



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

23 March 1999

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MR SPEAKER (Mr Cornwell) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

ABSENCE OF CLERK

MR SPEAKER: I wish to inform the Assembly that due to the unavoidable absence of the Clerk during today's sitting the Deputy Clerk will act as Clerk.

**JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE
Scrutiny Report No. 3 of 1999 and Statement**

MR OSBORNE: Mr Speaker, I present Scrutiny Report No. 3 of 1999 of the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of Bills and subordinate legislation committee. I ask for leave to make a brief statement on the report.

Leave granted.

MR OSBORNE: Mr Speaker, Scrutiny Report No. 3 of 1999 contains the committee's comments on four Bills, 31 pieces of subordinate legislation and one government response. I commend the report to the Assembly.

STOCK (AMENDMENT) BILL 1999

Debate resumed from 11 March 1999, on motion by **Mr Smyth:**

That this Bill be agreed to in principle.

MR CORBELL (10.32): Mr Speaker, the Labor Party will be supporting this Bill. We understand that it is proposed to bring the ACT into line with other jurisdictions around Australia in relation to banning the feeding of mammalian products to ruminants. Clearly, the issue of the transmission of BSE, or "mad cow" disease, in stock and the potential for a variant form of CJD, Creutzfeldt-Jakob disease, to affect humans is a serious one. We understand that the Bill provides for the banning of the process of feeding mammalian products to ruminants, although it is not a process or a practice that takes place in the Territory. However, to be consistent with national guidelines and to be consistent with other jurisdictions, it is appropriate that the Assembly pass this Bill.

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I should note in passing, Mr Speaker, that the Bill does not include horses or pigs in terms of whether or not those products should be fed to ruminants. The advice I have received on that is that they themselves are not ruminants and therefore should not be included. The Labor Party will be supporting this legislation. It is simple and straightforward legislation, and it is important that we keep pace with moves in other jurisdictions as well as across Australia nationally.

MR SMYTH (Minister for Urban Services) (10.33), in reply: Mr Speaker, I have a small amendment that has been brought to my attention in the last few moments. Mr Corbell asked me earlier about pork and horse material. It appears that porcine, equine and macropod material cannot transfer the diseases that this Bill relates to. That is the reason why they are not included. The feed based on those three species does not carry any of the diseases that we are attempting to stop because it is going from mammals to ruminants. I thank the Labor Party for its support and I hope that that clarifies that for Mr Corbell. There is an amendment that I would seek to move.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR SMYTH (Minister for Urban Services) (10.35): Mr Speaker, I move the amendment circulated in my name and I present the supplementary explanatory memorandum. The amendment reads:

Page 2, line 20, clause 5, proposed new subsection 36A(1), paragraph (e), definition of “mammalian material”, omit “porcine or equine”, substitute “porcine, equine or macropod”.

Amendment agreed to.

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

Bill, as amended, agreed to.

LEGISLATIVE ASSEMBLY (MEMBERS' STAFF) (AMENDMENT) BILL 1998

Debate resumed from 24 November 1998, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

MR STANHOPE (Leader of the Opposition) (10.36): Mr Speaker, the Opposition will be supporting the Legislative Assembly (Members' Staff) (Amendment) Bill. The Bill is designed to allow members of the Assembly to engage contractors and consultants. As the situation stands, there is an impediment to the engagement, by members of the Assembly from their allocation for staff, of contractors and consultants which, in practice, in the view of the Opposition, does create unnecessary difficulties.

The Labor Party is, of course, committed to the need for workers as a rule, throughout the ACT and Australia, to be able, if it so suits their circumstances, to gain permanent employment, and in supporting this legislation we are certainly not suggesting that we espouse the casualisation of the labour force. Having said that, there are occasions when employment of a contractor or a consultant is not only necessary but appropriate and does suit the exigencies of the time. As I said, the current arrangements within the Assembly make the employment of specialists for short-term appointments rather convoluted. This legislation simplifies that process. We support it. We believe that it adds to the range of strategies available to members of the Assembly to employ staff.

MS CARNELL (Chief Minister and Treasurer) (10.38), in reply: Mr Speaker, I thank the Opposition for the support for this legislation. It has been around for a very long time in this Assembly. Members will be aware of the Prasad review of members' salary arrangements which occurred a couple of years ago now. I think the amendments, which allow members more flexibility to employ consultants and contractors to assist them in dealing with the sorts of matters that we have, will be very useful. Mr Speaker, I am sure all members agree that the sort of work we do in this place does tend to have peaks and troughs, shall we say. There are times when you need more staff, times when you can do with fewer, times when you have major projects, and times when you do not. I am sure that the approach that this Bill takes right across the board will allow that flexibility to members. Also, of course, staff employed under these provisions will know exactly what the scenario is.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 5) 1998

[COGNATE BILLS:

TRAFFIC (AMENDMENT) BILL 1998

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL (NO. 2) 1998]

Debate resumed from 26 November 1998, on motion by **Mr Smyth**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Traffic (Amendment) Bill 1998 and the Motor Traffic (Alcohol and Drugs) (Amendment) Bill (No. 2) 1998? There being no objection, that course will be followed. I remind members that in debating order of the day No. 3 they may also address their remarks to orders of the day Nos 4 and 5.

MR HARGREAVES (10.39): Mr Speaker, the Opposition will be supporting the Traffic (Amendment) Bill 1998 and the Motor Traffic (Alcohol and Drugs) (Amendment) Bill (No. 2) 1998. The Traffic (Amendment) Bill is a fairly simple one. If I can do this out of order a little, it really inserts provisions in the Act to allow for marked foot-crossings. Members would know about the pedestrian crossing outside Commonwealth Park at Regatta Point. That is the sort of thing for which we require legislative support. I would like to see more of those around Canberra as I feel that they are a positive move. We could do with one in the Tharwa Drive area in Tuggeranong where we have a significant problem. The shopping centre is on one side of the road and a lot of the people living on the other side cannot get across the road. So, Mr Speaker, we will support this Bill.

The Motor Traffic (Alcohol and Drugs) (Amendment) Bill 1998 is merely a piece of administrative work to bring penalties into line. The last thing in the world our society wants is for people to feel that it is a cheaper option for them to refuse a blood alcohol test, to cop that one, when we really want to do them for drink driving. I applaud the Government for bringing this piece of cleanliness forward.

Mr Speaker, the Motor Traffic (Amendment) Bill (No. 5) has a series of parts to it and the Opposition will be supporting 90 per cent of it. The multibay parking meter is fine. This is really just allowing the Government the legislative framework to allow multibay parking so that we do not have a plethora of parking meters popping up all over town. I support this proposal.

The provision whereby motor vehicle registration can be cancelled because you have paid it with a dud cheque is also fine, Mr Speaker. It makes an awful lot of sense. The allocation of demerit points to unlicensed drivers is an absolute must, and we concur with that. The foot-crossings, I think, are a good initiative on the part of the Government and they need to be applauded for this also. So, Mr Speaker, for the most part we support Motor Traffic (Amendment) Bill (No. 5).

However, we have a difficulty with the provisions for learner licences and provisional licences as they relate to motorcycle licences. Mr Speaker, when this legislation came forward I made contact with the Motorcycle Riders Association which, I would like the record to show, is a very responsible organisation. It has been instrumental in the attitudinal change, a positive one, that we see in motorcycle riders in this town. It has been instrumental in educating its members and can take a lot of the credit for the reduction in motorcycle injuries and deaths in this town. When I spoke to them and said, "What consultation have you had about this provision?", they said, "None". I was a bit concerned about that because I think it behoves us to take that sort of advice.

I also had contact with the Motor Trades Association and found that they also had had no consultation. These people had a contribution to make and I felt their advice was quite valuable. Mr Speaker, I also contacted a former police motorcyclist, just to see whether or not those advices were correct. I also called upon my own experience over many years of riding motorcycles and whether or not my intuition was backed up by the advices that I had received from these other people. I was concerned that that consultation did not go on.

Mr Speaker, it is often said in this place that we should do something just because New South Wales does it. I do not agree with that, I am afraid. There is a distinct possibility that the people in New South Wales could get things wrong. Indeed, it would not be for the first time. The legislation presented to us here is not consistent with the New South Wales stuff. It should be noted that in New South Wales they have arrangements within their Act for mature-age drivers who are, say, over 30 years old to be exempt. We do not see any exemption here for people over 30 years of age, people who have proved that they can be mature motorists. They have had a licence for a fair time. We do not have those sorts of provisions. So to say that we are hitting novice drivers is not consistent with what is happening in New South Wales.

I do not think proof has been given about the effectiveness of capacity limits in achieving safety outcomes. Interestingly, of the three motorcycle fatalities that happened last year, two of them involved riders on 250-cc motorcycles. I do not think anybody in this chamber would doubt how dangerous a 250-cc trail bike is in the hands of a person who is not used to it. You can have had a motorcycle licence for many years, restricting yourself to road bikes, and then get out into the pine forest with a 250-cc motorcycle and wrap it around a tree very easily. I guess, Mr Speaker, I am going to the relevance on this. I just do not see how it can possibly be.

A lot of these claims relate to reductions. I notice in today's paper that the director of casualty at the hospital was talking about the number of road accidents and things, but he made no link to it. There was no link at all between reductions in motorcycle accidents and movements towards changing the regimes. I did not really see that there was a connection. I thought it was an irrelevant comment. Furthermore, that director of casualty in that hospital has not been here all that long and he has not got the faintest idea of what norms and cultures exist in the ACT. No doubt he is using cultures which come from another place. I would not doubt that they are valid, but I certainly doubt that his comments here are valid. I do not believe that he is right about the position in the ACT. I do not think we can single out any one factor as to why crash rates have reduced nationally. No doubt there are numerous reasons.

One of the biggies for motorcycles is the educational process. We train people how to ride motorcycles responsibly. We train people about what sort of bike they should be riding. This sort of legislation also is an insult to people who run those safety programs. Those people are charged with the task of training our motorcycle riders. They are not going to be about to embark upon a training regime for some inexperienced rider who turns up with a hotted up 1,000-cc motorcycle. They will send him away. So, let us pay these people a courtesy, Mr Speaker, because they know what they are doing.

The power-to-weight ratio is another question. I must admit to having less commitment to this than to the arbitrary 250-cc motorcycle, but I take the point from the MTA that it would be dangerous and irresponsible if we placed a large person on a small bike with limited power, because there is the question of control. If anybody has seen a gentleman, or lady for that matter, of 17 stone sitting upon a 150-cc motorcycle, you can imagine for yourself the lack of control that exists there.

Mr Speaker, there is another aspect to this too, and that is that people do not want necessarily a road bike that has got a 250-cc motor. What they want is something a little bigger. We have moved on. When I was first introduced to motorcycle riding the 250-cc motorcycle was a large bike. It is not any more. It is a small one. Indeed, people want to be riding around the town on 500-cc, 600-cc and 1,000-cc bikes. What will happen if we introduce this arbitrary 250-cc thing is that people are going to buy them and sell them as soon as their two years are up. Nobody is going to maintain them. That is not their aim. It is just a temporary bike. I am concerned that the bikes will have limited maintenance given to them and that they will be quite unsafe.

Mr Speaker, when I was talking about this thing this morning the point was made to me that we can take a 17-year-old person who has never been behind the wheel of a motor car at all before, give them a learners permit, give them some tuition, give them their licence and then they go straight out and get themselves a V8 supercharged motor vehicle. They can then cram four or five other kids into it, tear off down the highway and blow themselves away and a family of two parents and a couple of little kiddies on the Hume Highway. What happens with motorcycles is that they very rarely result in multiple fatalities, and usually the maximum is two. Why has this Government not come down with similar sort of legislation to stop a kid, 17 years old, from having a supercharged motor car? Why do we not say, "If you are a learner driver with P plates you can only have a car with an 850-cc motor."? Because, Mr Speaker, that would be patently and blatantly ridiculous. I suggest to you, Mr Speaker, that this is so here. I have circulated an amendment in my name. May I move that now?

MR SPEAKER: No, not yet. We are still at the in-principle stage.

MR HARGREAVES: Well, would you let me know at a later time? I am in your hands.

MR SPEAKER: Yes, I will call you when the time comes.

MR HARGREAVES: I am foreshadowing this amendment. We are in support of most of this Bill. The amendment merely seeks to take out reference to 260 millilitres, or 250-cc in the old terminology, and also the power-to-weight ratio greater than 150 kilowatts per tonne. I must admit though that I do not know too many blokes who weigh a tonne who hop on motorcycles. There is a bloke who approaches it who lives in Conder, but, then again, he has a large motorcycle. Mr Speaker, I would urge the Government to support this amendment when it is moved. I will undertake, Mr Speaker, to hold up my hand and say I was wrong if I am proven to be so at a later stage. With those remarks I will conclude, Mr Speaker. I love speaking to an almost empty chamber.

Mr Smyth: Mr Hargreaves, I have hung on every word.

MR HARGREAVES: Thank you very much.

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

TRAFFIC (AMENDMENT) BILL 1998

Debate resumed from 26 November 1998, on motion by **Mr Smyth:**

That this Bill be agreed to in principle.

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

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL (NO. 2) 1998

Debate resumed from 26 November 1998, on motion by **Mr Smyth:**

That this Bill be agreed to in principle.

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

PUBLIC HEALTH (CONSEQUENTIAL AMENDMENTS) BILL 1999

Debate resumed from 11 March 1999, on motion by **Mr Moore:**

That this Bill be agreed to in principle.

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

Sitting suspended from 10.57 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Public Hospital Beds

MR STANHOPE: My question is to the Minister for Health and Community Care. In 1995 the Chief Minister made a commitment to have 1,000 public hospital beds operational in Canberra by the end of 1999. Given that the January patient activity data shows that the total number of available beds has fallen by 49 over the last year - from 591 to 542 - can the Minister say whether the Government has formally abandoned the Chief Minister's earlier commitment?

MR MOORE: The answer is yes. The commitment was made in 1995 and, of course, there has been an election since that time. I think that Mr Stanhope well knows that as things change, we go through another election, the commitments can be different. What we are trying to ensure is that we continue to increase throughput. I think that is the most important measure.

MR STANHOPE: I wonder, then, whether the Minister for Health and Community Care can tell us, acknowledging that 49 beds closed in the last year, whether he envisages closing any more beds in Canberra's public hospitals this year.

MR MOORE: I have not acknowledged that 49 beds closed. I do not have the exact number in front of me because there is a series of more important issues than whether the number of beds that you have in a particular hospital is the best measure of health services and health outcomes. When I first became Minister, when I released "Setting the Agenda", I said that the ideal situation is actually to have no hospital beds. That, of course, is ludicrous and everybody knows it. What we seek to do is to have a healthier community and have people taken care of in the community setting, where we know that people will be looked after better, where their health outcomes will be much better.

Mr Speaker, when new knowledge comes to people, when they go through another election, there are indeed different approaches. I made it very clear when I launched "Setting the Agenda" that we had a different approach to health.

Mr Corbell: Was that before or after the election?

MR MOORE: Mr Stanhope's comment on that at the time, Mr Corbell, was: "This could have been Labor Party policy". I took that as a compliment. I am very happy to have done something that happens to be, coincidentally, consistent with Labor Party policy, because it is the sensible way to deal with health. As you would know, "Setting the Agenda" makes it very clear that the Canberra Hospital as a teaching hospital has a very important, critical part within the whole health continuum, but that the emphasis that we need to put is on ensuring that we can deliver the best health outcomes right across the continuum. That is what I will continue to work to do. That may well mean a reduction in the number of beds in the hospital, as long as it means better outcomes in terms of health overall.

School Amalgamations

MR HIRD: My question is to the Minister for Education, Mr Stefaniak. Minister, has your attention been drawn to the latest issue of the *ACT Teacher*? Are you aware of the Australian Education Union's position on school amalgamations?

MR STEFANIAK: I thank the member for the question, Mr Speaker. Yes, my attention was drawn to it yesterday and my office obtained a copy, as it does in due course, today. It was quite interesting reading. When I saw the current issue, I was somewhat surprised, perhaps, to see an article by no less than the secretary,

Mr Warren Lee, in relation to small schools. Whilst my office and the department have been aware for some time that the AEU certainly is not opposed to things such as school amalgamations, it is probably the first time to my knowledge that the union has come out quite so publicly in relation to this matter. I think it is very healthy in terms of the debate that the Government thought actually needed to be had in relation to this issue, Mr Hird. Already we have seen very learned articles by the president of the P&C and the president of the Primary Principals Association. Now we have this from the union. I note that the president of the union, Clive Haggart, on WIN Television news on Thursday, 11 February, also said:

Some of our small schools, the staff there would certainly like the communities to address the issue of amalgamation with neighbouring schools.

So, there have been a couple of comments by the union. But this is a fairly substantive article and I intend to table it. Mr Lee writes that the debate over school sites is one which must be had and that "doing nothing is not an option". That seems to be the view of most people in this debate. I certainly hope that it is. I wonder whether that is the case with those opposite. Mr Lee seeks to refute much of what the P&C's argument against school amalgamations and closures relies on, such as the issue of how much saving can be made with fewer school sites, the effect on local shops, educational quality and access. Perhaps the best way, Mr Hird, to illustrate the AEU's views as expressed by Mr Warren Lee is simply to quote slabs of his article. On the issue of the financial benefits of amalgamations, he writes:

My hunch is that the savings can be quite considerable.

It is interesting to note that the Auditor-General, in a report which I think was tabled recently in this Assembly on repairs and maintenance in our government school system, estimated that about \$270,000 could be saved through the amalgamation of two primary schools. Mr Lee writes that the issue of the negative effects on local shopping centres is, to use his words, nonsense. He says:

There are local shopping centres with large schools nearby that are facing difficulty at the same time as there are some with no school nearby that are doing okay and all variations in between.

Members are well aware of where the shops and schools are in Canberra. There is a lot of strength in that argument when one considers particular shopping centres. Mr Lee also has a go at the often used arguments on access. He says:

... there are several suburbs in the ACT which have never had a school. Is there evidence that children in these suburbs have suffered detriment? It seems they have been well served by nearby schools.

He adds:

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Interestingly some of the new areas do not have the same density of government school sites as in older parts of Canberra.

On the issue of educational quality, Mr Lee agrees with the Primary Principals Association's observation of "the need to provide additional per capita expenditure to small schools in order to seek equitable outcomes for students in those schools". The Primary Principals Association sees this as a dilution of the fixed educational pie. He goes on:

From the AEU point of view, we know that our members report that in striving for quality outcomes the workload for teachers in small schools is harder than in larger schools. Playground duty, curriculum development, system responsibilities are all spread amongst fewer people.

Mr Lee also states:

... we know that the amalgamations of the past have been very successful.

He ends his article by writing:

If the education and social needs of all children can be met (even enhanced) on a lesser number of sites, safely and with demonstrable savings, then school amalgamations are an acceptable way to free up resources to meet a plethora of unmet needs which exist right across the Territory.

Mr Hird, it certainly seems that the AEU, at the very least, believes that the issue of school amalgamations should be placed firmly on the agenda. I regard that as a very important contribution to the debate that is starting to occur now in our community, especially in our educational community.

MR HIRD: I have a supplementary question. Minister, from what you have just said, the union and the Primary Principals Association have indicated their support for school amalgamations and the Government has indicated that a rationalisation of school sites must be considered. Where is the opposition coming from?

Mr Corbell: I take a point of order, Mr Speaker. Is this within the Minister's area of responsibility? I would argue that it is not.

MR SPEAKER: I am not sure whether Mr Hird's question was regarding a large "O" Opposition or a small "o" opposition. If it is the latter, then I think it is perfectly in order for the Minister to answer. I must say that if Mr Stefaniak starts dealing with the official Opposition of the Assembly, I would have to uphold your point of order; but I am sure that Mr Stefaniak appreciates that.

MR STEFANIAK: I thank you for your guidance, Mr Speaker, because that is quite helpful. I take it that you do not want me to deal with the official Opposition, the ones with a big "O". Mr Hird, I suppose some opposition would come, as you would expect, from the P&C Association. It has used the previously mentioned arguments to make its case. Might I say that most of its arguments are valid and are ones that need addressing, which is exactly what Mr Lee's article seeks to do. Indeed, other people do as well. I think that is essential to assist the Government and to assist this place in terms of this question.

Mr Hird, I would be very upset, and I think that it would be detrimental to this important debate, if members opposite or other members in this house were to trivialise this issue or were to play petty politics. It is a very serious and a very important issue. I think people do need to appreciate the positions that people in the education sector have taken. For example, people need to realise that the union believes that school amalgamations are, in fact, an acceptable solution to the issues of excess space and the need to maximise the use of limited education funds. It is very important for people in this place - and I would include the Opposition with a big "O", Mr Speaker - to think very carefully on this issue and make sensible contributions to this debate.

I quoted Mr Lee in terms of its being a debate that has to be had. The P&C, the Government, the Primary Principals Association and everyone else who has commented so far have said that this is a debate that needs to be had. One has only to look at such things as our demography and the fact that we now have - I saw a graph recently - fewer students in our government sector, not by much but by a few hundred, than we had in 1978. In fact, Mr Wood said either in estimates or when we were going through the annual reports late last year that one of the big problems is that we seem to have the same number of students in our sector now as we had when he became a teacher here in the 1970s. The figures bear that out. It seems that it is not something that will go away. This is a debate that we need to have and I think people need to be very sensible in their comments and not make cheap political points or take cheap shots at it because it is very much tied in with our children's future.

Mr Speaker, I read from the latest issue of *ACT Teacher*, Volume 9, No. 2, of March 1999. I table it for the benefit of members.

Community Safety and Crime Prevention Grants Program

MR QUINLAN: Mr Speaker, my question is to the Minister for Justice and Community Safety. Final government approval of applications for funding under the community safety and crime prevention grants program for 1999 was due in about November of last year, I think. When will decisions be announced about successful applications?

MR HUMPHRIES: Mr Speaker, this is one of those occasions when one actually turns to one's book to see whether there is any information about that in it and, as is classically the case, there is not; so I cannot answer Mr Quinlan's question. It is a good question and I will take it on notice.

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MR QUINLAN: I have a supplementary question which I am sure will also be taken on notice. Obviously, why the delay and all that stuff; but will the grants be made on a full 12-month basis, given that we are well into this calendar year, to allow catch-up in the full program?

MR HUMPHRIES: I will take that on notice as well, Mr Speaker.

Mr Colin Dunstan - Bail

MR OSBORNE: My question is to Mr Humphries in his capacity as the Attorney-General. Mr Humphries, on Friday of last week Colin Dunstan, the man who sent 28 parcel bombs through Australia Post, one of which injured several people when it exploded in the Canberra Mail Exchange, was successful in his appeal over being held on remand and was subsequently released on bail. I noted in an article in the *Canberra Times* last Saturday that you have taken the unusual step as a Minister of becoming involved in this matter. According to the newspaper article, you have asked the Director of Public Prosecutions, Richard Refshauge, to consider whether there are any circumstances upon which to appeal the decision to grant bail to Mr Dunstan. The ACT Law Reform Commission released a discussion paper in December of last year entitled "Bail: A Proposal for Legislative Reform". The paper contained a range of suggestions regarding who should and who should not be eligible for bail, including that a person who is arrested for committing an offence with either violence or a weapon should not be allowed bail except under the most exceptional circumstances. Minister, could you tell me whether Mr Refshauge has considered the details of Colin Dunstan's bail and informed you of his findings? Are you aware of the Law Reform Commission's report? Do you agree with their call for reforming bail procedures in the ACT?

MR HUMPHRIES: Mr Speaker, I thank Mr Osborne for that question. I am certainly concerned about the nature of the situation that has arisen in this matter, and I make no secret of the fact - indeed, it has been reported in the media - that I have spoken to the Director of Public Prosecutions about the option of an appeal in this matter. I should correct one small reference in your question. You made reference to Mr Dunstan having sent a number of explosive items through the mail. I should say that it is alleged that Mr Dunstan sent a number of items through the mail. That is a matter that, no doubt, will be determined by a court in due course.

But, whether it is alleged or whether it actually happened, the fact remains that the charges Mr Dunstan is facing are extremely serious charges and I, as Attorney-General, was concerned about the decision that he be allowed bail in these circumstances. I am grateful to the Director of Public Prosecutions for agreeing to consider whether an appeal is available to be launched. He has not as yet advised me whether he considers that there is a basis for an appeal and whether an appeal would be launched, but I am happy to advise Mr Osborne if and when that advice comes back to me.

I am also aware of the recommendations of the Law Reform Commission on this question. I have to say that my support for a number of the recommendations in the commission's report is stronger today than it has been before. I believe that it is

important that we not treat the granting of bail as a right in all circumstances. It was the commission's contention that, in effect, where very serious offences were concerned - where, for example, a person was charged with further offences while on bail - there ought to be a reversal of the assumption that a person was automatically entitled to further bail. I respectfully agree with that opinion. I understand that the Law Reform Commission is due to hand down its final recommendations to the community in the next few weeks. I can assure Mr Osborne and other members of this place that the Government's response to those recommendations will be very swift indeed.

MR OSBORNE: Thank you for that, Minister. I understand that you are to table some legislation on Thursday in relation to the Olympics and security. I would ask you this: Do you think that it is a waste of time, and what is the point, given that some members of the judiciary seem to think that it is okay to bail alleged bombers?

MR HUMPHRIES: Mr Speaker, let me say that my position is somewhat difficult in these circumstances. It has traditionally been the role of the Attorney-General to defend the decisions and the actions of the courts. Traditionally, that has been the role. Traditionally, it has been assumed that the courts do not speak for themselves because that involves getting into a public debate and, traditionally, it has been left to governments, particularly Attorneys-General, to take that role on for them.

Mr Speaker, I believe that we should evolve somewhat from that position. I know that the Commonwealth Government has taken the view that some movement away from that position is appropriate. I think that, frankly, we need to think about that as well. The fact is that judges and magistrates are players in public debates in a whole variety of ways and some of the things that happen need to be explained on occasions by judges and magistrates, rather than relying on governments at arm's length to understand why decisions have been made and to take those decisions into the public arena and explain why they have been made. Quite frankly, on occasions it leaves you in a position where you may be defending something with which you do not agree, and I do not wish to be in that position if I do not have to be.

I think it is important for the community to be prepared to consider the issues that have been raised in these cases in a proactive sense. Reform of the law is always a matter for consideration. The area of bail needs to be reformed, in my view, and I look forward to the results of the Law Reform Commission's report so that we can embark on that process.

Illicit Drugs Strategy for Schools

MR BERRY: My question is to the Minister for Education, who appears to have embarked on rationalisation of the education system on the basis of empty chairs and does not seem to be concerning himself with the quality of the good that is within our school system. Recent media attention surrounding the drug education policies points to the ACT spending a mere \$150,000 a year directly on funding key drug-health problems in our schools. That is a quality issue, not a quantity issue. The Australian Federal Police Association has labelled the amount pathetic. The Minister for Education has

announced that the Government is about to issue its draft illicit drugs strategy for schools. Can the Minister tell the Assembly who was involved in drafting the strategy, whether international drug education experience was considered in the drafting, what the public consultation process will be, and when will he announce it?

MR STEFANIAK: I thank the member for the question. Wayne, that is almost like a Dorothy Dixter because, basically, every conceivable person - I will read it out on Thursday when I am making a ministerial statement on it - was involved in that draft education strategy. I thank everyone involved, ranging from parents to students, teachers, principals, the union, members of the broader community, various community organisations and health professionals. They were all involved. In terms of an actual list, I will include one in my statement on Thursday. I had actually taken it out because it was just so lengthy and took up a lot of space, but I think it is important that every relevant sector have a chance to have their say in something as significant as this strategy. It is not something that you can just pooh-pooh. It is a draft strategy. It will go out for consultation. We will be very keen to see what comes back as a result of that consultation because a lot of work has gone into that strategy already.

But it is more than that. I was interested in that article, Mr Berry. I saw it. In fact, I was rung by the secretary of the police association, whom I know very well and whom I deal with, especially through children's matters, on a regular basis, and I think that, generally, they are very happy with the way this Government is going on that and, of course, through the legal and policing fields as a whole. We are a government with a consistently strong approach to law and order issues but a sensible approach and I think that that is something that the community appreciates.

As to the \$150,000 for specific drug education programs, you might find, Mr Berry, that it is more than your lot spent when you were there in terms of specific programs, and I say "specific" because it is more than that. We have counsellors in schools. We have teachers qualified in terms of drug education. Health is one of the eight key learning areas. We have mandated - your lot criticised it; I will not say that you were deadset opposed to it - 30 minutes per week for health education from kindergarten to Year 10. A very important component of health education is health education in relation to drugs, both legal and illegal. As part of that process, of course, we mandated 150 minutes of physical activity. I think that the general community was appreciative of both issues, especially the health area. That ensured for the first time that there was a set period of time which schools had to spend on health. All teachers in our system, Mr Berry, actually have an input to drug education for their students, from kindergarten to Year 10.

I am not saying, Mr Berry, that we do it perfectly; we do not. There are still far too many young people in our community taking up both legal and illegal drugs. The take-up of illegal drugs like heroin is of great concern to me and to this Government. That is why we are taking steps to overcome it. That is why we are trying to do better by having this draft education policy. But it is not correct to say that we are not putting emphasis into it. We have put a lot of emphasis into it. In fact, it would be difficult to quantify exactly how much we spend in terms of teacher time on this issue.

Mr Berry: I never asked that question.

MR STEFANIAK: Yes, you did. You said that the \$150,000 expenditure is pathetic. If that was all we did and that was it, including teacher time, I would agree with you, Mr Berry, but it is not. That is just in terms of programs and in terms of things such as training certain people. Mr Berry, you have to look a lot - - -

Mr Stanhope: Did the police association tell you that it was pathetic, Bill?

MR STEFANIAK: Mr Stanhope might like to talk to the police association about it. I think he will find that they did not have all the information there. I think they would be the first to admit that.

Mr Stanhope: They were wrong, were they?

MR STEFANIAK: Go ahead and have a chat to them. I think there is a lot more to it than simply that figure. Indeed, if you quantified everything, you might well see the figure as being, instead of a six-figure amount, very much a seven-figure amount. I do hasten to say to Mr Berry that that is not the be-all and end-all. There are ways you can do things better. That is why we have spent a lot of time talking to a lot of people and a lot of groups about developing, hopefully, a more appropriate drug education strategy; that is why it is going out for community consultation and that is why I would hope that there will be a good response to it. It is a crucial issue, Mr Berry.

MR BERRY: I have a supplementary question. Is the Minister saying that he spends more than \$150,000 a year on funding key drug-health programs?

Mr Moore: Education programs?

Mr Humphries: The Government spends more.

MR BERRY: Listen to the question. Is the Minister saying that he spends more than \$150,000 a year directly on funding key drug-health programs in schools? Is he saying that he is spending more than \$150,000 on those programs? Will the Minister commit to increasing resources to adequately fund preventative drug education policies targeting ACT youth in light of a recent Australian Bureau of Criminal Intelligence report which shows that the average starting age of a heroin user has plummeted to a mere 17 years? How much more will you spend?

MR STEFANIAK: Mr Berry, I think you have also got to realise that we are spending it more than just in Education. In terms of just programs - - -

Mr Berry: You are still not listening.

MR STEFANIAK: I have already explained the difference between programs and actual teaching time, but in terms - - -

Mr Berry: Mr Speaker, is it a breach of standing orders not to listen to the question?

MR SPEAKER: No, it is not, any more than it is a breach of standing orders not to listen to the answer, Mr Berry.

MR STEFANIAK: You have mentioned youth programs and health programs. There is a wide range of programs on which the Government is already spending. We will also have the Chief Minister going off to a Premiers Conference shortly. I am pleased to see that the Prime Minister is saying that he wants to spend a fair amount of time at that conference talking about drug issues. I am also pleased to say that we might get some more money from the Commonwealth in relation to the drug education programs in schools. As well as that, Mr Berry, this Government is in the process of developing a budget right across the spectrum and there may well be some other initiatives in relation to this matter.

Mr Moore has just passed me something from the Department of Health and Community Care. For example, here is one on something dear to your heart, Mr Berry, as you were very proud of what you said you had to do in the First Assembly on tobacco. Research on the smoke-free areas public education program for the changes that came into effect in licensed premises in November 1998 cost \$40,000. The previous business year, the smoke-free public and proprietor campaign cost \$20,000. Here is one that affects schools. Tobacco education in the current business plan under the Tobacco Act is to cost \$58,450. Thanks very much, Mr Moore. And there is more over the back, too. So, there is a wide range of programs, Mr Berry.

As I have indicated, we are developing a budget. I look forward with interest to the Prime Minister's statement, which is going to be earlier than our budget, to see what he will be doing and to see what the Territory will get from his greater emphasis, and rightful emphasis, on education programs.

Drug Abuse

MR KAINE: Through you, Mr Speaker, my question is to the Attorney-General. Minister, on 26 February you were quoted in the *Canberra Times* as expressing outrage over an article, which some claimed to be a tongue-in-cheek article, in the ANU student magazine *Woroni* on how to avoid being arrested for drink-driving. You were quoted as saying that you believed the article to be "irresponsible and a threat to public safety" and "a clear incitement to break the law". In fairness to the editors of *Woroni*, Mr Speaker, I should make it clear that the article which so offended the Attorney-General contained two prominent disclaimers stressing, among other things, that drink-driving is stupid and dangerous to yourself and others. *Woroni* also accused the Attorney-General of barefaced - perhaps it was "barecheeked" - hypocrisy. Minister, in recent days another university student publication, the University of Technology of Sydney's *Orientation Handbook*, which is available in the ACT both in hard copy and over the Internet, published an article which gives, amongst other things, detailed instructions on how to inject yourself with heroin. Minister, having regard to this recent development and your recent history on matters like this, do you support the assertion by your colleague the Minister for Health and Community Care on local radio yesterday that this do-it-yourself

guide to drug abuse is a “positive” move and “not likely” to encourage young people to use illegal, not to mention life-threatening, drugs, or do you believe that it is also irresponsible, a threat to public safety and a clear incitement to break the law?

Mr Stanhope: Good question.

MR HUMPHRIES: Mr Speaker, with great respect, I am not sure that it was a good question. First of all, you asked me to comment on a publication of a Sydney university which you say is available in the ACT. I suspect that it is available because someone has brought it in here. I am sure that it is not usually sold or distributed in the ACT. I am not really sure of the connection. I am the Attorney-General for the ACT. I am commenting on a student newspaper in Sydney about drug injecting. I am not really sure what the connection is with the ACT here or with my job; but, suspending that belief for one instant, Mr Speaker, I do not believe that it is appropriate to encourage people to do unsafe things. That is my view. I do not believe that it is appropriate to encourage people to do unsafe things.

I do believe, though, that, if they are going to do something which is wrong in some moral or legal sense, they should do it safely, that they should minimise the loss or risk to human life or human welfare. My position on the *Woroni* article about drinking and driving is consistent with those principles. I said that a person should not provide succour or encouragement to people who choose to get behind the wheel of their car after they have had too much to drink and drive on the roads so as to threaten the welfare of other people as well as themselves.

Just on a slight tangent, Mr Kaine spoke about disclaimers. Mr Speaker, I do not believe that anyone can seriously regard disclaimers as somehow exculpating the content of the rest of the article. If I were to write an article about how to pick up small children for sexual satisfaction and I put disclaimers at either end saying, “Of course, you should not pick up small children for sexual satisfaction”, it would hardly exonerate what I was doing in the rest of the article. I am sure that Mr Kaine would agree with that point of view, and anybody else who thinks about it would also agree with that point of view.

Mr Speaker, I do not approve of people injecting themselves with drugs either. It is an idea which is horrifying and which I would be devastated to think that anybody in my family was engaging in. However, we have to acknowledge the fact that people are still doing that, and measures that might be taken - and I have not seen the article, so I cannot comment on it - to minimise the harm that flows to people from doing those sorts of things are an appropriate exercise in public education if done properly. I have not seen the article Mr Kaine is referring to. If someone wants to show me a copy, I am happy to have a look at it at my leisure and give him some views about it. But, Mr Speaker, I believe in, as much as possible, saving lives and minimising the loss of life and the loss of wellbeing to human beings. My position on both those matters is, I think, perfectly consistent in that respect.

MR SPEAKER: Do you have a supplementary question, Mr Kaine?

MR KAINE: Yes, Mr Speaker. Let me say that I will make sure that the Attorney-General gets a copy of this article because I believe that it is a very serious matter and is one that should not be allowed to be published in this Territory. Based on the Attorney-General's response, first of all, that he does not encourage people doing unsafe things and, secondly, that he does not approve of people injecting themselves with drugs, will he give an undertaking to this Assembly that he will take all necessary steps to ensure, to the full extent of his authority, that this publication and any others like it which implicitly or explicitly encourage young people and others to use heroin and other illegal drugs will be banned from the ACT? Or is he, as certain of his detractors maintain, guilty of perhaps barecheeked equivocation?

MR HUMPHRIES: Very amusing, Mr Kaine! Let me say, first of all, that I do not believe that censorship *ex post facto* is going to work. The fact is that both *Woroni* and the particular publication to which you refer are already published. If you think that there is any value, even if you disagree with something as strongly as you obviously do, in running out and trying to snatch all the copies of the publication from the hands of those who are reading them, then I think you have got a much grander idea of what the ACT Government is capable of than I have.

No, I am sorry, I do not take the view that it is appropriate to attempt to deal with the matter in the way that Mr Kaine has suggested. The Government's program will be to attempt to educate people about the best way of avoiding harm. I note that Mr Kaine himself was part of a government at one stage and, indeed, supported a government budget which achieved funding of peer programs to teach safe injecting techniques to drug users in the ACT. Mr Kaine was a member of the government that voted in those programs, that supported those programs. Mr Kaine voted for the government's budget to do those things.

Mr Kaine: I take a point of order, Mr Speaker. I suggest that the Minister answer the question that I asked of him. Of course, he will not. He will do nothing but equivocate and skirt around the issue, as he always does.

MR HUMPHRIES: Mr Speaker, I have directly answered Mr Kaine's question already - directly answered it.

Mr Corbell: Then you can sit down.

MR HUMPHRIES: I am entitled to explain my answer, Mr Speaker. As with every other Minister who has ever risen in this place on a particular matter, I am entitled to explain my answer. I do not have to give yes-no answers. I do not propose to on this occasion, either.

MR SPEAKER: Correct.

MR HUMPHRIES: The fact is, Mr Speaker, that the Government's approach has been very consistent and it will be on these sorts of matters. If Mr Kaine disagrees with the approach taken by the Government, he should put a motion on the table in the Assembly to cause the Government to change direction on this issue - in fact, the direction that this

Government and other governments around Australia are taking. Mr Kaine, if you believe that your view represents the view of a majority of members, then take that step onto the floor of the Assembly. I do not think it does represent either the view of the majority in this place or the view of a person who is about minimising harm to the community. That is what I am here for - to minimise harm to the community.

Canberra International Dragway

MR CORBELL: Mr Speaker, my question is to the Minister for Urban Services. Minister, can you explain why you have, on behalf of the Territory, refused to determine the amount of rent and other lease conditions for a new lease for the Canberra International Dragway at block 520, Majura, as is required under the dragway's previous lease?

MR SMYTH: Mr Speaker, the issue of the dragway is a curious one. The lease that was issued was issued in the transition period for self-government when responsibilities moved from the Federal Government to the Territory Government. For those parts of the lease that I can answer for, we have responded and responded with as much enthusiasm as we can. The issue is an issue about national land. It is a Defence facility that the land is leased on and it is a matter for the Federal Government.

MR CORBELL: Can the Minister confirm that, as a result of his inaction on this issue, he has placed the Territory in a position where it will be held liable for the closure of a sporting facility which attracted over 18,000 people last year and which has attracted over \$2m worth of tourist activity to the ACT?

MR SPEAKER: Mr Minister, be careful as you cannot answer a question that asks for a legal opinion.

MR SMYTH: I certainly cannot, Mr Speaker, because I am not a lawyer. I would certainly leave that to the Attorney-General. In response to the question, Mr Corbell has this habit of starting all his questions with assertions as though they were fact. He starts this question by saying, "Due to your inactivity". My department and I have not been inactive on this issue. I have met with representatives of the dragway. The department has sent letters. We have answered what we believe to be our obligation. I have rung the office of the Federal Minister for Defence to make sure that they were aware of what was happening in their department. We have not been inactive. Therefore, the rest of Mr Corbell's question based on his assertion is not relevant to this issue.

Narrabundah Long Stay Caravan Park

MS TUCKER: Mr Speaker, my question is to Mr Smyth as the Minister responsible for housing and relates to the Narrabundah Long Stay Caravan Park. Are you aware, Minister, that the Community Law Reform Commission is working on a discussion paper - I understand that it is a discussion paper - regarding residential tenancy rights for people in caravan parks and relocatable homes?

MR SMYTH: Mr Speaker, I would have to say that I was not and would welcome further information on it.

MS TUCKER: As Minister for housing, do you think that you should be interested in the rights of the tenants in the Narrabundah caravan park before you say that you will sell it?

MR SMYTH: Mr Speaker, as Minister for housing, I am very interested in and responsible for the rights of tenants of ACT Housing. Unfortunately, there are no tenants of ACT Housing in the long stay caravan park. It is not central to our core business and it is more than appropriate to sell it.

Canberra International Dragway

MR WOOD: I wish to follow up a question asked of the Minister for Urban Services by Mr Corbell. In answer to that question, Mr Smyth said that the Government or he had responded where they could. I took that to mean where they had authority. I want to get a clearer definition of what authority applies and where. With a simple yes or no answer to the question, Minister, you can dispense with this one very quickly. Is it the case that the Territory Government is responsible for setting the level of rent and other conditions for any new lease at that site?

MR SMYTH: There is conflicting legal opinion on who is responsible for what in this lease. Based on advice that the ACT Government Solicitor has given me, we are somewhat in conflict with the club's view of the lease. The ACT Government Solicitor's view is that the Territory is not legally able to make all the declarations sought as the land is national land, the land is under the control of the Defence Department, we have no say on that land. The club has sought the Territory's assistance and the club believes that some declarations can be made by the Territory. The advice that I am given by the ACT Government Solicitor is that I cannot.

MR WOOD: Mr Speaker, can I follow that up with a supplementary question. If there are confusions there, what steps have you taken with your Commonwealth counterparts to act in this matter? What have you done to see about extending that lease for some further period and what conversations, what discussions and what negotiations have you had with Commonwealth officers?

MR SMYTH: Mr Speaker, as I said in the answer to Mr Corbell's question, letters supporting the claim of the dragway have been sent from the department. Indeed, I have phoned Minister Moore's office to put forward their case and to make sure that the Federal Minister was quite clear as to what was happening further down in his department and to bring it to his attention so that they might consider it further.

Belconnen Leisure Centre

MR RUGENDYKE: Mr Speaker, my question is to the sports Minister, Mr Stefaniak. Minister, the feasibility study into the public costs and benefits of the proposed Belconnen leisure centre was due to be finalised in January of this year. Could you please advise the chamber whether the study has been completed, whether you have seen a copy of the study and when it will be released to the Assembly?

MR STEFANIAK: A very detailed study was carried out. The study has only just become available to government - I think it was on Friday - and is a fairly lengthy document. The Government will be considering it as soon as possible. I have had a very quick look at part of it. It is a very detailed and lengthy document, Mr Rugendyke. The answer to that is that it will be shortly available.

Police Force

MR HARGREAVES: My question is to the Minister for Justice and Community Safety. I refer to comments attributed to the Minister's speech to the current graduating class of police officers, as reported in the Sunday press. In these reports the Minister said that a separate police force for Canberra was now "at the forefront of the political agenda". The Minister also was reported as saying:

The time is here in the ACT where serious consideration is being -
is being -
given to the establishment of our own police force.

However, an article in Monday's press has the Minister playing down the issue. Even so, the Minister is reported as saying:

The Commonwealth has stated that it sees no future role for the AFP in community policing beyond 2001.

If the detailed comments attributed to the Minister are a true reflection of the Government's position in relation to the AFP and the current policing contract, can the Minister advise the Assembly what consultation, when and with whom led him to this position?

MR HUMPHRIES: Let me comment first of all on the question of reports in the *Canberra Times* about this matter. I will say by way of background that the Government has very clearly sent a signal that it considers that the community of the ACT needs to consider the question of whether a separate police force would better serve this community than the continuing relationship with the Australian Federal Police. It is not the first time that I have flagged that issue. Members will be aware that it has been a matter of debate, not just within the ranks of the Government, but indeed within the ranks of the Assembly. Members will recall that Mr Osborne chaired the Legal Affairs

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Committee in the previous Assembly, where issues of this kind were also canvassed, at least incidentally to other inquiries. In particular, the issue of the appointment of an ACT police commissioner or chief police officer and the knock-back that the ACT has had from the Federal Government on that question has given rise to a real issue of whether we need to consider some different arrangement, including the possibility of a separate ACT police force.

Mr Speaker, on the question of the reports in the *Canberra Times*, my comments in the *Canberra Times* on Sunday or Monday, whichever day it was, were consistent with my comments on the earlier occasion - the comments that appeared on the Sunday as opposed to the comments on the Monday. What I was hosing down, Mr Speaker, was the false expectation that might have been taken by some people, based on the comments by Mr Hargreaves, that negotiations between the Commonwealth and the ACT had broken down. They have not broken down, Mr Speaker.

Mr Hargreaves: They must have, otherwise you would not be dumping them like this.

MR HUMPHRIES: I do not know how Mr Hargreaves reaches that conclusion. They have not broken down; on the contrary.

Mr Hargreaves: You have dumped them.

MR HUMPHRIES: No, that is not the case, Mr Speaker.

Mr Hargreaves: Just own up to it and get on with it.

MR SPEAKER: Order!

MR HUMPHRIES: I know what I need to do, Mr Speaker. Let me make it clear: The fact is that the negotiations have progressed, and they have progressed to the stage where it is clear that separation is a real issue which we have to address. It is not because of the negotiations having broken down that we have come to that conclusion; on the contrary. It is the fact that the negotiations have reached a stage of maturity that has led to that particular option having crystallised further and having provided that the Government should put that on the table. So, Mr Speaker, I tell members of the Assembly quite plainly - and Mr Hargreaves can go and check with the Federal Government if he wishes - that the negotiations have not broken down, they are still on foot, they are no less real or less fulsome than they were two months ago or six months ago, and they will continue. If Mr Hargreaves has any proof of this wild assertion that they have broken down, I invite him to submit that to the Assembly or anybody else for that matter. But, of course, he has not because it is not true.

Mr Speaker, on the question of consultation: We are back into the old bind here. There has been no consultation except for the Government having flagged the issue very clearly some time ago and having raised it in succession with a series of stakeholders in this area, those stakeholders being - - -

Mr Hargreaves: That is gobbledegook. "Stakeholders" is gobbledegook.

MR HUMPHRIES: Thank you for your learned opinion, Mr Hargreaves, but the fact is - - -

Mr Hargreaves: That is gobbledegook, and you know that it is gobbledegook. That is just rot and you know it.

MR HUMPHRIES: It is perfectly clear, Mr Hargreaves. The Government has discussed the issue of separation - - -

Mr Hargreaves: Stakeholders!

MR HUMPHRIES: Okay, I will tell you who the stakeholders are. If you would be patient for a minute and sit back quietly in your chair, I will explain to you who the stakeholders are.

Mr Hargreaves: Do your worst because we have seen your best.

MR HUMPHRIES: Mr Hargreaves asked me a question and he does not seem to want to have an answer, Mr Speaker.

MR SPEAKER: Yes, indeed. You have the floor, Mr Humphries.

MR HUMPHRIES: Mr Speaker, the stakeholders are people such as the Australian Federal Police Association, the Australian Federal Police ACT Region, members of this Assembly with whom I have discussed the question of separation on a case-by-case basis on many occasions in the last three or four years, members of the Federal Government, and in fact anybody else I think that you might consider to be a relevant party in these matters. I have not gone to them and said, "Here is the proposal. Here is what we want to do. Comment on that", because we have not got a proposal as yet. We have a concept which I have put on the table, as is my duty to give people advance warning of this being a possible issue.

If I took the other approach, the alternative approach, and worked out behind closed doors what should be the full scenario and then threw it on the table before it was going to happen and say, "Here is what we are going to do. You have got two weeks to comment", I would be accused of not having consulted, and quite rightly so. So I have taken the responsible course of action and I have put on the table an issue which has now arisen.

Mr Hargreaves: Policy by media.

MR HUMPHRIES: Mr Hargreaves is incorrigibly unsatisfied. I cannot do much about that. I would say to Mr Hargreaves that if he were in my position he really could not have done anything more than I have done. I put to Mr Hargreaves across the chamber: What would you have done that was different from what I have done?

Mr Hargreaves: I would not do it by policy by media.

MR SPEAKER: Order! This is question time, not a debate.

MR HUMPHRIES: Mr Speaker, knowing Mr Hargreaves' propensities in this area, I would say that, yes, he would do exactly that. Mr Speaker, what I have done is put the issues fairly and squarely before the ACT community and the stakeholders, as I mentioned, in a fair and open manner. What more can I be expected to have done?

MR SPEAKER: Do you have a supplementary question, Mr Hargreaves?

MR HARGREAVES: Thank you very much, Mr Speaker. I apologise to the Chief Minister for being so quick to my feet. The Attorney-General is so sure that his process was so lilywhite that I ask him whether he is aware - and he should be, from my information - of the email sent under the name of Mr M.J. Palmer, Commissioner of Police, to all police stations in the ACT, as I understand it, indicating, to quote from a document that I am happy to table if members desire:

It is important to me that all members and all personnel understand that the comments do not result from any consultation or communication with me or my office or reflect my personal or professional views.

Where is the lilywhiteness?

MR HUMPHRIES: Mr Speaker, as it happens, I have to put on the record that I have discussed the question of separation from the Federal Police on several occasions with senior officers of the Australian Federal Police, including the Commissioner, Mr Palmer. That is the case.

Ms Carnell: And with the Minister.

MR HUMPHRIES: And with the Federal Minister; in fact, both Federal Ministers, both Mr Williams and Senator Amanda Vanstone.

Ms Carnell: And I have had discussions with the Minister.

MR HUMPHRIES: Indeed. We have all had those discussions. And I have had them with Mr Palmer as well. If I might attempt to provide some explanation of what Mr Palmer has written there, he may be asserting that there was no particular consultation - - -

Mr Hargreaves: You just said Mick Palmer is a liar.

MR HUMPHRIES: If you will listen to me for a moment, Mr Hargreaves. He may be asserting that there was no particular consultation about the text of my speech prior to Friday's graduation ceremony. On that score, yes, he is absolutely right, there was not any discussion with him about that. But what I said in my speech on Friday was not new. Nothing was said in that speech which has not been said on several occasions in the past.

Mr Hargreaves: Why did he need to do that?

MR HUMPHRIES: I do not know. Ask Mr Palmer about that.

Mr Hargreaves: I intend to do just that.

MR HUMPHRIES: Good. Go right ahead and do it. But I put on the record very clearly, and I doubt that Mr Palmer would take a different view, privately or publicly, that the Government's desire to consider the question of separation as an issue has been before the Federal Police, including before Commissioner Palmer, and he has heard it from my lips directly and from the Chief Minister's lips through the Federal Minister for Justice.

Ms Carnell: Mr Speaker, I ask that all further questions be placed on the notice paper.

Public Hospital Beds

MS CARNELL: I have some further information with regard to the question in question time today about the Government's change of policy after 1995 with regard to the number of hospital beds. That happened quite a long time ago as a result of a quite significant change in direction in health generally. As members would be aware, Mr Berry as Health Minister actually closed 200 beds in our public hospital system, so it is very rich for those opposite to make any comments about bed numbers.

Mr Speaker, since 1995 when we came to government, we have changed our policy with regard to the number of beds, and the reason is quite clear. We decided to focus on state-of-the-art medical practice and hospital practice, which was to move more and quite significant resources into areas such as hospital in the home; in other words, to treat patients as often as possible in their homes rather than in hospital or, alternatively, move them out of hospital beds substantially quicker than would have been the case in the past. We started that program with trials in, particularly, the orthopaedic area with hip replacements, where initially patients would be in hospital for as much as three weeks. They are being moved out of hospital now in what can be just a number of days and are being treated at home. Similarly, we had the expansion of the midcall program for post-obstetric treatment.

We upgraded the aged care area at the hospital and changed our methodology for caring for older people, thus reducing average lengths of stay quite significantly and offering significantly greater support services within the home. With rehabilitation services, the same thing occurred with the building of the facility at Gaunt Place. We had a capacity to move people out of the beds at the hospital into a halfway house almost and then back to home in what was often a month's shorter timeframe.

Day surgery also was significantly increased. Where people were previously having, say, a gall bladder operation and being in hospital for a number of days, they were having gallstones and so on removed in what at times was straight day surgery and in other cases

overnight. We were offering chemotherapy and other forms of ongoing drug therapy at home via drips; in other words, getting nurses to go out to people's homes and put up drips at home. The reason for that is that it decreases the chances of hospital-based infection, decreases disruption to family life and, of course, improves health outcomes. I would say that any government that has not taken that approach would not be doing the right thing by the patients.

Similarly, as I think Mr Moore said in his answer when asked to guarantee that we would never change hospital bed numbers again, we would not be doing the right thing by the patients as well if we did not change the whole way in which we operate. The direction that everyone is taking is of ensuring that people's treatment is conducted outside institutional care wherever possible, simply because the outcomes are so much better. So the changes will continue to be to more outreach services, more home-based services generally, simply because the outcomes are better. We increased our bed utilisation rate significantly during that period and are seeing a record number of patients. That, surely, has to be a great outcome, Mr Speaker.

MR MOORE: Just before I respond to a question asked by Mr Quinlan on 10 March 1999, I wish to clarify some points that the Chief Minister has elaborated on about an answer that I gave. Overall, the ACT public hospitals achieved 29,068 cost-weighted separations for the year to 31 December 1998. We use cost-weighted separations because it is better than saying that we did all the easy operations. Cost-weighted separations take into account the fact that some operations are more complex than others. In the year to 31 December 1997, 27,327 cost-weighted separations were achieved, so there was an increase of 1,741. Even though we have been prepared on occasions to close beds for particular purposes, we are doing what I said - we are increasing throughput.

Something else of interest, Mr Stanhope, is that when you asked your question I believe that you asked whether the number of public hospital beds had decreased from 591 to 542, being a decrease of 49. You may have been speaking specifically about the Canberra Hospital, but the figure that I have as of March is that we have 524 beds in the Canberra Hospital and 162 beds in the Calvary Public Hospital, meaning 686 public beds. Of course, when we look at the issue of public beds we have to be very careful about how we get those numbers because sometimes we have some open during the week and not open at the weekends and so on.

We probably have to put more effort into looking at the way we handle beds within our public hospitals to make sure that we are, for example, staffing beds that are being used at any given time rather than staffing X beds at any given time. That certainly is an issue that Mr Rayment is looking into in terms of long-term issues in re-engineering.

Hepatitis C

MR MOORE: On 10 March 1999 Mr Quinlan asked the Acting Minister for Health and Community Care about the hepatitis C program. He asked how many people have been in contact with it, how many have been infected, and what compensation arrangements

have been provided. Then Mr Quinlan did something very interesting, Mr Speaker. He said in his supplementary question involving numbers, "And I am sure that the Minister will be expansive". Indeed, Mr Speaker, expansive is the order of the day because I have a four-page answer giving exact details about that. I table that answer. I seek leave to incorporate it in *Hansard*.

Leave granted.

The answer read as follows -

**MINISTER FOR HEALTH AND COMMUNITY CARE
LEGISLATIVE ASSEMBLY QUESTION TAKEN ON NOTICE**

10 March 1999

Mr Quinlan asked the Acting Minister for Health and Community Care:

Last year the Minister announced the Hepatitis C program took on to track people who could have been at risk, identify how many and to provide adequate compensation. How many have been contacted, how many have been infected and what compensation arrangements have been provided? My supplementary involved the numbers and I'm sure the Minister will be expansive.

My answer is as follows (answered by the Minister for Health and Community Care):

The Hepatitis C Lookback process is complex and therefore background information on the subject of hepatitis C and transfusions is relevant. Lookback is a program that seeks to initially identify those persons who have been infected with hepatitis C via a blood transfusion. Additionally persons infected between 1 January 1985 and end February 1990 may be eligible for financial compensation. The decision regarding this time period and the need for financial assistance is detailed below.

The hepatitis C virus was first discovered in 1989 . However, the existence of a form of hepatitis which was neither Hepatitis A nor Hepatitis B was known for at least twenty years before this. It was also known that this form of hepatitis occurred relatively commonly after blood transfusion.

In 1985 medical specialists started to collect more information on this Non-A Non B Hepatitis and its relationship to blood transfusions. Therefore from 1985, the blood banks in the United States began screening donors for liver disease using a nonspecific liver enzyme test (ALT) in order to reduce the prevalence of Hepatitis C in the donor

pool and thereby prevent transmission to the transfusion recipient. In Australia, the Queensland Red Cross Blood Bank was the only blood bank to introduce this screening test in donors. It is assumed, that if the ACT Red Cross Blood Bank had introduced ALT testing at the same time as in Queensland, the risk of transmission of Hepatitis C may have been reduced. Once Hepatitis C was discovered then preliminary testing was introduced, although at times even these tests were inaccurate.

The failure of all Australian States, except Queensland, to introduce ALT testing for all blood donors may have created a situation where the Red Cross Blood Service in those states is legally liable to pay compensation.

Lookback is a program that seeks to identify blood donors who are positive for the hepatitis C virus (HCV) and the recipients of the blood products they donated. There are two ways of doing this. Both involve searching records (usually not computerised) and tracking patients. The Australian Red Cross Blood Service-ACT (ARCBS-ACT) has been testing all donors of blood for the hepatitis C virus since February 1990. For those donors who subsequently test positive to HCV, Lookback is carried out on all previous donations. When all units are sourced the next step of the process is to match the products to the recipients of them. In all cases when a person who now has HCV identifies blood transfusion as a risk factor, a recipient-triggered Lookback commences. This involves finding the transfusion record in the person's medical notes and tracing the blood units shown back to the donors in an attempt to find a donor who is now positive for HCV. When and if a donor is identified then a full Lookback on all products that the donor has donated will be conducted and any other recipients who may have been affected will also be contacted.

In addition to the follow up of these 'recipient triggered' cases we have notification from the Australian Red Cross Blood Service (ARCBS) of 159 possibly infected blood units in the ACT. In this case the follow up is known as Donor Triggered Lookback. The units in question have been sent to five hospitals, The Royal Canberra Hospital, Woden Valley Hospital, Calvary Hospital, John James Private Hospital and Queanbeyan Hospital. The majority of the units went to The Canberra Hospital. The investigation of these cases was delayed until around 260,000 paper records from the Pathology Department at The Canberra Hospital were transferred onto a data base. This has now been completed and the matching of a batch unit number to a recipient has commenced. The Lookback coordinator now has matches in ninety four cases. Sixty of the recipients are deceased according to their medical records.

A search for the surviving recipients is proceeding. To date eleven people have been contacted. Seven of those contacted have tested positive for the virus and four persons have tested negative. Three of these cases fall within the compensable period, 1985-1990 but all of these are negative for the virus.

The ACT has been notified of 2008 cases of hepatitis C infection. It is estimated that there could be as many as 200 cases of transfusion related HCV in the ACT and surrounding areas (based on national averages). Some of the cases of HCV not already identified by the donor triggered Lookback will have passed away (possibly 50% of cases) due to the nature of the illness or injury which required that the recipient had the blood transfusion. Others will be aware they have the virus and will identify blood transfusion as a risk factor for the infection.

In an enhanced surveillance project conducted by the Communicable Disease Control Unit for the years 1994 to 1996, 70 people identified 'blood transfusion' as a possible risk factor for their HCV. The follow up of these cases is known as Recipient Triggered Lookback. Where people have identified blood transfusion as a risk factor for their Hepatitis C we have investigated forty nine cases so far with varying results.

A total of twenty one of the persons investigated received blood. Five of these were before 1985 when no test was available. Eleven people were in the period between 1985 and 1990. This is the compensable period when liver function tests were available but not routinely used in the ACT. Five persons appear to have been infected after 1990 and post the introduction of donor testing. Post testing cases can be due to the donor being tested shortly after infection and in what is known as the 'window period' when antibodies do not show up in the blood. It is unlikely that persons infected after testing will be eligible for compensation as a statutory defence exists in the ACT.

A further 10 recipient-triggered cases were identified through the 'Crisis Line' which operated after the Ministerial announcement in August of last year and not all of these have been substantiated.

The Department established the financial assistance scheme to deal with the above liability. The financial assistance scheme is being jointly administered by the ACT Department of Health and Community Care and the Department of Justice and Community Safety.

The principles underpinning the proposed financial assistance scheme are as follows:

Where a person who is now hepatitis C positive was transfused with blood from a hepatitis C positive donor between 1985 and 1990 and where it is more probable than not that the blood transfusion was the source of infection, then that person is eligible for financial assistance;

- that the amount of financial assistance should be based on the impact that the disease has had on the person's health and life;
- that the cost of litigation over Hepatitis C transmitted by blood transfusion, both to Government, the Red Cross and litigants be minimised.

All persons who believe that they are eligible for compensation are first referred for independent legal advice. Once details of the case are known, the Lookback will commence to determine if the donor is in fact Hepatitis C positive. The process of financial settlements also requires a number of specialists tests to be undertaken to assess the clinical condition of patients and the establishment of a causative link between the infection with Hepatitis C and a previous transfusion. Additional investigation needs to be undertaken in relation to the substantiation of loss of earnings and for quality of life and life expectancy estimates for patients. This is consistent with normal legal practice in ascertaining settlement sums. If a causative link has been established, the ACT Government Solicitor will attempt to negotiate settlements with the plaintiff's solicitor in all cases.

Financial arrangements in association with Hepatitis C infection are difficult to quantify, however, the Department has estimated a potential outlay of \$8.7million over two years. This figure is the worst case scenario and would have to include substantial loss of earnings for some of the individuals affected. As the Commonwealth jointly funds the Red Cross Blood Service in each state, it has agreed to contribute 40% of legal settlement costs. In the ACT it is unlikely that any settlements will be agreed before July 1999. In other States the experience is that settlements so far have been between \$20,000 and \$60,000 for each individual. However, where loss of earnings can be proved, this can result in a substantial settlement. One case currently being negotiated in another state is in the order of \$1m- \$1.2m.

A table is set out under Attachment A that may assist to clarify the situation for Members.

ATTACHMENT A

Total Hep C cases - as per HCV notification	Possible transfusion units cross related cases	Number of blood deceased matched to recipients	No of persons individuals traced	No of individuals positive to date	No of individuals negative to date	No of individuals to date
1008	157	91 (though some matches are surnames only as per ARCBS register kept in late 70's/early 80s	62 (this includes x-match's who may not have received blood of the 91 opposite 49 of those who received blood are deceased	11	6	5

Community Safety and Crime Prevention Grants Program

MR HUMPHRIES: Mr Speaker, I took a question at question time from Mr Quinlan about the community safety grants program. I want to give some information about that. There were recommendations to me a few months ago from the Community Safety Committee about the granting of a sum of money for a variety of community safety grants. It was my view, on considering the purpose and effect of those grants, that, in all, there was not a satisfactory level of benefit to the community from proceeding with the particular grants which were recommended to me and, accordingly, I asked for further work to be done on the targeting of particular issues and the focusing in on benefits to the ACT community from this particular grants program. Mr Speaker, I expect, in the next couple of weeks, a submission which will give me more information about the way in which we can deliver those particular grants in the way that I have described, and I will be happy to advise Mr Quinlan and others when I have been able to consider those particular grants.

PAPER

MS CARNELL (Chief Minister and Treasurer): For the information of members, and pursuant to section 9 of the Territory Owned Corporations Act 1990, I present a statement of TransAct Carrier Pty Ltd's details and the constitution as the memorandum and articles of association.

AUTHORITY TO BROADCAST PROCEEDINGS

Paper

MR SPEAKER: For the information of members, I present, pursuant to subsection 8(4) of the Legislative Assembly Broadcasting and Proceedings Act 1997, an authorisation to broadcast given to a number of television networks and radio stations in relation to the public hearing on the inquiry into the establishment of an ACT prison, by the Standing Committee on Justice and Community Safety on 17 March 1999.

SUBORDINATE LEGISLATION
Papers

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, I present, for the information of members, subordinate legislation, pursuant to section 6 of the Subordinate Laws Act 1989, in accordance with the schedule of gazettal notices circulated, and gazettal notices for the commencement of the Acts listed and a corrigendum to a notice of commencement.

The schedule read as follows:

Agents (Amendment) Act (No. 2) 1998 - Notice of commencement (24 February 1999) of remaining provisions (No. 8, dated 24 February 1999).

Blood Donation (Transmittable Diseases) Act - Approval of new Donor Declaration Form - Instrument No. 36 of 1999 (No. 8, dated 24 February 1999).

Board of Senior Secondary Studies Act - Instrument of appointment of Alternate Member to the Board of Senior Secondary Studies under section 11 of the Act - No. 41 of 1999 (No. 10, dated 10 March 1999).

Cemeteries Act - Determination of fees - Instrument No. 42 of 1999 (No. 10, dated 10 March 1999).

Duties Act 1999 - Notice of commencement (1 March 1999) of remaining provisions (S8, dated 1 March 1999).

Firearms Act - Firearms Regulations (Amendment) - Subordinate Law No. 1 of 1999 (S9, dated 24 February 1999).

Health and Community Care Service Act - Instrument of appointment as Deputy Chairperson of the Health and Community Care Service Board - No. 40 of 1999 (No. 10, dated 10 March 1999).

Liquor Act - Instrument of appointment as member of the Liquor Licensing Board - No. 39 of 1999 (S8, dated 1 March 1999).

Motor Traffic Act -

Motor Traffic Regulations - Declaration of declared holiday period 1-5 April 1999 (inclusive) - Instrument No. 43 of 1999 (No. 11, dated 17 March 1999).

Motor Vehicle (Third Party Insurance) Regulations (Amendment) - Subordinate Law No. 2 of 1999 (S10, dated 5 March 1999).

Psychologists Act - Determination of fees - Instrument No. 37 of 1999 (No. 8, dated 24 February 1999).

Subsidies (Liquor and Diesel) Act - Determination to set the diesel subsidy rate to 8.206 cents per litre and will apply on 2 February 1999 and thereafter, to reflect the Commonwealth excise as a result of CPI indexation - Instrument No. 34 of 1999 (No. 8, dated 24 February 1999).

Taxation Administration Act - Eligibility criteria for stamp duty concession for home buyers - Instrument No. 44 of 1999 (No. 11, dated 17 March 1999).

Tenancy Tribunal Act - Variation to the Commercial and Retail Leases Code of Practice - Instrument No. 35 of 1999 (No. 8, dated 24 February 1999).

University of Canberra Act - Approval of Statute No. 37, Courses and Awards Amendment Statute 1999 - Instrument No. 38 of 1999 (No. 9, dated 3 March 1999).

Water Resources Act 1998 - Notice of commencement (4 March 1999) of sections 5 to 12 (inclusive), 14 to 26 (inclusive), 39 to 46 (inclusive), 49 to 70 (inclusive) and 82 (S11, dated 3 March 1999).

Corrigendum (S7, dated 26 February 1999) to the Agents (Amendment) Act 1998 notice of commencement of Agents (Amendment) Act (No. 2) 1998 (published in *Gazette* No. 8, dated 24 February 1999).

**LAND (PLANNING AND ENVIRONMENT) ACT - VARIATIONS TO THE TERRITORY
PLAN - HOLT AND STIRLING DISTRICT PLAYING FIELDS AND GRIFFITH,
SECTION 39, BLOCK 18 (PART)
Papers and Ministerial Statement**

MR SMYTH (Minister for Urban Services): Mr Speaker, for the information of members, I present the following variations, pursuant to section 29 of the Land (Planning and Environment) Act 1991: Variation No. 115 to the Territory Plan relating to the enclosure of sportsgrounds at Holt and Stirling district ovals, and variation No. 123 to the Territory Plan relating to Griffith, section 39, block 18 (part). In accordance with the provisions of the Act, these variations are tabled with the background papers, a copy of the summaries and reports, and a copy of any directions or reports required. I ask for leave to make a short statement.

Leave granted.

MR SMYTH: Mr Speaker, variation No. 115 to the Territory Plan will permit the enclosure of a ground at section 50, block 46, Holt - part of the Holt district playing fields; and a ground at section 24, block 73, Stirling - part of the Stirling district playing fields. Mr Speaker, the purpose of the variation is to provide for a high standard playing surface for the current user groups, in which the existing and proposed investments in amenities and equipment can be protected from the threat of damage and possible loss. The proposal will benefit particularly cricket and football by protecting equipment from theft and vandalism and by protecting the playing surfaces of the ground.

The enclosure of the grounds may also allow for spectator admission fees to matches, which will assist in the financial viability and maintenance of the grounds. This variation also means that the grounds will be managed and maintained to an approved standard, in accordance with the management plan. However, the proposal provides the opportunity for the Government to share maintenance costs more directly with user groups, thereby reducing overall costs to the wider community.

Mr Speaker, the Standing Committee on Urban Services considered the draft variation and, in report No. 20 of 5 March 1999, endorsed the draft variation proposal.

Mr Speaker, variation No. 123 to the Territory Plan proposes to change the land use policy for part of block 18, section 39, Griffith, from urban open space to residential to enable medium-density residential development to be integrated with the existing development on block 3. Mr Speaker, the block is flanked by medium- to high-density housing and, therefore, any medium-density development on the block would be compatible with surrounding uses. Direct vehicle access off Canberra Avenue would not be permitted, due to the proximity to the Giles Street intersection, the gradient of the verge and the presence of a large utility pit. Consequently, it would not be possible to sell the site as a separate lease because the Territory could not guarantee access to the site as required under section 216 of the Land (Planning and Environment) Act 1991.

In addition, design options may be limited if the block was developed in isolation. The proposal to increase the area of the lease of block 3 to include part of block 18 will enable development to occur, and for this development to be accessed through an internal driveway linked to block 3. Mr Speaker, the urban design aspects of development on the block would also be subject to the special requirements under the National Capital Plan for developments flanking main avenues and approach routes.

The Standing Committee on Urban Services considered the draft variation and, in report 21 of 5 March 1999, endorsed the draft variation proposals. I would thank again the Urban Services Committee for the hard work that it does and for the sheer number of reports that it gets through.

URBAN SERVICES - STANDING COMMITTEE
Report on Tidbinbilla Nature Reserve - Government Response

MR SMYTH (Minister for Urban Services) (3.37): Mr Speaker, for the information of members, I present the Government's response to the Standing Committee on Urban Services Report No. 16, entitled "Tidbinbilla Nature Reserve Final Draft Management Plan 1998", which was presented to the Assembly on 9 December 1998. I move:

That the Assembly takes note of the paper.

Mr Speaker, in August last year the Standing Committee on Urban Services considered the final draft management plan for Tidbinbilla Nature Reserve. In November the committee reported in its report No. 16 which contained 10 recommendations. The Government has considered these recommendations and now presents to the Assembly the response that I am tabling today. In light of the standing committee report an addition was made to the plan in relation to the wilderness values, as designated by Environment Australia.

While these values have now been recognised in the plan, the quality of the wilderness area is low compared to the adjacent sites in Namadgi National Park. It is considered that the best function for these areas is as a buffer zone between the more developed wildlife enclosures and recreation facilities in the valley floor and the higher quality wilderness areas. The report recommended that the national park component of the reserve be incorporated within the adjacent Namadgi National Park. As the two reserve management zones lie within the one catchment, it is considered more appropriate to manage the reserve as a whole, rather than a part catchment managed by different districts.

The report requested also that entry fees be removed for people wishing to use only the national park component of the reserve. This is considered to be not feasible to implement and administer due to the single entry point to the reserve. Also, access to the national park component of the reserve is possible from Namadgi National Park or from the adjacent pine plantation.

Mr Speaker, the Government agrees to refer explicitly to the importance of maintaining the nature conservation values of the reserve, and changes have been made to the plan to reflect this recommendation. The Government also notes the recommendation that the management plan stipulates that all money raised by entry fees is returned to the reserve.

Mr Speaker, the standing committee's report also recommends that the Government give an assurance that the loan and interest payments for the new visitors centre will not lead to a reduction of the resources devoted to the reserve. The Government gives that assurance.

The Government notes the recommendation that the conservator should not be placed in a position where he or she is both the proponent of a development and the provider of what is expected to be impartial advice on the conservation impact of that development.

The Government considers this recommendation to be outside the scope of the plan, and has decided that the current conservator arrangements are to be retained. It should be understood that PALM independently evaluates development proposals, which is a publicly accountable process that considers comment from the community and government, including the conservator. The Government, however, agrees that any sponsorship arrangements are to be low key, and will not detract from the visual or aesthetic impacts of the reserve.

The Government considers that this aspect is adequately covered in the plan. The rolling three-year implementation plan to be produced within 12 months of the release of the management plan will be reviewed annually by the Environment Advisory Committee, and will achieve the objective of an independent assessment of the plan. The advisory committee will provide advice to me as necessary. The Commissioner for the Environment will also have an opportunity to assess specific aspects of reserve management, as necessary, in his report on the state of the environment.

The Government notes the recommendation about considering increasing resources available to the Parks and Conservation Service. The Government considers this to be outside the scope of the plan and will consider this aspect through the budget process.

Mr Speaker, I conclude by saying that the Government's response has considered all the recommendations made by the standing committee, and that changes to the final draft management plan have been made, where appropriate. I will table the final draft management plan shortly. I thank the committee for their hard work on this issue.

MR CORBELL (3.41): Mr Speaker, it is pleasing to see that the Government has responded to the standing committee's report on the draft management plan for Tidbinbilla Nature Reserve. I would have to say that the Government's response is a mixed one, and there are certainly a number of matters which I think would be appropriate to highlight immediately, which the Labor Party would have some concerns with.

The first is in relation to the Government's response to recommendation No. 10, which deals with the resources available to the Parks and Conservation Service in its responsibility for the efficient and careful management of the Tidbinbilla Nature Reserve, amongst other reserves. The Government's response is simply to say, "This is noted but it is outside the scope of the report". That is not a very satisfactory response at all. In fact, not even in his tabling speech has the Minister said anything about the desirability for more effective and efficient resourcing of the Parks and Conservation Service.

The evidence that the committee received in its public hearings was quite clear and it all pointed to one very important fact, that is, that there is no point in having a management plan, there is no point in doing all the work in preparing a management plan, unless you have the resources to be able to implement the plan to make sure that the ultimate goal, which is the preservation and effective management of the environment, is achieved.

The Minister simply said, "This is noted but it is outside the scope of the plan". He did not even comment on it, not even provide any assurance that the Government is going to be addressing that issue, that the Government is going to be following up on it. He has not said a single thing about that.

That is a very concerning response and is an issue that I believe members should be conscious of and should pay serious attention to, simply because a vast amount of land in the ACT is managed by the Parks and Conservation Service. For the Minister to fail even to address the issue of funding for the Parks and Conservation Service is very disappointing. He can sit over there and tut-tut all he likes, but he knows and a lot of people in this Assembly know that time and time again people involved in landcare associations, people involved in assisting the Parks and Conservation Service in the management of areas like Tidbinbilla, will say quite straightforwardly to you that there are not enough funds to effectively implement a management plan. I cannot believe that this Minister does not take that issue seriously, that he just tut-tuts it away. That is an appalling response from this Minister.

Mr Speaker, there are a number of other issues in the Government's response which I believe are worth drawing attention to. One of those issues is in relation to the role of the Conservator of Flora and Fauna. Mr Speaker, it was drawn to the committee's attention during its examination that the Conservator of Flora and Fauna was the proponent for the new visitors centre at Tidbinbilla Nature Reserve. He was the person putting forward the development application for Tidbinbilla Nature Reserve and he was the person responsible for assessing its environmental impact.

We thought, quite rightly, that a conflict of interest existed there and we made a very sensible recommendation that, where the Conservator of Flora and Fauna was the proponent of a development, he or she should not be the person asked to comment on its environmental impact. Could we be confident that the Conservator of Flora and Fauna would make an appropriate assessment if he or she was also advancing a particular proposal for the nature reserve? The committee was of the view that we could not. The Government has disagreed with the recommendation and that, also, is disappointing.

There are not many circumstances in which the Conservator of Flora and Fauna would be the proponent of a development application. But where the conservator is, surely it is prudent, to avoid any potential conflict of interest, to provide for an independent assessment to be done in place of the role performed by the Conservator of Flora and Fauna. The Government, again, simply says, "We note this, but we think that the current arrangements are fine". That, again, is not an acceptable response, because it is a failure to address the issue that the committee has raised, that is, that if there is a conflict of interest you should take steps to avoid it. They have not done that. Again, on that recommendation, which is recommendation No. 6, the Minister's response is certainly not an effective one or a responsible one.

Mr Speaker, there are a number of other issues in the Government's response. A number of them you could probably argue either way, but I have certainly sought to highlight two which are quite unsatisfactory from my point of view and from the Labor Opposition's point of view.

The only other issue I would raise, Mr Speaker, is in relation to fees at Tidbinbilla Nature Reserve. The Government continues to say that the issues of fees at Tidbinbilla Nature Reserve is a government policy issue and is outside the scope of the draft management plan. Whilst that may be technically true it, again, goes to the heart of the issue as to effective and reasonable levels of funding to ensure that this draft management plan can be implemented effectively. The Government has said that the current policy is to return all revenue raised from entry fees at Tidbinbilla Nature Reserve to Tidbinbilla Nature Reserve. There is no guarantee that that will remain the case over a period of time. Members would be aware of the Labor Party's position in relation to entry fees at the reserve. But, that decision having been made, we would expect that there would be a far stronger commitment from the Government than the one we have seen in the response today.

Mr Speaker, it is certainly pleasing to see that a number of other issues have been agreed to. I note recommendation No. 8, which deals with the need for the Government's Environment Advisory Committee to examine the implementation plan for conservation areas such as Tidbinbilla Nature Park and provide advice on the appropriateness of the plan. That is certainly welcome.

The only other one I would like to raise, Mr Speaker, is in relation to a review by an independent assessor of the implementation work in relation to the Tidbinbilla Nature Reserve management plan every three years and the report on the review being tabled in the Assembly and made available to the appropriate Assembly committee. The Government has said that it agrees with that in principle, but it has decided, instead, that it will ask the Environment Advisory Committee to do that review. That would be a committee appointed by the Government reporting to the Government. I think that it would be fair to say that our committee's intention in making that recommendation was that it needs to be an independent assessment.

Mr Hargreaves: How independent?

MR CORBELL: Completely independent. I know that the Minister has some difficulty with this concept, but it is fairly important. In this case, Mr Speaker, there is a need for an independent assessor along the lines outlined by the Conservation Council of the South East Region and Canberra whose report the Government should be adopting in this case, rather than the Environment Advisory Committee, which is not the most adequate way of dealing with this recommendation. Again, on that recommendation, it is unfortunate that the Government has not taken the steps that the committee would have liked.

The document is a very mixed response from the Government in relation to Tidbinbilla Nature Reserve. It is disappointing in that respect because Tidbinbilla is a very significant part of Canberra's natural environment and deserves perhaps greater attention in relation to the committee's recommendations than we have seen from the Government to date.

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

URBAN SERVICES - STANDING COMMITTEE
Inquiry - 1990-2000 Draft Capital Works Program - Alteration to Reporting Date

MR HIRD (3.48): I ask for leave to move a motion, as chair of the Standing Committee on Urban Services, to alter the reporting date of the standing committee's inquiry into the 1999-2000 draft capital works program.

Leave granted.

MR HIRD: I move:

That the resolution of the Assembly of 18 February 1999, referring the 1999-2000 Draft Capital Works Program to the Standing Committee on Urban Services be amended by:

- (1) omitting "by 24 March 1999" and substituting "by the first sitting day of April 1999"; and
- (2) by adding the following paragraph:

“(2) if the Assembly is not sitting when the Standing Committee on Urban Services has completed its inquiry into the 1999-2000 Draft Capital Works Program, the Committee may send its Report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing, circulation and publication.”

As indicated in the motion, the parliament has directed the committee to report by tomorrow, 24 March, but the committee is not expected to bring down its report until the middle of next week. The reason for this short delay is the need to incorporate material obtained at two additional public hearings. These hearings were held on Thursday of last week and followed the two public hearings already held - one to hear from government officials and one to hear from members of the public. We received a transcript of those hearings only today, so the secretary is incorporating this matter as I speak.

Also, I am aware that officers of at least one department are busily preparing responses to matters raised at the hearings last Thursday. I understand that they will make those responses available to the committee in the next day or two. With all this activity going on, Mr Speaker, the committee needs some more time to prepare its report. On behalf of Mr Rugendyke and Mr Corbell and on my own behalf, I thank members for their patience.

Question resolved in the affirmative.

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 5) 1998

[COGNATE BILLS:

TRAFFIC (AMENDMENT) BILL 1998
MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL (NO. 2) 1998]

Debate resumed.

MR SPEAKER: I remind members that this Bill is being debated concurrently with the Traffic (Amendment) Bill 1998 and the Motor Traffic (Alcohol and Drugs) (Amendment) Bill (No. 2) 1998 and that in debating order of the day No. 3 they may also direct their remarks to orders of the day Nos 4 and 5.

MR OSBORNE (3.53): I understand Mr Rugendyke has some amendments to move in conjunction with the Labor Party in relation to 250-cc motorbikes by way of putting in a power-to-weight ratio requirement. I have to say that I was a little concerned this morning that what the Government was proposing would be deleted altogether. That was the reason for the adjournment of the debate, Mr Speaker. There was a breakdown in communication between some members of this place about what was happening. I have listened to the debate on this issue. Initially I was sympathetic to what Mr Rugendyke and the Labor Party are attempting to do. I will support it, given that I think the numbers are there, Mr Speaker. However, I do have some concerns about this whole issue.

I think that anything we can do to make it harder and, hopefully, safer in relation to motorbike riding is something that we should embrace. I know that Mr Hargreaves cited earlier some figures for accidents in the ACT. In relation to these types of things, you need to have a look at what is happening in the whole country, given the low incidence here in the Territory. We often have anomalies where we have only one or two incidences. That certainly puts the figure up one way or the other. Mr Smyth cited some studies from interstate which speak for themselves.

I think what the Government was proposing was worth supporting. I think we need to look at the issue of motorcycle safety. I am nervous about motorbikes from zero-cc right up. They certainly leave the riders open to greater risk. That is why I came to the decision to support the Government. In saying that, Mr Rugendyke and the rest of them here seem to think that they have the solution. I beg to differ, but I think the reality is that the numbers are there, Mr Speaker. As I said earlier, motorcycle safety, especially in relation to learner drivers, is crucial. Once again, I think what the Government was attempting to do certainly had some merit and was worthy of support. I attended far more accidents in my previous life than I wish to recall.

Mr Hargreaves: You were a detective.

MR OSBORNE: They call their detectives in with purple dye, Mr Hargreaves. Seriously, though, it is a risky exercise riding motorbikes. I would have thought that Mr Rugendyke would have been a bit more sympathetic towards what the Government

was attempting to do. However, although disappointed that we are not able to achieve what the Government wants, I hope that what Mr Rugendyke is proposing will at least go some way towards making motorcycle riding a safer pastime for those learning.

MR RUGENDYKE (3.57): Mr Speaker, I foreshadow that I have amendments to Mr Hargreaves' amendments which, I have no doubt, we will speak about later.

Mr Speaker, I do applaud the aim of this Bill, which is to protect novice motorcycle riders. However, I do not believe that introducing measures to restrict engine capacity will assist in this area. I concede that there has been some consultation with motorcycle users. However, it is clear to me that a 250-cc motorcycle can be just as dangerous as a machine with a much larger engine capacity. Mr Speaker, I am also able to draw on my experience from my days in the police force, where I have seen the results of fatal motorcycle accidents involving machines with small engine capacities. The fact is that a 250-cc motorcycle can accelerate to top speed just as quickly, or even more quickly, than motorcycles with larger engine capacities.

The danger for novice riders is in being able to jump on a motorbike which is so light but which can accelerate like a rocket. If the motorcycle has a larger engine capacity it should be a heavier machine to assist in the control of that motorcycle. Just because the engine capacity is restricted to 250-cc or less does not mean that the bike is any safer. The power-to-weight ratio measures that my amendments put back into the Bill may assist in a more practical sense. They help to ensure that we are allowing novice motorcycle riders to jump only onto bikes that are of a weight which will help them control the machines. That will send a message to novice riders that they cannot tweak their engines to power levels which are unsafe and beyond their skill level. The engine capacity restrictions are not practical measures. For this reason, I support the deletion of 260 millilitres from the Bill. But I do believe that the power-to-weight ratio can be a useful addition and certainly assist in saving lives.

MR KAINE (4.00): There are times in this place when I sit and listen to debates and I get the uneasy feeling that people have not the faintest idea of what they are talking about, and yet it does not stop them talking at great length. I suspect that this is one such case. I do not know that the present law is all that practical in terms of controlling the acquisition and use of motorcycles, but then I am not too sure that the law anywhere else in the world is either. The point is that motorcycles are inherently dangerous. It does not matter whether you are riding a motorcycle with only a 250-cc engine or one with a 1,200-cc engine, they are inherently dangerous. The argument about whether a learner driver should be allowed to ride something with a more powerful engine than 250-cc is a ridiculous argument because I think the statistics over the years would show that just as many people kill themselves on 250-cc engine motorcycles as kill themselves with motorcycles of other engine size ranges.

Motorcycles are inherently dangerous because, even at relatively low speeds, if you hit a rough patch of road unexpectedly you can lose control. If you hit a slick section of road, either because it is wet or because it has got oil or some other substance on it, it is very easy to lose control. I can speak with authority, because it happened to me many times when I was in my late teens and early twenties and I still have the scars from that.

But when people stand around here and debate the merits of 250-cc, 350-cc or 500-cc engines and they have never ridden on the back of a motorcycle, one really has to ask whether they are in any way competent to decide, for example, that an 18-year-old and a 35-year-old who are learning to ride a motorcycle should be subjected to the same constraints.

The general proposition is that teenagers and people in their early twenties have a high casualty rate riding motorcycles. I think that it is probably true statistically that they have a higher rate of accident, a higher death rate and a higher injury rate than people who learn to ride motorcycles later in life. So why are we even discussing an arbitrary engine size or power-to-weight ratio which we will apply equally to a 17-year-old just coming out of school and learning to ride a motorcycle for the first time and a 35-year-old who is going through the same process? I submit that the 35-year-old, having driven motor vehicles for many years, would probably have a far more mature approach to the use of the road and the need to share the road with others and to be cautious and the like.

So, whether we are talking about an engine capacity or a power-to-weight ratio, we are talking about setting some very arbitrary limits that will be of value for some people in the community and will be of no value at all for others because, I repeat, a 17- or 18-year-old who starts to ride a motorcycle for the first time and acquires a certain type of 250-cc engine motorcycle is immediately at risk as it can go just as fast as a motorcycle with an engine of 1,100-cc or 1,200-cc. If it is speed that kills, and it usually is, where is the merit in putting any limit on it at all? One would only be safe if one said, "Motorcycles are illegal and you won't ride them at all".

I do worry about the sense of the debate. Of the two options that were available in the Government's Bill, I prefer the option being sustained by Mr Rugendyke, because at least if you look at the power-to-weight ratio you can eliminate a motorcycle, with whatever engine capacity, which is deliberately built as a lightweight machine and will therefore respond to power more readily than a heavily built machine. I think there is more merit in the notion that a power-to-weight ratio has more validity, if you like, in determining what sort of motorcycle a person should ride than the straight engine size. It has been put forward by some - and I have noticed that everybody has ignored it - that the rules for 18- to early 20-year-old youngsters ought to be different from those for the older people. Nobody has picked up on that point. So, of the options available, I support that being put forward by Mr Rugendyke and I will vote accordingly.

MR MOORE (Minister for Health and Community Care) (4.06): Mr Speaker, I rise on behalf of the Government to respond to some of the points that Mr Kaine made. I think that the compromise put up by Mr Rugendyke is very sensible; but I must say, as somebody who has ridden motorbikes of 50-cc, 175-cc, 250-cc and upwards to 1,000-cc, bikes that are incredibly powerful, that I have a different opinion from Mr Kaine. There is a significant difference in the way the bike performs and the way you feel on the bike in what the bike is about. I accept that there is a compromise here. With that goes the attitude that young people in particular have to what they are trying to achieve when they get on a bike. To what extent is it transport and to what extent is it a part of the buzz of being able to accelerate and go fast?

More importantly, the statistical evidence, particularly the evidence from Monash University's accident research centre, has drawn attention to the fact that where the bikes are less than 250-cc there is a much lower accident rate. It may well be that that is how they have sought to interpret data. It may well be also that if we had looked at the ratio that Mr Rugendyke is talking about, the power-to-weight ratio, we would find that below a certain power-to-weight ratio there are much fewer accidents. We do not have that information before us. As I say, I think that the compromise put up by Mr Rugendyke is quite sensible.

People know when they are buying bikes that there is a difference in them, apart from the people who are doing long-distance travel or something along those lines. Those of us in the Assembly who have ridden one, and I must say that it is some years since I have ridden to any extent, know that there is a major difference between riding a fairly light bike - like the one that I owned, which was a 175-cc trail bike - and riding the big bikes. When you are on them you just know the difference. It is very hard to describe, but anybody who has ridden one of those big bikes knows the difference in feeling and the difference in sensation. After all, we are looking at a safety issue.

Mr Kaine: It is exhilarating.

Ms Tucker: Come on, boys! It is boys' talk here.

MR MOORE: I hear an interjection from Ms Tucker about boys and boys' talk. I am sure that there is an element of that, Mr Speaker, but, dare I say, at the time I was not the person who was riding the big bike the hardest in our family; it was somebody else. I must say that there is an element of truth in what Ms Tucker says. There is the same element of truth in what has been said about young people and powerful bikes. It is usually young men and powerful bikes that give this mixture. It goes with young people. Part of growing up is about risk taking and getting a buzz from big bikes. It is that mixture of elements that we are trying to deal with here in trying to increase safety. I am sure that all members are interested in increased safety on our roads.

MS TUCKER (4.09): I wish to speak to the whole three Bills. I have not spoken yet on them. These three Bills correct a number of anomalies or make improvements in the existing legislation governing motor traffic, such as allowing the use of multiple-bay parking meters, allowing a licence or registration to be cancelled when payment is made by a dishonoured cheque, standardising the grounds for refusal or cancellation of a licence, correcting some penalty provisions and amending the definition of pelican crossings. These changes seem fine and I have no problem with them. The only area where I have a problem - - -

Mr Osborne: Greens MLA supports bigger bikes! Greens MLA supports damage to ozone layer.

Mr Rugendyke: I take a point of order, Mr Speaker. I draw your attention to the standing order that would permit Ms Tucker to make her speech without interjections.

Mr Osborne: Speaking to the point of order, Mr Speaker: Can you tell me how to spell “ozone layer”? I am thinking of the damage that the big motorcycles are going to do to it.

MR SPEAKER: I uphold the point of order.

MS TUCKER: The only area where I have a problem is with the proposal to restrict the size of motorbikes that learner motorcycle riders and those riders with provisional licences can ride. Obviously, Mr Speaker, I am agreeing with most of the men in this place on this issue. The Motorcycle Riders Association and the Motor Trades Association have raised a number of concerns with this provision regarding the requirement that the motorbikes must be less than 250-cc capacity. These associations believe that the effectiveness of this restriction in reducing motorcycle accidents has never been proven, that excessive power is more the problem rather than just the size of the engine, that larger riders are disadvantaged, and that the engine capacity limit discourages long-term ownership and good maintenance of these bikes. I understand that other States are moving towards a learner approved motorcycle scheme, rather than imposing the engine capacity restriction. This means that only the power limit provision needs to be introduced, rather than including the capacity restriction. I already know about the amendments that will be put up. I am supporting Mr Rugendyke’s amendments to Mr Hargreaves’ amendments because that would mean that the result would be that we would have the power-to-weight ratio instead of the number of cubic centimetres as the determinant, which seems sensible.

Mr Kaine was saying that he thought that it was going to be more relevant for young people, but I do not think that it is just about attitude; it is also about competence. I know a woman who started riding a bike at the age of 40 and who had an accident quite early on, but it was not the result of her attitude; it was the result of her ability to manage the bike, which was very powerful. Its power-to-weight ratio probably was quite high. So, it is about competence as well as attitude. As it is a very dangerous form of transport, even though it has some environmental benefits, we need to look at the safety issues.

MR SMYTH (Minister for Urban Services) (4.13), in reply: Mr Speaker, as one suitably qualified to speak to this Bill, having ridden a motorcycle, I just wonder whether we are introducing prequalification to Assembly votes now so that, if you have not, you cannot, which would be a very sad day. Mr Speaker, the 260-millilitre limit of its own would not stop motorcycle accidents - I do not think anybody is saying that - but as part of a strategy which involves a lot more education and awareness, as well as the power-to-weight ratio, it would assist. I thank all members for their support at least for the power-to-weight ratio staying in the Bill.

It is important to know that a study in 1997, which is the most recent I can find, by the Monash University accident research centre for the Federal Office of Road Safety found that, if you were riding a bike over 750-cc, there appeared to be an increase in your crash risk. At the same time, if you were riding a bike under 250-cc it seemed to reduce your risk. On that alone, I think that it is worth keeping this part of the Bill in place for novice drivers.

I know that over time the power and the capacity of bikes have changed; so, talking historically, a bike of 30 years ago is very different to a bike of modern vintage. When Victoria introduced a 250-cc limit for new riders in 1979, 20 years ago, their motorcycle crash rate fell by 30 per cent. I think that we have to ask why. I am sure that a lot of it has to do with the sheer physical size of the bike itself and the ability to handle it and the strength needed. These skills are things that you acquire through experience, through the slippery puddles and late at night, et cetera. And that is exactly - - -

Mr Kaine: It was also a result of a great fall-off in the number of motorcycles on the roads.

MR SMYTH: No, these are percentages, not numbers. New South Wales introduced capacity limits in the early 1980s and their power-to-weight limits in 1993. Again, there were big drops in the number of motorcycle accidents throughout the 1980s and the 1990s. But it is hard to tell the reason from the figures. It is actually a combination of things, Mr Speaker, and what we propose here is a combination. We will continue driver education and driver awareness and motorcycle awareness education to ensure that not just the motorcycle riders but also the other users of the road pay attention. In combination with that, the amendments here will increase safety, particularly for younger riders. It is important that we give them every chance to survive those first couple of years. I agree with Mr Kaine's earlier comments that, quite clearly, this is not going to stop all motorcycle accidents. As road users, we will all have to contribute to that.

I will just say a few other things. There is some division in the community over this issue. I have had some retailers tell me that they think it is a good idea that they should sell only smaller bikes to learner riders. Some are against that. It is not just, as Mr Hargreaves pointed out, to come in line with New South Wales. That is not a reason for doing it. But it is interesting to note that all the other States and the Northern Territory have some form of restriction like this. I think that is a worthy point to make.

Mr Hargreaves referred this morning to Professor Richardson not knowing enough about Canberra conditions. As Professor Richardson points out in this morning's paper, what he does know is enough about what happens inside the operating theatres of our trauma units as well as the orthopaedic wards in hospitals across Australia. He comes from Brisbane and has not been here long, that is true; but his knowledge is the knowledge of what happens after the police officers pick them up and help the ambulance drivers load them into the ambulances. People like Professor Richardson have devoted their lives to reducing trauma. Motorcycles contribute to one per cent of the accidents in the ACT, but contribute to 10 per cent of the trauma cases. If we can reduce that figure in some way that would be a good thing, and that would be a great outcome for the Bill. I would congratulate all the people involved in that chain - the officers that pick them up, the ambulance drivers, and the staff at the hospitals that do such a good job of rehabilitation.

The Government's position is clear. We would like both options to stay there. We believe that it is important to have both. If what happens today is that the power-to-weight ratio stays, we will look at that and assess over a period of time whether we need to come back with the 250-cc limit.

I thank members for their interest in this subject. One of the things that are heartening about this debate is that all here are concerned for road safety. Road safety affects us all as citizens of the ACT. I thank members for the contributions that they have made to this debate.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 4, by leave, taken together, and agreed to.

Clause 5

MR HARGREAVES (4.18): Mr Speaker, I move amendment No. 1 circulated in my name:

Page 3, line 1, omit the clause, substitute the following clause:

“5. Learner licences and learner licence receipts

Section 7A of the Principal Act is amended by omitting paragraph (9)(c) and substituting the following paragraph:

‘(c) if it is towing any other vehicle or a trailer.’”.

Mr Speaker, amendments Nos 1 and 2 say roughly the same thing. I am suggesting to the Assembly that we can dispense with the need to have a 250-cc limit or a 260-millilitre limit. I would like to signal that the Labor Party will be happy to support Mr Rugendyke’s amendment, because it is the lesser of the two evils as far as we are concerned.

I was surprised by some of the statements that I heard today - the emotive claptrap about people dying on operating tables and things like that. It is really not quite that way. Mr Speaker, I have had some experience in this area as well, as a former director of rehabilitation and aged care. I have seen what has actually happened to people, so I have no illusions about what happens there. That sort of argument is not going to work with me, I am afraid.

The real issue is that we need, as the Minister has quite rightly said, and I support it very sincerely, to chuck our energies into education and we need to chuck energies into making sure that the people who are flogging the bikes are actually the people who know what on earth they are selling. If some young kid turns up at a bike shop and wants to buy a bike the guy there, if he is responsible, should not sell him something on which he is going to kill himself, because he wants the repeat business, if nothing else.

Mr Smyth: So, you will regulate the retailer but not the buyer?

MR HARGREAVES: No, not at all. We do not have to regulate every fly that crawls upon the earth. What we need to do is to have reasonably good dialogue between people such as the Motorcycle Riders Association, the MTA and the NRMA to make sure that the education programs extend not only to the riders but also to the people involved in the industry. However, there is a big hole. That hole is where people are selling bikes second-hand. We do not have a regime in place where we can address that. Poor old Mr Osborne is tapping his watch. I guess that is because it is not working. On your bike, Mr Osborne!

Mr Osborne: I take a point of order. I can only stand so much drivel, Mr Speaker.

MR SPEAKER: Order!

MR HARGREAVES: Mr Speaker, I will not go on any further in deference to my colleague Mr Osborne, who has been known to spout forth fiction in this place before. I will defer to him this time.

MR SMYTH (Minister for Urban Services) (4.21): Mr Speaker, the Government's position is clear on this amendment. We would prefer both provisions to remain in the Bill, but accept that the will of the Assembly is that the cubic centimetre limit should come out. I will just put on the record our recognition of that. We would like it to stay, but we will allow this change to proceed as quickly as possible.

Amendment (by **Mr Rugendyke**) agreed to:

Add the following new paragraph:

“(d) if it has a power-to-weight ratio greater than 150 kilowatts per tonne.”.

Amendment (**Mr Hargreaves**'), as amended, agreed to.

Clause, as amended, agreed to.

Clause 6

Amendment (by **Mr Hargreaves**) proposed:

Page 3, line 10, omit the clause, substitute the following clause:

“6. Provisional licences and endorsements

Section 7B of the Principal Act is amended by omitting paragraph (22)(b) and substituting the following paragraph:

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‘(b) if it is towing any other vehicle or a trailer.’”.

Amendment (by **Mr Rugendyke**) agreed to:

Add the following new paragraph:

“(c) if it has a power-to-weight ratio greater than 150 kilowatts per tonne.”.

Amendment (**Mr Hargreaves**’), as amended, agreed to.

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole

MR RUGENDYKE (4.23): Mr Speaker, I seek leave to move together amendments Nos 3 and 4 circulated in my name. I also advise the Assembly that there is a typographical error in amendment No. 4 in that the first “(d)” in the last line of the amendment ought to be deleted. I have deleted it from the tabled amendment and initialled the deletion.

Leave granted.

MR RUGENDYKE: I move:

Page 15, line 6, clause 47, subclause (1), omit “paragraphs 7A(9)(d) and (e)”, substitute “paragraph 7A(9)(d)”.

Page 15, line 10, clause 47, subclause (2), omit “paragraphs 7B(22)(c) and (d)”, substitute “paragraph 7B(22)(c)”.

Amendments agreed to.

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

Bill, as amended, agreed to.

TRAFFIC (AMENDMENT) BILL 1998

Debate resumed.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL (NO. 2) 1998

Debate resumed.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

CONSIDERATION OF PRIVATE MEMBERS BUSINESS
Suspension of Standing and Temporary Orders

Motion (by **Ms Tucker**) agreed to, with the concurrence of an absolute majority:

That so much of the standing and temporary orders be suspended as would prevent order of the day No. 12, private Members' business relating to the authorisation of submissions to the Third Assembly's Standing Committee on Legal Affairs' inquiry on the immunisation of children being called on forthwith.

IMMUNISATION OF CHILDREN - SUBMISSIONS TO ASSEMBLY COMMITTEE

Debate resumed from 10 December 1998, on motion by **Ms Tucker**:

That this Assembly:

- (1) noting:
 - (a) that the Standing Committee on Legal Affairs of the Third Assembly did not authorise the publication of the submissions it received relating to its inquiry into the immunisation of children and did not report to the Assembly on that inquiry; and
 - (b) that these submissions represent a valuable resource and an expression of the community's views on the issue for Members of the Assembly;

- (2) authorises the Clerk to make the unpublished submissions and associated records received by the Standing Committee on Legal Affairs of the Third Assembly on its inquiry into the immunisation of children available to the Standing Committee on Health and Community Care to examine and for that Committee to authorise the publication of those documents the Committee considers appropriate under the standing orders.

MR SPEAKER: Mr Osborne, you will need leave to speak again as you have spoken before.

MR OSBORNE: I seek leave to speak again.

Leave granted.

MR OSBORNE: Mr Speaker, I will support this motion. I raised some concerns when it was first raised last year by Ms Tucker. I had concerns because I think the vast majority of this place and the vast majority of the community would acknowledge the benefits of immunisation, but I am not the expert, Mr Speaker. I think people like the AMA, people in the profession, are the experts on immunisation.

Although I have not seen the submissions for a couple of years, I recall that a number were received from people who wished to blame immunisation for many things. About the same time, the Federal Government picked up the issue of immunisation. I recall Michael Wooldridge mounting a big campaign. An inquiry was conducted, I think. That was the reason why we dropped off it in the ACT, Mr Speaker. I think the majority of us here certainly see the benefits of immunisation. The thing that brought it to my attention was the realisation that we had worse immunisation rates than some Third World countries, and I think that is appalling.

I think the attitude of the people who have been pushing Ms Tucker on this has been appalling as well. The thing is, Mr Speaker, that they accuse me of being selfish, but they are being selfish because by not immunising they are putting at risk the welfare and the health of children not their own. I have five young children. The eldest is seven, Mr Speaker. If there was any doubt in my mind that immunisation would cause them any risk or that the negatives outweighed the positives, what type of father would I be if I allowed them to be immunised? I am a supporter of it. We need to get our numbers up. We have far too many diseases in this country which are preventable and which could be wiped out, and it is all because of the people who have been lobbying Ms Tucker that that is the case.

In hindsight, perhaps I should not have stopped it going to the health committee, but it was sort of sprung on me, although Ms Tucker had been talking about it. We did stop the inquiry. I recall having conversations with people from the medical profession who wished to make submissions and I indicated that the Federal Government were the

people to speak to. I was obviously concerned that the submissions, when they did go out, were not used as some sort of rallying cry for the people who were opposed to immunisation because, quite clearly, all the information was not there.

As I said, Mr Speaker, I am a father of young children. I would not at any stage put their health or their lives at risk. In fact, I think by immunising my children I am enabling diseases which are preventable to be wiped out. The antics of these lunatics on the fringe, Mr Speaker, should be exposed. I think their behaviour has been deplorable. I just hope that the health committee, when looking at this issue, realises that information like this must go out in a balanced way. If they are going to publish anything, I suggest that they publish information from the experts. I am not one of them and I suggest that they speak to the AMA. I have had a disagreement with Ms Tucker about this via the media it appears because she chose not to speak to me when she went public with it last week.

Ms Tucker: Rubbish. I have talked to you about it a lot.

MR OSBORNE: You have not spoken to me recently. You mouthed off last week and I was on the defensive. Nevertheless, Mr Speaker, I am prepared to forgive her. That is the way that the Greens operate. They watch *The X-Files* far too much. They think there is a conspiracy in everything. All jokes aside, though, I just hope that the health committee, when looking at it, do not generate some sort of mass hysteria about the dangers. Quite clearly there is risk in anything, Mr Speaker, but I think the benefits far outweigh any negatives and the wellbeing of the young people of our community really is helped by complete immunisation. Our rates are terrible and I would encourage parents of all young children to think about their own and other people's.

MR MOORE (Minister for Health and Community Care): Mr Speaker, I think I might need to seek leave to speak again.

Leave granted.

MR MOORE: Yes, our rates on immunisation were terrible, but they are improving very rapidly and the ACT can be now very proud. If my recollection serves me correctly, in about January we became the highest immunising jurisdiction in Australia. This is in spite of the fact that we have a highly educated community which does enjoy challenging ideas. They have a health scepticism. I think that everybody who has had children goes through a sceptical phase about immunisation, and it is something that is entirely appropriate.

It is interesting, Mr Speaker, that the ACT has the highest immunisation coverage rate for the primary immunisation schedule - that is two, four and six months. It is 88.6 per cent. We are leading the rest of the country by more than 8½ per cent for the five-year-old schedule. I think part of the reason is that the ACT has been part of that Commonwealth program that Mr Osborne talked about. We have done it very enthusiastically in terms of the GP incentive payments, child-care assistance payments for immunisation, child-care rebate payments linked to immunisation, school entry legislation, and maternity allowance linked to immunisation.

One of the difficult things is to get the bulk numbers up. It is reaching that last 10 per cent that is going to be the most difficult. Members may have seen the spot van around places, the Winnebago van with the spots painted on it. We have been using that mobile van to try to lure people in as part of a coordinated immunisation strategy. This Government is very proud that we have been able to achieve that, while working with the Federal Government to get the best possible outcomes.

When the Health and Community Care Committee gets this information, I do not have that big a problem with them releasing it. We would like it in its context and I think it will enhance the community debate. I do not think we should be frightened of the community debate. Community debate invariably heightens people's interest in and concern about immunisation. If the weight of evidence shows, as I believe it does, that we should immunise, even though on a cost-benefit analysis there are some down sides for a small number of people, let us have the debate, and let the weight of evidence win. Let us convince people that they should make a decision to immunise.

Mr Speaker, I do not think we should be frightened of that information coming out, and I would encourage the Health and Community Care Committee to make public those submissions. Let them put the arguments out. Let people who are interested in population health issues put the arguments as to why we should continue to immunise our children, and the arguments as to why we should increase our immunisation rates, and get the sort of outcome that Mr Osborne referred to, because I think it is an essential element of a healthy society and one that we can, in a mature society, handle extremely well. We should never just put down those arguments. We should listen to them, we should argue the alternatives, and then allow people to make their own decisions. Because the weight of evidence is so strongly in favour of immunisation, I think we can persuade people that it is the right thing to do.

MR STANHOPE (Leader of the Opposition): I wish to speak for a very short time on this matter, Mr Speaker.

MR SPEAKER: You will need leave to speak again.

MR STANHOPE: I seek leave to speak again.

Leave granted.

MR STANHOPE: The Labor Party supports the motion, Mr Speaker, on the basis that these submissions were made at the time on the basis that this would be a public and open inquiry. I think the people of Canberra have an expectation and a right to believe that the submissions will be made public. There are provisions within the standing orders and within the discretion of committees to withhold or to amend submissions if there is some good reason for doing so. Perhaps they are defamatory. Even though they might attract privilege, I think there are grounds on which committees might, from time to time, decide not to release certain submissions or certain information. That capacity will exist in this case. One expects that the committee, upon receipt, will inspect the submissions and ensure that it is appropriate that they be made public.

I think the issue is very simple. This Assembly should not deprive the people of Canberra of certain information that is given to public and open inquiries. I think the issue is as simple as that. This is not a debate about the merits or otherwise of immunisation. This is not a debate about whether or not there are people who might legitimately refuse to have children immunised. That is a debate for another day and a debate that might come out of the submissions. This is a debate about the right of the people of the ACT to receive and to read submissions made openly in public to this Assembly. This is, in effect, a debate about whether or not we should censor certain material that is provided openly and publicly to us. It would be a dark day indeed when this Assembly decides to censor material provided to it in the public interest.

MR SPEAKER: Mr Wood, do you seek leave to speak again?

MR WOOD: Yes.

Leave granted.

MR WOOD : I do not like standing up a second time. I think you only need one graft of the cherry. I want to contest something that Mr Osborne said and that was that some of these submissions were made by lunatics, by people on the fringe. I know some of those people and they are fine, sound, intelligent and reasonable citizens who observe and who read and who make points that they believe in. I might disagree with those points.

Ms Carnell: There are some that are a bit - - -

MR WOOD: Well, I respect the views they present. Let me give a comparable example, perhaps. I was chair of a select committee here on fluoride - it was one of the most difficult jobs I have done in my life - and we had a very large amount of information coming in that we did not accept in the end as being valid, but we heard it, we considered it, we weighed it up and it was pointed out to the community. It was open for people in the community to accept that information as well as our report on the issue. I am not so up with the standing orders as to know how this information is going to be released. It may be valid, if we publicly release it in printed form, that we put in some other information in strong support of immunisation if that balance is needed; but, in the end, I think we rely on the good sense of people in Canberra and their ability to judge what is sense and what is not.

MR RUGENDYKE (4.41): I rise to support the motion. I would be more than happy, as a member of the health committee, to receive these submissions and for the committee to assess whether or not it is appropriate to authorise their publication. I would hope though that these people have had their submissions published in the *Lancet* or some other journal of medical standing in the hope that their submissions are not being presented to this Assembly simply as a way of having their views somehow legitimised.

MS TUCKER (4.42), in reply: I might respond to that last point first. It appears we are going to now change how committees operate because we only allow experts to put in submissions on any given subject. Mr Rugendyke might like to think later about what he just said.

This is not a debate about immunisation. I totally agree with Jon Stanhope. This is a debate about open processes, the Assembly standing orders, and how the people in the ACT community believe that the committee system works. For a start, the people in the ACT community, I believe, are under the impression that the role of the chair of any committee is to put aside their personal views when taking on a committee inquiry and to look at evidence in an objective way. That is clearly not what occurred in this case. In this case the chair was obviously not aware that there was dissent in the community about the merit or not of immunisation. He was so surprised when he found out there was that he tried to shut the committee down, because he was concerned - - -

Mr Osborne: I raise a point of order, Mr Speaker. Ms Tucker has clearly got it wrong. I said earlier the reasons why the inquiry did not go ahead.

MR SPEAKER: Order! There is no point of order. You may correct something at the end of Ms Tucker's speech, under standing order 46.

MS TUCKER: Mr Osborne was concerned because there were submissions that came in that did not agree with his position and basically he felt that the community would suffer in some way - be confused, I think he said - if there was a contrary view to the current view of the medical profession, or some of or most of the medical profession, not all. So what we have is the restriction of free right of debate within the community forum. Members of the community put time and effort into putting submissions on the subject to the committee. Normal processes did not occur there either because they were not authorised for publication, as would normally happen.

I was lobbied on the issue and I thought there had been a whole committee inquiry into this. I did not recall it reporting but I thought I might have missed it. In that way I discovered the sorry process that had occurred. The people in the community were not able to refer me to submissions that they had made for me to see what their views were, and the work they put into those submissions basically was lost. If we are concerned that there will be hysteria generated, as I think I just heard someone say - maybe it was Mr Osborne - by daring to have the discussion - - -

Mr Osborne: Oh, I have said everything.

MS TUCKER: Well, it may not have been Mr Osborne. I thought someone said we must not generate hysteria in the community by putting out these concerns, or whatever. I do not know if it was "hysteria". If we are concerned about the community becoming alarmed, there is one sure thing that will make the community alarmed and that is if they feel that government is taking the role of suppressing information or free debate. That is what will get the community alarmed.

There are a lot of issues that could come out of this discussion. There are questions that people asked me that I could not answer that I would have thought a committee of this nature would have been interested in, like how well are adverse events recorded. I have done some research on that and there is criticism around that, nationally, in terms of the follow-up that occurs from alleged adverse events after immunisation. There are some process issues here which are really interesting. So there is lots of stuff that could have come out of that investigation, but, as I said, we are not supposedly talking about immunisation here today, although obviously members have gone into that area, so I feel free to do that a little bit.

Basically, I think the fundamental point of this debate is about respecting the Assembly processes, respecting the work that the community did when they put in submissions to that committee, and acknowledging that an error was made. We will, through referring these submissions to Mr Wood's committee, at least get authorised those that the committee thinks are okay. As Mr Stanhope said, a submission normally is only not okay if it is seriously defamatory or of grave concern in some other way. Hopefully, most of them would not be of that nature, and then we can have that discussion. The health committee may choose to look at the issues or they may not, but that is really not the point; the point of this motion is about rectifying what was really quite poor process in the last Assembly.

Question resolved in the affirmative.

PERSONAL EXPLANATION

MR SPEAKER: Mr Osborne, do you wish to make a statement under standing order 47?

MR OSBORNE: Yes, I do, Mr Speaker. Ms Tucker indicated or assumed that it was my personal decision, when the information came in, that we should suppress it and not go ahead with the inquiry. As I indicated earlier and when we spoke a couple of weeks ago, Mr Speaker, what happened was that about the same time that this Assembly took on the issue of immunisation the Federal Government picked it up and ran with it. I recall Mr Wood saying to me that this was going to be another fluoride inquiry and that we would not be able to do it justice. It became quite clear that the time was not there. The Federal Government had picked up and run with the issue, and that was where it ended. There certainly was no decision on my part because of any personal opinion one way or the other, Mr Speaker. Quite clearly, it was a committee decision. As I said earlier, the Federal Government picked up the issue. Michael Wooldridge ran with it. We heard the good news from Mr Moore that our rate has jumped and is leading the country. I think the motivation of these people is quite clear, Mr Speaker. I saw on the TV last night that it is the anti-immunisation lobby that is pushing and lobbying Ms Tucker. I do not need to say any more, I would not think.

23 March 1999

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 4.48 pm