunity. Following the last election we heard, with some concern, statements from the Government complaining about the workers compensation insurance provider in the ACT, Comcare. It was suggested that we would be handing that service over to the private sector and that, for some reason, that change would sort out all the problems. I was very sceptical about that because I knew that those suggestions were quite wrong.

Mrs Carnell: How?

MR BERRY: Mrs Carnell says, "How?". If you just finger through the pages of the report it will become clear to you. Targeting Comcare was something that a whole range of people were sceptical about.

With that commitment to ensure that there was adequate protection for workers, I moved the motion to set up the Select Committee on Workers Compensation Provisions. At this point I would like to say thank you to those members in this place who supported that motion to ensure that this issue was properly examined; not examined behind closed doors, not examined in such a way that the Minister would make a decision about who was going to be the new insurer, but properly examined in an open and consultative fashion - a way, incidentally, which was promised by Mrs Carnell before the last election. Of course, that was a promise which was soon discarded, Mr Speaker.

The committee set to work, looking at just what the ACT Government workers compensation arrangements were, what they cost, what made up those costs, where they delivered and where they did not. The committee consulted widely with unions, with workers, with the public sector managers, with insurers and, of course, with Comcare. We soon discovered that the high cost of workers compensation was blamed on the provider, Comcare. Labor, in government, was aware that there were difficulties in the area of occupational health and safety and work was under way. With the change to a conservative government, I was concerned that those philosophies of the Liberal Party would start to impact on workers compensation and they would cut conditions. That is their way of cutting costs for workers compensation insurance. There were suggestions coming from the Liberal Party that we ought to have the same sort of workers compensation provisions for the public sector as for the private sector. Of course, that would mean a reduction in the benefits available to public sector employees because they are far in advance of those which apply for the private sector.

Mr De Domenico: That is not true.

MR BERRY: If you wait until I am finished - - -

Mr De Domenico: No; you have not done your homework.

MR BERRY: Just wait until I finish and it will become clear to you. Those suggestions were put to rest during the course of the inquiry. The Government, or agents of the Government, said that they expected to continue with the mirror arrangements which were promised by Labor when the separate ACT public service was set up.

Mr De Domenico: That is true.

MR BERRY: That is true. We needed to settle down those issues, and I think we have done that. There is a great risk if the problem of workers compensation is approached in a simplistic way. I think we have seen this week an example of where the Government has aimed its sights at the messenger. Mrs Carnell attacked the ABS for the ACT's high youth unemployment rate. All they do is count them, and there are plenty to count under the Carnell Government. There is no question about that.

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Mr Humphries: It did not happen under Labor!

MR BERRY: Mr Humphries says that it did not happen under Labor. We did not blame the messenger. Mrs Carnell is always blaming somebody else for her woes. It is about time that she took responsibility for it.

Mr Kaine: I take a point of order, Mr Speaker. Are we here to have Mr Berry present a report of a select committee of this Assembly, or are we here to hear a political attack on the Chief Minister? I think Mr Berry needs to be told to keep to the matter in hand.

MR SPEAKER: I must uphold the point of order in relation to relevance.

MR BERRY: My point exactly, Mr Speaker. I was drawing attention to the fact that Comcare were immediately blamed for the problem because they were the ones that brought the message to the Government. It was the old "shoot the messenger" approach; it is always somebody else's fault. You have to take responsibility for managing the Government Service. It is not like running a corner store. Mrs Carnell will be coming to understand that. The truth of this matter, Mr Speaker, is far more complex. I hope that the Government can take its blinkers off and take a fresh approach to the issue.

The committee has taken evidence from many in the community and has come up with a unanimous cross-party report, including a set of recommendations which address the problems. We have done that without ignoring the needs of the workers in the ACT Government Service. This is a report which recognises that our workers are the greatest asset, and if we keep them healthy they will work more effectively and efficiently. It also recognises that an area of failure is rehabilitation. That has been a common theme throughout the process.

It is of concern that during the course of the committee's inquiry the Government chose to move in the area of workers compensation without waiting for the committee's report. They devolved a whole range of people in the face of a direct request from the committee not to do so. They devolved these people away from the provision of occupational health and safety and rehabilitation. I think that was a demonstration of arrogance and contempt for the committee process. I think the Minister concerned with this, Mr De Domenico, is to be condemned for that action. We made a strong statement. He is getting condemnation from all directions. It might be hard for him to recognise where the condemnation comes from. I think that most of the people who have dealt with workers compensation understand that this Minister is not competent on these issues. The committee, as I said, wrote to the Government requesting that they respect the work of the committee, but we were ignored. That is contempt, and it is not something we are used to in this Assembly.

Our concern was about cutting out workers in the rehabilitation area. Rehabilitation needs more, not fewer, employees. It is in this area that there is scope to make great gains in improving the situation. The separate ACT Government Service is still young. Labor, in government, accepted that workers compensation issues were a problem.

Mr De Domenico: Why did you not do something about it?

MR BERRY: Our reaction was not to just go out and attack Comcare. We had in place legislation which could fix a problem which had not occurred just overnight. It was something that was inherited from the Commonwealth Government. You do not attack the insurance provider when you are not managing the business properly yourself. This committee of inquiry has looked at all the issues. The Government will weep and squirm, and try to blame somebody else again. The fact of the matter is that you cannot blame Comcare. That is not the problem.

I will go through some of the recommendations - the most important ones. This is the key recommendation:

That:

- (1) the Government retain Comcare as the compensation and rehabilitation provider for the ACTGS for a period of at least 12 months following the establishment of the statutory authority to enable an evaluation of:
 - (i) the effect of the committee's recommendations; and
 - (ii) Comcare's performance including the delivery of services to the ACTGS and whether the recommended arrangements are working effectively; and
- (2) any consideration of the possible appointment of an alternative provider be contingent upon the outcome of that evaluation and the capacity of an alternative provider to deliver, at competitive cost, all the services currently provided to the ACTGS by Comcare.

We are not locked into some blind ideology about who should be the provider. What we are about is making sure that the focus is back onto working people. The establishment of that statutory authority is a most important issue. The committee has recommended:

That the Government legislate to establish a Statutory Authority:

- (1) with responsibility for those functions performed by ACT WorkCover including the activities of the OH and S Inspectorate in relation to the ACTGS, the OH and S Act 1989, the ACTGS/TLC OH and S Agreement, the Codes of Practice and the ACTGS OH and S Policies and OH and S training;
- (2) to take responsibility for all aspects of the rehabilitation of workplace injured ACTGS workers, including those functions carried out by rehabilitation case managers;

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- (3) to be the agency representing the ACTGS on the Safety, Rehabilitation and Compensation Commission; and
- (4) to have appropriate and effective enforcement powers in relation to compliance with notices issued to ACTGS agencies.

Mr Speaker, that recommendation is extremely timely, given the attempts by the Government to move to amend the public service legislation, which would result in the politicisation of our public service. The policing of OH and S and rehabilitation has to be at arm's length from the general stream of management. That came through in the course of the inquiry. With hindsight, an inquiry at an earlier time may well have been helpful. I am not wishing to sheet the blame home to the Government for not having an inquiry. I just think, having gone through all of the issues, that it may have been timely to have had it earlier; but we have had it, and I think the recommendations are worth while and will assist in the provision of better services for workers in the Territory.

Another important recommendation is:

That the Government accept the Comcare offer to participate in a joint management of Comcare operations and in the development of a whole of government premium reduction strategy.

Mr De Domenico: We have done that. It is up to Mr Johns, now, to approve it.

MR BERRY: That is very good.

Mr De Domenico: It is up to Mr Johns to approve it, though. We will see what he has to say.

MR BERRY: You may write to Mr Johns and provide him with this reinforcement. Another recommendation is that the Government seek the immediate appointment of an ACT government representative to the Safety, Rehabilitation and Compensation Commission. That is an important feature, Mr Speaker, because the commission is a consultative arrangement to deal with compensation provisions for the Federal Government and the Territory. (*Extension of time granted*) Thank you, members.

We have a range of recommendations which, if implemented, will result in reducing the cost to the Government and the ACT taxpayer, and, most importantly, will result in a better quality of life for workers who are injured. They will also offer better protection for workers in the workplace. They will enable officers concerned with occupational health and safety and rehabilitation to work in their profession of securing workplace safety and the early resumption of work by injured workers. They will also allow this Assembly to take into account the performance of the separate authority which we have recommended against the background of the services provided by Comcare over a period of time. We can sit down soberly and ensure that all of the issues which are of concern to us as a community are dealt with.

The last thing that I would like to do, Mr Speaker, before I resume my seat is to offer my congratulations to the secretariat, in particular to Mr Bill Symington for the way that he was able to condense the views of all of the people who gave evidence to the committee into a comprehensive report. This, as members would appreciate, was done against the background of a lot of committee activity in the Assembly and a large workload on the committee secretariat. Mr Speaker, I wonder whether you would personally thank Mr Symington for his effort on this issue, because it is something that the committee really appreciated. It made our job a lot easier and it also added to the quality of the report.

MR SPEAKER: Mr Berry, I will pass those comments on to Mr Symington and the staff.

MR HIRD (10.49): Mr Speaker, I echo what the committee chairman just said in respect of Mr Symington. I would like the record to show that I appreciated the wide interest that was shown in this select committee and in the evidence that was given to the committee. I was disappointed this morning to hear my colleague Mr Berry using this to whip the Government. The Government is conscious of the problems with workers in the ACT. The report indicated a bipartisan approach to a very vexed question which came across from the Commonwealth with self-government in 1989. To use this as a mechanism to get even is nonsense. A lot of people out there, Mr Speaker, are very concerned about the welfare of family members, and we, as a government, are very concerned about our employees. To denigrate that approach does little credit to Mr Berry.

When you go through the report the crux of the whole thing, Mr Speaker, is this recommendation at the end of it:

any consideration of the possible appointment of an alternative provider be contingent upon the outcome of that evaluation -

remember that the evaluation of Comcare will be for a minimum of 12 months -

and the capacity of an alternative provider to deliver ...

In other words, Mr Speaker, we have put Comcare on notice. Comcare is the provider at the moment, but if it cannot come up with the goods we will look for an alternative provider. It has to deliver the goods. Mr Speaker, we are not saying that we are against Comcare, but it has to improve its game. We have an obligation on behalf of the citizens of the Territory and the 17,500 public servants who are using this agency. The people at Comcare should straighten out their problems and smarten up their approach to business and the service that they provide. I put it to you, Mr Speaker, that we have an obligation, a right and a duty, on behalf of our employees, to make sure that they get the best possible deliverer of these types of services. I am not confident, as a member of the committee, that that came across to the committee.

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In fairness to Comcare, they now have the opportunity to show their ability to improve and to deliver services. Today, when you look at the cost per Commonwealth employee and the cost for the ACT Government Service, you will find a dramatic difference. In the ACT public service the cost today is in the order of \$24,000, compared with just under \$9,000 in the Commonwealth; so there is something wrong. We need to look at how we can improve it. Once again I commend the report. It is an apolitical report and the chairman should not use it as a political instrument with which to take the Government to task. The Government is conscious of its responsibilities in this area, and I think it was of little credit to the chairman to use the report in that way.

MR MOORE (10.54): Mr Speaker, I think the most significant thing about this report is that it is a unanimous report of the committee. It seems to me that when we have unanimous reports from committees we have much stronger reports and ones that ought to be much more acceptable to government. When I started on this process I believed that the committee's report would largely be about finances and economic considerations. There is no doubt that for a number of years we have been concerned about economic issues associated with Comcare. It takes only a reading of the Estimates Committee reports and Estimates Committee transcripts over the last few years to realise that that was the case. As I became more involved in the issues I modified where I was coming from, as I suppose do most people in respect of this issue, and realised that it is not about just money. It is really about protection of our workers and ensuring that workers who are injured have an appropriate quality of life, and that workers who have been injured are able to get back into the work force and to work in a meaningful way.

That having been said, Mr Speaker, I think that there still is room for improvement in two ways. The most significant is in the way we case manage our workers so that we can reduce our financial commitment to Comcare, but not just as a result of clever financial negotiation with one company as opposed to another. In a year or more, consistent with the recommendations of this report, the Government may decide that we can do better by having these services provided by a private organisation because Comcare is not delivering. It seems to me that when we get our act right our premiums will reduce. The reason they will reduce is that we will have people in meaningful work rather than be paying large sums of money for people who are incapacitated.

It is very important to understand that when we are talking about people who are incapacitated we are not talking of people who get into this system to bludge. No doubt there are odd cases, as there are in every organisation, of somebody using the system. In the vast majority of cases I believe that initial management in terms of prevention has not been good enough, and when an accident has happened follow-up management has not been good enough. Having had these issues presented to us, Mr Speaker, I think we will see the start of a new approach to how we deal with these issues.

The most important factor will be what happens in each unit within each part of the administration. It is at middle management level that preventative measures can be taken, and it is at middle management level that stress can be reduced. It is at middle management level that we can find ways to ensure that people can find meaningful work.

Exactly the same system applies in blue-collar areas at that level to make sure that the appropriate practices are in place. To emphasise that, Mr Speaker, the recommendation to establish a statutory authority has been dealt with already by my colleagues. I believe that this unanimous report will assist in ensuring a better quality of life and better protection for our workers. As a result of that, we will also see lower Comcare payments - payments that are not more than double what the Commonwealth pays. That is the challenge. I know that Mr De Domenico is taking it seriously, and I hope that this unanimous report will be helpful in that way.

MR DE DOMENICO (Minister for Urban Services) (10.58): Mr Speaker, I welcome the committee's report, and I also welcome the statements made, in particular, by the last two speakers who, quite rightly, spoke along the lines that this is, or should be, a bipartisan issue that should not be politicised, as some people tend to do from time to time. I welcome, in particular, Mr Moore's remark that this is an issue that is not going to go away.

Quite obviously, anybody who knew anything about workers compensation realised that the most crucial thing to look at was the way we case managed our various cases in the public service. Anyone who knew anything about workers compensation would not have taken five years to work that one out. However, the Government is committed to making sure that workers in the ACT public service get the most appropriate protection, and, should they become injured or sick, that there are rehabilitation programs in place to make sure that they get back to work as quickly as possible. That is what case management is all about. Anyone who knows anything about workers compensation would look, first of all, at case management. There is no use in case managing from a centralised approach. Mr Moore was quite right when he said, "What we need to do is to go right down to that agency level to give every middle management area the opportunity of doing the right thing by the workers in that particular agency". That would come out time and time again.

Mr Berry: Do you endorse the recommendations? When will we be told?

MR DE DOMENICO: You had your go. Now you listen to me. For Mr Berry to stand up and say that people should do nothing about it until this committee reported is, to me, nonsense. Mr Berry, if you see a problem that stands out like the proverbial, you do something about it. In line with that, I am delighted that the committee has come up with this recommendation. We do tend to talk and we did listen to what committee members and other people were saying from time to time. We took a great interest in the work of the committee. I also endorse the commendation of the work done by Mr Symington at a time when he had other things to do.

Comcare have agreed, after consultation, to do something that they did not agree to do in other years, and that is to loan one of their top case management people to us for 12 months - I am glad that the committee has mentioned a period of at least 12 months - in order that we can do something about the 420 people out there on Comcare benefits, most of whom want to be rehabilitated back into the work force. We will actually do something about rehabilitating them, thus reducing the cost. Primarily, we have to look after the worker. At the same time, if we can provide an adequate and best practice

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workers compensation cover at a more cost-effective price for the taxpayer, it is the responsibility of any government to make sure that we do that as well. The Government is delighted to take on board some of the recommendations. Without reading it thoroughly, and I will do that - obviously, the Government will look at it very closely - I welcome the committee's report and look forward to making further comment on it in due course.

MRS CARNELL (Chief Minister) (11.02): I would like to say a few words on this very important issue, particularly in view of the fairly unbelievable comments that Mr Berry made in his tabling speech. This area is an absolute disaster for the ACT. We have, I think, more than 420 people - I think it was closer to 450 at one stage - who have been out on Comcare for more than 45 weeks. This is a dramatic situation. Over the last few years the previous Government, due to their inactivity in this area, allowed certain people to end up on the scrap heap. Guess where the vast percentage of those people were. They were in Health. Guess who was the Minister when most of those people went out. It was the person who stood up here and tried to make some statement that it was somehow this Government's fault that we have ended up with this situation.

I do not think we have been in office for 45 weeks. On that basis none of these people we are talking about went onto Comcare while we have been in office. Of the 450, 295 are in Health. When we came to office 295 people in Health had been out on compo for more than 45 weeks. That is an enormous drain on both our personnel resources and our financial resources in the area of government that has been under most financial pressure since self-government. These are people who want to go back to work but who were given no assistance whatsoever to do so under the previous Government. What we have done is to ensure that, unlike the previous Government, we put in place a mechanism which will give these people some sort of a chance of a decent life; a mechanism that will either get them back to work or, alternatively, make sure that the Comcare situation comes to some sort of conclusion. They either get back to work or, alternatively, have some form of retraining or some form of change in lifestyle generally. Sitting around on Comcare is not a life for anybody, and nor should it be.

As well as getting a very good case manager from Comcare, we are also requiring every single department to put in place proper rehabilitation programs to ensure that from now on this sort of thing never happens again. It is simply unfair. In Health that has happened as a matter of urgency. We now have up and running a proper rehabilitation approach so that we get these people early, so that we can ensure that people who injure themselves at work are given help right from the beginning and do not end up with the 295 people that Mr Berry allowed to end up, supposedly, on the scrap heap. That will not happen again.

It is interesting to note that ACTEW was one of the earliest to decide that it needed to do something about Comcare. ACTEW, over three years ago now, put in place a proper rehabilitation program to manage their Comcare situation, their workplace accident situation. What has happened to the Comcare premium for ACTEW? It has gone down. It has gone down because they are managing the workplace. That is why, as a first step, unlike the previous Government, we are managing the workplace. We are making sure

that every department takes that approach. Health now is paying more than 9 per cent of its payroll to Comcare. That is what we inherited from you. The next highest State is at 3 per cent. No wonder we have problems in Health. This will not happen in the future, but it will take time to ensure that we do change this totally untenable situation. For the life of me, I cannot understand how Mr Berry, a Minister who allowed 295 people in Health to end up on the scrap heap, could make any of the comments he did.

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

OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL 1995

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (11.07), by leave: I present the Occupational Health and Safety (Amendment) Bill 1995 and its explanatory memorandum.

Title read by Clerk.

MR DE DOMENICO: I move:

That this Bill be agreed to in principle.

Mr Speaker, I concede from the start that this is not an original idea of this Government. It is, in fact, the idea of Mr Berry. I acknowledge from the start that it is a good idea. It is a wonderful idea, in fact.

Mr Berry: Easy, Tony, please!

MR DE DOMENICO: I always give credit where it is due, Mr Berry. It is a pity that others do not do the same.

Mr Speaker and members of the Assembly, the Occupational Health and Safety (Amendment) Bill 1995 amends the principal Act to give the existing Occupational Health and Safety Council the additional responsibility of giving the Minister advice on workers compensation and occupational rehabilitation matters. In support of this Bill I shall shortly be introducing the Workers' Compensation (Amendment) Bill (No. 2), which makes minor consequential changes to the Workers' Compensation Act 1951.

Mr Speaker, under the existing arrangements, advice from industry on workers compensation and occupational rehabilitation matters is provided by the non-statutory Workers Compensation Monitoring Committee, which has representatives from employer organisations, unions and workers compensation insurers. The committee is chaired by a government official, and ACT WorkCover provides a secretariat to the committee. Although the body is a non-statutory body, it has some formal functions relating to an instrument known as the "protocol" approved under section 15F of the Workers' Compensation Act 1951. This situation of a non-statutory advisory body

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advising on the workers compensation situation contrasts with the Occupational Health and Safety Act 1989, where a statutory advisory body is established, namely, the Occupational Health and Safety Council, with tripartite representation, to advise the Minister on the range of occupational health and safety issues.

Members will appreciate that there is a close relationship between occupational health and safety on the one hand, which aims to prevent work-related accidents and illness to workers, and workers compensation and occupational rehabilitation on the other hand, which seeks to provide the means to return the injured worker to the workplace after an injury has occurred. Indeed, an examination of the membership of the Occupational Health and Safety Council and the Workers Compensation Monitoring Committee clearly shows that a number of employer and union organisations have representatives who are common to both advisory bodies. The nexus has also been recognised by this Government, which has a single administration, ACT WorkCover, to administer both Acts.

Mr Speaker, in 1994 the Industry Commission reported on workers compensation in Australia. The report criticised lack of uniformity between workers compensation and occupational rehabilitation rearrangements between States and Territories, and drew attention to cost shifting between State and Territory schemes and the Commonwealth. Following the report, the Commonwealth established a task force that sought to reduce cost shifting and achieve greater Australia-wide uniformity for national industries.

As a response to the report, and the Commonwealth activity, the heads of workers compensation authorities, with the support of Labour Ministers - this was at the time of the previous Government - initiated a national uniformity project that aimed at identifying best practice features for adoption by States and Territories with the objective of achieving uniformity. The progress achieved with this project to date has been significant and has led the Commonwealth to disband its task force. Indeed, I believe that there are now valid reasons to hope that Australia can, within the next few years, make real progress towards achieving the goal of having uniform workers compensation arrangements in place in all States and Territories.

Mr Speaker, it is likely that the national uniformity project will result in firm recommendations for reform of Australian workers compensation schemes in the very near future. Once this occurs the ACT Government will be under pressure to reform the ACT workers compensation scheme to achieve national consistency. To this end it is preferable that the Government have in place more substantive formal arrangements for conducting industry consultation on these issues. I have previously raised in this Assembly my concerns regarding differences between the ACT and New South Wales workers compensation schemes and the adverse effect this has on business. Apart from the national pressures for change in this area, there are good reasons for this Government to explore changes to the ACT scheme to achieve greater consistency with New South Wales. Such a process of change also argues the need for good tripartite consultative arrangements. The initial discussions with the Carr Labor Government in New South Wales have been very promising in this respect.

Mr Speaker, this Government is about small, cost-efficient government, and this is evident in the approach we have taken to this matter. The Government needs an appropriate statutory body to advise it on workers compensation and occupational rehabilitation matters, and has adopted the cost-effective approach of extending the role of an existing body to cover the additional functions rather than create a separate new body. This approach simplifies the administration of the advisory body from both the Government point of view and the point of view of those organisations represented on it, all of whom we have consulted with, by the way.

In addition to the changes to the functions of the Occupational Health and Safety Council, some other changes have been made to the council. These other changes are as follows: Council membership has been increased from 11 to 12 by the inclusion of an additional member to be appointed by the Minister. This change will permit the appointment to the council of a representative of the workers compensation insurers. The number required for a quorum at meetings of the council has been increased from five to seven. The original requirement for five members to be present for a quorum related to a council of only nine members. Last year, I am advised, the Occupational Health and Safety Act 1989 was changed to increase the membership to 11, but the number for a quorum was not changed. The Government believes that seven members representative of a tripartite party should be present from a council of 12 in order for a quorum to be present. The Occupational Health and Safety (Amendment) Act 1995 removes the discriminatory provisions which preclude members being appointed beyond their sixty-fifth birthday. The Occupational Health and Safety (Amendment) Act 1995 also provides members of the council with statutory protection from liability in respect of their work on the council.

Mr Speaker and members of the Assembly, this Bill, together with the related Workers' Compensation (Amendment) Bill (No. 2) 1995, provides the Government with formalised mechanisms to advise the Minister on all aspects of the important changes which are to occur in occupational health and safety, workers compensation and occupational rehabilitation. It will play an important role in ensuring that the changes which the ACT must make to achieve national uniformity, to eliminate our differences with New South Wales and to keep local industry competitive are made with the advice of the industry partners on whom those changes will fall. As I said, Mr Speaker, this is not an idea that came into the Government's head. It is an idea that was brought forward to this Assembly by Mr Berry. We think it is a good idea, and I commend the Bill to the Assembly.

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

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WORKERS' COMPENSATION (AMENDMENT) BILL (NO. 2) 1995

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (11.15), by leave: Mr Speaker, I present the Workers' Compensation (Amendment) Bill (No. 2) 1995 and its explanatory memorandum.

Title read by Clerk.

MR DE DOMENICO: I move:

That this Bill be agreed to in principle.

Mr Speaker, I draw the attention of members to my presentation speech for the Occupational Health and Safety (Amendment) Bill 1995. In that speech I advised members that the purpose of that Bill was to expand the role of the Occupational Health and Safety Council to include advising the Minister on workers compensation and occupational rehabilitation matters. This Bill, the Workers' Compensation (Amendment) Bill (No. 2) 1995, makes minor consequential changes to the Workers' Compensation Act 1951 to support the Occupational Health and Safety (Amendment) Bill 1995.

The consequential changes affect section 15F of the principal Act. That section contains a requirement for the Minister to consult with representatives of employers, unions and insurers before approving by instrument a protocol or an amendment to a protocol. The protocol under section 15F covers details of occupational rehabilitation arrangements as regards injured workers. At present the Minister meets this obligation to consult by receiving advice from the non-statutory Workers Compensation Monitoring Committee, which has representatives of employers, unions and workers compensation insurers. Under the new arrangements this consultation will occur with the Occupational Health and Safety Council, which will have representation from employers, unions and workers compensation insurers. Mr Speaker, I commend this Bill to the Assembly.

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

CRIMES (AMENDMENT) BILL (NO. 2) 1995

MR HUMPHRIES (Attorney-General) (11.17), by leave: Mr Speaker, I present the Crimes (Amendment) Bill (No. 2) 1995 and its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

Mr Speaker, the purpose of this Bill is to amend the Crimes Act 1900 so that there is a summary form of three existing indictable offences - the existing offences of theft, making off without payment, and destroying or damaging property. For the assistance of members, I will explain the difference between summary and indictable offences.

Section 33D of the Interpretation Act 1967 defines an indictable offence as being “an offence under any Act that is punishable by imprisonment for a period exceeding one year”. Section 476 of the Crimes Act defines a summary offence against that Act as an offence that is (a) not punishable by imprisonment or (b) punishable by imprisonment for a term not exceeding 12 months.

The three summary offences have been proposed because they would deal more effectively with cases at the lower end of the scale of the indictable offences - offences such as shoplifting and vandalism. They would deal with situations where the value of the property does not exceed \$1,000. The majority of cases which fall within the three existing offences involve property with a value of less than \$1,000. It would better reflect the reality of the situation if these relatively minor offences were dealt with as summary offences. At present, however, with only the three indictable offences available, even offences of this relatively minor nature must be prosecuted, at least in the first instance, as indictable offences, with penalties of imprisonment for 10 years for theft, under section 99; for two years for making off without payment, under subsection 107(1); and for 10, 15 or 20 years for destroying or damaging property, under section 128.

Further, although the offence may involve an item of low monetary value, it is necessary under section 477 of the Crimes Act to ask the defendant whether he or she will consent to the matter being heard in the Magistrates Court rather than the Supreme Court. It is not uncommon for the question to create confusion and apprehension in the defendant, particularly if the person is unrepresented. The situation is even more unrealistic in that, if the defendant chooses, he or she can put the Territory to the expense of a jury trial. I understand, Mr Speaker, that in the last decade or so that has happened on at least one occasion for a very minor offence of, I think, the stealing of a bar of chocolate.

The ACT Criminal Law Consultative Committee, comprising representatives of bodies involved in the ACT criminal justice system, has suggested that there should be a summary form of these offences, the penalties for which should include a fine and a shorter prison term, or both. This Bill will implement those recommendations with a penalty of imprisonment for six months or a fine not exceeding 50 penalty units, which is \$5,000, for all the offences. I commend the Bill to the Assembly.

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

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ELECTORAL (AMENDMENT) BILL 1995

Debate resumed from 24 August 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MS FOLLETT (Leader of the Opposition) (11.20): Mr Speaker, the Australian Labor Party opposes this Bill. We oppose this Bill on the basis that it attacks a fundamental principle of democracy, that is, the right of freedom of speech. The right of freedom of speech is a fundamental human right which the High Court has ruled is implied in the Australian Constitution. Freedom cannot be restricted without being denied, so the restriction proposed in Mr Humphries's legislation is, in fact, a denial of freedom of speech.

The restriction proposed is to ban the distribution of how-to-vote cards, or any other form of canvassing for votes, within 100 metres of the entrance to a polling place on election day. This means that information pamphlets, posters or even discussions with other voters by party workers are banned from within that 100-metre area. Despite the longstanding tradition of access to such information in the ACT, this Government, which alleges that it supports a consultative, open and council style of government, proposes to ban this access. The fact of the matter is that how-to-vote cards are available during council elections throughout mainland Australia. How-to-vote cards have been a fundamental part of the electoral process in the ACT since the first elections were conducted here.

Mr Speaker, the right to participate in the electoral process is a freedom that should be enjoyed by all Canberra citizens. This attack on the freedom to participate in this particular way is clearly aimed at the Australian Labor Party in a politically partisan move. But the ban affects the rights of all Canberra citizens, whether they belong to the Australian Labor Party, to any other political party or to no party at all. Any Canberran now can assist a candidate, any candidate in fact, on election day in the ACT, just as people can everywhere else in Australia with the exception of Tasmania. Every Canberran can choose to contribute a few hours on election day to hand out how-to-vote cards for any candidate that they wish to support. This is a very cheap and easy way for people to actively participate in the electoral process, and many of them in fact choose to do so.

I think that we would all encourage more citizens to participate in the electoral process, but since the introduction of this Bill we must now have our doubts about the Liberal Party. Their objective here is to limit citizens' rights to participate, by banning what is a cheap and easy method of political activity. That ban, Mr Speaker, applies to all citizens, regardless of their political view. Indeed, on this issue, as we well know, the Liberal Party itself is not united. They are being dragged along by the zealotry of a few within the party, and indeed a few outside of it as well.

Mr Speaker, let us not forget about the supporters of the non-major parties. Many Canberrans, perhaps only a couple of times in their lives, decide that a particular candidate or party deserves their support. It might be on a particular policy - say, kerbside recycling or bicycle paths - or a wider issue. In fact, it might be on the basis of

a personal friendship; that happens too. They decide to help a particular candidate at a particular election. The most convenient and most widely used way in which they can help is at the polling booth on election day. Recent surveys show that an increasing number of voters are actually deciding on election day whom to vote for. So the work of all of those volunteers does indeed make a difference. It is the right to participate in the election process in this way that this Bill attacks. It is the right of the citizens of Canberra that is under threat. If Mr Humphries intended to attack the Australian Labor Party - and I think that is his intention - then he is badly off target. It is in fact the voters he has hit.

This proposal also attacks new candidates who might wish to stand for this Assembly in future. We have a deposit system to discourage frivolous candidates such as some of those we saw in 1989. But until now new candidates have had reasonable access to the electoral process. Having paid the nomination fee, they could then organise their friends and supporters to attend polling booths and hand out their material. They could print or even photocopy that material, their how-to-vote cards, and they could reuse those cards several times during an election day. Indeed, in recent times polling officials themselves have been happy to assist in the recycling of how-to-vote cards.

Under Mr Humphries's proposal such candidates will now be denied that avenue of informing voters who wish to support them. Candidates will now have to pay large sums of money for television, radio or newspaper advertisements, or they will have to print and distribute how-to-vote cards to every household. Mr Speaker, as I am sure you are aware, how-to-vote cards per se are not banned under this proposal, only their distribution on election day within 100 metres of a polling place. The distribution to households which candidates will now be forced into will not only cost the candidates more but also mean more wasted paper, not less wasted paper. Some candidates might turn, as the Liberals' own Mr Dunne did during the last election, to other more intrusive, objectionable and environmentally unfriendly methods such as leaving their leaflets under the windscreen wipers of cars parked outside churches on Sunday morning - an issue about which I had many complaints in the course of the last election campaign.

Mr Speaker, in introducing this Bill, the Attorney-General gave a very short speech. That should be hardly surprising, because the arguments for this proposal are small in number and even smaller in substance. I will, however, address each of those arguments in turn and point out the errors in Mr Humphries's position. Mr Humphries stated that this is part of the Tasmanian Hare-Clark system and that the intention is to reduce the influence of party machines on election and referendum outcomes. Mr Speaker, if that is what he really thought, why did he not insist that the how-to-vote card ban be included in the referendum that was held earlier this year? He did not do that, because he knew that it was not fundamental. Nor was it included in the proposal put to the electorate in 1992. The voters of Canberra have never chosen to ban how-to-vote cards. Indeed, they have never even been asked the question. This is from a government that claims to be consultative.

Mr Humphries has never asked them, Mr Speaker, because I think he suspected the truth. Like the founder of the Liberal Party, Sir Robert Menzies, who found out the hard way that Australians would not ban the Communist Party, Mr Humphries is afraid that the ACT voters would not ban how-to-vote cards, so he has not asked them.

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In fact, I am aware of only one poll that was ever conducted on this issue in the ACT. It was a highly dubious poll, having been conducted by Mr Stevenson. That poll - and I have qualified my comments on it, Mr Speaker - found that there was an overwhelming majority in favour of allowing how-to-vote cards. Mr Humphries said in his speech:

The proposed amendments to the current ACT electoral legislation aim similarly to transfer from party machines to the voters ... the power to select candidates.

That is simply untrue, Mr Speaker. The Hare-Clark system, the Robson rotation and the countback method of filling vacancies does that. Those are the mechanisms to give power to the voters and those were all entrenched by the referendum earlier this year. As part of that referendum Mr Humphries could have asked the voters whether they wanted to ban how-to-vote cards, but he did not.

Mr Speaker, another argument that Mr Humphries put forward - - -

Mr Humphries: I could not. It was not part of the Bill we were entrenching. It was not possible.

MS FOLLETT: I am not going to shout over that rabble, Mr Speaker.

MR SPEAKER: Indeed, you do not have to.

MS FOLLETT: I crave your protection. Another argument that Mr Humphries put forward was that there would be a reduction in wastage of paper used in how-to-vote cards. Again, that is a fallacy. As I pointed out earlier, the proposed ban will result in an increase in the production and distribution of how-to-vote cards before election day. There will be a higher proportion of wastage and absolutely no capacity to reuse how-to-vote cards. I say that simply because parties and candidates will now have to distribute their how-to-vote cards to households, not knowing whether those households are going to vote, not knowing whether anybody lives at an address, not knowing whether people have an interest in following a ticket or not. Mr Speaker, there will be far greater wastage of those papers and absolutely no capacity to recycle them. At the moment, as we all know, there are recycling bins at the polling places. That measure was instituted by the Labor Party, but we will lose the capacity to recycle.

Mr De Domenico: There is a recycling bin at every household.

MS FOLLETT: Also instituted by the Labor Party. Mr Speaker, Mr Humphries also referred to "a possible reduction in campaign costs for parties and candidates". That was another reason that he put forward for his legislation. He at least had the honesty to say "possible", for he well knows that the cost of how-to-vote cards is a very small part of a party's election costs. As I pointed out earlier, individual candidates' costs will go up, not down. The how-to-vote card is a relatively cheap form of advertising, especially when you compare it with paid advertising on television, on radio or in newspapers.

Mr Humphries: But you do all those things as well. You do not save any money.

MS FOLLETT: Mr Speaker, if you wish to give him the floor, the time will come.

MR SPEAKER: Mr Humphries will have the opportunity to respond in due course. Proceed, Ms Follett.

MS FOLLETT: Mr Humphries also referred to “a reduction in the incidence of complaints lodged about campaign literature”. The ACT Electoral Commission told the Estimates Committee that in the commission’s survey less than one per cent of voters complained about how-to-vote cards. Mr Humphries proposes a solution to a problem that does not actually exist. If the candidates adopt the tactics of the Liberals’ own Mr Dunne as an alternative, then I am quite sure that complaints will go up markedly, not down.

Mr Humphries gave as another of his reasons “removing the advantage currently enjoyed by those parties and candidates with the resources to print and distribute material widely on polling day”. The big parties - and I will include here the Moore Independents and the Green Party of Australia - do have this capacity, but they also have the capacity to do this before election day. Mr Humphries's ban means that that is now their only option. It will be the others who fail to gather such resources - the individual candidates, the small parties, the new candidates and so on. They will not be able to gather these resources, because no longer will they be able to access the maximum number of voters with the minimum number of volunteers. That is possible only at polling booths on election day, as Mr Humphries well knows. Last, and probably least, of Mr Humphries's arguments was his reference to “removing a source of irritation to voters entering polling places”. As I said, Mr Speaker, the Electoral Commissioner, who has actually surveyed people on this issue, found that less than one per cent of voters were dissatisfied with how-to-vote cards.

Mr Humphries, in his introduction speech, did not make much of the environmental argument, for he well knows that his ban on the handing out of how-to-vote cards at polling booths on election day will actually result in more paper wastage, not less. More how-to-vote cards and other election literature will be printed for candidates to get coverage. More will be put into letterboxes by party workers and campaign sympathisers. More material will be handed out at shopping centres and other community gathering points. Perhaps, like the Liberals’ own Mr Dunne, individual candidates will put leaflets on windscreens at parking places at churches, shopping centres, workplaces and so on. More of that material will end up as landfill, not in recycling bins. More of it will end up lying around the streets of Canberra because of its widespread circulation. With the current usage of how-to-vote cards, we have the capacity to reduce, reuse and recycle, because that usage is confined to polling booths on election day.

Mr Speaker, before I finish, I would like to make one point about how-to-vote cards on social justice grounds. The Australian Labor Party has always provided translations in a number of community languages on its how-to-vote cards. This ensures that voters whose first language is not English can have assistance. Also, those who are not particularly literate or numerate can seek out a booth worker to provide them with a how-to-vote card for the party or the candidate they wish to support. These options

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will be denied to such voters under Mr Humphries's ban, thus limiting their capacity to fully participate in the electoral process in an informed way. Mr Speaker, the Australian Labor Party believes that this ban, an attack on the fundamental right of free speech, is misguided and misdirected. It should not proceed any further in this Assembly. However, if the Assembly does support the Bill in principle, then I give notice that during the detail stage I will be moving some amendments to eliminate some of the worst aspects of this proposed ban.

MR KAINE (11.36): Mr Speaker, it has been an interesting exercise over the last 2½ years to watch the Labor Party trying to avoid doing what the electorate asked them to do. In 1992 we had a referendum to determine what kind of electoral system this electorate wanted, and people made it quite clear what they wanted. They wanted the Hare-Clark system, with the Robson rotation, as used in Tasmania. From that day, the Labor Party has tried to weasel their way out of implementing the results of that referendum. We saw the fascinating spectacle of the Leader of the Opposition, then Chief Minister, tabling the draft Electoral Bill 1992 and trying to introduce above-the-line voting as a part of it. That was the first step that this "responsible" Leader of the Opposition took to try to avoid implementing the will and the wish of this community.

Ever since then the Labor Party has fought against implementing this electoral system, and now we see it again. There are no how-to-vote cards handed out on election day at polling booths in Tasmania, but that does not suit the Labor Party in the Territory. They are trying to do everything to avoid implementing this aspect of the Hare-Clark system, with Robson rotation, as practised in Tasmania. They wanted single-member electorates. If they had had single-member electorates in February of this year, there would be 17 Liberals sitting in this place. It just goes to show how short-sighted they are. They cannot even read the electorate. The fact that there are so many Labor members here in this place at the moment, Mr Speaker, speaks volumes for the good sense of the Liberal Party, which opted for the system that we have now rather than the 17 single-member electorates system.

Members opposite should have listened carefully to what the Minister said in introducing this amendment to the Electoral Act, because it can only be in their interests. Apart from the fact that it complies with the strongly expressed - - -

Mr Connolly: So this is trying to help the Labor Party, is it? Joke!

MR KAINE: Listen to the former Attorney-General trying to justify not implementing the electorate's wish as expressed in a referendum. He will do anything to weasel his way out of it. This is the honourable member from Molonglo who would not be here if we had single-member electorates, I would remind him. It is fascinating. But the saga goes on. It seems to me that the Minister made the justification for this amendment quite clear in his introductory speech. The speech was quite short, but it made all of the points that needed to be made. He made the point that in Tasmania they have no how-to-vote cards within 100 metres of a polling booth. This Bill merely puts into effect the final aspect of what the community said they wanted in 1992. It has taken this long to get there.

The Minister also gave some very reasonable justifications for doing this. I would have thought that the Greens would be interested in this, but I notice that neither of them is here to listen. First is a reduction in wastage of paper. The Leader of the Opposition said, "We will have to mail how-to-vote cards out to everybody's letterbox". I bet they do not, because they cannot afford to. No major party in the ACT can. Of course, we know that the Labor Party has access to trade union funds, but they are not inexhaustible. At the rate of something like \$12,000 for every mailing, you simply cannot mail out countless numbers of how-to-vote cards. If they wish to do it, that is up to them. I submit that Mr Humphries's proposition that there will be a reduction in the wastage of paper is valid. There will be. There is no doubt about that. Even if there is not a net reduction, it will not all be left in wastepaper baskets at polling booths where somebody has to clean it up.

There is one advantage that the Minister did not mention, and that is the fact that when people go to polling booths in future they will not have to run the gauntlet that they run now. Have you ever seen the stricken look on the faces of some voters when they turn up at a polling booth and there are 25 people all shoving bits of paper into their hands? Very often they are confused enough without that - and they are confronted with this mad mob of people shoving paper into their hands. It is a terrifying experience for some people. They will not have to do that anymore. They will be able to go to the polling booth in peace and vote without having people shove masses of papers into their hands, which most of them do not want to read anyway. That is an advantage that the Minister did not mention but that I think is worth while.

The Minister talked about the reduction in the cost of running campaigns. I can speak for the Liberal Party. We do not like spending money on this sort of stuff. We would prefer not to. It is an electioneering expense that we could do without. The Labor Party may have unlimited funds from their trade union friends, and they may not mind wasting it, but we do. For the smaller parties and the Independents, the cost of trying to match this kind of advertising by the major parties is an impossibility. They simply cannot do it. The electorate, as well as expressing its preference for the Hare-Clark Robson rotation system, also has a tendency to elect people who do not belong to the two major parties. One of the reasons for the Hare-Clark system is that it gives every candidate a fair go. There is one final step to take to give Independents and minor parties a fair go, and that is to create - - -

Members interjected.

MR KAINE: I heard the Leader of the Opposition say a little while ago that she was not going to shout over the rabble. Neither am I, Mr Speaker. This will remove that one remaining impediment to Independents and small parties getting a fair go. They will not have to get out there and try to match it by handing out how-to-vote cards, trying to find enough pairs of hands to man all the polling booths, trying to find the money to print all of this stuff, which most people shove in the wastepaper basket without reading it anyway.

I would have thought that on the simple basis of fairness, which is what the electorate required when they opted for the Robson rotation system in the first place, we have an obligation to take this one last step which the Labor Party seems to have so much trouble with. There are real advantages for the Independents and the minor parties.

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Apart from the Greens' obvious reluctance to see all those trees being chopped down to publish this kind of material, it would have to be in their interests to support this amendment because of the fairness that it introduces into the electoral system for them. They do not have to try to compete with the Labor Party, with all of its unlimited resources.

Mr Speaker, I am astonished to see the continuing charade put on by the Labor Party in an attempt yet again to defer or prevent the implementation of the wishes of the community as strongly expressed in that referendum back in 1992.

Mr Berry: The question was not even asked.

MR KAINE: It was implicit, Mr Berry, for anybody but the Labor Party, which was stuck on single-member electorates. It was implicit in the matter that was put to the referendum, and the majority of people said, "Yes, that is what we want". It included the Hare-Clark system, with Robson rotation, as is used in Tasmania. You bring forward the Labor members of the Tasmanian Parliament who are permitted under Tasmanian electoral law to hand out how-to-vote cards within 100 metres of a polling booth and I will listen to your argument. That State has been under Labor governments for a good deal of the last 50 years. Obviously, the Labor people in Tasmania understand what the Hare-Clark system, with Robson rotation, as practised in Tasmania, means, even if you lot in the ACT cannot read. Let us be clear that the Minister is accepting his responsibility to do what the electorate said they wanted. This Bill removes yet one more element of unfairness for minor parties and Independents. Mr Speaker, it has my support. I know that there are some rednecks in this place who will not support it, for no reason other than political ideology, but I think they ought to be ashamed of themselves.

MR MOORE (11.47): Mr Speaker, listening to the speech of the Leader of the Opposition, I think it is very much a case of selective memory. It is appropriate to remind the house of a number of things that seem to have been missed. Mr Kaine covered a few. Some of them are fundamental. The most important one is the initial referendum, in which, as Mr Kaine pointed out, about two-thirds of the people of Canberra agreed that we should use the Hare-Clark system as it is used in Tasmania. Why did the provisions relating to how-to-vote cards not proceed in this house when the rest of the Hare-Clark system did?

We need to recall that Labor tried to introduce above-the-line voting and shonk the system. In the end that proposal did not even come into the house. The Labor Party withdrew from trying to push it through. There was such a public outrage that they realised that they had done the wrong thing. They also got together with their running mate and close colleague Dennis Stevenson and used their numbers to ensure that this part of the system as used in Tasmania did not go through this house and become subject to the entrenching referendum. Effectively, this part of the system was defeated on the single vote of Dennis Stevenson, who voted with the Labor Party. The Labor Party wanted to shonk the electoral system to ensure that the party machine had the real say about who should be elected. The whole reason for using the system in Tasmania is just the opposite. It is to empower the voter.

Ms Follett is quite right when she says that parties and Independents running for this Assembly will get information out to households. That is certainly the process that I will use. To suggest that that requires further printing is questionable. If we land information in households a couple of times prior to the election - I presume that we will continue to do that - we will include in that material information on how to vote. I did last time, as I think a number of other people contesting the Legislative Assembly election did.

Ms Follett said that the Bill infringes the fundamental right of free speech as ruled on in a High Court decision. If it does, take it to the High Court and let us see what happens. You have that prerogative, and you probably have the wherewithal to do it. Do it, and I think you will find that the Bill does not infringe that right. While it sounds a neat argument, I think you will find that the Bill does nothing of the sort. I reiterate that the Labor Party's stance is directed at retaining the factional and interfactional system in the Labor Party and ensuring that the appropriate people are preselected and then elected. Without how-to-vote cards, what would have happened at the last election? The Labor people elected may have come from such a mix of factions that the factional representation here now may well have been reversed. Voters may well choose to do that. I can understand why Mr Berry and Ms Follett would be worried. There may well be a reversal of factional representation.

Supposedly, an Electoral Commission poll found that less than one per cent of people were dissatisfied with how-to-vote cards. That is a silly point. It has nothing to do with what we are doing today. We are not dissatisfied with the shape of how-to-vote cards or the information on the how-to-vote cards. We are not concerned with that question and people's understanding of it. The real poll was the poll at the referendum held with the election before last. In that referendum two-thirds of the people of the ACT said that they wanted the electoral system as used in Tasmania. That is what the Liberals committed themselves to because that was what the people said. There is no better form of consultation than taking the result of a referendum and then implementing it. The Labor Party tried to shonk that referendum result. The Liberal Party and I - together with Helen Szuty in the previous Assembly - did our best to try to implement the exact meaning of that referendum, and I will continue to do so.

The environmental argument has already been dealt with, but let us deal with the social justice argument. Ms Follett concluded her remarks by talking about the issue of social justice and the different languages on how-to-vote cards. Of course, you have the option of getting information into the household, but the real social justice issue is to provide an optional preferential system. An individual coming into the polling booth to vote Labor - heaven knows why - has the option of simply putting a single mark on the ballot paper or, in Molonglo, if they do not understand who is who, they can write 1, 2, 3, 4, 5, 6, 7 down the paper and their vote will be distributed to members in that order.

The system recognises the wish of those people who understand who has worked hard and who has not worked hard to vote in an order different from that on the ballot paper. That is the whole point of Robson rotation. Labor Party voters who know that they want to vote Labor because their dad did and their grandfather did before them - they do not realise how much Labor has changed - can just write 1, 2, 3, 4, 5, 6, 7 and their vote is delivered. Others might just say, "I have seen Mr Connolly on television, and what he says makes sense for me. I think he is a great man. I have seen him down at the

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butcher shop buying meat. I think he is terrific and I am going to put 1 next to Mr Connolly". If they did that, that would be a valid vote. That is fine. That is how we deliver social justice, but the most important issue here is that the will of the people was very clearly expressed in a referendum that was carried by a two-thirds majority. That referendum always should have been acted on. It has taken longer than it should have, but that is what this legislation does.

MR BERRY (11.55): Mr Speaker, I am extremely disappointed that Mr Moore could not apply a more cerebral assessment to his argument. Mr Moore has established himself as an expert on the Labor Party. There are all of these experts on the Labor Party around the place, but none of them are in it. Mr Moore drew to our attention the way that Labor Party members subject themselves to the scrutiny of their membership before they come forward as candidates to face the electorate. Mr Moore would never be game to do that. If he had to go through preselection in a decent-sized party, he would not get there. I can understand why he would not be interested in that sort of merit process.

Mr Speaker, I want to talk about some of the things Mr Kaine said. He argued that the use of how-to-vote cards was covered in the referendum papers because it said somewhere in them "just like Tasmania". He said that people had assessed the question of whether we should have how-to-vote cards or not. The fact of the matter is that the people were not directly asked the question, "Do you want how-to-vote cards or not?". It is a fraud on the community to say that they were asked that question. I am disappointed that Mr Moore would say those sorts of things. I would not be surprised if it came from the Liberal Party, because they are prepared to spin any web to have their way on a particular issue.

I suspect that how-to-vote cards do not advantage the Labor Party. Under a system without how-to-vote cards, we might be able to get our message through more easily. We are a large party, we have a lot of helpers and we could get that sort of information out, even if we did not have the "readies". We are probably acting against our own interests on this issue. Nevertheless, there is this important question of the freedom of somebody to come up to you, as you are going to the polling booth, and say, "Vote for this person, for these reasons". If a community does not have access to that information when they go to vote, I think they are disadvantaged. This is a deliberate attempt by the Liberals to ensure that that sort of information is not available to the community.

Self-interest is evident in this debate. People opposite think that they would be advantaged by having this sort of legislation. The incumbents would be pretty well protected. Mr Moore would be protected by this sort of blanket ban on providing information for the community at the polling place. I suspect that Mr Osborne may support this move also. It is no wonder that the Liberals, Mr Moore and Mr Osborne would want to support it. It is in their interests to do so. They are going to be here for three years making themselves known to the community, and it would be very difficult for somebody at the last minute to round up enough resources to properly canvass their particular political position throughout the community.

It is a sight easier to get a few dozen people to stand around polling booths and hand out how-to-vote cards. It is also easier to stick a table at a polling booth and put some how-to-vote cards on it if you do not have many resources. This move sets out to prevent that from happening. When it comes to election day, a person who has not been able to elbow us out of the way to get his or her face on television will not be able to stick a few how-to-vote cards around all the polling booths. That is just unfair. Somebody could buy a few card tables or, as I have seen happen during various elections, sit a few how-to-vote cards on the fence under a rock.

Mr Humphries: That is really effective!

MR BERRY: Mr Humphries says, "It is not very effective". I agree. It is not the way to win elections, but it is the right of candidates to be able to have their how-to-vote cards, with a bit of information on them, at polling booths. The Liberals and the Independents are trying to block people from doing that. That is downright unfair.

Mr Kaine drew attention to the look of despair or some other look that people might have on their faces when people thrust how-to-vote cards at them, but there are - - -

MR SPEAKER: I am equally terrified, Mr Berry.

MR BERRY: You can always say no. I have never seen anybody wrestled to the ground and have the thing stuffed in their mouth. The fact of the matter is that some people say no, and people respect that. There are certain rules which prevent you from handing out information too close to the door of the polling place anyway. I think that what Mr Kaine said is a whole lot of nonsense.

The big issue for the community to understand is that this Bill is a breach of the fundamental right to have access to this information. It is a restriction on the freedom of speech. There is no question about that, in my mind. It is unfair, for the reasons that I explained; but, most importantly, the community ought to be very sceptical about this Bill, because it will protect the incumbents and make sure that - - -

Mrs Carnell: How do you work that out?

MR BERRY: Mrs Carnell comes in here and says, "How do you work that out?". If she had been here for the rest of the debate, she might have been able to work it out herself; but just to help her out I will explain it to her. I will repeat it, and I hope that I am not taken to task for making repetitive comments, Mr Speaker. People who are not as well off as Mrs Carnell and who cannot elbow people like her off the television to get their face on it will find it very difficult to make themselves known. If they run as candidates they should have the opportunity to distribute election material at the polling place. You are trying to stop them from doing that. I think that is downright unfair, but that is not something that I would not expect from you lot. Fairness was not something you promised in the last election campaign - or did you promise it? Yes, you probably did. You promised most other things.

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We have a serious situation for the community. It is not as it is being spun by Mr Humphries. The fact of the matter is that this is not something that the community were directly asked about at the last referendum. You can put whatever spin on it you like. The community would have the right to point their finger at you and say, "Liar. We were not asked the question". That is just like the Liberals. This is an incorrect spin on the referendum. I was not asked whether I wanted how-to-vote cards or not.

Mr Humphries: You did not vote for it anyway. You voted against the Hare-Clark system.

MR BERRY: I was not asked whether I wanted how-to-vote cards or not. The incumbents here and a few of those with Messiah complexes who seek to elbow everybody else off the television will be safe, but anybody out there in the community who at some time in the future wants to get a message across to constituents at the polling booth will not be allowed to do so. Of course, Mrs Carnell would be opposed to the message "Vote for me". It is most important that members of the community be able to put forward election information if they choose to become candidates. I think the Liberals have a hide to interpret the last referendum as having incorporated a question about how-to-vote cards, but that is nothing new for the Liberals. I think it is worth protecting people's right to be able to go to a polling booth and hand out a piece of paper which contains information about them and asks people to vote for them. You are seriously infringing upon their right to provide information to people who might wish to vote for them. I think you ought to think a bit more seriously about this.

MR OSBORNE (12.05): Mr Speaker, at the election held early this year I was one of the two candidates who did not have a host of helpers handing out how-to-vote cards.

Mr Moore: They were out playing football.

MR OSBORNE: No; I was playing football. The other exception was Arthur Burns, but I think he had a pretty good reason! There was definitely no-one else. During the lead-up to the election I was asked by a few people what I was going to do in regard to how-to-vote cards and where I was going to get the 50 or 60 people needed to hand them out. To be quite frank, Mr Speaker, I do not think I have 50 or 60 friends in Canberra. I did a quick tally and I think I counted about five. My daughter was only three at the time.

Mr Moore: Your family accounts for three. Who are the other two?

Ms Follett: This bans trash packs too, Paul; no more trash packs.

MR SPEAKER: Order! I cannot hear the member for the bouquets flying around.

MR OSBORNE: I thought that this was a good question, Mr Speaker, because at the time I did not really know the answer. I was not eligible to vote in the election in 1992. I was not eligible to vote on the referendum, so I basically inherited the Hare-Clark system. However, I voted in Sydney several times. I voted for the Labor Party, I might add. Like everyone else, I had to run the gauntlet of would-be

politicians and their sometimes rabid band of followers. I did not particularly like it. I suppose that it was because of a combination of concern to make voting less of an ordeal for the public and a desire to do my bit for the environment that I introduced Ossie's trash packs, which the Leader of the Opposition referred to. It was my answer to helping the environment. Saving all the trees gave me a real warm, fuzzy feeling inside after the election. Incidentally, after the election I took nearly a tonne of paper away from Brindabella's 20 polling places for recycling. I thought that was a pretty good result.

My view, Mr Speaker, is that voters ought not to have as much difficulty as they do now in getting from the safety of their cars to the safety of the ballot box. I am sure that very few people turn up at a polling place with absolutely no idea of whom they are going to vote for. Therefore, they do not need to be convinced where to put their 1, 2 and 3. Perhaps members who are not happy with Mr Humphries's Bill and who want to influence people on how to vote should move to a place that had a recent election, Iraq, and should think of joining Saddam Hussein's Baath Party. He seems to have perfected the how-to-vote cards. He got 99.7 per cent of the vote. Unfortunately, the 0.3 per cent who did not vote for him were shot. I have done a quick calculation and found that it would not be too bad here in the ACT. The Labor Party would have to shoot only 670 voters! For those reasons, Mr Speaker, and because of my long-held dislike of how-to-vote cards, I support the Bill.

MRS CARNELL (Chief Minister) (12.09): The Labor Party has missed the whole point of the Hare-Clark system. It is the Hare-Clark system with Robson rotation. Why would you have Robson rotation with how-to-vote cards? They simply do not go together. I think that the Labor Party themselves found that at the last Assembly election. What do you actually say on your how-to-vote card if you still, as they did, want to direct the people of Canberra where to put their 1, 2, 3, 4, 5, 6, 7, depending on which electorate they are in? Quite simply, the whole basis of Hare-Clark with Robson rotation is that we are saying to the people of Canberra, "We want you to choose whom you want in this Assembly. We do not want the party machine to determine that". Obviously, at the last election the Labor Party was still unhappy with the Hare-Clark system, because they attempted to direct the people of Canberra where to put their 1, 2, 3, 4 and 5. Obviously, they want to continue to do that. That is the only purpose of how-to-vote cards.

As we are totally aware, our ballot papers in the ACT make it quite clear who the members of the Liberal Party are. They are listed under "Liberal". The Labor Party people are listed under "Labor". The Green members are listed under "Greens". Michael Moore is listed as "Independent". Candidates for any other parties that may be part of our elections in the future will be listed separately on the ballot paper under their party banner. Every single person who goes into a polling booth will know exactly who the Labor candidates are, who the Liberal candidates are, who the Greens are, who the Michael Moore Independent candidates are and who the Independents are. All people have to know is how many numbers they have to put on the ballot paper. That is the reason we have electoral officials. That is the reason we have information on the ballot paper telling people that they have to fill in 1 to 5, or 1 to 7. We have officials to help the people Ms Follett spoke about who may have problems with English or with literacy generally. The officials are there not to tell people where to put the number 1 but to tell them how to fill in a ballot paper if they have a problem. All that is looked after.

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There is simply no argument here. If people want to vote for the Liberal Party, for the Labor Party or for anybody else, the ballot paper tells them how to do it. What is the Labor Party talking about? They are talking about wanting to direct the people of Canberra where to put the 1, 2, 3, 4 and 5. The whole basis of Hare-Clark is to stop that. The whole basis of Robson rotation is to ensure that the people, not the parties, choose. That is the reason we support this approach. That is the reason we believe that this is the most democratic system in the world. I have been to a number of other places in the world, as I am sure Mr Connolly and other members of the Assembly have, and how-to-vote cards are not used there. How-to-vote cards are not used in Britain.

Mr Humphries: This basic democratic right!

MRS CARNELL: This basic democratic right! They are not used in America. They are not used in other countries. Why are they not used in other countries if this is a basic human right?

Mr Connolly: Because there is no compulsory voting.

MRS CARNELL: Interestingly, Mr Connolly says that it is because voting is not compulsory. You would think that would be an even bigger reason to have people at polling booths shoving bits of paper at anyone walking past. The fact is that it is not a basic right. What is a basic right is for people to have in front of them information on how to lodge a valid vote for whom they, not the party machine, choose.

I believe strongly that this is about democracy. Democracy is about giving power back to the people, not to party structures or to the unions. Ms Follett forgot to mention that the system Labor wants gives power not to the rank and file of the party but to the appropriate bits of the party that happen to have the numbers, as some members opposite found out. This Bill completes the implementation of Hare-Clark in an appropriate fashion - that is, with Robson rotation and with power going back to the people and not to the union movement, the Labor Party or the Liberal Party.

MR CONNOLLY (12.14): Mr Speaker, the Labor Party is protecting something that has been a part of the democratic tradition in Australia, if not since the introduction of the secret ballot - the so-called Australian ballot - back in the nineteenth century, then certainly since the early part of this century when the compulsory requirement of citizens to attend a polling place was introduced.

Many of us who have been around politics and been members of political parties for a decade or two or three or four would know that throughout Australia it is the tradition on election day that party members and supporters turn out and distribute how-to-vote cards. We heard a tirade from members opposite about intimidation and harassment. They say that banning how-to-vote cards will remove from voters the fear of being harassed while going from their car into a polling place. The lie to that is the study that the Electoral Commission did. It showed a very low level of dissatisfaction among Canberra voters with procedures at polling places.

Apart from that statistical finding, any of us with any experience in electioneering in Australia would know that, generally speaking, the issuing of how-to-vote cards by members and supporters of the rival parties is regarded with a fair degree of good humour both amongst members and supporters and amongst the general voters. Many of us on this side of the chamber have exchanged pleasantries with members on that side of the chamber handing out how-to-vote material on territorial and Federal elections. On a warm afternoon it is not uncommon for members of the Labor Party and members of the Liberal Party to have a soft drink or a cup of tea together. However, we do not want to take that to extremes. The claim that there is harassment and intimidation in handing out election material is just not borne out either by the statistical findings or by common experience.

I add one caveat. Members opposite have spent some time this morning claiming to be experts on the internal affairs of the Labor Party. We will be frank and honest. We do not claim to be experts on the extraordinary internal machinations of the Liberal Party. We do not pretend to understand the levels of personal rivalry, hatred and bitterness. But I observe that the only public complaint about harassment and intimidation in relation to how-to-vote material at the last ACT election came from that extraordinary internal Liberal Party schism when supporters of one Liberal Party preselected candidate who for whatever reason fell out with other Liberal Party preselected candidates were out and about distributing how-to-vote material and had some form of tete-a-tete - - -

Mr Hird: Do not look at Tuggeranong.

Ms Follett: I raise a point of order, Mr Speaker. I could not help noticing that you, quite correctly, called me to order after I had made one interjection. I would ask that you call the Liberals to order. They have interjected constantly throughout every word I said, every word Mr Berry said and now every word Mr Connolly is saying. You can hardly hear a thing Mr Connolly is saying. Let us have fairness.

MR SPEAKER: That is not entirely true; but I undertake to protect Mr Connolly, although I think Mr Connolly is pretty capable of protecting himself. Proceed, Mr Connolly.

MR CONNOLLY: We do not claim to be experts on the internal affairs of the Liberal Party, but we do observe that there were some complaints from a disaffected Liberal candidate supporter about harassment and the like in relation to the present Attorney-General and an incident at a polling place. Alleged incidents have been known, but at the last election they were extraordinarily rare.

That is borne out both by the findings of the Electoral Commission and by the common experience of those of us who have been around politics for some years. It is generally regarded as a good-natured part of the Australian democratic tradition that supporters turn out and hand out material. Some parties chose not to have formal how-to-vote cards at the last election, but they certainly maintained a strong presence at the polling places. Mr Osborne said that he chose not to have a formal how-to-vote card, but he chose to have a strong and visible presence at the polling places with his garbage bins.

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That was a good gimmick. Mr Stevenson had a good gimmick in the second ACT election. Those candidates chose to be near the place where people vote and to canvass for votes. That is a fundamental democratic right which has been part of elections in this country, if not since the introduction of the secret so-called Australian ballot in the nineteenth century then certainly since citizens have been required to front up for State, Federal and in some cases local government elections. It has been accepted as a given. There have not been complaints about it.

As other Labor members have, I have searched in vain the extensive material published by the proponents of Hare-Clark. Labor opposed Hare-Clark. We favoured a system of single-member electorates but accept the outcome of the electorate and hence produced the legislation in the last Assembly which entrenched it. My recollection was that the Liberals at that time tried to knock off how-to-vote cards but failed. The proponents of Hare-Clark took some nine pages to present their case, although the proponents of single-member electorates took only five. In the extensive canvassing of the merits of Hare-Clark, there was nothing that said, "We will ban how-to-vote cards". A lot has been said about giving citizens the right to take a different view from that of the party machine that preselects candidates. Citizens can choose to cast their vote that way. But nowhere was it said, "We will seek to ban political parties from issuing not just how-to-vote material but general supporting material".

Mr Moore chose to put big signs around polling places. I think the "Mike and Tina for Turner" one would have won the prize for witty election material. I did not have my tape measure with me, but I estimate that that would have been within 100 metres of the polling booth and, under this legislation, would be banned. The smaller parties have made fairly good-natured and witty attempts over the years. I am not sure whether Mr Stevenson's "Don't Vote Informal. Vote Abolish" could be described as either good-natured or witty. Nonetheless, it was something different distributed around the polling places by an Independent non-aligned candidate who presumably thought it would benefit his chances of success.

The Liberal Party is saying, "We will pass a law to outlaw the basic democratic process of canvassing or publicising within 100 metres of a polling place". The Liberals have said that how-to-vote cards are bad politics; that they disadvantage parties; that parties should not use them. If that is the case, then you are pretty smart because you are not doing it and the Labor Party is pretty dumb because we are doing it, and why do you not let us continue? No-one is going to accept these arguments. You clearly want to disadvantage Labor supporters. You clearly want to disadvantage people of non-English-speaking backgrounds. You clearly want to disadvantage those citizens who want to simply avail themselves of the traditional ability that they have in elections - Federal, State and local - in all parts of Australia bar Tasmania. When you and your proponents published the extensive documentation you never thought to point out that you wished to ban how-to-vote material. You never thought to point out that you wished to ban canvassing material.

What you are doing here today is seeking to remove a fundamental and basic democratic right. On your own argument, it is a foolish and counterproductive thing for political parties to engage in handing out how-to-vote cards. If that be so, then leave it to the individual political parties and Independents to make up their own minds. It has worked that way for generations. It is a traditional part of the Australian democratic system. The nonsense about fear and intimidation at polling places is clearly refuted by the Electoral Commission's own study and is inconsistent with the common experience of most of us here who have engaged in this sort of process at polling places - State, territorial and Federal - for many years and know that it is regarded by the average citizen, the average voter, as just a part of the democratic process and a good-natured exercise. People take their how-to-vote cards or not, as the case may be, go into the privacy of the polling place and cast their vote. Under the Hare-Clark system they can choose to follow a party how-to-vote ticket or not.

You are seeking to use the very blunt instrument of a ban on a fundamental form of democratic expression. The Labor Party regards this as a serious issue.

Mr Humphries: You want to ban advertising material in election campaigns.

MR CONNOLLY: We think that it is much fairer to allow people to turn out with their friends and supporters. As those of us who have been around the traps for a while know, it is not uncommon for some of the smaller parties to have one person staff a polling place from opening to close, whereas the larger parties can usually stagger people on three-hour shifts, two-hour shifts, four-hour shifts or whatever. Anybody with a bit of enthusiasm can get out there and take part in the democratic process by handing out the traditional how-to-vote cards, as the Labor Party chose to do, or by handing out canvassing fliers, which I guess is what the Liberal Party chose to do, because you did not list a numbered order of candidates. You were certainly there at the polling places last time with your fliers saying "Support the Carnell Liberals".

It is a lot more equitable to allow individuals to go to polling places and do that than it is to allow individuals to buy television advertising time. It is true that every citizen in Canberra has equal access to the advertising departments of Prime, Capital and WIN to take out television advertisements at many thousands of dollars per minute. But the reality is that the cost excludes all but the major parties. The supporters of Mr Moore, Mr Osborne and the Greens probably do not have access to the fundraising expertise that the larger parties have and are disadvantaged when the democratic process becomes an exercise in purchasing time on the electronic media. How-to-vote material, canvassing material, is a fundamental part of the Australian democratic tradition. Mr Speaker, members really should be convinced that to remove it will distort the democratic process. No argument for its removal has been made today.

Debate interrupted.

Sitting suspended from 12.26 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Housing Trust - Dual Occupancies

MS FOLLETT: Mr Speaker, I direct a question to Mr Stefaniak in his capacity as Minister for Housing. I ask: Why is the Government forcing Housing Trust tenants to occupy dual occupancies to enable the construction of new four-bedroom homes in their backyards when there are already on the market any number of four-bedroom homes which would surely be suitable and which could be spot purchased by the Housing Trust?

MR STEFANIAK: I thank the Leader of the Opposition for the question. The question probably relates, as much as anything, to the current publicity given to a dual occupancy property in Curtin. Firstly, that particular matter, as with other dual occupancy developments undertaken by the ACT Housing Trust, has been the subject of various letters to the editor of the *Canberra Times*. ACT Housing has the same development rights and responsibilities as any private developer in the ACT. As required under the Territory Plan guidelines for dual occupancy developments, ACT Housing recently undertook preconsultation with nearby residents over a proposed dual occupancy. Residents raised concerns about problems of privacy and the possible removal of trees from the Curtin site.

Housing has a dual obligation to maximise the use of taxpayers' funds and to meet client needs through the effective use of the public housing portfolio. Dual occupancy development - certainly the one at Curtin - is a reasonable and responsible approach to the property management issue, taking into account such matters, particularly at Curtin, as client needs and site constraints. As the Housing Trust is the largest single landlord in the ACT, it has a very definite interest in maintaining urban amenity. Its clients are just as interested as everyone else in the community in ensuring that their accommodation meets all of their needs, including the quality of their living environment. Indeed, the housing department has been instrumental in developing a plan and consultation process, which I had the pleasure of launching recently, to take ACT Housing well into the twenty-first century.

MS FOLLETT: I have a supplementary question, Mr Speaker. I think we should note that the Minister has not even attempted to answer why it is that the Housing Trust is building new houses when surely, particularly in today's market, it would be far more economical to spot purchase. I ask, by way of supplementary question: Will the Minister guarantee that no-one will be asked to leave their home if they object to a dual occupancy on the property they currently rent from the Housing Trust? Can you give that guarantee to the Housing Trust tenants?

MR STEFANIAK: I do not know whether I can give a unilateral guarantee in relation to that. You would have to take it in relation to circumstances, I imagine. I do not think it would be proper for me to give a unilateral guarantee. Might I say, though, that the Housing Trust is very responsive to the needs of its clients, and is a good neighbour as well, and consults and attempts to place its clients in the best possible accommodation.

I am rather amazed, actually, at some of the media coverage of the place in Curtin because that was a purpose built house with which the young people who had moved in, and whom I met, were very happy. Certainly, they were when I spoke to them. We aim to please as much as we can, but I do not think I could possibly give a unilateral guarantee such as you seek, Ms Follett. There may well be circumstances, and very reasonable ones, that would make that inappropriate.

Business Investment Incentives

MR HIRD: I direct a question to the Chief Minister. I refer the Chief Minister to constant criticisms by the Labor Party about an incentive package agreed to between the Government and the advanced technology manufacturing firm, Australian Optical Fibre Research Ltd. I also draw the Minister's attention to this statement made in the Assembly last month:

... Canberra should be out in the marketplace attracting investment and promoting the national capital as a positive place in which to invest.

Can the Minister advise the Assembly just who made that statement and how the agreement with AOFR will create jobs which are badly needed for the Canberra area?

Mr Berry: On a point of order, Mr Speaker: My understanding is that this issue is at this moment before the Estimates Committee. Could you rule on whether the matter ought to be the subject of questions in question time when the Estimates Committee is considering it?

Mr Kaine: Everything is before the Estimates Committee. Can we not ask any questions?

MR SPEAKER: I think that is probably the answer. I am not aware of it, Mr Berry. It certainly has been a matter of some public debate and therefore I rule that the question is in order.

MRS CARNELL: Mr Speaker, it may come as a surprise to those sitting opposite, but I do not think to the rest of Canberra, that the level of new private investment in the ACT has been falling steadily for some 15 months. So, when the Government reaches an agreement with a company that has just won a \$250m contract to keep that business in Canberra, you would expect at least tacit support from the Labor Party. The quote Mr Hird read was actually out of Ms Follett's response to my budget. After all, this is the same entrepreneurial business-orientated Labor Party that told Canberrans that they would have been out there doing deals with the stock exchange and leading Australia by cutting stamp duty on shares; it is the same forward-thinking Labor Party that told the private sector that they had to be out there creating an extra 1,000 jobs a year because the public sector could not do so; and this is the same Opposition Leader who told the Assembly in her budget reply that Canberra should be out there in the marketplace attracting investment and promoting the national capital as a positive place in which to invest. In the same budget reply, Ms Follett also said:

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We would provide assistance to projects in the information and technology areas - areas that have shown significant job growth in Canberra in recent years ...

That is Ms Follett's own budget response. To me, that signalled Labor's support for a major new advanced technology project such as AOFR. This agreement with Australian Optic Fibre Research is a breakthrough for the ACT's growing high-tech industry. The company rejected options to relocate interstate after negotiations with this Government. AOFR is planning to purchase a lease at the Symonston high-tech manufacturing estate and the Government has agreed to grant an adjoining block of similar size, subject, of course, to the tabling of the instrument in this Assembly. As well as direct employment gains of several hundred jobs, there will be many more flow-on effects on employment and support services.

Ms Follett has criticised this deal repeatedly, despite her statements about investment and support for advanced technology. If there is one thing I cannot take, it is hypocrisy. So, let me quote from a media release issued by Ms Follett on 28 September 1993:

Chief Minister Rosemary Follett has announced that one of Australia's most prominent space technology companies, Auspace, will remain in Canberra.

Hear, hear! The media release continued:

This follows the Government's decision to provide Auspace with an Industry Assistance Package worth \$250,000 to help the company expand its research, development and manufacturing programs in the ACT.

In accepting the assistance package, Auspace turned down several lucrative offers to relocate interstate.

Mr Berry: I raise a point of order, Mr Speaker. This goes pretty close to a ministerial statement, I think.

MR SPEAKER: I understood that the Chief Minister was quoting from somebody else's media release. I am not in error there, am I?

Mr Berry: One expects that the standing orders would be observed in relation to the requirement that the answers be reasonably brief.

MR SPEAKER: Continue, Chief Minister.

MRS CARNELL: The press release went on:

Ms Follett says the decision to provide Industry Assistance to Auspace means more jobs will be created both directly and indirectly in the ACT.

Now, we were not hypocrites. We supported that industry assistance package to one company to keep jobs here in the Territory. As for Ms Follett's comment on picking winners, I think Ms Follett should remember Auspace - a very good decision - but she also should remember VITAB.

Evening College Course Fees

MR OSBORNE: My question is to the Minister for Education, Mr Stefaniak. As a consequence of this year's budget, I am very concerned about the future of the adult Year 12 program, particularly the one at Erindale College. I understand that a reasonable cross-section of students who use this program are 20- to 30-year-old females who are either mothers who are trying to re-enter the work force or women who currently have part-time or low-paid work and for a number of reasons need a locally run course. The current annual Erindale College course fee is about \$165. The only alternative to this at the moment is a \$900 fee at the Canberra CIT. Minister, next year when the college fee goes up to about \$800, will this not be an example of a barrier where "the financial cost of using the service discourages or prevents those who are entitled to use the service from accessing it"? In case you missed the quote, it is from one of the Liberal Party papers released last year containing guidelines on its access and equity policy. Quite simply, Minister, this new fee system will not do. What are you going to do to change it?

MR STEFANIAK: I thank Mr Osborne for the question. A fair bit has been said in the last week in relation to this matter, especially by people saying that the fees will be the same as they are at TAFE, which is about \$800. I do not think that is necessarily so. The first point I want to make is that this is more than just a cost-recovery exercise for adult education. It does do that, of course; but the second point is that it is not just about people studying for either Year 12 certificates or university entrance. In fact, many people attending evening colleges are not registered for either Year 12 or university entrance. What this initiative does, Mr Osborne, is remove restrictions on the number of colleges able to offer evening college programs. At the same time, it removes the subsidy provided to the four colleges currently operating evening colleges. The effect will be to improve access and equity for evening college students and have the evening college program become more cost-effective. I want to emphasise that colleges are not being forced to participate.

There has been concern expressed that this move will disadvantage some people, as you say, Mr Osborne. I want to stress, though, that this is not a black-and-white issue. The department is well aware of the sensitive issues of access and equity involved. People enrol in evening colleges for a variety of reasons, not just to complete their schooling or qualify for university entrance. In fact, some people enrol in individual units of study for self-improvement, to pursue a particular body of knowledge, or to acquire certain skills. We need to recognise that a lot of evening college students are not necessarily there just to try for Year 12 certificates and university entrance.

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As to the question of the level of fees, this is a matter for those colleges that decide to participate. They are not being forced to, as I said, and this is not a black-and-white issue. With the number of colleges participating, I would imagine that the fees will not be as dramatic as you think they may be or as your informant has led you to believe.

MR OSBORNE: I ask a supplementary question, Mr Speaker. As it appears that new students are in trouble, what will happen to those students who have started a two-year package in 1995? Will the Government guarantee them continuity in regard to their fees to the completion of their course?

MR STEFANIAK: Certainly, in relation to that matter, I think the colleges are very aware that there will be people continuing their courses, and that is an issue for them to determine. I cannot guarantee anything in relation to that; that is a matter for the colleges. They are certainly well aware of that issue.

Milk Authority - Bottle-Washing Equipment

MR MOORE: Mr Speaker, my question is to Mr De Domenico, the Minister for Urban Services. Some three or so years ago there was a breakdown in the bottle-washing equipment of the Milk Authority and it took some months to fix. What management plan was fixed in place, following that last breakdown in the bottle-washing equipment of the Milk Authority, to deal with future breakdowns? Since, whatever that management plan was, it did not work, what management plan is now going to be put in place to deal with the situation in the future?

MR DE DOMENICO: I thank Mr Moore for his question. In answer to the first question as to what management plan was in place then, I do not know but I will find out and let him know. The second question asked what management plan is in place now. My understanding is that there was some breakdown in the machinery. We want to make sure that the people responsible for maintaining that machinery, if there is a contract for it, pay for the fixing of the machinery. In turn, if the machinery needs to be revamped, it will be revamped if we continue to provide milk in bottles.

MR MOORE: I ask a supplementary question leading on from the last part of that answer. Minister, can you guarantee that the Milk Authority will bring back milk in bottles and not use this as a backdoor way to get rid of providing milk in bottles? Do you agree that, before our fully reusable and recyclable glass bottles go, the current Milk Authority should go?

MR DE DOMENICO: Mr Moore, let me say that I will guarantee that this episode will not be used by the Milk Authority in a roundabout way to attempt to remove milk bottles. I can give you that assurance. As to the last part of the question, Mr Moore, you and I could talk about what we might do with the Milk Authority if it were not set up the way it is now.

Kaleen Youth Shelter

MR WHITECROSS: Mr Speaker, my question without notice is to Mr Stefaniak in his capacity as Minister for Children's and Youth Services. Minister, can you outline the process followed to enable the tendering out of the services at Kaleen Youth Shelter? Was this process consistent with government guidelines for tendering?

MR STEFANIAK: In relation to the second point, I am assured that it was. In relation to the first point, I am advised that a request for tender document was prepared by the Contract Board of the Department of Education and Training. Tenders for the operation of Kaleen Youth Shelter were advertised in the *Government Gazette* on 20 September 1995, the *Canberra Times* on 16 September 1995, and the *Sydney Morning Herald* on 18 September 1995. Eleven tender documents were forwarded to interested organisations. Tenders closed at 2.00 pm on Tuesday, 3 October 1995, and were opened by two Department of Education and Training Tender Board staff, in the presence of a third person from the accounts section of the Department of Education and Training. Only one tender was received, which was submitted by the Richmond Fellowship, and no late tenders were lodged.

MR WHITECROSS: I ask a supplementary question, Mr Speaker. Minister, with reference to your information that 11 sets of tender papers were requested but only one tender was received, what inquiries has your department made to ascertain why only one tender was received? How does the existence of only one tender appear in terms of a competitive tender process?

MR STEFANIAK: Perhaps, Mr Whitecross, there was only one group who were really interested, or only one group who really wanted to tender, but there were 11 tender documents sent out. I am also advised that the tender box was checked for some time after the tenders closed. It seems that the department has done all that it reasonably could in the circumstances.

Youth Unemployment

MR KAINE: I have a question for the Chief Minister. Chief Minister, I refer to the labour force figures released last week by the ABS, one of which indicated that there was a youth unemployment rate of 42.6 per cent. The media incorrectly interpreted that, and I was amazed to read that, according to the media, nearly one in two Canberra teenagers are unemployed. My understanding is that in fact about 6 per cent of our teenagers are unemployed. I ask the Chief Minister - - -

Ms Follett: You have changed your mind now you are in government.

Mrs Carnell: You have changed your mind now you are in opposition.

MR SPEAKER: Order!

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MR KAINE: I am not going to shout over the Opposition either, Mr Speaker. I ask the Chief Minister: What are you doing to ensure that the true state of youth unemployment is properly reported, particularly in the analysis of that information by the media?

MRS CARNELL: Obviously, it is absolutely ridiculous to suggest that there are 42.6 per cent of Canberra teenagers unemployed. This is not what the Bureau of Statistics figures say, and the bureau itself will tell anyone who cares to listen exactly that. In fact, according to the bureau's figures, during September 1995 there were some 23,900 ACT residents between the ages of 15 and 19. Of these 23,900, a total of 1,500 were looking for full-time work. As Mr Kaine said, that is 6.3 per cent. I repeat: 6.3 per cent of 15- to 19-year-olds in Canberra were unemployed in September, not 42.6 per cent. In layman's terms, that means that one in 16 Canberra teenagers was unemployed, not the nearly one in two reported in the media.

The misleading reports arise from a misunderstanding of what the labour force data actually measures. The headline youth unemployment rate of 42.6 per cent refers to the unemployment rate of 15- to 19-year-olds who either have a full-time job or are out in the labour market looking for a full-time job. It ignores completely the vast majority of ACT teenagers, who are either at school or in full-time study at a tertiary institution. At the moment in the ACT, almost 19,000 of the 23,900 15- to 19-year-olds fall into that category. They either are at school or are full-time tertiary students. The remainder are such a small number of teenagers that any survey is subject to heavy qualification about its accuracy and is subject to huge fluctuations on a month-to-month basis. The previous Government is well aware of these fluctuations since they presided over a youth unemployment rate that, I think, went as high as 55 per cent at one particular time. The Bureau of Statistics fully acknowledges that there is a wide margin for error in these statistics.

Mr Berry: No, they do not.

MRS CARNELL: Actually, they do. All we can say for sure is that the headline youth unemployment rate for September is somewhere between 26 per cent and 58 per cent. It is clearly not good enough for a government to be working with such a hazy picture of what the problem actually is and, in order to clear up the confusion, staff from my office met with the Bureau of Statistics yesterday. I note that Mr Berry branded my request for more information from the bureau as some sort of cheap shot. This is true form, I suppose, for Mr Berry, who demonstrated while in government that he preferred to remain ignorant rather than get the full picture on most issues.

The Bureau of Statistics was very keen to do what it could to clear up this confusion, and I am happy to report to the Assembly that, starting from next month, additional figures will be provided by the bureau to give us a clearer picture of the youth unemployment problem. For a start, they will be providing an extra set of figures that show how many teenagers are at school or in full-time tertiary study, at the same time as they provide youth unemployment figures. As well, they will prepare a trend figure for youth unemployment each month, to try to smooth out some of the big fluctuations to which this particular statistic is subject. Finally, and quite significantly, from January they

will be providing seasonally adjusted figures for the overall unemployment rate in the ACT, putting the Territory on the same standing as the States when it comes to labour force data. I think this is a significant step forward for the Government, in cooperation with the Bureau of Statistics, because it will give us a clear picture of the true unemployment situation in the ACT.

I should finish by saying that having 1,500 young people in Canberra who cannot find a job is something that nobody in this Assembly would accept, and that is the reason we are out there in the marketplace coming up with arrangements such as we did recently with AOFR, stimulating the private sector, making sure that we encourage the provision of new jobs through the private sector. That simply must be done because the Federal Government is not employing young people at this stage, and neither is the ACT Government because of the mess this mob opposite left us with.

Kaleen Youth Shelter

MS McRAE: As one of the mobsters, Mr Speaker, I would like to ask a question. My question is to the Minister for Children's and Youth Services, Mr Stefaniak. Minister, can you outline what evaluation has been undertaken of the services provided at the Kaleen Youth Shelter and then explain why it was necessary to put it into private hands?

Mrs Carnell: Did you make a caucus decision on that and did you all agree?

MS McRAE: You wish that your party agreed like ours did, Mrs Carnell.

MR STEFANIAK: Ms McRae, I think it has probably become painfully obvious that what we are on about as a can-do government is trying to provide the best possible service - - -

Ms McRae: My question was about evaluation, not about cans. Would you like me to repeat the question, Mr Stefaniak? I will say it slowly.

MR SPEAKER: Would you like the question to be repeated, Mr Stefaniak, or do you think you can answer it?

Ms McRae: I think he does.

MR STEFANIAK: What evaluation was undertaken? I think I can answer that. Thank you, Ms McRae; you can sit down.

Ms McRae: I did not ask about cans. I did not ask about the cannery.

MR SPEAKER: Order! Please resume your seat, Ms McRae.

MR STEFANIAK: I know that it is hard for you, Ms McRae, but I will endeavour to answer your question.

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Mr Kaine: Is Ms McRae asking a question or harassing the Minister?

MR STEFANIAK: It does not matter. Mr Speaker, in relation to evaluation, this question was initially looked at by the department way back in June, and staff were consulted in terms of their views and everything else for some time prior to this - - -

Ms McRae: Looking at is not evaluation.

MR STEFANIAK: Evaluation in terms of providing the best possible service. The department looked at the best way to provide the service, because this Government is all about providing services, making sure that in that case the kids get the best possible service. Here we had a situation where a service that was run by government could be provided far better by other organisations. I think it is most unfortunate that the child welfare services in the ACT - certainly the non-government ones - have been somewhat sullied by accusations by certain people and by the union involved in recent weeks.

I would like to read a letter from Jenny Kitchin, representing Galilee, Barnardos, Marymead, Richmond Fellowship and the ACT Foster Care Association, which appeared in the newspaper. It says:

As directors of the majority of non-government child-welfare agencies in the ACT, we are writing in response to the item "Union fails in shelter protest" (CT, October 9).

Ms McRae: Mr Speaker, I would like him to answer the question. On a point of order, Mr Speaker: I did not ask for a letter to be read to me. I have read the letter.

MR STEFANIAK: I know that you did not. You do not want to hear what it says.

Ms McRae: I asked him what evaluation has been undertaken. I did not ask him what is Ms Kitchin's opinion of services in the ACT. I have read that opinion. I would like to know what evaluation was undertaken.

MR SPEAKER: Ms McRae, you have been in this seat for long enough to know that Ministers answer questions as they see fit.

Ms McRae: No, I have not been in that seat for very long at all, Mr Speaker. You are the Speaker and you are the one who will determine that he will answer the question.

MR STEFANIAK: I will continue, if I may, Mr Speaker; it is a short letter. It goes on:

We are concerned that the item fails to acknowledge the important and essential role the non-government sector has historically played in providing essential services for children and families.

Agencies like ours are non-government charities, not private “for profit” organisations. We have always provided the majority of child-welfare services in Canberra. We have also maintained a high level of professionalism, staff training, flexibility and commitment to our clients.

The ACT Government has contracted us to do this work and we work in close partnership with it.

We are concerned at the aspersions that have been cast on our work through the arguments put forward in this article, and in other media statements, during the process of handing the operation of Kaleen Youth Shelter to the non-government sector to run.

It seems that the young people and their families are being forgotten in the debate and quality of service not being afforded the priority it deserves.

Finally, in terms of evaluation, if the Government needed anything more to indicate that it was correct, Ms McRae, it was the irresponsible attitude of the CPSU in going out on strike and having to have those kids moved out, in many instances to the very non-government organisations they were criticising.

MS McRAE: I ask a supplementary question, Mr Speaker. Since the Minister has pointed out that there was no evaluation whatsoever undertaken, I would like to know whether it is Government policy simply to go about terminating successful services.

MR STEFANIAK: Mr Speaker, this Government is about providing the best possible service. Ms McRae, if we can provide a better service than another service for the same price, of course we will. I think we do that as a responsible government.

Government Service - Enterprise Bargaining

MS TUCKER: My question is for Mr De Domenico, who has had some notice of the question. How many Territory employees, particularly on incomes under \$35,000, will suffer a real terms pay cut as a result of the Territory's pay offer of 3.9 per cent over three years? What will be the total real terms loss to these employees over the next three years?

MR DE DOMENICO: I thank the member for her question. The Government's proposals for enterprise bargaining in ACT public sector employment do not limit the amount of pay increases that can be negotiated over the next three years. Members will be aware that agency-based pay and productivity bargaining is a cornerstone of the Government's approach - not only this Government, but other governments around the States and the Federal Government as well. This will allow agencies to negotiate any order of pay increase that is affordable within their budget allocation and that is linked to improvements in workplace productivity and efficiency.

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To assist this process, the Government has provided budget assistance to the agencies to the extent of 1.3 per cent per annum or, as Ms Tucker almost correctly said, 3.9 per cent over 2½ years, not three years. Off-budget agencies will not be assisted in this way, however. This is consistent with the usual treatment of such agencies. Similarly, partially funded agencies or programs operating on a user-pays basis will be treated in the same manner, consistent with their normal budget arrangements.

Through the Industrial Relations Commission, award safety net pay increases are available for sections of industry where employees are not able to obtain pay increases under enterprise bargaining. Under the present national wage fixing principles, this increase is a flat amount of \$8 per week. This approach is adopted by the commission to meet its statutory objectives to encourage and promote enterprise bargaining while at the same time maintaining an award safety net to underpin such bargaining. However, the award safety net increase would not be available to ACT government employees since they are clearly able to gain pay increases through enterprise bargaining, and, as I said before, not limited to that 3.9 per cent. It should be noted that the \$8 is equivalent to 1.3 per cent of ordinary time earnings as published by the Australian Bureau of Statistics. In other words, a 1.3 per cent per annum increase would be in keeping with a level of wage increase that might otherwise be available as an award safety net increase outside the bargaining system. In summary, Mr Speaker, the Government's proposal is not limited to a 3.9 per cent pay increase; rather, it is a minimum increase that can be negotiated. In terms of Ms Tucker's question, the answer to the first part is none.

MS TUCKER: I ask a supplementary question, Mr Speaker. With the budget you have, a fixed budget over three years, does the Government have a contingency plan if it cannot achieve this 3.9 per cent wages deal?

MR DE DOMENICO: I welcome that supplementary question. The answer is that the Government will achieve its plan.

Kaleen Youth Shelter

MR BERRY: Noting that the tender arrangements in relation to Kaleen Youth Shelter were closed in 13 days and noting that there was no evaluation, can the Minister confirm - - -

Mr De Domenico: Which Minister?

MR BERRY: Can the Minister, Mr Stefaniak, confirm that the Industrial Relations Commission found that he acted too swiftly when it ordered the transfer of the Kaleen Youth Shelter staff to be stopped for a month?

MR STEFANIAK: Can I confirm that? I do not know whether I can or not. However, the Industrial Relations Commission was keen, on advice, to see whether some agreement could be reached between the parties, and that was an agreement the union was happy to see. The bureau, which has been very reasonable throughout this entire

process, was prepared to go along with that. So, we now have this four-week period where staff have some more time. I think some of the staff will be going into Quamby, and that is in accordance with an agreement reached and filed with the Industrial Relations Commission.

MR BERRY: Mr Speaker, the Industrial Relations Commission does not act unilaterally - - -

MR SPEAKER: Is this a supplementary question, Mr Berry, or are you having a private discussion with me?

MR BERRY: No, I would not waste my time, Mr Speaker. I am sure that you still would not vote for me.

MR SPEAKER: Be very careful. You have a supplementary question to Mr Stefaniak.

MR BERRY: I would like the Minister to explain what his role was in the speedy transfer of the Kaleen Youth Shelter staff and why he wanted the Kaleen Youth Shelter handed over to the private sector so quickly. What was the big hurry?

MR STEFANIAK: Mr Berry, as I indicated, this matter has been going on since June. I believe that the department has acted very properly throughout. In fact, I think it has always done everything, with my concurrence, to look after the best interests of the workers. Indeed, the tender process was part of that.

Ms McRae: Not in June it was not.

MR STEFANIAK: Not in June it was not, but they wanted a tender process and we gave them a tender process. The department and I have done everything to ensure that the interests of the workers have been looked after throughout this process.

Ms McRae: That is why the Industrial Relations Commission had to be called in; yes, good.

MR STEFANIAK: I think, Mr Speaker, a lot of politics is being played by the other side here and, sadly, by the CPSU in recent weeks, to the detriment of the kids at the shelter.

Ainslie Transfer Station

MS HORODNY: My question is to the Minister for Urban Services, Mr De Domenico, and relates to the closure of the Ainslie Transfer Station. As the Minister would be aware, two businesses have been operating at the transfer station. One of them is a small mulching business. Has the Government offered these businesses the option of operating elsewhere after the closure of the transfer station and, if not, why not?

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MR DE DOMENICO: I thank Ms Horodny for her question. As people probably would be aware, Ainslie Transfer Station is not cost effective in handling waste. That is point one. The facility costs approximately \$210,000 to operate each year. Increased vandalism over the past 12 months would require a further \$50,000 to be spent for continued use of the facility. The ACT community is heavily subsidising users of the Ainslie Transfer Station. About 12,600 vehicles per year visit the facility, which works out at a notional cost of \$16.70 per visit just to cover the operational costs. Furthermore, the use of this facility decreased by nearly 25 per cent over the last two years. Even less use is expected as a result of the introduction of kerbside recycling and the provision of compost bins to ACT householders. North Canberra residents can no longer claim a geographical disadvantage in their distance from landfill sites. They will continue to have convenient access to the garden waste drop-off facility at Mitchell. The Ainslie Transfer Station will close on 31 October 1995, at the end of the current contracts. Savings gained from the closure of the Ainslie Transfer Station will be used to take forward the waste management strategy.

MS HORODNY: Could the Minister please answer my question? My question was specifically about the businesses operating there. Do you have an answer to that question?

MR DE DOMENICO: If there are any businesses operating there who would like to have discussions with the Government with a view to being located anywhere else, the Government, as always, would be delighted to talk to them.

Ms Horodny: I have a supplementary question, in that case. Given that the Government has just - - -

MR SPEAKER: Order! Ms Horodny, members are allowed to ask a question and a supplementary question.

Mr Moore: On a point of order, Mr Speaker: I think that what Ms Horodny did was draw attention to standing order 118 and the fact that the Minister had not answered the question. She is now asking her supplementary question. That seems to me to be in order.

MR SPEAKER: Is it the wish of the Assembly to allow Ms Horodny to ask this question as a supplementary question? There is no objection. That being the case, proceed, Ms Horodny.

MS HORODNY: Given that the Government has just offered \$1½m in subsidies to a large business, is the decision to close this small environmentally friendly business an indication of, firstly, the Government's commitment to small business, or, secondly, the Government's commitment to ESD?

MR DE DOMENICO: Mr Speaker, I am quite happy to answer the third or fourth question Ms Horodny has asked. She mentions the \$1.5m and AOFR. Ms Horodny, that is going to create some 400 to 500 jobs. This Government will continue - - -

Ms McRae: Do the jobs at the tip not matter?

MR DE DOMENICO: Mr Speaker, if Ms McRae would like to keep her mouth zipped up and listen, she might learn something. In answer to Ms Horodny's question - - -

MR SPEAKER: Order! Ms Horodny has been attempting to get an answer for some time. It is not helped by the assistance of other members of the Assembly. Continue, Minister.

MR DE DOMENICO: Mr Speaker, the Government will continue to look at every opportunity available to it in order to increase employment in the ACT. That is point one, Ms Horodny. Should this small business or any small business feel that they have been hard done by, as I said, the Government's door is always open for them to come and see us. At this stage, Ms Horodny, I might say that I have not heard from that business. I would be delighted to talk to them if they want to come and see me, and I will see what we can do to help.

Swimming Pool Fees

MR WOOD: My question is to the Minister for Sport, Mr Stefaniak. Can the Minister explain what consultative process was undertaken before the fees for swimming pools were so unreasonably raised? Did the parties who were consulted agree to the increases?

Ms McRae: It is under "S", Mr Stefaniak.

Mr Wood: There is a hazard in looking up the brief. The brief does not answer the question.

MR STEFANIAK: It does, Mr Wood, surprisingly enough. The consultation process in relation to this, Mr Wood, in line with the - - -

Mr De Domenico: Was it the same consultation process as the Labor Party caucus had this morning?

MR STEFANIAK: I might come to that when Mr Connolly asks me a question, Mr De Domenico. Unlike the previous Government, we do believe in consultation and do lots of it. In line with normal practice, too, the Government did commence reviewing its fees and charges schedule in April this year and, as a result, a number of increases to fees and charges were made. We need to realise that the net cost to government in 1994-95 for operating government swimming pools at Erindale, Tuggeranong and Civic was over \$1.7m. There was therefore an obvious need to properly review the fees.

The bureau contacted a large number of swimming facilities in New South Wales, Victoria and South Australia to compare fees at similar facilities interstate as a yardstick for our own. In addition, the bureau also conducted very lengthy negotiations with the major pool users, including ACT Swimming Inc. The bureau also looked at the internal consistency of the existing table of fees and charges and used the opportunity to correct

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some inequities and inconsistencies. Accordingly, it came up with a list of fees, which was put out on 31 August, I think. I note, too, that our pool fees and charges had not increased significantly since 1991. Indeed, Mrs Joan Kellett, the president of ACT Swimming Inc., joined in the press release in stating that, although her body would have preferred the fees to stay as they were, thanks to the goodwill and cooperation of the Bureau of Sport, Recreation and Racing the best possible result had been reached. It was a very extensive consultation process, Mr Wood.

Mr Wood: Is it the case, then, that the Minister changed that process the other day?

MR STEFANIAK: No, Mr Wood, surprisingly, despite what your colleague Ms McRae might say. I think she should pay a little more attention and not just go off half-cocked.

Ms McRae: I listened to you on radio. What do you mean?

MR STEFANIAK: I do not know; maybe we were listening to different shows. As I indicated, the net cost to government for running the three indoor pools alone is \$1.7m. We also provide subsidies to the Manuka pool, which has been operated by the Taverner family for over 40 years, and also the Dickson pool. Those are two outdoor pools. The consultation process is in place, and the results of that stay.

However, in relation to your supplementary question, Mr Wood, it also became apparent to me that a clause of the contract which applies to both the managers at Dickson and Manuka did indicate that there was some provision for them to propose to government their own fees. If that was appropriate, that was something that government could certainly accept. The bottom line is that, providing we lose no money and providing we do not have to subsidise them any more - they are on subsidy agreements at present - there may well be no problems with that. I am waiting to see whether they both take that further. The bottom line is that we lose \$1.7m a year in relation to pool fees. The Government is not going to be subsidising anyone to any greater extent than we have in the past. This whole concept of pool fees is about ensuring that our facilities are run more efficiently so that we can get that very large figure down, not only in this way but also through a number of other initiatives.

Swimming Pool Fees

MR CONNOLLY: Mr Speaker, my question is also to the Minister for Sport and again relates to swimming pool fees, so he can keep his book open. In relation to swimming pool fees, can the Minister explain why he said on radio that entry prices can be negotiated? Does this mean that any individual can negotiate the price of any gazetted fee?

MR STEFANIAK: No, it certainly does not, Mr Connolly. The people who run those two outdoor pools, Manuka and Dickson, can negotiate with government. They can come to us and say, "We want to charge this much".

Ms McRae: That is not what you said on radio.

MR STEFANIAK: Have another look, Ms McRae. Mr McGibbon, who was on radio before me, seemed to understand it a lot better than you, because he said, "Right, I will come and have a chat to you".

Ms McRae: It is not what you said.

MR STEFANIAK: He understood it. I understood it. You are the only one who does not seem to have really understood it. I think that if Mr McGibbon understood it, you should. That is that, Mr Connolly. Might I congratulate you, too, on your statement in relation to euthanasia.

MR CONNOLLY: There was a supplementary question to that, Mr Speaker. Following up Mr Stefaniak's answer, as we understand it, individuals can negotiate fees in relation to pools. Can we take it from that that this will apply across the board for this pro-business can-do Government? Can we expect to see, say, primary producers negotiating a price for the registration of their farm vehicles, bartering, say, two fatted calves and a sucking-pig?

MR STEFANIAK: Mr Connolly, you are a lawyer and you should understand. The Government runs three pools and it has a schedule of fees. That is it. That is not negotiable. There are two pools, however, run on contract by private operators, whom we subsidise to an extent and who are able to keep all the moneys they raise from fees. We are not going to subsidise them any more than we do at present; but, if they can put to us a proposal that is different from what we charge for our three indoor pools, they have the ability to do that in their agreement and that is something we will consider. There may well be some very good reasons put up in relation to that.

Mrs Carnell: I ask that further questions be placed on the notice paper.

Milk Authority - Bottle-Washing Equipment

MR DE DOMENICO: Mr Speaker, Mr Moore asked me a question earlier about the breakdown at the Milk Authority. I said that I would provide Mr Moore with an answer. I am advised that the previous breakdown was caused by a breakdown in the drive chain. There was a review of the maintenance procedures at the time. The most recent breakdown, I am told, was caused by the variations in the quality of the glass provided by the bottle manufacturer - a totally different problem from the first problem and, to a large degree, out of the control of the ACT Milk Authority. However, as a result of the breakdown, there have been ongoing discussions with the manufacturer and it has been stressed that this was an aberration. To avoid a repetition, the ACT Milk Authority is reviewing the quality control of the glass, including investigating the possibility of acquiring some scanning equipment to make sure that it does not happen again. There has also been put into place a review of what further preventative maintenance steps need to be implemented. I can say that the Milk Authority detected the problem on the day it occurred and took action quickly and immediately.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 11 of 1993 -
Government Response

MRS CARNELL (Chief Minister and Treasurer) (3.18): Mr Speaker, for the information of members, I present the Government's response to Report No. 14 of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 11, 1993 - Financial Audits with Years Ending to 30 June 1993", which was presented to the Second Assembly on 22 September 1994. I move:

That the Assembly takes note of the paper.

In September 1994 the Standing Committee on Public Accounts presented to the Assembly its Report No. 14, Financial Audits with Years Ending to 30 June 1993. This report covers the Auditor-General's Report No. 11 of 1993 on financial audits for the year ending on 30 June 1993. The PAC recognised that many of the significant issues raised in the Auditor-General's report had been addressed in the intervening period between the Auditor-General's report and its report. However, the PAC report requested that the Government provide a response to the Assembly on a number of issues.

The Government has given careful consideration to the recommendations of both the Auditor-General and the Public Accounts Committee, and I will respond to each of the areas mentioned in turn. The first is the scope for significant improvement in financial reporting and control. Members will be aware that in previous reports both the Auditor-General and the PAC have acknowledged the significant progress that has been made since self-government in financial reporting and control. This includes both full accrual reporting of all commercial and some non-commercial entities and the significant audited supplementary information provided in the unitary financial statements. The Government is committed to responsible financial management and a more businesslike approach to management of departments and agencies. Further reforms include the introduction of accrual accounting, new financial management legislation, and accountability for the efficient production of goods and services.

The second issue raised by the report was the unspent funds for the national industry extension service program. Whereas the expenditure and the balance of the trust fund at the end of the financial year are important considerations, so is the level of outstanding commitment. The total balance of just over \$1m in the trust fund at the commencement of the 1993-94 financial year included commitments of \$440,000. It was felt that that was an appropriate balance.

The next issue was ACT Housing's reduced cash surpluses. I direct members to the Government's response on this issue for a detailed description of remedial action. ACT Electricity and Water Authority issues were raised. The issues raised by the PAC will be addressed in ACTEW's statement of corporate intent, which will be tabled in this Assembly in early 1996.

The next issue was ACTION and adequate control of ticket stock. A review of the ticketing system was undertaken by the Audit Office in the course of its audit of the 1993-94 financial statements. The Audit Office considered that controls in relation to tickets had been improved and, following extensive testing of the system, was of the view that reliable data were produced. This provided the Audit Office with an assurance that all proceeds from ticket sales had been received by ACTION. Further improvements in this area have been achieved through the introduction in recent days of an automated ticketing system. On the issue of ACT Fleet, I again direct members to the Government response on ACT Fleet operations for a detailed summary.

Next is the issue of agency financial statements and qualifications with regard to those. Members will be aware that the Auditor-General provided a number of qualified audit reports for the financial year ending 30 June 1994. The financial reform program I have referred to earlier in this statement and before in this Assembly will address the problems identified by the Auditor-General. A central element of these reforms is a training program on reporting guidelines and accrual accounting. For 1995-96, all agencies will be required to report on a full accrual basis.

Question resolved in the affirmative.

KIPPAX AND MELBA HEALTH CENTRES

MR BERRY: Mr Speaker, I seek leave to table a motion passed last evening by a public meeting in relation to the Kippax and Melba health centres.

Leave granted.

SUBORDINATE LEGISLATION Papers

MR HUMPHRIES (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for a code of practice, determinations, management standards and regulations.

The schedule read as follows:

Animal Welfare Act - Code of Practice for the Welfare of Captive Birds -
Determination No. 129 of 1995 (S236, dated 15 September 1995).

Bookmakers Act - Determinations -

No. 134 of 1995 - Events to be a sports betting event (S250, dated
29 September 1995).

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No. 135 of 1995 - Location of the sports betting venue (S250, dated 29 September 1995).

No. 136 of 1995 - Directions for the operation of the sports betting venue (S250, dated 29 September 1995).

No. 137 of 1995 - Rules for sports betting (S250, dated 29 September 1995).

No. 138 of 1995 - Maximum number of sports betting licences that may be granted (S250, dated 29 September 1995).

No. 139 of 1995 - Criteria for the granting of a sports betting licence (S250, dated 29 September 1995).

No. 140 of 1995 - Fee for a sports betting licence (S250, dated 29 September 1995).

No. 141 of 1995 - Payment periods for fees for a sports betting licence (S250, dated 29 September 1995).

No. 142 of 1995 - Fees for a sports betting agent's licence (S250, dated 29 September 1995).

No. 143 of 1995 - Payment period for a sports betting agent's licence (S250, dated 29 September 1995).

No. 144 of 1995 - Application fee for a sports betting licence (S250, dated 29 September 1995).

No. 145 of 1995 - Application fee for a sports betting agent's licence (S250, dated 29 September 1995).

Business Franchise (Tobacco and Petroleum Products) Act - Determination of fees - No. 146 of 1995 (S252, dated 4 October 1995).

Freedom of Information Act - Determination of fees and charges - No. 132 of 1995 (S242, dated 21 September 1995).

Health Act - Determination of fees and charges - No. 131 of 1995 (S241, dated 21 September 1995).

Land (Planning and Environment) Act - Land (Planning and Environment) Regulations (Amendment) - No. 36 of 1995 (S243, dated 26 September 1995).

Pharmacy Act - Determination of fees - No. 133 of 1995 (S247, dated 29 September 1995).

Public Place Names Act - Determination - No. 147 of 1995 (S255, dated 10 October 1995).

Public Sector Management Act - Management Standards - No. 7 of 1995 (S244, dated 27 September 1995).

Radiation Act - Determination of fees - No. 130 of 1995 (S239, dated 21 September 1995).

Vocational Training Act - Vocational Training Regulations (Amendment) - No. 37 of 1995 (S249, dated 29 September 1995).

PAPERS

MR HUMPHRIES (Attorney-General): I present revised pages 62 and 65, which have been previously circulated to members, to the Department of Education and Training report for 1994-95 presented to the Assembly on 20 September 1995.

Pursuant to standing order 83A, I present three petitions which do not conform with standing orders, lodged by Mrs Carnell from 788 citizens and relating to euthanasia, by Ms McRae from 31 residents and relating to staffing at the Kaleen Youth Shelter, and by Mr Osborne from 692 residents and relating to the provision of free heroin.

CUSTOMER COMMITMENT PROGRAM Ministerial Statement

MRS CARNELL (Chief Minister): I ask for leave of the Assembly to make a ministerial statement on the customer commitment program.

Leave granted.

MRS CARNELL: This initiative is called the customer commitment program, and I think everyone on this side is very proud of it. It will focus on the provision of faster and better services to our customers, that is, the people of the ACT. I have said many times before that the Government sees the primary role of the ACT public service as being to provide services to the people living in the Canberra region. The customer commitment program will ensure that in all agencies this focus becomes sharper.

Unlike the previous Government, this Government is committed to providing improved services to our customers. As far back as 1993 I raised these same issues in a speech in which I referred to the need to have not only financial contracts but also ethical contracts, where a commitment needs to be given by public servants to provide high-quality, timely and responsive services to our customers. This is only one example of many references to the need to provide better services to the Government's customers that we

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have made from opposition and, more recently, in government. As a result of the customer commitment program, the Canberra region will be a better place in which to live and to do business. The services the Government provides will be more in line with the interests of the people. After all, it is the people of the ACT who pay for the ACT public service and it is on their behalf that the Government provides services.

This program is about cultural change. It is about the manner in which our public servants relate to customers and about making clear to our customers the standard of service they should expect. It will involve improving standards of service in all front-line jobs, for example, counter staff, bus drivers, parking inspectors, teachers, nurses, welfare workers, and all of our office staff who have direct contact with members of the community. It will mean that our staff will not be leaving ringing phones unanswered or shuffling customers from one area to another when they want to make an inquiry. Our officers are committing to being friendly, open and helpful in every dealing they have with customers. There is particularly a need to follow up on customers' requests, to ensure that they are being attended to and, in cases where there are delays, that an interim reply is sent, informing of the reasons for the delay and when a final reply can be expected. The program is aimed at ensuring that all of our customers, no matter what their need, will feel valued, be provided with more personalised service, and know that every effort has been made to assist them. We also want customers to know right from the start how to make suggestions or complaints that will be listened to.

This cultural change will involve a commitment from all staff to providing better service, not just at the point of service but also at all stages in which the service is developed. The program is about letting the customers tell us what they want. This will mean a more open relationship between customers or stakeholders and public servants, with free and full exchange of information. In this way we will be able to find out what the public wants from us in the way services are provided and we will be able to let the public know what we can realistically provide. It will mean changing from thinking like a big bureaucracy to thinking like a regional or city council, more attuned to providing responsive and relevant services to the ACT community.

The ACT public service's current operational structures and arrangements are not well suited in many cases to providing the best customer service. There is too much emphasis on the systems that provide or support a service rather than on the service itself. But it is the service the customer is interested in, not the systems that provide it. There is a need to focus on the level and quality of service and when the service can be expected. There is a need to examine delays in processing times for applications, approvals, payments, licences and so on. The customer commitment program will cut red tape. This will involve agencies in re-examining support systems and internal processes. The Government has already put in place major changes in organisational structures which emphasise our customer focus. Further change will take place through the customer commitment program. All of this activity will be directed at providing a better level of customer service. The Government is not asking the public service to do more in the customer commitment program. What it is asking the public service is to do things differently from the way they have done them in the past. We want public servants to think of themselves as a customer, to ask what they would expect as a customer, and to change the way a service is provided to meet that expectation.

There will be three parts to the customer commitment program. The first part of the program will require each agency to develop written commitment to customer service statements. These statements, which will be developed for all services provided directly to the public, will be made available from 1 January 1996. Each statement will let customers know the type and level of service the ACT public service staff are committed to providing in a particular area and how that service is to be delivered. The statements will aim to explain to customers the realistic level of service they can expect. For example, the Yarralumla Nursery's commitment to service statement explains the wholesale and retail plant supply roles of the nursery, how it will provide its range of services to various customers, including hours of business and other key customer information, where to get more information about the nursery's services, and where to make suggestions or complaints.

Simple and straightforward suggestion and complaint procedures will be incorporated in these statements. This will enable all customers of our services to provide feedback of a positive or negative nature about how the service is provided or how they are treated. The program goes beyond our officers merely listening to feedback. The feedback will be used to make changes for the better in the way services are provided. All appropriate staff will be trained in good customer service practices. Work practices will be reviewed to take into account the feedback received.

The second part of the program will build upon the improved relationships between customers and service delivery areas, develop better work practices and improve staff training. There will be a review and realignment of internal work practices and processes to ensure that there is a clear focus on customer needs. Staff training in service quality will be improved. The information gathered in the first part of the program will also be used in the second part. This process over time will build up in each agency data on what their specific customers expect. The data can then be evaluated and proposals developed to enable change in the way these customers' requirements are provided.

The third part of the program will involve measuring the performance of agencies providing the services. We will not hesitate to look at best practice in other governments or elsewhere in the ACT. Front-line complaint handling procedures to enable the handling of more serious levels of complaints at the time they occur will be implemented.

While there are three parts of the customer commitment program, they will not be discrete parts. Obviously, different areas will move through the process at different rates; but at all times there will be a will to push forward in continually improving the level and quality of service to our customers. The program will provide a gateway into continuous improvements in terms of improving productivity, improving efficiency and improving quality. Ultimately, the program will lead to the adoption of a broad approach to how the Government determines the level and types of services provided. In respect of best practice, the Government is adopting an innovative and exciting partnership arrangement with the private sector to develop our customer service training program. We will use the private sector's approaches in training our staff in good customer service practices. This will involve a sharing of experiences and approaches. We will be having further discussions about arrangements for the interchange of staff between the public and private sectors.

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We need to stress that the customer commitment program is an ongoing program that will become a key feature of all our processes. This is a bold step in making a permanent culture change for the ACT public service. Every effort will be directed at entrenching the program's customer service attitudes. It will involve empowering front-line staff to provide information confidently, to help them see the need to become more expert and knowledgeable, and to make their jobs more interesting and enjoyable. Everyone - the customers, the public service and the community - will benefit from this program.

The Government values highly those staff who are providing an excellent level of customer service. Accordingly, a customer commitment awards scheme will be established to recognise the commitment and dedication of such staff right across the ACT public service. To further promote the customer service ethos, managers at all levels will be encouraged to integrate rewards and recognition, to encourage good customer service, and to ensure that best customer service practice is promoted at the local level. Even our senior executives need to realise that their principal role is to support the front-line staff and their support staff. Accordingly, all chief executives will be required to incorporate the customer commitment program in their chief executive agreements. Senior executives' performance agreements should similarly reflect this requirement.

My department has responsibility for ensuring that the customer commitment program is implemented across all agencies in the ACT public service. It has initiated consultation with peak union bodies and my advisory councils about the program. The chief executive of the department will also provide the Government with progress reports on the implementation of the program. I commend the customer commitment program to the Assembly and look forward to reporting in the future. I present the following paper:

Customer Commitment Program - Ministerial statement, 17 October 1995.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

CHILD ABUSE AND NEGLECT - MANDATORY REPORTING Ministerial Statement

MR STEFANIAK (Minister for Education and Training and Minister for Children's and Youth Services): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on mandatory reporting.

Leave granted.

MR STEFANIAK: Mr Speaker, I am pleased to announce today the Government's plan for the implementation of mandatory reporting of child abuse and neglect in the ACT. Much has been made to date of the need to ensure that mandatory reporting is introduced in such a way that the child protection system is not overloaded, resulting by default in children being put at greater risk. A lot of comment has also been made on the fact that it is very difficult to assess the exact effect of training and mandating in terms of rises in notifications. Some expect the dramatic increases experienced in Victoria and New South Wales, yet we know that the reporting rate in the ACT is already on the national average. So we do not start with the low base Victoria, for example, had before they introduced mandatory reporting.

The approach I am about to outline is a graduated approach which will allow us to assess the impact on services and to respond to the impact before full implementation. In summary, the approach involves training all persons to be mandated in one region, assessing the impact of the training and responding to it, and then moving on to complete the process in the other regions in a staged fashion. The regions will equate to the health and community care catchment areas. This will allow us to take advantage of the work already under way with coordination of health and community services in the catchment areas. Mandating at the end of the process will obviously have some extra effect, but the experience of the other States is that it is the training itself that creates increased notifications. It has been shown that when people are trained to recognise the signs of child abuse and neglect they act very responsibly, purely out of their increased knowledge base. At the end of the training in the first region we will have the most accurate assessment yet of the effect of mandatory reporting we can expect to experience across the ACT, and we can respond to that effect, if need be, in budget terms.

The Belconnen-Gungahlin catchment area has been selected to start the implementation. Through consultation with all existing interagency groupings, a process will be undertaken, firstly, to identify the number of persons in the groups the legislation identifies to be mandated to be trained in the region - that is, how many doctors, dentists, nurses, police officers, teachers, school counsellors, public servants working in the child welfare area and licensed child-care providers will have to be trained; and, secondly, to clarify the particular training needs of these professional groups and devise methods of mixing the groupings in the training process. This mixing of groupings will encourage networking and interaction and will increase the various groups' knowledge and usage of the local service system. The particular training approach will then be devised, using materials and resources from other States where they are appropriate. This will probably involve a mixture of direct training of people to be mandated and the training of trainers within relevant organisations. The hospitals, for instance, may well be more suited to a train-the-trainer approach.

Government departments and non-government service providers affected by mandatory reporting will be expected to set up data collection processes to monitor changes in demand during and after this training program. The training in Belconnen-Gungahlin will be completed by 30 April 1996. Training in the second region will be completed by 30 September 1996, with the third region completed by mid-December 1996 and the final region by 30 April 1997. The exact order of these other regions will be decided at a later date. The Government will then mandate all professional groups by gazettal of subsection 103(2) of the Children's Services Act 1986, that is, on 1 June 1997.

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As I have outlined, this staged regional approach will enable assessment of the impact of training on the level of notifications in a contained area and, with the addition of a small percentage increase for the actual impact of mandating, will give the most accurate assessment available of the increase in demand to be expected across the ACT. Training all groups within a contained area and combining them for training will encourage cooperation and service linkage within local areas. This is a major objective of the national child abuse prevention strategy. The many agencies attending the recent child abuse prevention seminar in Child Protection Week called for support in developing these links. The two strategies will, in effect, be run concurrently in an area. This approach will also allow for the development and testing of the training package in the first stage, which will then be easily moved into the other areas.

It is the Government's intention to set up an interdepartmental committee, which will include the Department of Health and Community Care, the Australian Federal Police, Education and Training, Children's, Youth and Family Services, and the Community Advocate, to steer the process. The committee will also include representatives of relevant professional bodies, particularly those relating to the medical profession. This process will be coordinated from within the Children's, Youth and Family Services Bureau.

Members of the Opposition have tried many times in the months since we came into government to embarrass the Government on this issue. They have made much of their efforts in this area while they were in government, but they never got to the point of implementation. When Ms McRae raised the issue in the Assembly, she clearly stated that she was not after the immediate implementation of mandatory reporting, rather a commitment by the Government and a regular monitoring of progress. I believe that this approach addresses all of the concerns raised throughout the debate on this issue. It combines a gradual approach with a process to measure actual increases in demand. As well, it offers an opportunity for the Government to respond to increased demand if and where it occurs. The \$50,000 that was earmarked in the recent budget for mandatory reporting will be combined with \$60,000 that is being rolled over from last year and \$10,000 in ongoing funds and corporate sponsorship to provide a solid base for the process I have detailed.

I hope that we can now all work together - Government, Opposition and the community sector - to ensure the smooth and successful introduction of this important policy in the ACT. I present the following paper:

Mandatory Reporting - Ministerial statement, 17 October 1995.

I move:

That the Assembly takes note of the paper.

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

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

MR OSBORNE: I present Report No. 12 of 1995 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and I ask for leave to make a brief statement on the report.

Leave granted.

MR OSBORNE: Report No. 12 of 1995, which I have just presented, was circulated when the Assembly was not sitting, on 4 October 1995, pursuant to the resolution of appointment of 9 March 1995. I commend the report to the Assembly.

ELECTORAL (AMENDMENT) BILL 1995

Debate resumed.

MS TUCKER (3.45): In speaking to this Bill, Mr Humphries talked about taking power away from parties and returning it to the people. If the Government really wants to empower citizens, it should as well adequately fund education programs to inform all Canberrans about their rights and obligations and the processes of government, both locally and federally. Another way of stimulating interest in this area is to involve the community more in the processes of government. This requires a much greater commitment to open government than we have seen so far. Given that, by removing how-to-vote cards, both major parties are likely to run an additional letterbox drop for their how-to-vote cards and take out greater advertising space in print and electronic media, the Greens are not convinced that fewer resources will be consumed. However, this Bill does open a window to the possibility of reducing the use of paper at election time and is still worthy of our support in principle.

Apart from the concerns about party power, there is also a worrying trend occurring at polling booths, where parties are handing out misleading information. That trend would be nipped in the bud should this amending Bill get up. While this material could still be included in letterbox drops, residents would have more time to examine it. While we believe that some of the arguments used during this debate are questionable, the Hare-Clark system without how-to-vote cards works reasonably well in Tasmania, so the Greens will be supporting this Bill in principle.

MR HUMPHRIES (Attorney-General) (3.46), in reply: It is with pleasure that I rise to acknowledge support generally from around the house - although not from our colleagues opposite - to correct the problem that arose in about May of last year through the nefarious alliance between the Australian Labor Party and Mr Dennis Stevenson and which encumbered the Hare-Clark system with how-to-vote cards. They are two concepts that are quite incompatible, and it did not assist people in their initial reaction to the Hare-Clark system at the last election.

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It is astonishing that a woman who was the Minister responsible for electoral affairs in this Territory for so long - over the last four years - should have said so many utterly inaccurate and poorly thought through things about this legislation. In particular, it is surprising that she should have made no reference in the course of her comments to the issue to which the legislation is addressed, that is, the question of depriving political parties of the power to direct the order and structure of tickets and to tell voters for that party for whom they should vote in order to achieve an effective vote for their party. That was expressed in my original remarks as the purpose of this legislation but was not once mentioned by Ms Follett, which is extraordinary.

Some things she did say about this legislation, I think, we need to come back to. I suppose that the most extraordinary statement of all by Ms Follett was her comment about freedom of speech. This woman stood up in this place and attacked the Liberal Government for eroding freedom of speech by taking on legislation to ban how-to-vote cards. That is a very fine comment in isolation but cannot be divorced from the fact that Ms Follett has a record, and on her record are a number of comments in the past about issues to do with freedom of speech, in particular, the issue of freedom of speech in conjunction with the Federal Government's former legislation to ban all electronic media advertising, not just on the day of an election but at all times in respect of Federal elections. As I recall, it was meant to apply to State elections as well. It was a blanket ban on electronic advertising in this country.

If Ms Follett is serious about being opposed to erosion of the freedom of speech, if she really believes that people have the right to express their point of view on election day, she surely would believe that they have the same right to exercise their point of view on the other 364 days of the year. But not Ms Rosemary Follett. No, this extraordinary lady believes that it is possible to see how-to-vote cards as being a great bastion of free expression, but all the other ways in which parties communicate with their voters as being somehow a dark blot on the face of civil liberty. I do not think anybody else in this room, indeed in this world, would believe any such nonsense. If the legislation is to blot the freedom of speech and free expression, I am sure that some years ago a case similar to the one she suggests would have been taken to the High Court, and that has never occurred. It has never occurred because the Hare-Clark provisions in Tasmania enjoy the support of most Tasmanians, and they particularly enjoy the support of both the Liberal and Labor parties in Tasmania. Indeed, many key features of the Hare-Clark system, particularly the Robson rotation, were introduced by the Labor Party in Tasmania. Although it was originated by a Liberal member of the Tasmanian Parliament, Neil Robson, it was supported by the then Government of Tasmania, which was a Labor government.

However, it is not a point about freedom of speech that needs to be made. This woman stands here and says that she supports free speech and freedom of expression. Yet today, in the caucus of the Labor Party, the right to free expression on issues fundamentally important to moral judgments about this community and where it is heading was denied members of the Labor caucus. Mr Speaker, what a blatant barefaced hypocrite, to come to this place and lecture us about freedom of speech! This woman should be ashamed. This woman should be deeply ashamed.

Mr Berry: Mr Speaker - - -

MR HUMPHRIES: Instead, she puts her lackey up there to take a point of order and take the heat off her. Come on, do your job, Wayne.

Mr Berry: I wish you would do yours properly. I raise a point of order, Mr Speaker. I ask that the word "hypocrite" be withdrawn.

MR SPEAKER: Mr Berry, I listened very carefully. Mr Humphries referred to hypocrisy and hypocrites. He was not, as far as I am aware, referring to a particular individual as a hypocrite.

Mr Berry: Yes, he was. Mr Speaker, would you revisit the *Hansard* and report back on the matter?

MR SPEAKER: I would be happy to do that, Mr Berry.

MR HUMPHRIES: Mr Speaker, if the cap hurts, I withdraw that phrase.

MR SPEAKER: In that case I do not need to revisit the matter, Mr Berry.

MR HUMPHRIES: Some other extraordinary statements were made in this highly disingenuous speech. Ms Follett claimed that this affects all parties in the Territory; but there are only two parties in this Territory that at the last election actually chose to put how-to-vote cards to what was ultimately their most important test. Mr Connolly correctly distinguished between advisory information to electors, which told them about the party and the candidates without saying, "You should vote for candidates in this order", and those which were in the traditional sense how-to-vote cards. Those two parties were the ACT Greens and the Labor Party. Those parties undoubtedly will be affected by this approach, but it endorses the fundamental principle of the Hare-Clark system - a principle that either has not sifted down to the minds of most of those opposite, or they fully understand but are not prepared to accept - which is that under this system voters are the powerful parties. Voters determine which candidates and which parties get elected - not a party that says, "You shall vote for candidate A first and candidate B next and then candidate C after that", but a party that says, "You, the electors of this Territory, have the right to determine which of our offering of candidates should be elected to serve in the parliament".

That is a fundamental extension to the rights of people in this community. It is an extension that is inherent in the Hare-Clark system and that ought to have been enacted on the day we enacted the original legislation to establish Hare-Clark in this Territory, but it did not happen because of that nefarious alliance between the Australian Labor Party and Mr Dennis Stevenson. What a sad day for the once mighty, once glorious Labor Party - having to resort to quoting a Dennis poll to prove a point! Dear, oh dear! The sad visage of this proud party in the gutter really was quite breathtaking, Mr Speaker.

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Ms Follett says that the Liberal Party is not united on this issue. Would she care to indicate a single Liberal anywhere who does not support the position we are now taking? She nods sagely, but she will not interject, of course. Ms Follett makes the point that now you cannot help a candidate who is a friend because you cannot assist them on polling day. Mr Speaker, any candidate who leaves it until polling day to get out there and explain who he or she is and what they are all about is, I think, assured of defeat.

There was a quite breathtaking error in Ms Follett's remarks. Ms Follett claimed that the Liberal Party cannot be serious about this because it did not attempt to entrench this position in the referendum held earlier this year. As Ms Follett would well know, we were able to entrench only elements of the existing electoral legislation. You cannot very well entrench something that is not there in the first place.

Ms Follett: You could have asked another question. Why did you not ask another question?

MR HUMPHRIES: I will educate Ms Follett. Entrenching means to dig in more deeply something that is already there, to cement in place a principle that is already in the law. We did not have a law to ban how-to-vote cards because you and your friends there voted against us. You all voted against us. That is why it was not entrenched in the legislation. There were some other things in that legislation that were entrenched, which I will come back to in a minute, and I will talk about the sham referendum Ms Follett tried to organise for this Territory.

Mr Speaker, I was taken by the comment by Ms Follett that this legislation will necessitate extra distributions to households, that there will be an explosion of material that has to be given to ACT households. For the record, let me go through some of the material that was available from a range of parties before the last ACT election, to indicate to members that there is really not any shortage of material on electoral matters available to electors prior to elections - "Your local Labor team in Molonglo, in Brindabella, in Ginninderra".

Mr De Domenico: How many of those were elected?

MR HUMPHRIES: Yes, that is another very good question. "David Lamont - Caring for Canberra, working for you"; "The Greens - Lasting Solutions"; "To the householder, introducing your local candidates". That is a good one. It did not mention that these were local Labor candidates, just "your local candidates". There was no mention of the word "Labor" anywhere on that little piece of paper.

Mr De Domenico: I would be ashamed too.

MR HUMPHRIES: I would be ashamed as well. "Securing Canberra's Future" - another thing from the Labor Party; "Mark Dunstone, a Moore Independent Candidate for Molonglo"; "Moore Independents", "Life in your hands", "For a Green left political alternative", "Vote for the Greens", "Hare-Clark ... simply the best". In this glossy publication here there is very little mention of the Labor Party, once again, but it has lots of pictures.

Mr Berry: Except on the bottom of it.

MR HUMPHRIES: Except on the bottom, in fine print, yes, that is true. This large publication appeared a few days before the election. Of course, the Liberal Party also issued a piece of paper very late in the election campaign, and I imagine that this thing of Mr Moore's came out late in the campaign. Tell me, Mr Speaker: If a party issued something late in the election campaign, and if how-to-vote cards were banned, would it not also place a how-to-vote information slip on the back of this information, on the conveniently supplied blank piece of paper?

Mr Connolly: So you think that is a good thing to do - to have that information?

MR HUMPHRIES: Indeed. Members indicated that they can do that, so why should it necessitate any more paper being distributed around the Territory? This stuff comes through in the last week of election campaigns. We all know that it does. You do it every time, we do it every time, everybody else does it every time. Why should this proposal to ban how-to-vote cards mean a single piece of paper more than we have at the moment? It does not mean anything of the sort.

I want to refer briefly to the referendum that was held earlier this year, which Ms Follett raised. She made great play of that referendum. She asked why other provisions about the entrenching of a ban on how-to-vote cards were not included in that referendum. I have already explained why you could not entrench something that is not already there; but it is worth noting in the context of this debate that, although Ms Follett and every one of her, at that time, seven other colleagues on her side of the house supported unanimously that referendum and the provisions in it, which she herself had moved to include in the legislation, at the referendum that followed in February this year not one cent of Labor Party expenditure, not one moment of Labor Party advertising time, not one breath of Labor Party effort was spent on promoting the referendum, which those opposite had put forward and supported to a man and a woman. Indeed, there was strong evidence that Labor Party workers in that campaign were actually telling people not to vote Yes for the referendum - "Do not vote Yes". What kind of sly, backhanded approach towards democracy is that? And these people over here pretend that they are trying to defend the principles of democracy! They say, "These people in the Government are trying to destroy democracy". What a joke!

Mr Berry made some strange remarks. He said that this legislation was unfair to parties not in the Assembly, that this legislation helps incumbents. That is a very poorly thought through comment. First of all, the present system aids those parties that have the manpower resources - or personpower resources, I suppose I should say these days - to throw a large number of people into situations where they can hand out how-to-vote cards, and not every party can do that. This provision very distinctly assists small parties and non-incumbents who do not have the resources to put those kinds of people at polling booths and saturate the entrances to polling booths so that everybody approaching the polling booth gets access to a how-to-vote card. It is those people, those parties, who are disadvantaged by the present system. This is a levelling measure. It gives everybody an equal chance to put their point of view to people in other ways and does not distort the picture by who is able to get people on polling day.

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Mr Connolly had a very unusual argument for a socialist. He appealed to tradition. He said that traditionally the Labor Party has always seen this kind of situation go on and therefore we should continue to have it available in this country and, indeed, in this Territory. Other parties, he said, have used how-to-vote cards in the past, a la the last election; therefore it must be okay. In a situation where such things are being provided by one party, it would be foolishness indeed for other parties not to make that provision. But I come back to the point that this is essentially about empowering individuals in the Territory who are voters to make their own decision about which way they will vote. Those opposite have not even begun to understand what that is about or, if they do understand, they choose to ignore it because they have factional interests that are put in disarray by this measure. Mr Speaker, this is about democracy, about extending its concepts, about supporting real choice in the electorate, and my party is very proud to have brought forward this legislation in this place.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 11

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Ms Horodny
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak
Ms Tucker

NOES, 6

Mr Berry
Mr Connolly
Ms Follett
Ms McRae
Mr Whitecross
Mr Wood

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

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

Clause 4

MS FOLLETT (Leader of the Opposition) (4.06): Pursuant to standing order 185, I move:

That clause 4 be postponed.

My reason for doing this is that I have amendments to move and the amendment that would affect clause 4, which is in effect for the removal of clause 4, logically comes after the other amendments; so I would like it to be deferred very briefly.

Question resolved in the affirmative.

Clause postponed.

Remainder of Bill, by leave, taken as a whole

MS FOLLETT (Leader of the Opposition) (4.07), by leave: I move:

1. Page 1, line 9, after clause 3, insert the following clauses:

“Declaration voting before polling day

3A. Section 136 of the Principal Act is amended by inserting after subsection (2) the following subsection:

‘(2A) Declaration voting papers for an electorate given to an elector under subsection (2) (other than papers given for postal voting) shall be accompanied by any electoral matter, including how-to-vote cards, made available by candidates for that electorate for the purpose of the election.’

Insertion

3B. After section 155 of the Principal Act the following section is inserted:

Electoral matter in voting compartments

‘155A. (1) The OIC of a polling place shall ensure that any electoral matter, including how-to-vote cards, made available by candidates for the purpose of the election is exhibited in each voting compartment for the information of electors.

‘(2) The OIC of a polling place shall ensure that electoral matter exhibited in accordance with subsection (1) is secured so as to prevent its removal or defacement.’”.

3. Page 2, lines 26 and 27, clause 6, proposed paragraph 303(a)(c), omit all the words after “place,”, substitute “other than -
 - (i) a notice authorised by the Commissioner for display there; or
 - (ii) electoral matter exhibited in accordance with subsection 155A(1)”.

4. Page 3, line 31, clause 8, paragraph (a), omit the paragraph, substitute the following paragraphs:
 - “(a) by omitting from paragraph 2(a) ‘or’;
 - (aa) by adding at the end of subsection (2) the following paragraphs:
 - ‘(c) electoral matter kept by an authorised officer for the purpose of subsection 136(2A) in a place where a declaration vote may be made before an officer; or
 - (d) electoral matter exhibited in accordance with subsection 155A(1).’; and”.

The amendments I have moved allow for access to how-to-vote cards during polling in a limited fashion. Parties who are candidates would be allowed to provide how-to-vote cards to the Electoral Commission and these cards would be made available to voters at the time they actually cast their votes. Proposed clause 3A would allow for the how-to-vote cards to be made available at prepolling centres when voters present to vote at such centres. Proposed clause 3B will ensure that the how-to-vote material is exhibited in each voting compartment on election day, for the information of voters. So it is in a central place and if voters wish to see it they would be able to.

This amendment will allow access to information by voters at the point in time when they cast their vote. It does not allow booth workers to be present at polling booths to distribute this material, but it does allow voters to seek the preferred means of voting recommended by parties or by individual candidates. The amendment would limit the number of copies of how-to-vote cards that a party or candidate might produce, since the number need match only the number of voting compartments in the various polling booths on election day. There is no valid environmental argument against this proposal, so I am seeking Assembly support for that limited availability of how-to-vote material.

The amendments that flow from that are my amendments Nos 3 and 4, and they are simply consequential upon it. Amendment No. 3 would allow the Electoral Commissioner to display within polling booths the material that has been provided by parties or candidates. In effect, it removes such display from being an offence under the Act. Amendment No. 4 would allow the Electoral Commissioner to provide to declaration voters at the prepoll centres the material lodged by parties or candidates. Again, it is an adjunct to my amendment No. 1, and I commend it to the Assembly.

Mr Berry: Mr Speaker, I raise a point of order. Mr Moore is about to breach standing orders. I think he ought to be warned about the display of political material in this place.

MR SPEAKER: Order! The Chair is many things, but it is not a clairvoyant. I really do not know what Mr Moore is going to do.

Ms McRae: Mr Speaker, on the point of order: If I brought in any piece of paper and stuck it on the wall, I believe that you would rule it out of order. If nothing else, there is a piece of paper there that is clearly out of order.

MR SPEAKER: I am afraid that the Chair cannot see what you are talking about, Ms McRae.

MR MOORE (4.10): I shall make it clear for you, Mr Speaker; then you will be able to rule. In speaking against the amendments and their sloppy drafting, I was going to demonstrate the size of the how-to-vote card that I would be able to present in each of the polling booths. I used this as a piece of electoral matter at the last election, and if we were to pass the amendment that has been put forward by Ms Follett I would have no trouble at all in running off a how-to-vote card this size. I did one this size last time; I would probably do one double the size next time, or perhaps treble the size. I think the Electoral Commission would find itself in some difficulty as to how it was going to handle such how-to-vote cards. How many people or groups ran at the last election in Molonglo? There may well be a great number of these, and the suggestion that the how-to-vote cards could go up in the polling booth is one that would really test the Electoral Commissioner. What we have is an amendment that really is not particularly practical.

The whole point of the exercise here is that Labor is having trouble facing the fact that their system of preselection, which entices people to vote in a specific way that maintains their factional control, is under threat. It is indeed, because this piece of legislation, which we have just passed in principle, ensures that power is transferred much more effectively to the voter, and in their case to the Labor voter. Therefore these amendments will undermine that process and are simply not necessary in the first place. Secondly, as I believe I have demonstrated quite effectively by the unusual move of bringing into this place a big piece of what could be a how-to-vote card, it is also not practical.

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MR SPEAKER: Mr Berry raised the matter of the display of a sign in the chamber. I refer members to *House of Representatives Practice*, Second Edition, page 479, "Display of articles to illustrate speeches", which reads:

Members have been permitted to display articles to illustrate speeches.

The Chair has been of the opinion that unless the matter in question had some relation to disloyalty or was against the standing orders the Chair was not in a position to act but hoped that Members would use some judgment and responsibility in their actions.

The Chair rules that Mr Moore has not displayed any irresponsibility in his action, and therefore I am quite happy to allow that display to take place. There is not much I can do about it now, as it has taken place.

MR HUMPHRIES (Attorney-General) (4.14): I was going to move that the document be incorporated in *Hansard*, Mr Speaker, but perhaps in the interests of *Hansard* I will not do that.

I want to emphasise the point Mr Moore made that this set of amendments is very poorly thought through. We were told originally that this whole Bill could not be debated in the last sitting period because the Opposition did not have its amendments ready in time for debate in the last sitting period. I note that these amendments are dated 24 August this year, so I am not quite sure why Mr Berry told me that. Perhaps he was confused. Nonetheless, even with the time between the introduction of this legislation back in June, I think, and these amendments now, there is no evidence of much work having been done on the amendments. For example, what is there to prevent material of different sizes being made available? If someone has an A3 size poster and everyone else's is A4 size, that would confer an unfair advantage, I would have thought, on one particular party.

Mr Berry: Would you agree with it if that were sorted out?

MR HUMPHRIES: I would not agree in any circumstance, Mr Berry. Perhaps some people in this place who are thinking about supporting this should ask themselves whether it would be responsible to pass this, even if they supported it in principle, which I do not, because it simply has not been very well thought through. If we have, as we have had in the past, dozens of candidates in a particular electorate - there were 117 in the very first ACT election - are 20, 30, 50, 90 or more how-to-vote cards to be displayed in each polling booth and, if so, how? Do you have a little booklet there to flick through and decide on, like those things in a showroom when you look at carpet squares? Do you have a video loop, perhaps, showing candidate X, candidate Y, candidate Z?

This is very sloppy work on the part of those opposite. What if a how-to-vote card is in breach of the Act? There is nothing here to anchor that back to provisions that deal with material not being in breach of the Act. If material contained extensive comment, for example, or things that were otherwise in breach of the legislation, why would that not be struck out? It would not under these amendments. Is there a limit on how much comment can go into those how-to-vote cards, or their size, or their colour, or whatever else might go into them? In other States where this sort of provision appears for people

to have things on the walls of polling booths - I am not sure how many such States there are, but there are some that have it - there are strict controls on both the size and the content of that material. If it was going to happen here it should happen with those kinds of restrictions as well. To answer Mr Berry's interjection, no, I do not support this, even if those issues are addressed here.

Mr Berry: Then why whinge about it?

MR HUMPHRIES: Because these provisions go against the point of this legislation. I hope that my friends the Greens will think about this as well. These provisions in this amendment of Ms Follett's are designed to allow the party to push aside people's judgment and say, "We want you to vote this way to support the Labor Party". They want to say to people, "To support Labor in power you must elect these people. Forget your choice, bugger your free choice in this matter; you must vote for these candidates in this order to elect a Labor government".

That is a nonsense. There are many people whom the Labor Party put up as candidates at the last election - 17 in all. Any of those people would have made, I assume those opposite will agree, reasonable members of the ACT Assembly. The Labor Party had no right to tell voters of this constituency that they could vote only for certain candidates in a certain order to achieve a Labor government. That was not true.

Mr De Domenico: Do you remember the A grade and the B grade?

MR HUMPHRIES: The A team and the B team. It is just false, it is just misleading, to suggest to people that they have to vote for candidates in a particular order to achieve a particular result. That simply is not the case.

In some ways I regret referring to the question of the environmental impact of how-to-vote cards. It detracted from the key issue of this legislation, which is the question of empowerment of individuals and of voters. Mr Berry and some of the other unelectables over there know that without how-to-vote cards they are in deep trouble. Mr Stefaniak was the first candidate elected in Ginninderra on his own merits. There was no Liberal Party how-to-vote card which said, "Vote 1 Bill Stefaniak". You were elected third in Ginninderra, or something like that, on the basis of having hundreds of pieces of paper or other things saying, "Vote 1 Wayne Berry to elect Labor", "Vote 1 Wayne Berry". In some electorates it did not work at all, as Mr Wood will testify. We need to preserve the fundamental right on the part of electors under this Hare-Clark system to choose for themselves. They do not need parties telling them whom to vote for and in what order, and we should respect that right by rejecting these silly amendments.

MS TUCKER (4.20): First of all, I can remember Mr Moore giving me some advice one day, when he suggested that if you do not like an amendment you can pull it to bits on how it is worded, but if you actually support the essence of it you do not worry too much. I would agree that there are some problems with how this amendment is worded. Mr Moore's stunt was good and entertaining, but obviously there are ways in which these problems could be addressed quite simply.

Mr Moore: But they are not.

MS TUCKER: They are not; that is right. In essence, this amendment is looking at the possibility of giving voters a choice to seek advice if they want it. Both major parties, or older parties, and Mr Moore, are obviously very concerned one way or the other about the right of a party to say who they think is the best person to vote for. I do not share such concern, nor does Ms Horodny. If the voters choose to look for advice from the party, they should be able to seek it.

The Labor amendment would ensure that minor parties or groups who may struggle to get media recognition are given an opportunity to have information clearly on view to voters in an equitable manner. Without this amendment there is a danger that parties without the resources to display their message prominently through newspapers, television and direct mail may be disadvantaged. We believe that some people are grateful for the opportunity to see the recommendations of the party or Independent of their choice, and should be given the opportunity to do so. Nobody is forcing anybody to take the advice.

MS FOLLETT (Leader of the Opposition) (4.22): There have been a couple of extremely disappointing aspects of this debate, both on the substance of the Bill and on the amendment I have moved. As Ms Tucker has pointed out, the most disappointing has been the refusal of any of the opponents of this amendment to actually discuss the substance of the amendment. They have resorted to attacking me personally - surely the last bastion of a scoundrel, if you ask me. They have resorted to attacking their version of the practicalities or the style of the amendment. They have resorted to attempted humour. On no occasion have they attempted to debate the substance of the issue before us, and that is because they simply do not have any arguments against it. I believe that there cannot be an argument against providing voters with the option of looking at a party-ordered how-to-vote card.

I would have thought that all of the so-called problems that have been mentioned about the substance or the form of that information could be well and truly addressed by the Electoral Commissioner, who has had to deal with much more difficult problems than this, believe me. I recall that at the last election there was a great deal of material on display that was in breach of the Act. I had some of it removed. We have a capable Electoral Commission, which has the greatest interest in ensuring that the Act is observed and that it is observed fairly and impartially, and I have every confidence that they could do so if this amendment were passed.

I think the Liberal Party in particular are displaying a breathtaking degree of hypocrisy on this matter. The fact is that they have always used how-to-vote cards, and I have no doubt that in the coming Federal election they will again. Unless they seriously want Senator Margaret Reid not to be put forward as their No. 1 candidate, I cannot see how they can avoid using how-to-vote cards, and I am absolutely certain that they will, and in other cases as well. They are outright hypocrites on this matter.

The amendment I have moved provides additional information to voters which I know for a fact at least 1,000 voters - that is members of the Labor Party - will be seeking. Other voters may also be seeking that sort of information, and to provide it in a central place, I believe, is in the best interests of those voters. Other voters who do not want it are under no obligation to seek it out. Even voters who do read it have no obligation to follow what it says. It has long been a tradition in our electoral systems in the ACT that that information is available, and I believe that the option ought to remain there for voters.

Mr Humphries has not really drawn attention to other issues - recycling issues, the environment, perhaps congested polling booths. He has not mentioned any of those. But, if there had been those issues, they simply do not apply to this amendment I am moving. I can only say that, in opposing this very modest amendment, members opposite are exhibiting blind bigotry on this issue and a determination to provide the voters with as little information as is humanly possible, and I find that absolutely despicable.

MR MOORE (4.27): There are a couple of things Ms Follett raised that, I think, need to be addressed. First of all, she said that there was no substantive argument put by anybody, just a bit of humour and personal attack and so on. I did go through the process of explaining that this was about ensuring that the electoral system, with Robson rotation, works in the way it is intended to work, and the example I used was that Labor Party voters would be empowered by this. So I did put a substantive argument, even if you disagree with it.

Ms Follett further said that this is just blind bigotry. Inasmuch as blind bigotry applies to implementing the results of a referendum, okay, call it blind bigotry if you like. This is about implementing the results of a referendum with a system that is used in Tasmania, and that is how it was presented to the people of the ACT. The Labor Party would, to suit themselves, have us believe that everything that was ever presented to people on this matter was in that booklet. The way I presented the argument in the 1992 referendum, the way it was presented by all parties other than the Labor Party at that referendum, was to say, "We are going to implement the system as it is used in Tasmania". The result we got was a two-thirds majority, and I intend to implement it as it is used in Tasmania, or as close as I possibly can to that system.

There is a reason behind resisting this particular amendment, and the reason behind it is quite clearly that it will enhance the way votes are distributed. It does disempower the party machine, but it empowers voters of this particular party. It allows an even distribution. If somebody wants to vote for the party in Molonglo they write, "1, 2, 3, 4, 5, 6, 7" - in the other electorates they write, "1, 2, 3, 4, 5" - and those votes are evenly distributed. The people who are keen to see somebody out put them at No. 5; those who are keen to see somebody in put them at No. 1, and they carry a great deal more weight because the rest of the votes are evenly distributed. That is the argument that carries most weight. That is how the system is designed and that is how it will work best. It is not just a case of blind bigotry; it is not a case of not putting any substantive arguments. We put those arguments, using a bit of humour to help them along and knocking other people's arguments. Also, as Ms Tucker put it, drawing attention to what I consider to be fairly sloppy drafting was part of it.

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Mr Whitecross interjected on Ms Tucker - it was perhaps a little cross-chamber banter rather than an interjection - and suggested, "If you think this is sloppy drafting, draw up an amendment". Normally I would say that that was right. If I thought I could achieve something by drawing up an amendment, that is exactly how I would do it; but in this case I object to the thing as a whole, so there is no point in drawing up an amendment to make it work. It is true that I think it is sloppy drafting, but I am sure that it could be drafted to resolve those specific problems. However, I am not interested in doing it because in principle I oppose it.

MR BERRY (4.31): One sure thing is that when somebody does not have much of an argument in a debate they will try to recraft history. That is just what Mr Moore is attempting to do and that is what the Liberals have attempted as well. Nowhere in that document does it say "No how-to-vote cards". Stop pretending that it does. It never did say anything about how-to-vote cards. Mr Moore, no matter how you try to re-chisel the tablets of stone, you cannot change the fact that the document never said it. Do not keep up the pretence. You are saying that in the referendum the words "like in Tasmania as I, Michael Moore, said" were stuck in everybody's mind. The fact of the matter, Mr Moore, is that they considered the document and nowhere did it say "No how-to-vote cards".

Mr Moore also tries to create the impression, as do the Liberals, that under a system of how-to-vote cards people do not have the choice to vote how they like. That is patently ridiculous. I am surprised that normally intelligent people would even suggest that. It just shows how misleading and devious people can be. You are perfectly entitled to pick up a how-to-vote card and not follow it. There is no requirement to follow a how-to-vote card. It advises a person on the strongest way to vote for a particular political party.

One of the problems all those opposite who oppose us on this matter have is that they have decided to go down a certain path, and they know that the strongest vote for a party is one which follows a ticket. Another thing that upsets them is that we can now argue that when we put forward our how-to-vote card we can demonstrate to the traditional Labor voters and to other people who intend to vote Labor that we have gone through a merit preselection system. We have faced our peers and the order has been settled. We are saying, "If you vote this way, these are the people who will implement Labor Party policy".

The Liberals adopted a very weak position and made the big mistake of not going down that path. We intend to pursue that course. Indeed, we are happy to advise people on how we would like them to vote and we are happy for them to make up their own minds; but we are not going to take the outrageous, weak-kneed, gutless position of the people who support this Bill of refusing to supply information to individuals at the polling place. What an outrageously weak argument you have put up!

We heard Mr Kaine arguing at great length about how the environment was going to be affected by all of the paper thrust into people's hands out the front of polling places. We have given you the answer, Mr Kaine. You do not have to thrust it into their hands. Voters can leave paper in the polling station. There will be only one sheet of paper for each voter. We have answered your questions. You can vote with us, and your argument

will be well satisfied. Others in the Liberal Party have occasionally gone down the path of protecting the environment, not for the protection of the environment but for their own reasons. The myth of their argument has been exposed as well.

We have provided them with an option. None of them attacked the option, because it overcomes exactly what they complained about earlier in the debate on this issue. There is a taint of hypocrisy. Mr Humphries sits crookedly in his seat because of the chainsaw and the little gun in his pocket. He has the sight set for long distance and a little picture of a kangaroo, but he is not on target on this issue. These amendments are worthy of support because they go to the question of providing information to the community and giving them a choice.

MR KAINE (4.36): Mr Speaker, I appreciate Mr Berry's offer to allow me to vote with him, but I have to tell him that I am not going to take it up. I am not going to take it up because - - -

Mr Berry: Because you have changed your mind.

MR KAINE: No, I have not changed my mind at all. I have listened to the debate. If one were here without any prior knowledge of the subject, one would have to assume from what the Labor Party has said that they are not going to be able to tell people how to vote. Nothing is further from the truth. All this Bill says is that you cannot do it on polling day within 100 metres of a polling booth. If the election campaign goes on for three months or more, as the last one did, you can tell them for three months how to do it. You can stick the information in their letterboxes; you can put it in the newspaper; you can drop it from an aeroplane; you can throw pamphlets from Black Mountain; you can do what you like. You can tell your voters what you like for as long as you like, except that you just cannot do it on polling day at the polling booth.

What is the problem? If, after you have inundated your voters for three months or more with how-to-vote information, they wake up at 8 o'clock in the morning on polling day and say, "I do not know how to vote", they can always pick up the phone and call the Labor Party and ask them. On their way to the polling booth they can switch on their mobile and say, "Hey, Wayne, how do I vote when I get there?", or they can ask Terry. They would get better information from Terry, I am sure. This assertion that somehow we are depriving the Labor Party of the opportunity of telling their voters how to vote is another one of the great lies that emerge in debate in this place. It is not true. I do not accept the Opposition's argument.

If I cannot read the paper on the day before polling day, cut out the how-to-vote information, stick it in my pocket and go down to the polling booth the next day and vote the way Wayne tells me to, then we have a problem. I do not believe that the average voter is so dumb. In fact, I know that they are not, because they voted properly at the last election. They did not have any how-to-vote cards from our party telling them in which order to vote for candidates, but they picked the right ones. That is why I am here and Harold is here. The whole argument of the Labor Party relies on a couple of myths.

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One is that you are not allowed to tell anybody how to vote for you. That is simply not true. The other is that people are incapable of reading what you put before them prior to election day. There is no way that the Labor Party has convinced me that what we put forward in this legislation today is wrong.

MR WHITECROSS (4.39): Mr Speaker, Mr Kaine has just done the most comprehensive demolition job on the logic of the Government's legislation that any of us could have done. Mr Kaine, perhaps not for the first time, has contradicted his frontbench, which has been saying that telling people how political parties would prefer voters to exercise their vote is fundamentally flawed, fundamentally at odds with the electoral system and fundamentally a problem. Mr Kaine has just said that he is perfectly happy for political parties of all complexions to spend as much time as they like explaining to their voters how they would prefer voters to exercise their votes. He has made it quite clear that he thinks that that is a right and proper thing to do; that it is an exercise of free speech and democracy. That is what the Labor Party has been saying on this issue all along.

The Labor Party's position has been quite clear all along: The Hare-Clark system gives to voters the freedom to choose whom to vote for. In that respect it is a different system to the old d'Hondt system, which did not give voters that choice. This system allows voters to choose the candidates they want to vote for. They may want to pick up the Labor Party's how-to-vote card and reverse the order. Those options are open to them. But the point is that they should have access to how-to-vote information. That is what the Labor Party has been saying. Mr Kaine has comprehensively demolished his own frontbench's argument that this is somehow a problem. It has never been a problem. Mr Humphries - as well as Mr Moore, who has now left the chamber - says that the Labor Party is telling people the way they must vote. Mr De Domenico says that it is show and tell, as if we were looking over people's shoulders in the polling booth and saying, "We have taken down your name. We will be round to smash your windows at 8 o'clock tonight if you do the wrong thing".

That is simply nonsense. It is hyperbole. It is rhetoric from the Liberals to disguise the fact that this Bill has nothing to do with a so-called fundamental problem in explaining to voters the preferences of political parties. It has everything to do with confusing voters by not giving them a source of information at the polling booth as they come to vote. Apart from this spurious argument that somehow or other it undermines the voting system for political parties to put to the voters a point of view as to how they think voters can best exercise their vote, the other argument that has been used is that a huge amount of paper is wasted and that voters are harassed as they come to the polling booth. It is alleged that by the time people get in the door of the polling booth they are so traumatised and their minds are so befuddled that they cannot exercise a vote. We are told that in the interests of peace, calm and good order at the polling booth we should not allow people to exercise their freedom of speech to lobby voters as they come up to the polling booth. The argument is that we should get rid of that practice; that we should not have this scrum at the door; that people should be allowed to go into a polling booth freely without anyone making representations to them.

This is exactly the issue that Ms Follett's amendments seek to address. They agree with Mr Kaine that we have a right to freedom of speech and to put information. They take account of the point that some people do not like the scrum of supporters at the door. Information will be provided in an orderly, calm, peaceful way at the polling booth. Voters will be able to refer to it free from harassment of any kind. They will be able to refer to it or not refer to it as their mood takes them. They will be able to agree with or not agree with what they read about what the Labor Party, the Liberal Party, the Greens or Michael Moore wants them to do. They have all these options open to them, but at least they have the information.

Mr Kaine says, "They have plenty of opportunities to get the information beforehand". Indeed, they possibly will do so. It is interesting that Mr Kaine should say that people will be able to get this information beforehand when his frontbench is saying that providing this information is an anathema. It is also interesting that, in spite of the fact that, according to Mr Kaine's frontbench, if not Mr Kaine, providing how-to-vote cards is an anathema, the Liberal Party have not attempted to bring forward an amendment which will ban them outright. We all know that in Tasmania the Liberal Party are only too happy to have how-to-vote cards. How-to-vote cards are printed all over the place. Although the Liberal Party here will tell journalists and the community that how-to-vote cards are completely at odds with the Tasmanian Hare-Clark system, how-to-vote cards are part of the Tasmanian Hare-Clark system, but they are not allowed at the polling booth.

The Labor Party's argument is that restricting how-to-vote cards is an unreasonable intrusion on freedom of speech. If you think it is unreasonable to have a scrum of people at the door thrusting pieces of paper into voters' hands as they walk past - I have never found that to be particularly odious for most voters - adopt the way other jurisdictions such as New South Wales have addressed the problem of political parties giving voters information on how to vote when they get into the polling place. There is no reason why we should not do what New South Wales does. That is what Ms Follett's amendments seek to do.

In this debate there has been some very bad reasoning by the Liberals. Ms Follett's amendments attempt to make sense of some of that reasoning by putting up a set of amendments which address the only logical argument that I have heard in the debate - which is the one about harassment, intimidation and wasted paper - by allowing how-to-vote cards to be displayed in the polling place. I cannot see why this Assembly should not support these amendments as a reasonable way of addressing the freedom of speech arguments so eloquently put by Mr Kaine and, at the same time, addressing the other concerns that have been raised in this place today.

MR HIRD (4.46): Mr Speaker, let us get right to the bottom line. The bottom line is that the Labor Party want to disembowel the Hare-Clark system. There is no question about that; none at all. In the Second Assembly they had a go at "disbowelling" the Hare-Clark system by trying to introduce above-the-line voting, before they took wise counsel and backed out.

Mr Connolly: "Disembowelling", not "disbowelling".

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MR HIRD: “Disembowel” is the word. That is what you are up to, Mr Connolly. I am glad to see that you will have a free vote on another matter at another time. This is what democracy is all about. You and your friends across the way are putting up a smokescreen. Come clean, Mrs Follett. You want to get rid of the Hare-Clark system. The Hare-Clark system was introduced over a period of years by guess who? It was introduced by the Labor Party in Tasmania - and wisely so. The Robson rotation and the Hare-Clark system were identified in the referendum that was held in 1992, and it is very clear that they are exactly what the people of the Territory want.

Ms Follett: Mr Speaker, with all due respect to “Mrs” Hird, I think the comments that are being made are simply not relevant to the amendment that has been moved. That ought to be pointed out to him. He is canvassing broadly the issue on which we have already voted. The amendments are quite specific. I think he should be required to be relevant.

MR SPEAKER: Yes, I will uphold that. We have had the in-principle debate. We are now debating the amendments put up by Ms Follett. I would ask members to address those amendments.

MR HIRD: I am building up to the how-to-vote cards.

MR SPEAKER: Get to the roof quickly.

MR HIRD: The ACT Labor Party is pulling another stunt so that they can win back the followers who deserted them on 18 February this year in favour of the good Government now on the treasury bench. The Opposition asked us to hold this matter over because they had not quite made up their minds about amendments. A number of my colleagues have identified dates. The Bill has been sitting around since 24 August, and they have not been able to make up their minds. The amendments have so many holes in them that they are like Swiss cheese. Making officers in charge of polling places responsible for handing out how-to-vote cards is an absolute nonsense.

Mr Berry: I do not think it says that, Harold. You will have to read it.

MR HIRD: I know for a fact, Mr Berry, that Labor introduced Robson rotation in the Tasmanian Parliament and that how-to-vote cards were done away with as part of that process. You know that and I know it. Do not put up smokescreens. You really want to get rid of the Hare-Clark system. That is what you are up to. Come clean.

MR OSBORNE (4.50): Mr Speaker, to be quite honest, I really do not have a view one way or the other on how-to-vote cards. I do not particularly use them, but it does not worry me if other people do. This afternoon we heard the word “hypocrisy”. Perhaps it has something to do with ideology on both sides. The one thing that has really stuck out in my mind today and that has swayed my decision is that members of the Labor Party said that their how-to-vote cards show people how to vote but that people still have the choice to vote for whom they wish. I suppose that I would have been a lot more sympathetic with the Labor Party had they allowed their own members the same privilege on the euthanasia issue.

MRS CARNELL (Chief Minister) (4.51): This debate today has been somewhat unusual. We should call this debate the bye-bye Berry debate, because I suspect that that is really what we are talking about here. We have heard Mr Berry talk about how the rank and file of the Labor Party preselect candidates in order. Since when did the Labor Party have a rank and file preselection system? Since when did the Labor Party have anything but a collegiate system - 50 per cent to the rank and file but 50 per cent to the college? What is the college made up of? Of course, it is made up predominantly of the Left.

That is what this debate is about today. It is not about the rank and file determining who should be put No. 1, No. 2 or No. 3 but simply about the Left determining who should be elected and who should not be. If the Labor Party had a rank and file system and all members of the party had an equal vote, then you could possibly accept their argument; but they do not. They simply do not like democracy; they do not like giving power back to the people. The only information they are talking about making available to the people of Canberra is on the order to put their preferences in. It is no other information we are talking about here. It is about whom to put 1, whom to put 2 and whom to put 3, as decided not by the rank and file of the party but by the college. Probably 70 per cent of the college is from the Left.

MR HUMPHRIES (Attorney-General) (4.53): Mr Speaker, I want to make a couple of points on these amendments. Ms Follett raised an interesting issue - a philosophical issue, in a sense - about the impact of how-to-vote information placed on the walls of a polling booth. She pointed out, quite accurately, that no-one has to follow a how-to-vote card; that no-one is compelled to use it and, therefore, it should not be anything other than a guide to people who have come into the polling booth to cast a vote. That has some superficial attraction.

Let me, first of all, put to one side the issue of what is actually on those how-to-vote cards. I would suggest, Mr Speaker, that when you see a how-to-vote card which says "How to vote Labor" it is a reasonable inference on the part of some people that the Labor Party is telling them that in order to vote for the Labor Party they ought to vote for candidates in a particular order. It is not unreasonable to assume that the party is saying that to you. If you are scrupulous and say, "You do not have to do this, but I recommend that you might like to think about it", then that is fine; but if the thing says "How to vote Labor" or "How to vote Liberal" it is quite open to some people - those individuals in the community who in the past have depended on how-to-vote cards - to assume that they have to vote for the party in the order set out. That is one issue, but let us just put it to one side.

Let us assume that somehow - not in these amendments - you exclude that kind of semidictated order approach in your how-to-vote cards and simply suggest an order on the how-to-vote card on the side of the polling booth carrel. Mr Speaker, we have debated in this Assembly many times in the past the suggestive power of advertising. We have talked, for example, about the need to reduce tobacco advertising in the community. When we passed the Tobacco (Amendment) Bill in 1990, we were all very

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strongly of the view that we ought to prevent tobacco companies from putting advertisements in places where people, particularly young people, would see them. Tobacco advertisements, like any other form of advertising, do not say, "You, consumer, must use our product". These days they do not suggest anything which is a compelling reason for a person to use a particular product.

Mr Connolly: They do not say anything these days.

MR HUMPHRIES: Indeed, they do not say anything about tobacco these days. Advertisements for other products available on the market do not say to the consumer, "You must do these things". Nonetheless, we all accept that they have a very persuasive power. People in advertising companies are not paid hundreds of thousands of dollars to think up advertising campaigns for the sake simply of getting some excess money off the hands of their clients. No, Mr Speaker, those words in newspapers and magazines and those things on television, radio and so on are there to persuade people to a point of view.

I would suspect that anything that appeared on the wall of a polling booth on polling day would be designed by the author - the political parties and candidates - to persuade people to vote for particular parties and, indeed, more to the point, to vote for particular parties in a particular order. That, in a sense, is the whole reason that they are there. It is really quite pointless expecting people to introduce themselves to the Labor Party for the first time when they roll into the polling booth. That would be silly. It is the intention that they should be able to see the preferred order of candidates and that the party should be able to suggest that that is the order in which people ought to vote for the party. It goes without saying that, if that is the purpose of it being there, then we are entitled to ask whether that kind of suggestion or persuasion about an order of candidates is compatible with the system of Hare-Clark with Robson rotation. The answer is clearly no, it is not. That is not what this system is all about, and those opposite simply do not seem to understand that.

We are not saying that you cannot make suggestions in information given to people. We are not saying that you cannot sell the merits of your party before polling day. But on polling day you must not tell people, as has been the case traditionally in the past, that to vote for a particular party they should vote for candidates in a particular order. That is what this Bill is designed to defeat. Mr Speaker, I think that is very laudable. Mr Berry made the statement that the strongest vote for a party is one that follows a ticket. That in fact is not true. Under Hare-Clark with Robson rotation, dispersing the party's vote amongst several candidates actually strengthens the vote. Believe it or not, we are doing you a favour with this provision, but you obviously do not believe that.

Mr Speaker, finally, we are told by those opposite that we are entitled to trust the candidates put forward by the Labor Party because the party candidates have faced their peers. I do not believe that, Mr Speaker. I think that the numbers get crunched; that you produce a particular outcome that accords with the wishes of factions within the party. A very small minority of electors in this Territory dictate the party order. In my view, that is a very compelling reason why candidates and party voters, even those supporting the Labor Party, ought to have a wider real choice. This Bill enhances that real choice.

MS FOLLETT (Leader of the Opposition) (4.59): Mr Speaker, I do not want to labour this issue unduly - and I can count - but a couple of comments that have been made deserve a response. The first of those is Mrs Carnell's comment about who preselects within the Labor Party and how the Labor Party preselection is, in her view, not a rank and file preselection. In fact, nothing could be further from the truth, Mr Speaker. The Labor Party has a preselection system that permits full involvement of the rank and file. We have a collegiate system as well.

Debate interrupted.

ADJOURNMENT

MR SPEAKER: Order! It being 5.00 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

ELECTORAL (AMENDMENT) BILL 1995 **Detail Stage**

Debate resumed.

MS FOLLETT: I remind all members, including the Liberals, of what happened in the Liberal Party preselection for the seat of Canberra. You would have to have a very short memory indeed to have forgotten.

Mr De Domenico: What happened? Were you there?

MS FOLLETT: Mr Haslem was preselected by the rank and file.

Mr De Domenico: No, he was not. That is not true.

MS FOLLETT: I knew that that would upset them. The fact of the matter is that the party machine weighed in and put in Mr Smyth as the party's preselected candidate. Mr Speaker, it was a case of force majeure if there ever was one.

MR SPEAKER: Order! Ms Follett, you took a point of order against Mr Hird some little time ago on the ground of relevance. I would simply draw your attention to it. I am sure that you are working around to the point, though.

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MS FOLLETT: Mr Speaker, I am responding to points that were made by your Liberal colleagues in the course of this debate. Mr Humphries also damned himself by his own comments when he referred to voters relying on how-to-vote cards. It is abundantly clear to me, as a person who has worked in polling booths and around polling booths for well over 20 years, that a great number of voters do indeed rely on how-to-vote cards. Mr Humphries, in a slip of the tongue, admitted as much himself. The voters who rely on how-to-vote cards are very often people whose first language is not English. They are very often people who are not terribly familiar with the electoral system. They might be voting for the first time. They might be people whose literacy skills are not sufficient for them to readily cope with the voting process. They might be people who simply want to know how the party of their choice thinks they should best apply their vote. That is a very frequent request.

As Mr Humphries himself said, many voters rely on how-to-vote cards. The amendments that I have moved would allow people access to that information in a way that would not involve anybody standing around outside polling booths or printing of vast amounts of material, but it would ensure that voters had the option of seeking access to a how-to-vote card if they chose to do so. There is absolutely no question of compulsion or of people being told how to vote. To suggest that is an insult. That is not what I am proposing. My amendments propose a modest increase in information available to voters, and I believe that they ought to be supported by members of this Assembly who have the best interests of the voters, rather than of their individual political party or political future, in mind.

Amendments negatived.

Remainder of Bill, as a whole, agreed to.

Postponed clause 4

MS FOLLETT (Leader of the Opposition) (5.04): My Labor colleagues and I will be opposing clause 4 because it removes the requirement that is currently in the Act for the visiting electoral officer at the mobile polling booth to provide to voters how-to-vote cards that have been provided by the candidates. Members who were here in the last Assembly might recall that the provision that we put in about visiting electoral officers, the mobile polling booths and the information that they could have available was an innovation that was introduced in the ACT upon the development of the ACT Electoral Act. From my recollection, it is an innovation that was supported by all of the members in this place who were in the last Assembly. It should have been supported, too, because it ensured that people who might not have access to the usual method of political communication, either because they were in hospital or because they were in the Remand Centre, had information on votes available to them. This ensured that their right to cast an informed vote was actually protected, despite the limitation on their access to the usual political advertising, the shopping centre stalls, the doorknocking and so on.

These are people, Mr Speaker, who are experiencing some degree of isolation from the rest of the community, either voluntarily or not, that could affect their access to information. I do not think there could possibly be a complaint that this one is a waste of paper. Only one how-to-vote card is supplied by a candidate or a party for use by all

the voters who are visited by the electoral officer. There can certainly be no complaint about access to the booth being blocked. It does not involve booths. There can be no complaint of an individual being harassed by a party worker. In fact, this work is done by the visiting electoral officer.

Mr Speaker, I think it is worth noting, in relation to the so-called harassment of people by party booth workers, that there is a sensitivity in the Liberal Party because there was a complaint to the Electoral Commission about them and, in particular, about Mr Humphries. Another complaint was made by a young female Labor booth worker about a Liberal booth worker. I happened to witness the event that took place, and it was ugly in the extreme. Whilst that matter was drawn to the attention of the Electoral Commission and of Mrs Carnell, no action appears to have been taken. It probably accounts for the Liberals' extreme sensitivity on the matter.

Mr Speaker, in opposing clause 4 we are seeking to protect some of the rights of people who do not have wide access to political information. The information is in a very contained form in that it is totally within the control of the visiting electoral officer how this material is used. I believe that our opposition to clause 4 ought to be supported by the Assembly.

MR HUMPHRIES (Attorney-General) (5.08): Mr Speaker, the problem with what is suggested by Ms Follett is that the effect would be that people in hospitals and the Remand Centre would be the only people in the Territory getting access to this sort of material as they came to vote. I accept that Ms Follett believes that these people should have it on all occasions. That is fair enough, but I would have thought she would accept that some individuals being privileged enough to have it - or disadvantaged enough to have it, depending on your point of view - and others not having it is not very logical.

The suggestion that they need a how-to-vote card because they do not have access to other forms of information is a little bit hard to understand. Mrs Carnell has assured me that, despite her nefarious cutbacks in the health budget, she has not yet ripped the television sets out of wards, taken away radios or installed guard dogs at the entrance to each ward to prevent the issuing of newspapers and magazines or prevent visitors from passing on information about political parties during elections. Indeed, in my understanding, those things are generally available at the Remand Centre as well. There is no particularly strong reason why people in those places should not be able to get access to information about elections. It is simply not logical to provide the information that Ms Follett proposes. Mr Speaker, I think that there is a sound reason to treat everybody in the same fashion. We have made a decision in respect of other people. Even if you do not accept the argument I put forward, it is not logical to treat people in these two categories differently from all the rest.

Mr Speaker, there is one more important issue I want to raise, and that is the suggestion by Ms Follett about there being some harassment of booth workers at the recent election. It is a little bit difficult to have these sorts of accusations thrown around on the floor of the chamber. I do not know about the second incident to which Ms Follett refers. If Ms Follett raised it with the Electoral Commissioner - the person whose integrity and conduct she praised earlier in this debate - then I do not have the slightest doubt that the commissioner has properly assessed that complaint and taken whatever action - - -

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Ms Follett: And said that it was a matter for your party.

MR HUMPHRIES: Mrs Carnell is not the Electoral Commissioner. It is not her role to deal with electoral complaints. The commissioner should deal with those complaints. Indeed, to my knowledge, in the matter that concerned me that is what happened. I am sure that that is exactly what has happened in respect of the incident that you witnessed, Ms Follett. He has properly examined those matters and appropriately determined them. Ms Follett shakes her head. That is a very serious slur on the integrity of the Electoral Commissioner. I know for a fact that, in respect of the complaint made against me, he examined the matters quite independently of any involvement by me.

Ms Follett: Quite independently of the fact that you are his Minister?

MR HUMPHRIES: The suggestion by Ms Follett - she laughs about it - is a quite scandalous suggestion. I would ask her to withdraw it. What she is suggesting is that Mr Green would be influenced, by my being his Minister, not to proceed with the complaint. Mr Speaker, when we debated the electoral legislation more than two years ago we took very careful steps to ensure that the Electoral Commissioner was a fully independent statutory position. Indeed, my party argued that he should not report to a Minister at all; he should report to an Assembly committee. It was the view of the then Government, the now Opposition, that he should report to a Minister. As it happens, that is the case. He reports to a Minister and he acts independently on such complaints and investigates them. I had no involvement whatsoever in the complaint. I understand - - -

Mr Berry: Some people would argue differently.

MR HUMPHRIES: I had no involvement in the process of the complaint. I understand - - -

Mr Berry: But you are still the Minister.

MR HUMPHRIES: Mr Berry repeats the allegation, Mr Speaker, and I ask that it be withdrawn. He has suggested that - - -

MR SPEAKER: If there is any imputation from Ms Follett or Mr Berry against Mr Humphries and against the Electoral Commissioner because Mr Humphries is the Minister, then I must ask that it be withdrawn.

Mr Berry: There is no imputation.

Ms Follett: I withdraw.

MR SPEAKER: Thank you. Continue, Mr Humphries.

MR HUMPHRIES: I thank members, Mr Speaker. I indicate that - - -

Mr Berry: But you were still the Minister.

MR HUMPHRIES: I am still the Minister, and the fact is that such complaints will be made from time to time - - -

Mr Berry: Perhaps you should have stood down.

MR SPEAKER: Order! Continue, Mr Humphries. It is getting late in the day.

MR HUMPHRIES: Such complaints will be made from time to time, sometimes for malicious reasons. It is interesting that before the election people opposite would not have believed a word Ms Spier said. If she had said the sky is blue, they would have looked up to see what colour it was. Now, afterwards, apparently it is a different story. But that is another matter altogether. Mr Speaker, Mr Green has upheld his office with the highest level of integrity. I have absolutely no doubt that he will continue to deal with complaints under the Electoral Act without fear or favour. It is quite scandalous for people trying to make a point on a clause in this Bill to suggest, in effect, that corruption of some kind is occurring.

Clause agreed to.

Question put:

That this Bill be agreed to.

The Assembly voted -

AYES, 11

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Ms Horodny
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak
Ms Tucker

NOES, 6

Mr Berry
Mr Connolly
Ms Follett
Ms McRae
Mr Whitecross
Mr Wood

Question so resolved in the affirmative.

Bill agreed to.

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MS FOLLETT (Leader of the Opposition): Mr Speaker, I ask for leave to make a quick personal explanation.

Leave granted.

MS FOLLETT: Mr Speaker, in the course of that last debate, Mr Humphries was concerned that I may have been imputing improper motives to the Electoral Commissioner. That, of course, was not my intention. I would seek to explain by saying that in the only two cases of harassment outside polling booths that I am aware of the allegations were against Liberal Party members or workers. In at least the second case, I know that the Electoral Commissioner's view was that it was a matter that ought to be dealt with by the Liberal Party. As far as I am aware, the Liberal Party has not dealt with it and has certainly not apologised to the person who was offended.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Report on Draft Variation to the Territory Plan - Hughes

MR MOORE (5.18): Mr Speaker, I present Report No. 4 of the Standing Committee on Planning and Environment entitled "Draft Variation to the Territory Plan for Hughes section 28 block 10 part (Proposed Extension to St Andrew's Village for Aged Persons in Groom Street, Hughes)", together with the extracts from the minutes of proceedings, and I move:

That the report be noted.

Mr Speaker, this was probably one of the easiest jobs for the Standing Committee on Planning and Environment. There were no objections to the proposed extension. It makes very good sense. It was with delight that we recommended that it ought to proceed as quickly as possible.

Question resolved in the affirmative.

LAND (PLANNING AND ENVIRONMENT) ACT
Papers

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, for the information of members, I present the approval of variation No. 50 to the Territory Plan for Hughes, section 28, block 10 part, pursuant to section 29 of the Land (Planning and Environment) Act 1991. In accordance with the provisions of this Act, this variation is tabled with the background papers, a copy of the summaries and reports, and a copy of any direction or report required.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 5.20 pm