DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

8 December 1992

Tuesday, 8 December 1992

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

PETITIONS

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

By **Mrs Carnell**, from 84 residents, requesting that the Assembly release for parking the vacant land adjacent to Building 10 at Woden Valley Hospital.

By **Mrs Carnell**, from 48 residents, requesting that the Assembly pass the Bill to ban X-rated videos.

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

Woden Valley Hospital - Parking

The petition read as follows:

> TO THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
>
> The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly the inadequacies in parking at Woden Valley Hospital for staff, patients, blood donors and visitors.
>
> Your petitioners therefore request the Assembly to release for parking the vacant land, supposedly set aside for landscaping, adjacent to Building 10.

X-Rated Videos

The petition read as follows:

> TO THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
>
> The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: that
>
> > We oppose the growth of the pornography industry in Canberra and the many harmful effects it's causing to our community and beyond.
>
> Your petitioners therefore request the Assembly to:
>
> > Pass the Bill to ban X-rated pornographic videos in the ACT.

Petitions received.

PAPER

MR HUMPHRIES: Madam Speaker I seek leave to present a petition from interstate petitioners.

Leave granted.

MR HUMPHRIES: Madam Speaker, I present a petition from eight interstate residents, requesting the Assembly to prohibit the availability of all X-rated material and the possession of child pornography.

MINISTERIAL ARRANGEMENTS

MR BERRY (Deputy Chief Minister): Madam Speaker, I wish to advise the Assembly that the Chief Minister is travelling back to Canberra from the Council of Australian Governments meeting and will be absent from the Assembly today. If there are any questions members wish to raise with the Chief Minister, they can direct them to me.

QUESTIONS WITHOUT NOTICE

Industrial Action - Use of Government Vehicles

MR KAINE: I would like to take up the Deputy Chief Minister's offer and address to him a question which I would otherwise have addressed to the Chief Minister. It fits into his industrial relations portfolio anyway. I note that on 1 December the Chief Minister acknowledged to me that it would have been inappropriate for ACT Government vehicles to have been used for the purpose of making a point in the protest that took place a few days before and that she had asked the administration to investigate and take disciplinary action, if necessary. Could the Minister tell us what disciplinary action, if any, has followed that undertaking from the Chief Minister?

MR BERRY: Mr Kaine wrote to the Chief Minister on 30 November in relation to this matter. Before I proceed any further, I am advised by my colleague Mr Connolly that the action that was taken by this Government was the same as was taken under the Alliance Government, which was headed by Mr Kaine. The Chief Minister wrote to Mr Kaine reiterating her support for the rights of all citizens to participate in peaceful protest against the industrial relations policies of the Victorian Government.

The Chief Minister also made it clear that it would have been inappropriate for ACT Government vehicles to have been used for the purpose of making a point in the protest. The agencies responsible for the vehicles identified in Mr Kaine's letter were asked to investigate the allegations as a matter of urgency. As Mr Kaine has acknowledged, any disciplinary action would be a public service matter and would be guided by the facts of each case. The Chief Minister has been advised that the individuals involved in the use of those ACTEW vehicles

currently identified by Mr Kaine as being used in the march have been officially reprimanded, and the driver of the ACTION bus involved has been counselled as part of the normal disciplinary process. It is a normal response to those sorts of matters.

I must say that, from my point of view, the day of action went very well. It highlighted, along with the actions of other unionists across Australia, what is happening in Victoria. It was a matter of some pleasure to me to be part of the process and to belong to a team of Labor politicians in this Assembly who are right behind the process of highlighting the inadequacies of what has been proposed in Victoria by the Kennett Government, and to one degree or another supported federally. I see now that the cancer is likely to spread into New South Wales.

It is good to see that workers out there can organise and unite in this country, and they have the right to do so. It is an important part of our democracy that people can take a strong stand against repressive industrial laws and the industrial intentions of particular governments. They ought not to be put into the same class as criminals when it comes to the taking of industrial action. That is what is proposed by Mr Kennett in Victoria. Those workers who stood up and were seen to be standing up against the industrial activity that has been prompted by the actions in Victoria are to be congratulated for their efforts.

MR KAINE: I ask a supplementary question, Madam Speaker. I am pleased to note that the Government has taken appropriate disciplinary action, and I appreciate that advice. Since the Minister claims that this was such a resounding success, will he tell the Assembly what changes in this Government's draconian law affecting the trade unions are now likely to occur because of the success of their protest? It was a protest against this Government; I do not know who else they were protesting against. Which draconian laws that you put into place do you intend now to change, Minister?

MR BERRY: Mr Kaine is trying to divert attention from what the protest was all about. The protest was all about, to use his description, the draconian laws that are being proposed by Mr Kennett in Victoria and endorsed as part of the Fightback package and scheme of things. Unions, unionists and workers across Australia have very clearly identified the danger to Australian society which might arise if a Federal coalition government were to be elected.

Mr Kaine: On a point of order, Madam Speaker: I suggest that the Minister should have the relevance of answers drawn to his attention. He has already used 10 minutes of the time making political statements instead of answering my question.

MADAM SPEAKER: Mr Kaine, I believe that Mr Berry knows what the question was. I will let him answer it.

MR BERRY: Mr Kaine does not appear to know that Federal industrial laws apply in the Territory in relation to industrial disputes. Therefore, it is entirely appropriate for unionists and workers in the Territory to protest about changes they believe will undo their industrial conditions in the Territory. It is a quite appropriate protest for those people to make. It is a cancer that is spreading through the Liberal ranks. The good thing about it is that it shows that we are poles apart from this lot opposite; and more and more people around Australia can see that.

Hospital Bed Closures

MR LAMONT: My question is directed to the Minister for Health. Can the Minister advise what bed closures there will be in ACT public hospitals over the Christmas holiday period?

MR BERRY: As in previous years, there will be a planned reduction in services at both Woden Valley and Calvary hospitals over the Christmas-New Year period because of reduced demand. Between 21 December 1992 and 24 January 1993, the number of beds and operating theatres available in the public hospital system - those two hospitals I mentioned - will be reduced to coincide with low activity periods. That has happened year after year.

I wish to assure the Assembly that during this period services to those needing urgent or emergency care will not be affected. The accident and emergency departments will continue to operate on a 24-hour-a-day basis. By way of information to the community, that is not unusual and it will occur again. It has occurred in public hospital systems in other places as people take proper advantage of these low activity periods.

Government Service

MR HUMPHRIES: My question is to the Minister for Industrial Relations - "Blank cheque" Berry. I refer the Minister once again to the directive from the Federal Government - - -

Mr Connolly: I raise a point of order, Madam Speaker. Ministers are to be addressed by titles, and these sorts of throwaway nicknames really do detract from the dignity of the house.

MR HUMPHRIES: I withdraw any hurting inference, Madam Speaker. I refer the Minister once again to the directive from the Federal Government for the ACT to be responsible for its own public service. Noting that the Government has had nearly six months to consider the directive the Federal Government issued, is the Minister now in a position to tell the Assembly what, if anything, has been done about that matter?

MR BERRY: I am very pleased to respond to the question from the now honest Minister, who some of us - - -

Mr Cornwell: On a point of order, Madam Speaker: The imputation is that - - -

MADAM SPEAKER: Mr Berry, I would ask you to withdraw any improper imputation and then proceed.

MR BERRY: Madam Speaker, I use Mr Humphries's own words. "Well, I am honest now that I am out of government", says Mr Humphries. I am not quite sure whether Mr Kaine believes him.

Mr Humphries: You have asked him to withdraw, Madam Speaker.

Mr Kaine: I am having trouble believing you.

MR BERRY: This one is chiselled in stone. I think it will take a bit of rubbing out.

Mr De Domenico: On a point of order, Madam Speaker, I respectfully suggest that, as it is now a quarter to three, the Minister, or anybody else, instead of trying to play political games, should give members a chance to ask questions and have them answered, instead of carrying on in the way he attempts to do from time to time.

MADAM SPEAKER: Mr Berry, perhaps we could all refer to each other by our proper titles and you could continue to answer the question.

MR BERRY: I thank the recently honest Mr Humphries for his question. The establishment of a separate ACT Government Service has significant implications, not only for our transitional staff but also for the Government and the community generally. It is not a matter that can be rushed, and that is an indication I have made very clearly. If we lock ourselves into artificial deadlines, the proper consultation and negotiation process might not - - -

Mr Kaine: Why don't we set a target for the year 2000? We might achieve it by then.

MR BERRY: Do you want me to answer you? I am very happy to answer these questions, Mr Kaine, but it would be a little easier for all of us if I could do it without any interjections.

Mr Kaine: You still would not answer them.

MR BERRY: I have answered them very clearly and concisely thus far. If you want to have across-the-floor debate about the issues, I can stand here all day and do that. If you want an answer to the question, I will give it to you; but you are going to have to sit quietly and wait for it. It is not a matter that can be rushed, as I have suggested. We have to be assured that the interests not only of the people who would find themselves in a separate service but of the community generally are protected.

The Chief Minister, I am informed, has discussed the matter with the Prime Minister, and there are some issues that are of concern to the Chief Minister. The process of discussions will continue, and there seems to be a satisfactory resolution emerging. One thing that has to be sorted out is who pays for the process of establishing a separate public service. It does cost a lot of money, and you just do not come out and say, "Yes, we will cop the expense". There has to be discussion about those sorts of processes, and the Chief Minister has been involved in discussion with the Prime Minister about that.

The Chief Minister has indicated clearly that she will be moving towards the establishment of a separate ACT public service. When all the details are settled and all the necessary consultation and negotiation occur, a very clear and concise statement about the arrangements will be made to the Assembly.

West Belconnen - Ginninderra Drive Extension

MS SZUTY: My question without notice is to the Minister for Urban Services, and I informed his office earlier today that I would be asking this question. I refer to *Gazette* No. 48, dated 2 December 1992, contracts arranged, No. 12,715, West Belconnen-Ginninderra Drive extension and trunk water main. Can the Minister inform the Assembly why a contract of $159,375 was let to Scott and Furphy, Belconnen, on 2 December this year when the draft variation regarding the development of West Belconnen was still under consideration by the ACT Legislative Assembly's Planning, Development and Infrastructure Committee and was not finalised until Friday, 4 December?

MR CONNOLLY: I can assure the member that, despite the name of the company, the answer will not be a furphy. Ms Szuty was kind enough to advise my office of this question, which was appropriate, given that it is a matter of detail. The contract was let to that company for the design only of the West Belconnen-Ginninderra Drive extension and trunk water main. That is an item in the approved 1992-93 capital works construction program, as supported by the ACT Assembly's Standing Committee on Planning, Infrastructure and Development and, it having reported, as supported by this Assembly.

No tenders for construction work have been called, nor would they be called until the planning process was complete, although it was considered appropriate to proceed with some design work in anticipation of decisions that may be made. I stress that this item was on the list that was approved by the committee of this Assembly and after its report was given to this Assembly.

MS SZUTY: I ask a supplementary question, Madam Speaker. Did the Minister note that the Planning, Development and Infrastructure Committee in its report requested that no work on the West Belconnen extension of Ginninderra Drive take place until the determination of West Belconnen was finalised?

MR CONNOLLY: No physical work will be taking place; but there is some design work being done in anticipation, otherwise we would make a decision and then we would wait 12 months while we are all at the drawing board. The Government proceeds; there is a whole range of projects where planning work is being done in anticipation of future decisions which may or may not be made.

Griffith-Narrabundah Primary School

MS ELLIS: My question is directed to the Minister for Education, and I ask: What action has the Government taken following the concerns expressed by teachers and parents of the Griffith-Narrabundah school regarding the joint campus arrangements and the condition of the buildings?

MR WOOD: Madam Speaker, some time ago there was concern expressed over the way the joint campus was being run, in view of the difficult circumstances around the school. I recall that Mr Humphries, when he put those two schools together, indicated that there would be a review down the track. I accelerated that review by some months, hence we had a review of the way it was operating. I believe that the review was well done; it was carefully constructed, and we spoke to all parties.

As an outcome of that review, I have agreed that an annual grant of $20,000 be made to allow the school to have a deputy principal on each campus. That was one of the problems at the time, with the principal having to be on one campus at any time and sometimes no clear demarcation as to who was responsible for the school where she was not present. So, we have made that contribution to them. As well, because of the circumstances of the community, we have indicated that, up to a level of $5,000, we will subsidise funds raised by the P and C Association for the library and we will subsidise items of equipment up to $5,000.

There was quite a deal of comment at the time about the condition of the buildings. They are fairly old, certainly by Canberra standards, and we have been maintaining those. We have continued the usual maintenance program. We have done a couple of bits of extra work there, and the buildings, I believe, remain in generally good condition, though further painting and refurbishment would always be useful.

Government Service - Enterprise Agreements

MR DE DOMENICO: Madam Speaker, my question without notice is to the Industrial Relations Minister. I refer the Minister to the ratification last Friday by the Industrial Relations Commission of enterprise bargaining for the public service and also to remarks made by Mr Mike Costello, the Secretary to the Department of Industrial Relations, who repeated a warning he gave a few months ago that no policy departments would be exempt from the process. Does the Minister support such enterprise agreements and will they form the basis of employment conditions for a future ACT government service?

MR BERRY: You have to consider our approach to enterprise bargaining against that which is being undertaken in other places. If you want to reduce the power of workers in individual enterprises, where they have to compete with employers in a rather stronger position, do not look to the ACT for something that you could follow, because we are not into that sort of approach. We believe in the strength of the trade union movement to represent their members.

I will just go through the position as it now stands in relation to the ACT. It was indicated by the Chief Minister recently that the ACT agreement with unions mirrors that which the Commonwealth has recently concluded with its staff. It is a very comprehensive arrangement, and the final draft was submitted to the Industrial Relations Commission last week at the same time as the Commonwealth agreement. The Chief Minister has been advised that some minor aspects - necessary signatures, union statutory declarations and those sorts of things - are still being gathered together, but the final Industrial Relations Commission processes are likely to take place over the next few days, with the ACT agreement then coming into effect at the same time as the Commonwealth agreement. That is programmed to occur as from the payday of 17 December 1992.

The agreement will last for two years from the time of its endorsement by the Industrial Relations Commission. It is a closed agreement, which means that staff covered by the agreement will not be able to lodge any other claims or receive any national wage increases that might be granted during the time. The only pay increases staff will receive over the period until the end of 1994 will be those

allowable under the agreement. So, it is a major enterprise agreement. Staff covered by the agreement, which is the great majority of the ACT Government Service, will receive a 2 per cent pay increase on the commencement of the agreement. Two economic adjustments of 1.4 per cent and 1.5 per cent will then be granted in March 1993 and March 1994; but, as has been indicated, no national wage increases will be extended to staff over that time. In effect, there will be no double counting. The agreement delivers a general framework for local workplace productivity enhancement, and adjustments to working arrangements, pay and conditions may emerge from that level of local productivity bargaining over the course of the next two years.

The agreement also provides for the immediate application of a broad range of efficiency measures which will have a general effect across the ACT Government Service. These will include enhanced permanent part-time work arrangements, measures to reduce absenteeism, streamlining efficiency procedures, greater use of joint selection committees, and arrangements for permanent appraisal of senior staff. The ACT Government Service agreement will apply to all staff under the Public Service Act and to those whose terms and conditions are linked with the Public Service Act arrangements. It has also been noted that other groups such as nurses, teachers and firefighters are being given an opportunity to enter into similar enterprise agreements, but specific terms and the date of the introduction of those agreements may be different from the general agreement.

The agreement is a good one for both management and staff. I think it demonstrates the effectiveness of the current industrial relations system, which has been cultured, if you like, since just after the turn of the century and provides the essential elements of conciliation and arbitration. In this instance, the most important element - that is, the ability of unions and management to get on with the job against the background of a conciliation and arbitration system - has proved very effective and is one which, I think, will survive for a long time.

We intend to ensure that the enterprise bargaining arrangement that has been entered into in relation to the ACT Government Service survives for its planned time and that it proves to be an effective vehicle in industrial relations terms for management, the community, the Government, and those most importantly affected by it - the workers who are connected with it.

MR DE DOMENICO: I ask a supplementary question, Madam Speaker. I thank the Minister for his long answer. He has answered one part of the question, but not the other part. Does the Minister agree with the concept of agency-based productivity agreements and will agency-based productivity agreements be part of any future ACT Government Service arrangements?

MR BERRY: I think Mr Costello spoke in the context of the Commonwealth public sector when he said, "There aren't any doors that won't be knocked on when it comes to negotiating within the framework of the enterprise agreement". If Mr De Domenico thinks that agency-based agreements are something the same as those which are planned by John Howard, Jeff Kennett and company, they are not. This is an overall enterprise agreement that affects all of the ACT Government Service and, as is the case in the Commonwealth, the doors will all be knocked on as those areas that are affected by the need to comply with the enterprise agreement come to terms with it and negotiate a settlement in terms of the arrangements that have been agreed between the parties. What I am saying to you is that the enterprises affected by the agreement will abide by the decision to proceed down that path.

Rate Notices - Preparation

MR WESTENDE: Madam Speaker, my question without notice is directed to the Minister for Urban Services. Is it correct that Canberra rate notices are prepared in Bankstown? If that is so, why are they not done in the ACT? Does the Minister know the cost of this service in Bankstown?

MR CONNOLLY: I am not sure where the notices are printed; but I certainly know the answer to the basic policy question, and that is known to the Liberal Party as well. That is that the ACT Government, like every other State and Territory government and the Commonwealth Government, is a signatory to an intergovernmental agreement on preferences, which basically says that all State and Territory governments will not give preference in their tendering arrangements to a locally based firm. This has been discussed a couple of times in the life of the First Assembly by the Estimates Committee, and I think there has been general acceptance on both sides of the house that we benefit as a result of that.

The ACT is in a position where ACT companies supply a lot of work to the Commonwealth Government because they are local and they can get close to the buyers and meet the buyers' needs. If there were not that no-preference agreement, there could be a temptation for Ministers of whatever political persuasion to make sure that all the work in their agencies got done in their electorates. One could imagine such a level of cynicism in Ministers. The preference agreement ensures that no local preference can be introduced, but the tender process goes through and the lowest priced tender gets it. I do not know the price of that particular tender. I will find out, but I assume that it was awarded because it was the lowest priced tender.

While we cannot give an open preference, what we can do is ensure that ACT firms get the opportunity to compete for ACT Government work. We have put in place as a result of this budget the supply and tender agency initiative, which is a process that has been commended very strongly by the Canberra Chamber of Commerce. It ensures that we put together a list, which we put out to local business, of what our purchasing needs will be for the next 12 months. We are encouraging Canberra enterprises to approach the Government and let us know what their supply possibilities are, so that as far as possible when an ACT tender is let a local company gets the opportunity to bid for it. All things being equal, a local company, if it can produce at the quality and price, ought to get the job. But we cannot have an express preference to local firms. If we did, we would be out of that agreement and, on balance, the ACT would lose.

MR WESTENDE: Madam Speaker, I ask a supplementary question. I did not mean the printing of the notices; I meant the preparation, the addressing, the whatnot. I would agree with the Minister about the printing; but it would appear that the actual preparation, the filling in of the amounts and so on, is done in Bankstown, not here.

MR CONNOLLY: Again, a tender has been let for the provision of a service, which could include the stuffing of the envelopes and the posting of them, and that, again, is caught by the no-preference clause.

Medicare Agreement

MR MOORE: My question is directed to the Minister for Health. Mr Berry, we have heard suggestions that costings on the proposed Medicare agreement, which have been flagged by Mrs Carnell, are inaccurate. That is a statement that you have made. Tell us what your estimates are of the cost of such an agreement to the people of the ACT.

MR BERRY: What has been said thus far in the debate about health costs demonstrates the lack of understanding by the Liberals, and in particular Mrs Carnell, about health funding. I do not know where she got her figures from; I would not have a clue - on the back of an envelope, I expect. I heard some talk about $9m being collected and - - -

Mr Humphries: Eight million dollars, actually.

MR BERRY: We can have a difference of opinion about whether you said $8m or $9m, but I thought you said $9m and the Commonwealth would keep $8m and we would get back only $1m. However, if you extrapolate $9m to the full collection of the Medicare levy in the Territory, it adds up to about $80m or thereabouts. If 0.15 per cent is $8m or $9m, then 1.4 per cent is something like $80m - so there you go.

We have the ridiculous situation suggested by those sorts of calculations that the only money we get back into the Territory is money for hospitals. Everybody knows that that is not the case - except Mrs Carnell, it appears. Some figures I have just had handed to me show that around half - 49 per cent - of the Australian total goes to the medical benefits rebate. On the face of it, that is about $4.9 billion. About 13 per cent goes to pharmaceuticals, some of which would go into the hands of Mrs Carnell, I expect. About 38 per cent, on the figures I have just had handed to me, which are fairly preliminary, would go to base hospital funding. Of the funding which comes to the ACT, about $68m goes to the medical benefits rebate, about $11.5m goes to the pharmacists, and about $52.1m goes to base hospital funding. It is all right to create a scatter and try to draw attention to yourself by - - -

Mr De Domenico: By not answering the question.

MR BERRY: No; by saying, "Look, if there is a 0.15 per cent increase in the levy, there will be $8m taken away and we will get only $1m back".

Mr De Domenico: That is right; you have got it right.

MR BERRY: You have not got it right. I support the increase in the Medicare levy - a very important increase - because it is a progressive tax. What essentially happens is that everybody pays in accordance with what they get out of the Australian society and they make a contribution to the health care of others. Those at the top end of town who can pay most pay a little more. That is a progressive tax, in my view, and it is to be supported. It is a progressive tax and something the Labor Party has always supported.

Mrs Carnell, now that she is a wage-earner in this Assembly, I am sure would be delighted to be making a contribution to the health of Australia generally. I am delighted to be able to make a contribution, and because I earn more than the average wage I pay a little more. I am proud to do that.

Mr Humphries: What are you talking about? That is not his question.

MR BERRY: I think it is, because it comes back to the issue of how much is collected in the ACT. I do not know about Mrs Carnell's figures; I do not know where she got them. What I can say is that, as far as the Australian total is concerned, we have to look at it in terms of the percentages that go to all the areas of health, rather than be misled by the concept that the only part that comes back to the ACT is that which comes back for hospitals. There are those other important components: That significant amount that goes to the medical benefits rebate, which doctors claim; pharmaceuticals, about 13 per cent; and base hospital funding, about 38 per cent. You cannot look at the simplistic figures that were put forward by Mrs Carnell in that way; you have to look at the overall spread of the Medicare levy to other parts of the health budget.

MR MOORE: I ask a supplementary question, Madam Speaker. What I would like to know is what the Minister estimates is the increased cost to the ACT of participation in this agreement.

MR BERRY: There will be a 0.15 per cent increase on every wage-earner in the ACT. It is as simple as that. I do not have to estimate it; the Commonwealth Government told you. It is a Commonwealth tax. It is not an estimate; it is there. It is as plain as the nose on your face.

ACTION Bus Service

MRS GRASSBY: My question is directed to the Minister for Urban Services. Can the Minister inform the Assembly of any steps being taken to determine the performance of the ACTION bus service?

MR CONNOLLY: We are about to undertake a study into the efficiency of the bus system. We are undertaking a benchmark survey - we have called for expressions of interest - to provide us with details on best practice in public transport systems around Australia. The Labor Government's approach to change in the workplace is in marked contrast to that of the Liberal Opposition, which wants to see confrontation and chaos and repressive government action to squeeze down the work force. What we are looking at - - -

Mr De Domenico: What are you talking about? Where were the ACTION buses on 30 November?

MR CONNOLLY: The same place as they were during the protest against your Government when Mr Kaine was Chief Minister and we took the same action. This benchmark survey will give us a good guide as to best work practice in equivalent areas of similar public transport systems around Australia, in particular the way the workshops operate and the way the utilisation of buses is delivered. It will enable this Government, in cooperation with the community and the ACTION work force, to deliver further on the major process of change we have started in the ACTION bus fleet to deliver substantial savings to this community.

Mr Berry: I ask that members who wish to put any further questions before the Government do so by putting them on notice.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS
Papers

MR BERRY (Deputy Chief Minister): Pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for regulations.

The schedule read as follows:

Bail Act - Bail Regulations - No. 30 of 1992 (S217, dated 27 November 1992).

Building Act - Exemptions - No. 165 of 1992 (S213, dated 24 November 1992). No. 166 of 1992 (S213, dated 24 November 1992).

Cemeteries Act - Determination of fees - No. 169 of 1992 (S223, dated 2 December 1992).

Financial Institutions Duty Act - Financial Institutions Duty Regulations (Amendment) - No. 29 of 1992 (S210, dated 30 November 1992).

Gas Act - Notice of commencement of remaining provisions (S203, dated 23 November 1992).

Land (Planning and Environment) Act - Determination of fees - No. 167 of 1992 (S215, dated 27 November 1992).

Motor Omnibus Services Act - Revocation and determination of charges - No. 172 of 1992 (S228, dated 4 December 1992).

Noise Control Act - Approval (S185, dated 23 October 1992).

Real Property Act - Determination of fees - No. 168 of 1992 (S221, dated 1 December 1992).

Trustee Companies (Amendment) Act - Notice of commencement of remaining provisions (G47, dated 25 November 1992).

PAPER

MR BERRY (Deputy Chief Minister): Pursuant to section 8 of the ACT Institute of Technical and Further Education Act 1987, I present a statement on the purchase of shares in ACTAID Pty Ltd by the ACT Institute of TAFE.

LAND (PLANNING AND ENVIRONMENT) ACT LEASES
Papers

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, pursuant to the Land (Planning and Environment) Act 1991, I present leases in accordance with the list circulated. I think members have all been contacted and are aware that processes are in train to change this way of doing it.

The list read as follows:

Leases granted pursuant to the *Land (Planning and Environment) Act 1991* for -

Dickson, section 20, blocks 41 and 42.

Kambah -

section 197, blocks 49 to 52.
section 214, blocks 1, 17 and 21.
section 215, blocks 1, 3 to 6, 9, 11, 14, 16, 19, 21, 22 and 24.
section 219, blocks 15 and 17.
section 220, blocks 3 and 4, 6, 7 and 9 to 11.
section 221, blocks 2, 4, 8, 17, 22 and 24.
section 223, blocks 35, 43, 49 and 50.

Melba -

section 75, blocks 1 to 13.
section 76, blocks 1 to 20.
section 77, blocks 1 to 11.
section 78, blocks 3 and 4,

together with executive statements.

PERSONAL EXPLANATIONS

MR HUMPHRIES: Madam Speaker, I seek leave to make a personal explanation under standing order 46.

Leave granted.

MR HUMPHRIES: Madam Speaker, a report appeared in the *Canberra Times* on 2 December under the heading "Libs Move to Tackle Violence". That article, written by Peter Clack, foreshadowed an amendment to the Bail Act which I intend to introduce in the Assembly tomorrow. That amendment would require bail to be refused to people breaching domestic violence protection orders until such time as they appear before a magistrate. In the article, Mr Connolly, the Minister for Urban Services and Attorney-General, was quoted, and I shall read the particular paragraphs:

> Mr Connolly has described Mr Humphries' amendment as "the cheapest political shot I've ever heard of".
>
> He said the Government planned to amend the Bail Act and that Mr Humphries had been told this on Friday but he had plagiarised it.

Madam Speaker, an allegation of plagiarism is a fairly serious one to level at anybody, and I want to respond to that allegation. The comments arise out of a meeting Mr Connolly had with me and Ms Szuty in his office on 27 November. Mr Connolly indicated at that meeting that he would be pursuing urgent amendments to the Bail Act to remove breaches of domestic violence protection orders from the operation of section 7 of the Bail Act. Apparently, the comments that are quoted in the *Canberra Times* are an indication that he believes, or believed, that on hearing his comments I ran off and had my own amendments drafted along the same lines.

I want to table some letters which indicate that that clearly was not the case. I seek leave to table a letter to the Clerk of the Assembly, dated 14 August 1992, in which I commissioned amendments to the Domestic Violence Act; a letter to Mr Richard Sergi, of Parliamentary Counsel, on 6 November 1992, in which I agreed that the amendments should be made to the Bail Act rather than to the Domestic Violence Act; and a further letter from Parliamentary Counsel dated 27 November - the Friday in question - enclosing a copy of those amendments.

Leave granted.

MR HUMPHRIES: Thank you, members. Madam Speaker, this correspondence makes it quite clear that the amendments to which Mr Connolly referred in his remarks in the newspaper on 2 December were commissioned by me more than three months before the Attorney-General advised me in his office of his intention to similarly amend the Bill. It is coincidental that both Bills have the effect of correcting deficiencies in the Bail Act which we passed earlier this year. I think Mr Connolly's amendment is intentional, whereas mine was unintentional. I might say, Madam Speaker, that, if I did plagiarise Mr Connolly's idea, then Mr Connolly's Bill will be substantially the same as mine when he presents it in the Assembly later today. I suspect that that will not be the case. If it is not, I suggest that it would be in order for the Minister to withdraw the statement that I somehow cribbed my Bill from his.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): I seek leave to make a statement under standing order 46.

Leave granted.

MR CONNOLLY: Madam Speaker, I listened very carefully to what Mr Humphries had to say. Given his explanation of the work he has had done by Parliamentary Counsel, members will understand that there is a very strict wall between my role as Attorney-General responsible for Parliamentary Counsel and what Parliamentary Counsel do for private members. I was advised by the journalist that there was some public concern about this unintended oversight in relation to the Bail Act. I was also informed by the journalist from the *Canberra Times* that Mr Humphries had issued a statement to say that he was going to fix the problem, which resulted in the words he has just quoted.

Mr Humphries advises me that the Bill he is proposing was not the Bill to fix that problem identified last week, but something which, while it would have a similar effect, he had been working on for quite some time. He has tabled those documents. I have not seen them, but I accept Mr Humphries at his word. I apologise to Mr Humphries for those words quoted. Given the facts that I now know, Mr Humphries had not plagiarised the work we had done. I had been told by a journalist that Mr Humphries had indicated that he was going to fix the problem. We had been through what the problem was and how we were fixing it, and I had assumed that that was what Mr Humphries was doing. So, I withdraw those comments, Mr Humphries.

Mr Humphries: Thank you.

RACISM
Discussion of Matter of Public Importance

MADAM SPEAKER: Members, I have received letters from Mrs Carnell, Mr Cornwell, Mr De Domenico, Ms Ellis, Mrs Grassby, Mr Humphries, Mr Kaine, Mr Lamont and Mr Westende proposing that matters of public importance be submitted to the Assembly. In accordance with the provisions of standing order 79, I have determined that the matter proposed by Mrs Grassby be submitted to the Assembly, namely:

The need for positive measures within the community and schools to combat racism.

MRS GRASSBY (3.18): Madam Speaker, no-one here can deny that Australian society has vastly changed since Federation. Australia has progressed from being a British outpost on the edge of Asia to being one of the most culturally diverse countries in the world. We in Canberra live in the most multicultural city in Australia, and that is why I wish to speak on racism and the positive steps being taken to stop discrimination and to educate our society in equality.

In 1901 the first Commonwealth Government legislated three separate Acts to entrench a policy that came to be known as the white Australia policy. This policy legalised racial discrimination as a reason to exclude potential migrants. At that time, Madam Speaker, to keep out migrants who were not of the same colour as most of the settled white Australia migrants, a test was given in many languages, always chosen so that the potential migrant sitting for the test was never able to pass it, thus keeping Australia white.

Madam Speaker, as many of us here are aware, it was due to Arthur Calwell, the Minister for Immigration in the Chifley Government, that the door was slightly opened to non-Anglo-Saxon immigration. The post-World War II immigration policy enabled many persons who previously would not have been welcome to come to Australia. In 1972 the Australian people elected the Whitlam Labor Government on a platform of reform. One of the most significant reforms was the dismantling of the white Australia policy, and the institution of a policy of multiculturalism and equality for all Australians. Twenty years later it is fitting that we consider whether our society has truly cast off its racist beliefs.

Madam Speaker, I stress "all" because I believe that 20 years later this has not occurred. The traditional owners of this continent are subject to blatant discrimination and are made to feel strangers in their own country. We all saw on the Channel 9 program several weeks ago the deplorable way in which Aboriginal people were treated, so we realise that racism is alive and well in Australia.

Madam Speaker, it took until 1967 for the Australian Constitution to be amended to accord the original inhabitants of this continent a status as citizens with all the rights and obligations that go with such recognition. We must never forget the original people who owned this land before the white settlers came. We must remember their rights to their culture and heritage, just as we also have our rights to our culture, language, traditions and heritage.

Madam Speaker, Australia is a country of migrants and will continue to be for many years. They have brought many different backgrounds with them and also a sense of history and culture that has become part of Australia. Many cultures make up Australia today. Immigrants have given up their homeland to build a new life, with hopes and aspirations, and they all contribute to a better Australia. When these people become Australian citizens it does not mean that they must cast aside their affection and love for the land of their birth. However, too many Australians believe that this is exactly what must occur for these people to be counted as good Australians. You can be proud of the country you came from as well as proud of being a good Australian. We are all responsible for contributing to making Australia a better and more tolerant society. This in turn makes Australia a better land for all.

Mr Deputy Speaker, I have seen many of the members here attending the ethnic food fair and we have all seen different groups put on their costumes and perform the dances of their countries of birth. But this is not what immigration is all about. Far too many times do we believe that this is what it is all about. Immigration contributes to making this country a better place for every single person who takes the mantle of Australian citizenship, and they have the rights of every citizen no matter where they come from. There is a very nice sign on the Christmas cards that we send out from our family which says, "Nice people come in all colours, races and religions", and I firmly believe this.

Mr Deputy Speaker, in the 1950s Ben Chifley was told by John Dedman, then the Minister responsible for the armed forces, that bringing all these new migrants to Australia would lead to a lot of trouble. In the late forties and early fifties we were still bringing troops home from overseas. Housing was at a premium. It was very difficult to find housing, whether you were coming back from overseas as a member of the armed forces - a returned soldier, sailor or airman - or whether you were a citizen living in this country. However, Chifley's answer was, "You do not build a nation without trouble". This indicated his belief in the need for Australia to expand. Australia could expand only by bringing in people from other lands.

In these troubled times unemployment is not only an Australian disease; it is a worldwide problem. I was in London in July and was told that there were 37,000 young people unemployed in London alone, and 20,000 of them were homeless. Thank God we do not have a problem like this in the ACT. While in San Francisco I saw queues at soup kitchens that went eight blocks.

I was also told while looking into the drug and alcohol problem in Holland that they also have a very bad unemployment problem. Mr Deputy Speaker, it is in these times of high unemployment that racism raises its ugly head. It is in these troubled times that those who are unemployed may blame others who have come from other lands and who do not speak the language as well as you and I. They are blamed for taking jobs and in some cases, as we have seen in the papers, they have been beaten up.

I would like to point out that many of our schoolbooks still contain racist statements, and this needs to be addressed. If ever we are to combat racism, we need to address this problem. It is in the schools that we can stop racism by teaching children on day one that you are first a human being. As Robbie Burns once said, "You're all that for all that". I remember my daughter coming home with a book that said that all Indians are bad. When her father asked whether she was talking about the Indians of North America or the Indians of the largest democracy in the world and who said it, she proclaimed that it was the Indians of the largest democracy and the book was printed in London. My husband burnt the book. I agree that these sorts of books should not be in our schools. I do hope that that book is no longer in any of the schools. That was some time ago.

Mr Wood: Not here, Ellnor.

MRS GRASSBY: I am sure that it is not, Mr Minister. Mr Deputy Speaker, I suggest that that is not the sort of book we should see in our schools. Racial stereotypes are constantly used, even when we listen to our news on television at night. It has been said to me that all shop stewards are pommies. Interestingly enough, the Department of Immigration did a survey on this some time ago and found that the British made up only one per cent of union shop stewards. Somebody sees somebody on television with an accent and does not like what they say, so immediately they call them a name.

I have seen people in the past, and unfortunately I am sure that I will see more in the future, who are not tolerant of other languages or cultures, and in some cases the way others dress. We see that today in the case of people who are of the Muslim religion, who do dress a certain way and who, at times, have been laughed at in the streets. Mr Deputy Speaker, I would say that such people who mock others do not represent the true Aussie, for the true Aussie believes in a fair go for everyone. If someone says to them, "Go back to where you come from" - and we hear this many times - I always tell them, "Always remember that you are an Australian by choice; they are an Australian by accident". There are only two people in this chamber, to my knowledge, who were not born in Australia, and are Australians by choice; that is, Mr Westende and Mr De Domenico. The rest of us are Australians by accident; they are Australians by choice.

Australia is a multicultural society, and thousands of Australians have come here as refugees from one war or another. I suppose you could say that the Leader of the Opposition is not a true Australian; he comes from Tasmania. We know that Tasmania often is left off the map - - -

Mr Kaine: I come from overseas too.

MRS GRASSBY: Possibly we could say that there are three in this chamber. I understand that Mr Stevenson may have been born in South Africa. I am not sure.

Mr Stevenson: Rhodesia, it was said. They called it Zimbabwe at the time.

Mr Humphries: I heard that it was Mars.

MRS GRASSBY: Very good, Mr Humphries. I like that one. We will leave that one in. Mr Deputy Speaker, Australia is a multicultural society, and thousands of Australians have come here as refugees from one war or another, or after being displaced from their homelands. Some came through choice, to make a better home for themselves and for their children.

It is to Madam Speaker's credit that today she received 30 students from the student reference group involved with the schools and their communities, Project Harmony. This project is a wonderful step forward in educating our young people. The Minister for Education, I am sure, will speak more about this. Mr Deputy Speaker, becoming an Australian citizen does not mean casting aside affections and love for the land of one's birth. We are all responsible for contributing to making Australia a better and more tolerant society.

Mr Deputy Speaker, in closing I would like to say that all members of society have a responsibility to watch for the rise of racism. We must present a united front to combat racism and discrimination. Everyone - employers, companies, trade unions, churches - must cooperate to sound a warning and to ensure that Australia does not go the way of Germany, the old Yugoslavia, or any other of the many countries that are currently being torn apart by the intolerance that has been allowed to fester in their societies.

I feel very strongly about this. I am proud that in Canberra we at least teach languages in many of our schools. In this way we do combat racism because, once a person speaks another language, he or she can then learn the culture of that language. Once they have learned the culture of the language they are learning to speak, they learn to accept the people of that land, no matter what their race, their colour or their religion. So, the more languages that we teach in schools, the more chances we have of combating racism. I would like to see languages taught from day one in school because it is from day one in school that we need to combat racism.

I do feel that in Canberra we do a lot in the education field. I think Canberra would be one of the most tolerant cities in Australia. I have heard this said to me by people who come from many different backgrounds. The one thing they really feel proud about in Canberra is that very rarely do they hear racist statements made to them or to their children. They feel that classrooms in Canberra, particularly when they have come from Sydney and Melbourne, are much more tolerant than classrooms in other cities. I congratulate our schools and our teachers on the work they do to combat racism. I also congratulate the community of Canberra. This multicultural city has taken this on board; but that does not mean that we should not be vigilant at all times. Racism is ugly, and we do not want to see the sorts of problems that we are seeing around the world.

MR STEVENSON (3.32): Tolerance is indeed the virtue that we should practise and encourage when it comes to racism; but is there any more tolerant nation within Asia when it comes to immigrants and those of another culture than Australia? It has been my joy to travel to some 30 countries around the world. When I look at the tolerance we show, I firmly believe that we have set examples for many nations. The key is that we should educate, not legislate. There are many examples in Australia where legislation on tolerance has been used instead of education. The objective of a law against comments which may be looked upon as being racist may be admirable, but the law is not the correct vehicle to adopt. You may well curb someone's tongue, but do you curb their thoughts or their feelings or what is in their heart?

Geoffrey Blainey, in an article in the *West Australian* on 12 May 1984 titled "The false fear of being called racist", made some valuable comments. I quote:

> In India some people are untouchables. We view things differently here. Instead, we have ideas which are untouchable.
>
> Members of the Federal Parliament and many community leaders have been reluctant in publicly questioning our large-scale Asian immigration for fear of being contaminated, for fear of being called racist. In years to come, historians might perhaps wonder why Australians in public life were so easily blackmailed by a verbal threat which is often irrational and false.

He continued:

> The word racism has degenerated. At one time it embodied a plea for toleration, but it has increasingly become the pet word of the intolerant. Originally a word favoured by those who believed in rational argument, it is increasingly used by those wishing to avoid rational argument.

Freedom of speech is the most important issue here. Freedom of speech in Australia has traditionally been limited only by laws relating to sedition, incitement, libel, and using abusive, threatening or insulting words. Quite importantly, precedents limit the range of those laws. There was a major case in America and Justice Felix Frankfurter of the US Supreme Court said:

> ... insulting or fighting words, by their very utterance inflict injury or tend to incite immediate breach of the peace, these utterances have no essential value as a step to truth.

I highlight "fighting words". Threats of violence or incitement to violence should not be condoned.

Public debate on matters that should be discussed is a different matter. Immigration should be able to be discussed freely. It gives the community an opportunity to hear all sides of the debate. In relation to legislation curbing people's right to freedom of speech, Professor Lauchlan Chipman said:

> It is not excessively dramatic to say that not since the Second World War have we seen proposals for limiting freedom of expression as restrictive as some that are currently under discussion. All of them derive from the progressives of the new class and more importantly all of them are put forward in the name of protection of the innocent from hurtful speech ...
>
> It is difficult to imagine anything more ludicrous than the Human Rights Commission making judgments about whether something is a work of art, whether a public discussion is bona fide, or whether a report is genuinely scientific. It is not just ludicrous. It reeks of all of the classical dangers of censorship. Moreover it is doubtful if it will achieve anything in relation to its declared and legitimate objective of diminishing racial tensions. (Comparative English legislation actually correlates with a rise in overt racist activity, and in the proportion of racist smut which is anonymous).

This was mentioned in *Quadrant* of May 1984. It may well be that the best way to counter racist attitudes is to permit their uninhibited expression. If the view is extreme, it will be seen to be such. If it is not extreme, why should debate be stifled? When we look at racism in Australia, there are many cases; but some never see the light of day and are never mentioned. There are many comments and what could be called racist remarks about people of Anglo-Celtic origin. There are many about people of German origin, particularly those relating to the war which are shown regularly on television in Australia. There must be many people of German origin in Australia who feel rather oppressed when they see the shows that are regularly shown in Australia. Arabs could well be another group that often are the subject of remarks that are intolerant.

Mr Berry: What about Jewish people? You do not want to talk about them.

MR STEVENSON: Mr Berry says, "What about Jewish people? You do not want to talk about them". In Australia one cannot freely talk about the Jewish people. Let me quote an article by Terry Lane. He titled it "I Surrender". He said:

> I have said publicly that I will never write or speak on the subject of Israel or Palestine ever again. Here is why.
>
> The Zionist lobby in this country is malicious, implacable, mendacious and dangerous. They have caused me a great deal of loss of sleep - and in the end, my insomnia has not contributed anything to the resolution of the conflict over Palestine. I might as well keep my mouth shut and get some sleep.
>
> What's more, once the expression antisemite hits the air, or heaven-forefend, the sacred formula "six million" is uttered, then I know from bitter experience that there is not one manager or editor in the country who will defend an underling. We are thrown to the jackals.
>
> In the end the truly tolerant have no defence against intolerance. I surrender. To the Zionists I say "you win". To the Palestinians "forgive my cowardice".

Terry Lane is an ABC broadcaster and a newspaper columnist and, I might add, one that has stood many times for the Jewish cause; but it made no difference when he chose to talk about some other situations.

I think the Australian attitude should be - and I believe that it is - that we welcome migrants from any country. However, I believe that they should leave their national politics firmly at home. In Australia we understand how some Italians feel about Greeks, some Ukrainians feel about Russians, some Chinese feel about Vietnamese, Turks about Armenians, Indians about Pakistanis, and Croats about Serbs, and vice versa. Australia is a lucky country. When we think of the actions in Timor, China and many countries around the world, we understand that the tolerance that is shown in Australia is something that other countries do not know of. There are many cases where individual voices have been silenced, and in the silence the state puts out its propaganda as to what it says really happened.

We should value freedom of expression. In this country, and in any other, it is the foundation on which all other rights are built. Let us combat any intolerance, racial or other, by freedom of expression, by open discussion, by tolerance, by understanding and fairness; never by legislation. The *Canberra Times* on 8 October 1989, in an editorial titled "Law no way to attack racism", stated:

> In a supposedly free society it is always wise to err on the side of freedom of speech when considering legislative change ... Speech cannot be half free. Free speech must embrace the right to speak hurtfully, stupidly and with bigotry. We must be able to disagree with everything someone says and yet defend their right to say it. Free speech generates its own virtue. Unpalatable free speech should be countered with more free speech; the more of it the better. Eventually people will decide what they want to hear and read, and those who speak poison get no listeners. Racists deserve to be ignored; ...

It continued:

> It would be much better that they be allowed to speak so that they can ultimately be ignored than send them to court, where they most certainly will not be ignored, or reformed.

There is no evidence that allowing the expression of racist comments has caused racial violence in Australia. I believe that tolerance is the keynote. I believe that we should always keep in mind freedom of speech. When we look at the title of today's discussion of public importance, "The need for positive measures within the community and schools to combat racism", the most positive measure we can take is to be tolerant of others in our personal lives.

MR MOORE (3.44): In rising to speak on this matter of public importance, Madam Speaker, I have decided to narrow my comments to indigenous people in the ACT, conscious of the fact that 1993, which is fast approaching, is to be the International Year of the World's Indigenous Peoples. The comments I make today come really from a single source and I am going to pose them as questions. Perhaps Mr Wood may decide to respond to them.

Is it true that many Aboriginal students in ACT government schools are often told that they would be better off elsewhere; that they are transferred, suspended or expelled at a higher per capita level than non-Aboriginal students? I think it is important for us to look at the statistics that apply here, especially considering the fact that there is no arm's-length appeal system available to any student who is expelled from a school in the ACT, other than an appeal system within the government schools system and an appeal system within the Catholic schools system.

The second question is this: Is it true that Aboriginal studies have ceased being taught at Narrabundah-Griffith primary schools and is there a resurgence of inequitable treatment appearing at these schools or in these campuses? Madam Speaker, in asking that question, I reiterate that these are broad questions. In raising them, it is not that I think that that is actually the case. I hear stories to that effect and I think it is worth raising these issues at this time.

As 1993 is the Internaional Year of the World's Indigenous Peoples, what is proposed for the ACT education system? Are there moves within the ACT education system to allow for the teaching of an Aboriginal language, for example, in our primary schools and our high schools? Perhaps the Ngunnawal language is an appropriate language to be taught in one of our schools or to be available in one of the colleges in the ACT. I have a story, Madam Speaker, from one Aboriginal mother whose name I shall not reveal. I would be happy to share it with the Minister later, should he ask me. The classroom teacher asked the mother to come to the school to discuss a specific problem with the student. On arrival, the mother found that she faced a panel consisting of a principal, a social welfare officer, a housing and community services officer and a teacher. This was in response to a behavioural problem of the student. One wonders how many people, other than Aboriginal people, have had such a response.

I indicated that I would give the Minister the name of the person, should he want to pursue that situation; but what I prefer to do here is to raise a series of questions. Are we doing enough in terms of positive measures in schools to combat racism, particularly in relation to the Koori people in the ACT? I am aware that other Aboriginal mothers have experienced a similar response to a behavioural problem, with suggestions being made that the child would be better off with someone else. That takes us back into a time, not so long ago, when a paternalistic and patronising approach was made and Aboriginal children were taken from their parents. I am not suggesting for one moment that that extreme exists now, but perhaps we have not yet lost the trappings of such an approach. The question is: How many non-Aboriginal people have been treated in the same sort of manner?

In summing up, Madam Speaker, I thought I might relate a little story. When I read the title of today's matter of public importance I went home. One of my sons, who is just about to start grade 1, was at home and was not well. I said to him, "What do you learn about racism at school? Do you learn anything?". He said, "No, we do not do anything about it". I said, "What is the name of the black girl in your class?". He said, "I think that is Milly". His mother said, "No, dear, Milly is of Asian origin". He said, "Is she?". She then said, "Is it Rachael?". He said, "Yes, I suppose she is black". I thought that was a quite positive response. I said to him, "Well, do you do anything on racism in school?". He said, "Well, why would we?".

Mr Connolly: A good school.

MR MOORE: Mr Connolly interjects, "A good school". I think it does reflect a very positive attitude on the part of the teacher and what is going on in that school. The questioning was of somebody who is six years old and perhaps he has not reached a stage where racism becomes important. I accept that that could be a factor. But we have to ask ourselves why that same sort of innocence, or understanding, acceptance or tolerance does not continue through the schools. What is it that happens? What can we do to assist in having our children retain that same sort of attitude where colour or background or race is absolutely nothing and, as in the case of my son, is totally irrelevant? That is what we are trying to achieve and I think that that is the important point of the matter of public importance raised by Mrs Grassby today.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.50): Madam Speaker, Mrs Grassby has brought to our attention the fact that we must always be on our guard to promote civilising values and practices, and to combat discriminatory or racist ideas which arise from time to time. I think the example we get around the world today is truly a worrying one. I cannot remember in my lifetime when there have been more racist tensions and wars than we see at present.

The cultural and ethnic diversity of Australia is evident in the ACT. The 1986 census showed that over 61,000 residents were born overseas. This is 25 per cent of our population, compared with 22 per cent Australia-wide. Fifteen per cent of our population came from non-English-speaking backgrounds, compared with 14 per cent nationwide. In our schools in the ACT we are working hard to promote multicultural values and harmony.

When we speak of multiculturalism here, we are discussing very positive approaches to fostering the cultural and ethnic diversity of our community within the wider society. Multiculturalism in education is a perspective which permeates all aspects of schooling - the policies of our school system as a whole, system-wide programs put in place to foster multicultural values, and specific programs operating in our schools which are taking real and positive local action to promote harmony amongst students of all backgrounds. We are thinking globally, but acting locally. Our policies for promoting multicultural harmony and reducing tensions stemming from racial, ethnic or religious differences are in keeping with national approaches.

The Department of Education and Training is currently reviewing its education and multiculturalism policy. This policy outlines the implications of the national agenda for a multicultural Australia put out in 1989, and the national goals for schooling, also put out in 1989, for the ACT school system. The policy provides a rationale, aims and guidelines for implementing approaches to make schools and their communities better places for ethnic minorities.

Two dimensions identified in the national agenda are: First, cultural identity - the right of all Australians, within carefully defined limits, to express and share their cultural heritage, including their language and religion; and, secondly, social justice - the right of all Australians to equality of treatment and opportunity and the removal of barriers of race, ethnicity, culture, religion, language, gender or place of birth. The national agenda includes the following principles which are relevant to education: Freedom from discrimination; equal life chances, development of potential; proficiency in English and languages other than English; and development of cultural identity.

The department includes the spirit of the goals for a multicultural Australia in its education plan for ACT schools, 1991-1993. The draft curriculum policy 1991 sets out the following principles which have relevance to multiculturalism and combating racism: First, the curriculum is accessible to all learners. The curriculum must be designed and implemented so that it is accessible to students regardless of race, colour, cultural background, socioeconomic status, gender, and so on. Secondly, the curriculum is non-racist. It must actively promote cultural identity in our multicultural society by including the contributions of diverse groups. It must uphold and value the languages and cultures of Australian Aboriginal people. It must challenge misconceptions and prejudices.

Specific elements of multicultural and anti-racist policy are outlined for schools to implement in greater detail. They include the following: Identify a multicultural liaison person to collect and disseminate relevant information; ensure that ESL learners have access to specialist ESL programs and mainstream support, to facilitate full participation in all curriculum areas; recognise, accept and value the racial and ethnic identities of all students, to help them achieve their full potential; recognise that languages other than English spoken by students and staff provide a rich resource; attempt, in their languages other than English, to develop an awareness of the language backgrounds of the school community; strive to develop a climate in which the Aboriginal and ethnic origins of all members of the school community are valued; promote racial harmony and refuse to tolerate expression of racial or ethnic prejudice in any form; provide curricula, facilities and practices that cater for the cultural and religious diversity of its community; support and encourage the involvement of all community members of Aboriginal and ethnic origins in school activities; and, finally, encourage all students of Aboriginal and ethnic origins to be aware of the value and importance of participating in a variety of school activities.

As a former teacher, I have taken up many of those issues in specific programs in schools, and they continue in every school in the ACT in varying degrees. Some of our system-wide programs include those to implement the department's policy on Aboriginal education. We provide additional resources in the way of liaison officers and education assistants in our schools to assist Aboriginal students.

Mr Moore raised some questions about those Aboriginal students and, as I noted them, I will give him an answer as well as I can at this stage. Mr Moore said that he had heard of some of these matters and therefore asked the questions. I think that is fair enough, save in one respect. In his second question he suggested that a particular school may have been engaging in inequitable treatment. I think it would have been better if he had not identified a school, since he has only heard these things and had nothing stronger than that. He asked whether students were referred elsewhere. Those were his words.

From time to time, Mr Moore, if students in our government schools have behaviour problems, after very extensive counselling it may be suggested to them that they would be better off having a new start in another school, and another school is always offered to them. That is one of the solutions we have to a fairly intractable problem of behaviour disturbance with some students, and an alternative school is always proposed to them. With that background, it may well be that an Aboriginal student was so counselled, but their treatment would be no different from that of anyone else.

Mr Moore asked whether Aborigines were expelled more than others. I do not know. I would hope that that is not the case. It may reflect something of a socioeconomic background, but I would maintain that Aboriginal students - this is my experience - are treated in precisely the same manner as any other student. I will ask some questions. I do not know whether there will be data on it, but there may be some anecdotal information available.

Have Aboriginal studies at a particular school ceased? I do not know. Schools do run, as I did in my school, a particular program. That program sometimes runs for years. Sometimes it is revised; sometimes it drops out for a time. But I will find out the answer. I do not know that we have any particular moves in the ACT education system formally to introduce an Aboriginal language. I am not sure that we have the resources to do that. It is a problem for us. I know that many of the schools from time to time, as part of their program, introduce Aboriginal vocabulary into what happens; but that is still some distance from a language. As to the International Year of the World's Indigenous Peoples, it is well known that 1993 is the year for that and, Mr Moore and others, you can be sure that the ACT school system, the government school system, will be responding appropriately to that international year. The school system generally, in my experience, participates fully in these very important years, and this one will be no different.

Having to answer Mr Moore's questions leaves me little time to develop the importance of the harmony program. I know how useful it is. I was at Giralang the other day and they have established there a peacekeepers program where students trained in game skills and conflict resolution act as mediators in the playground. These conflict resolution skills enable problems to be worked through. I think the schools generally do a very good job in this respect.

MR CORNWELL (4.01): Madam Speaker, in addressing this matter of public importance, I feel that Mrs Grassby has probably embarrassed her own Labor Party and her Minister for Education, Mr Wood, because the topic of this debate, "The need for positive measures within the community and schools to combat racism", suggests very positively to me that it does exist.

Mrs Grassby: Of course it exists, everywhere; all over Australia.

MR CORNWELL: Within the schools. I resent and reject that accusation, Mrs Grassby, and I would invite you publicly to put up or shut up in relation to the schools.

Mrs Grassby: I can do it. I can bring you some kids.

MR CORNWELL: Well, just go ahead, because I am not going to stand here and have accusations made relating to the schools, to the teachers or to the students, and I do not believe that Mr Wood would be prepared to accept that either. At the schools that I have visited I have seen people mixing together quite happily. There is an extensive range of schools here in the ACT with Aboriginal students, Vietnamese students and all sorts of other students, and they mix together very well. The inference, I repeat, I find offensive, and I do not believe that people should come into this chamber making such allegations without being prepared to back them up. I invite Mrs Grassby, and for that matter Mr Moore, who made a similar allegation, to make some representations to Mr Wood about the matter. I would welcome Mr Wood advising me, at least privately, about any matters that he might like to raise.

Now I come to the question of the community - "The need for positive measures within the community". What is racism? It is very difficult to identify. We have seen the goings on in Germany which the media like to call the rise of neo-Nazis, et cetera. I do not know enough about that to comment with any authority. I do understand, and Mrs Grassby referred to this in her comments, that the unemployment levels that exist in Germany and the influx of people from the East since the wall came down and the break-up of the Eastern bloc have obviously put a great many pressures upon the employment opportunities in West Germany, and that may be a contributing factor. That is one aspect that perhaps you could say is racism.

Would we also call racism any criticism of people I would term the overseas heroes, the people who demonstrate here in Australia about matters that are going on in their own countries? We give them the right to do that. I do not find it offensive, but I do know that other people object very strongly. Again, is that racism? I am not convinced that it necessarily is, but it might be in some people's eyes. Is deploring the actions of a particular race or country necessarily racism? For example, is the attitude of the Israelis at the moment towards the Arabs, particularly in relation to the Intifada that is still going on in Israel actually racism? I know many people who have Jewish friends who deplore that activity in Israel. Again, is that a mark of racism? I do not know.

If I could take it into the sporting field, Madam Speaker, is the fact that I am prepared to support Australia against either the Pakistanis or the West Indians in the one-day matches evidence of racism? It depends on how you wish to look at these things. Or should we be even more selective? We on this side of the house were rebuked for talking about Vietnamese nurses; yet I read in the papers regularly complaints about New Zealand shearers and I hear Labor members of the Federal Parliament complaining about them. Is this a form of racism? If you cannot answer those questions, I do not know how you are going to take positive measures to combat racism.

Mrs Grassby: I do not think you understand racism.

MR CORNWELL: One thing I hope we never do is do what your husband did, Mrs Grassby - start burning books because you did not like what was written in them. That, after all, is something that somebody else did - - -

Mrs Grassby: I think it is a very good thing. I think it is disgusting to have a book that calls people bad and evil because they come from India.

MR CORNWELL: I also think it is disgusting to start burning books.

Mrs Grassby: I think it should be burnt. I would burn it too.

MR CORNWELL: What are you going to do?

Mr Moore: Or banning videos.

Mr Connolly: I think we are voting on that tomorrow morning, aren't we?

Mr Moore: Yes, tomorrow morning; banning books.

MADAM SPEAKER: Order!

MR CORNWELL: Just a moment. Are we going to take, for example, Anna Sewell's book *Black Beauty* off the shelves of the libraries? That is about horses, Mr Lamont. Are we going to ban *The Merchant of Venice* from the stage? Are we going to sue the pest controllers for advertising about getting rid of Argentine ants? Is Mr Westende going to take action against anybody who starts to criticise or to complain about Dutch elm disease?

The point I am trying to make is that this can become quite absurd. It can become quite absurd if we allow ourselves to get carried away with this. I have to say that I agree that you can put forward all the legislation you like but racism is really in the mind. You can bring in all the legislation you like but you will not eradicate it. Mr Stevenson is quite correct. You do not legislate; you educate. That is the only way that you are really going to remove it. I would suggest, however, that you are not going to help remove it by drawing too much attention to it either, certainly in unsubstantiated allegations such as have been made in this chamber by a few people today.

I would like, in conclusion, Madam Speaker, to deplore the stifling of any attempt to discuss issues relating to this question. Mr Stevenson has referred to it. It has got to the stage in Australia now where proper questions relating to immigration, questions relating to Aborigines, to Vietnamese nurses or whomever, no longer can be rationally discussed in an open forum for fear that somebody is going to get up and brand a person a racist. I find that a form of intolerance. In fact, I think it is probably an example of real racism. It is certainly a strategy that has been adopted by numbers of people in the past in order to silence what I think is reasonable debate.

Mr Lamont: I do not believe it.

MR CORNWELL: Mr Lamont is interjecting that he does not believe it. Mr Lamont, unfortunately, you will not overcome any of these problems that do exist out in the general community by stifling debate. It is very necessary if we are going to deal effectively with the matter. If we are going to educate people in these things, we should not try to stifle the debate and cut it off every time somebody brings up matters that may be of concern to constituents - maybe not your constituents, and maybe not mine. If we are to live in a tolerant society, it is very important that the tolerance is general and not just restricted to one particular area or one particular set of attitudes.

In conclusion, I would certainly urge Mrs Grassby and Mr Moore, if they have any evidence of racism in our schools, by all means to let Mr Wood know so that he can have a look at the matter. Although I do not believe that the legislation necessarily solves these problems, there are laws which could apply to the existence of racist behaviour in the general community, and I suggest that you refer that behaviour to the relevant authorities. But, whatever we do, we must not stifle the general debate relating to these matters, because I think it is far too important for the peace and harmony of this country.

MR LAMONT (4.11): I had not intended to address this MPI this afternoon; but, given the last speaker's comments, I cannot help but come to my feet to address a number of the issues. One of the real difficulties that we have as a nation is coming to grips with our history. Part of that history, Madam Speaker, has been outlined by Mrs Grassby and other speakers this afternoon. Part of our history has also been outlined by the ridiculous way in which Mr Cornwell attempted to address the matter. With what I would call some frivolity, Mr Cornwell basically belittled the issues that have been raised by the other speakers this afternoon. This is a tactic not dissimilar to that which is used by people with a view that is in direct contradiction to the majority view in this country. Nevertheless, Mr Cornwell has a right to hold that view. But Mr Cornwell, in my view, however open he believes that debate should be, does not have the right to denigrate a person's view because of their race, because of their religion, because of their colour or because of, in particular but not exclusively, their political beliefs.

Racism, as we know it, has been caused by all of those things, and it is not a matter to be scorned off lightly. We should not allow, as an example, the immigration debate to degenerate into what, quite frankly, would be an exercise of name-calling and overt racism. My own view in relation to immigration is that, once a government has determined the number of people acceptable to come into this country, issues of race, colour and religion should play absolutely no part in determining from what part of the world those immigrants come. As I understand the thrust of what Mr Cornwell was saying, that would not be accepted by Mr Cornwell.

I doubt very much whether the views expressed by Mr Cornwell this afternoon are views which are held by all of the members of his own party room. They are certainly not the views held by members on this side of the house, or the majority of the Independents in this house. It concerns me greatly that we have a member of this Assembly trying to denigrate the substance of this issue and the real concern that the Australian people have about this issue in the rather jocular and flippant way that he did this afternoon.

MADAM SPEAKER: The discussion is concluded.

BAIL (AMENDMENT) BILL 1992
Speaker's Ruling

MADAM SPEAKER: Members, on Wednesday, 25 November 1992, Mr Humphries presented to the Assembly the Bail (Amendment) Bill 1992. I have examined the Bill and note that clause 4, the substantive clause of the Bill, is the same in substance as amendments moved by Mr Humphries during the detail stage of the Bail Bill 1992. Mr Humphries's amendments in question were moved on 14 May this year, debated and negatived by the Assembly, so the object of the Bill is the same as that of earlier amendments. Standing order 136 states:

> The Speaker may disallow any motion or amendment which is the same in substance as any question, which, during that calendar year, has been resolved in the affirmative or the negative ...

There have been precedents in the Assembly when Bills infringing this standing order have been ruled out of order and ordered to be withdrawn. I therefore rule the Bill out of order and call - - -

Mr Kaine: Would you clarify what your ruling was, Madam Speaker? I do not know what your ruling was.

MADAM SPEAKER: I am quite happy to read it for you again, Mr Kaine, because I was distracted. The object of the Bill is the same as that of earlier amendments. Standing order 136 states:

> The Speaker may disallow any motion or amendment which is the same in substance as any question, which, during the calendar year, has been resolved in the affirmative or negative ...

There have been precedents in the Assembly when Bills infringing this standing order have been ruled out of order and ordered to be withdrawn. I therefore rule the Bill out of order and call on the Minister to move the appropriate motion under standing order 170. Mr Humphries, I believe that you may move it.

Suspension of Standing and Temporary Orders

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

> That so much of the standing and temporary orders be suspended as would prevent the order of the day for the consideration of the Bail (Amendment) Bill 1992 remaining on the Notice Paper.

ESTIMATES 1992-93 - SELECT COMMITTEE
Report on the Appropriation Bill 1992-93 - Statement by Speaker

MADAM SPEAKER: The Select Committee on Estimates, in its report on the Appropriation Bill 1992-93, made two recommendations on program 1. These were that:

> the issue of the travel undertaken by the Speaker and her personal staff be referred to the Standing Committee on Administration and Procedures for consideration; and
>
> the Speaker table a report on all travel undertaken as Speaker in the same format as is required of members who utilise study travel.

I inform the Assembly that the Standing Committee on Administration and Procedures considered these recommendations at its meeting on 2 December 1992 and resolved that the Speaker notify the committee, at her convenience, of travel undertaken, or to be undertaken, by either her or her staff, other than travel undertaken in accordance with study travel guidelines which would be reported on in the usual manner.

PRIVILEGE
Statement by Speaker

MADAM SPEAKER: I inform the Assembly that I have received from Mr Moore written notice of an alleged breach of privilege. Mr Moore has given notice of the breach pursuant to the provisions of standing order 71. The matter raised by Mr Moore concerns the fact that at a meeting Mr Moore had with a school principal on 2 December that school principal had a copy of the uncorrected proof *Hansard* for Wednesday, 25 November 1992. Mr Moore also expressed concern about how widespread was the distribution of this particular uncorrected proof *Hansard*. For the information of members, I table a copy of Mr Moore's letter.

I have considered the matter raised by Mr Moore and have concluded that it does not merit precedence as a matter of privilege. It is open to Mr Moore, should he so wish, to give notice of a motion to refer the matter as one of privilege to the Administration and Procedures Committee.

The matter raised by Mr Moore is of concern. The uncorrected proof copy of the debates of the Assembly has a very restricted distribution. Circulation is limited to members and certain officers of the Assembly and heads of certain government departments. That is the practice, because it is an almost exact verbatim transcript and is uncorrected. It is subject to correction by members and editing by *Hansard* staff. It often contains inaccuracies and material that is not reproduced in the edited weekly *Hansard*. Because of this, though members of the public may peruse a copy of the uncorrected proof in the *Hansard* office, copies are not made available beyond the limited distribution already referred to.

I have brought this matter to the attention of the Assembly as, should it become apparent that unauthorised copies or extracts are continuing to be distributed, it may become necessary to further restrict the distribution of the proof *Hansard*. In view of the matter raised and the problems that have been experienced, we will in future seek to have all uncorrected proofs of *Hansard* returned once the weekly *Hansard* has been published.

ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE
Citizen's Right of Reply Inquiry - Statement by Speaker

MADAM SPEAKER: I inform the Assembly that on 2 December 1992 the Standing Committee on Administration and Procedures resolved to inquire into and report on the issue of a citizen's right of reply and, in particular, to examine the possible application of the Senate's resolution on this issue to the Assembly.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE
Report on Draft Variations to the Territory Plan

MR LAMONT: I present report No. 8 of 1992 of the Standing Committee on Planning, Development and Infrastructure on the following draft variations to the Territory Plan: Gungahlin (Harcourt Hill) joint venture development; Griffith, section 84, blocks 4, 5, 6 and 7; West Belconnen; and Braddon, sections 22, blocks 6, 7, 8 and 9, together with a copy of the extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Friday, 4 December 1992, pursuant to the resolution of appointment.

MS SZUTY: I ask for leave of the Assembly to present a dissenting report to report No. 8 of the Standing Committee on Planning, Development and Infrastructure and to move a motion in relation to the dissenting report.

Leave granted.

MS SZUTY: I present a dissenting report to report No. 8 of the Standing Committee on Planning, Development and Infrastructure and move:

> That the dissenting report be added to Report No. 8 of the Standing Committee on Planning, Development and Infrastructure.

I wish to speak to this matter briefly. I wish to refer to the manner in which report No. 8 of the Standing Committee on Planning, Development and Infrastructure was tabled by the presiding member, Mr Lamont, with the Speaker on the afternoon of Friday, 4 December 1992. Mr Lamont was aware, indeed the recommendations of the report note, that "Ms Szuty will table a dissenting report in relation to this draft Variation". At the most, I was given 15 minutes to prepare my dissenting report, if it was to be tabled with the Speaker on Friday afternoon and incorporated into the committee's report at that time.

I believe it to be quite extraordinary that this has occurred and I have had to seek the leave of this Assembly today to move that my dissenting report be included with the majority report of the committee to be printed and circulated from this time. I believe that Mr Lamont's actions set an unfortunate precedent for this Assembly, and I trust that they will not recur in the future.

MR LAMONT (4.22): Madam Speaker, I give notice that I shall shortly seek leave to move that the report be noted. Firstly, I will speak briefly to the comments made by Ms Szuty. I find what has transpired in this Assembly to be nothing short of a breach of confidence, and indeed cooperation, between members of the Planning, Development and Infrastructure Committee - excluding Ms Szuty - and Ms Szuty. There was considerable debate to ensure that the rights of Ms Szuty were taken account of in relation to views which she had expressed in the committee and prior to the committee meeting - on the same day, the day before, the day before, and so on.

I find it somewhat strange and little short of political grandstanding for Ms Szuty to come in here this afternoon, with a tear in the eye, and suggest that she has been hardly done by by the actions of the Planning, Development and Infrastructure Committee in the way that they determined, cooperatively, and with the agreement of Ms Szuty, to proceed in relation to this matter. It is that last question that causes me to rise to speak specifically on this motion.

Members of the committee and I went out of our way to ensure that Ms Szuty had every opportunity to have her dissenting report included as part of the report of the committee through the procedure which she agreed to. We have not tried to deny Ms Szuty, nor did we give her only 15 minutes to prepare a dissenting report. We said to Ms Szuty, "We will ensure that you have the opportunity, by leave of the Assembly, to table your report and have it included as part of the committee's report". To suggest that we gave her 15 minutes to prepare a report or in any way attempted to stop her from putting in her dissenting report is an absolute outrage and an untruth.

MR KAINE (Leader of the Opposition) (4.25): It is, I think, rare that Mr Lamont and I are agreed on something, but in this matter we are. I totally endorse Mr Lamont's statement in connection with the extent to which the committee discussed Ms Szuty's dissatisfaction with this report. That dissatisfaction related only to the West Belconnen development. We jointly discussed the manner in which she might put forward her dissenting report. In fact, when I saw the way in which the presentation of this report was set down on the daily program today, I thought that that was indeed an acknowledgment of the fact that we agreed, as a committee with Ms Szuty present, that she would be given every opportunity to present her dissenting report and have it incorporated as a part of the report.

I find it quite mystifying that she now claims that she was in some way disadvantaged; that the committee in some way acted other than in accordance with the way in which we agreed to act; and that she has not been given every opportunity to say what she wanted to say and do what she wanted to do. I take exception personally to any suggestion that I have in some way infringed Ms Szuty's rights or resiled from an agreement that I gave to her as a member of the committee. I think it is incomprehensible that she should attempt to do this. I doubt whether any other member of the committee - and I think I can anticipate this - would agree that Ms Szuty has a leg to stand on in this matter. She has none whatsoever, and I find her remarks quite offensive.

MR LAMONT: Madam Speaker, I ask for leave of the Assembly to move a motion in relation to report No. 8 of the - - -

Mr Moore: On a point of order, Madam Speaker - - -

MR LAMONT: It is a procedural motion to allow for the inclusion of Ms Szuty's dissenting report as part of the report.

Mr Moore: Some of us want to speak to the motion before the Chair.

MADAM SPEAKER: There is a motion before us still, Mr Lamont.

MR LAMONT: I apologise.

MR MOORE (4.27): Madam Speaker, I sit here with some bemusement. It is hardly surprising that on this issue the members of the Liberal Party agree with the members of the Labor Party and are prepared to isolate Ms Szuty. The question that has to be raised is: What was the big rush?

Mr Kaine: I raise a point of order, Madam Speaker. I am rather interested to know how Mr Moore can speak with any authority on something that happened within a committee. I think he has to be careful what he says.

MADAM SPEAKER: Mr Moore, you may continue.

MR MOORE: After that weird interjection from somebody who purports to be able to read other people's minds - - -

Mr Kaine: You are pretending to read mine.

MADAM SPEAKER: Order!

MR MOORE: I have no intention of talking about what went on in a committee. I am going to talk about what appears to have happened from outside the committee. I understand that the committee report, in fact, was tabled with you on Friday afternoon, and the question has to be - - -

Mr Kaine: As agreed.

MR MOORE: As agreed. The question has to be: What was the rush? Who was looking after whom, and who was looking after mates, to rush this particular report - - -

Mr Lamont: Madam Speaker, I stand on a point of order. I do so with some reluctance in relation to the imputations contained in Mr Moore's comments. I seek to have them withdrawn. If they are repeated by Mr Moore I will continually ask him to withdraw them.

MR MOORE: I have said it only once, for heaven's sake.

Mr Lamont: That is enough. Withdraw it.

MADAM SPEAKER: Mr Moore, I would like you to withdraw any improper imputation in your comment.

MR MOORE: I do not believe that I have made any improper imputation to this point; but, in deference to you, Madam Speaker, I withdraw whatever it is that Mr Lamont reacts so strongly to - and one cannot help wondering why.

Mr Lamont: Madam Speaker, I rise again. Mr Moore is attempting to make rather cheap political mileage, as Ms Szuty has obviously done, out of the West Belconnen variation. He is quite at liberty to do that; but I am not prepared to allow Mr Moore or Ms Szuty or anybody else to make a personal reflection on me but, more importantly, upon the members of the committee, who to date have worked in an exemplary fashion on variations and issues that have been placed before them. This is an outrage and something that I believe you should not condone.

MADAM SPEAKER: Mr Moore, I remind you of the provisions of standing order 55, which require that you do not make any improper imputations against the motives of anyone in the chamber. I will allow you to proceed.

MR MOORE: Madam Speaker, the question I asked was: What is the rush about this particular variation? I think that is a very important question to ask. What is the rush?

Mr De Domenico: There has been no rush. It has been there for about 18 months.

MR MOORE: Mr De Domenico interjects that it has been there for around 18 months. The question is: Why was there a need to have this resolved in such a way? If my memory serves me correctly, this is the first time since the inception of this Assembly under self-government - the first time in the First Assembly or the Second Assembly - that a committee report has come down separate from a dissenting report. What is the rush? Madam Speaker, I think it is a perfectly reasonable question to ask. Members must be wondering what is going on in a committee that decides to report in two separate stages.

Mr De Domenico: On a point of order, Madam Speaker: Mr Moore is once again implying that there is something in the fact that the reports came in at different times. I ask him to withdraw those remarks. If he continues to do that, we will stand up and continue to ask him to withdraw.

MR MOORE: Madam Speaker, there is no imputation there. I simply said that the report was given to you on Friday and now we have the dissenting report. Mr Lamont himself said that Ms Szuty would table hers - - -

Mr Lamont: There was agreement by all of the members of the committee that this would be the process.

MR MOORE: There was a discussion about being able to provide a dissenting report within 15 minutes. It is very strange, Madam Speaker. I have to ask: What is the rush?

MADAM SPEAKER: The motion - - -

MR MOORE: Madam Speaker, I was just sitting down while Mr De Domenico raised a point of order, and I responded to that point of order. Can I now continue with my speech?

MADAM SPEAKER: It is customary for me to respond to points of order, Mr Moore, and I thought that - - -

MR MOORE: With your indulgence, Madam Speaker, it is also quite customary for other members to comment on a point of order. You have been tolerant enough to allow that on many occasions, Madam Speaker.

MADAM SPEAKER: I have become a little bewildered by it all; but, Mr Moore, I would caution you again on the provisions of standing order 55. Please continue.

MR MOORE: I am quite happy to be cautioned on that, Madam Speaker. The question that I now raise is: Why do we have this strange format where the report is tabled with you without the dissenting report? I presume that, once it had been tabled with you, Madam Speaker, it was then your prerogative to make it public. Therefore, we had a situation where a report could have been made public without the dissenting report being attached. I would have thought that such a situation would not be in the best interests of presenting a broad point of view. It is interesting that it should arise over a variation which had been before the Standing Committee on Planning, Development and Infrastructure for such a short time before the report was presented. In respect of this particular variation, the question still remains: What was the rush?

MS SZUTY (4.34), in reply: I wish to respond to some of the remarks that have been made about my actions in particular. There has been some conjecture as to what I actually agreed to on Friday. I need to say that I tabled the report today because there was no option for me to present the report on Friday. I agreed in the afternoon to receive a briefing from the ACT Planning Authority regarding West Belconnen, and I appreciate the indulgence of committee members in allowing me to do that. However, in my speech to the motion, I referred to the manner in which I was not able to table the dissenting report on Friday afternoon. As far as I know, that is not the normal practice of this Assembly. Normally, dissenting reports are included with majority reports at the time that they are presented to the Speaker, and that was the point I made in speaking to my motion.

Question resolved in the affirmative.

MR LAMONT (4.35): Madam Speaker, in the interests of fairness and equity, as agreed on Friday afternoon by the Planning, Development and Infrastructure Committee - it was a unanimous decision of the committee - I seek leave of the Assembly to move a motion in relation to report No. 8 of the Standing Committee on Planning, Development and Infrastructure.

Leave granted.

MR LAMONT: Madam Speaker, I move:

> That the report (including the dissenting report by Ms Szuty) be noted.

Madam Speaker, the report in front of us this afternoon, including the dissenting report in relation to West Belconnen, contains a number of significant decisions by the Planning, Development and Infrastructure Committee and, indeed, a number of significant decisions by the Government. I go, first of all, to the Gungahlin (Harcourt Hill) joint venture development. The Planning, Development and Infrastructure Committee undertook on-site inspections in relation to this proposal. This is a significant proposal, entailing some $150m worth of work in the Gungahlin area. It is a significant recreational and residential development by the Cygnet Corporation and the ACT Government. The committee's decision in relation to this variation was unanimous.

The second of the variations, Madam Speaker, is in relation to Griffith, section 84, blocks 4, 5, 6 and 7. This area was previously known as, and can be generically referred to as, the Hunters Tavern/Captain Cook Hotel site. The Hunters Tavern and the old hotel site have become absolute eyesores over recent years. The committee was extremely appreciative of the comments made by the rector of the Russian Orthodox Church, which is located in McMillan Crescent. The committee, in making its recommendation to the Executive in relation to this variation, has proposed that development on McMillan Crescent be restricted to a height limit of two floors. That was in recognition of the fact that this area fronts a range of roads of national significance leading into the parliamentary zone. It also fronts onto the suburb of Narrabundah, which under the Territory Plan has a height restriction of two floors. It was thought appropriate by the

committee to suggest to the Government that when they consider the design and siting requirements for this area they take into consideration that issue. While four floors would be allowable on Jerrabomberra Avenue and Canberra Avenue, the committee's view was that development on McMillan Crescent should be restricted to two floors.

In relation to Braddon, section 22, blocks 6, 7, 8 and 9, again the decision of the committee was unanimous. The design and siting issues were discussed. The technical requirement for our committee was to determine whether or not the proposed land use variation was a good thing and could be justified and to ensure that the proper procedure was followed in arriving at its recommendation. That left us in somewhat of a difficult position, Madam Speaker, because the majority of objectors to this variation agreed that the committee should allow the variation to go through. They indicated that it was appropriate that this area be developed, but the major objection was in relation to the design and siting policies. Those who put forward the most substantial objections objected to the way in which the building was to be sited on the block and/or the architecture. That raises a number of interesting points. One of the objectors said, "I have an alternative proposal. I own the block next door. I support redevelopment of these blocks, but I propose that there be a different style of development". Looking at the indicative plan which this person provided, there were a number of serious issues that I would have taken into consideration in looking at such a variation.

One of the objectors proposed that development go right up to the rear fence and the side fences at the rear and that two buildings at the front go right up to the side fences with the sides of the buildings facing Torrens Street. I would not consider that appropriate development on that site. This proposal would have been rigorously objected to by the Planning Authority. There is a requirement for development on that site to front Torrens Street. Following this consultation, following this process, there have been a number of variations to the architectural design of this building to take account of the issues that have been raised by the objectors.

Let us then come on to the next variation, West Belconnen. The simple fact is that the process in relation to West Belconnen areas A, A1, B, C and D has been in the public arena for in excess of 18 months. Some would suggest that the area itself, let alone definitive proposals for it, has been on the public agenda for 10 years. I must personally thank Dr Binnington from the West Belconnen Residents Action Group, who last year and early this year alerted me and a number of other people to a range of concerns about areas A and A1 in particular but also area D. He also made a number of comments about the proposals for areas B and C. It was not just Dr Binnington; a group of people were concerned that original undertakings for areas B and C - area B in particular - did not allow for a buffer zone between the existing suburb and the new suburb. That issue, in my view, and in the view of the majority of the committee, was answered in the draft variation put forward by the Planning Authority.

The Planning Authority prepared an EIS which was tabled by the Minister at the beginning of the last sitting period. Madam Speaker, when I received that report from the Minister, I took a look at the issues that had been raised in relation to the West Belconnen area, particularly areas B and C, and the information that I had

been previously provided with. I also took a look at what the Minister said when tabling that report and then tried to assess whether the issues raised in the EIS and what the Planning Authority proposed would allow me to agree to the development proposals for areas B and C. Madam Speaker, I am convinced.

Mr Moore: A great surprise.

MR LAMONT: You may say, "Surprise, surprise". I understand that. Ms Szuty and you would not agree to any development in West Belconnen, irrespective of what was said. If the streets were paved with gold and Santa Claus turned up every Tuesday in West Belconnen, you would still object. It does not matter what issues are raised; it does not matter what issues are answered. You will object. It is your nature, Michael. Unfortunately, it appears from the way in which Ms Szuty is pursuing this issue that she may have caught your disease.

As a member of this Assembly, as a Belconnen resident and as somebody who, thankfully, received the assistance of the West Belconnen Residents Action Group in the early days of looking at areas A, A1, B, C and D, I believe, on balance, based on the information that I have before me - the EIS and the additional comments of the Planning Authority that have been put forward - that it is appropriate that this variation proceed.

Let me turn very briefly, Madam Speaker, to the allegation of haste raised by Mr Moore. Mr Moore, it was the unanimous agreement of the Planning, Development and Infrastructure Committee on Friday that this procedure be followed. It was agreed by all of the members of the Planning Committee that this was the way in which we could ensure - - -

Mr Moore: I raise a point of order, Madam Speaker. I believe that Mr Lamont should be addressing his comments through the Chair.

MADAM SPEAKER: I think Mr Lamont is well aware of that standing order.

MR LAMONT: I thank Mr Moore for drawing that standing order to my attention. It is appropriate that I address my comments to you, for, indeed, nothing that I say or that anybody else says will have any impact on the position that Mr Moore adopts. Unfortunately, as I have said, that now appears to be the attitude being taken by Ms Szuty in relation to the West Belconnen variation. That saddens me, because there has been an extremely cooperative arrangement between the members of the Planning, Development and Infrastructure Committee. I do not believe that any one member of that committee can draw attention to any time when information has not been provided, additional information has not been provided, comment has not been found or site inspections have not been arranged. Every single question raised by members of the committee has been answered through the secretary, Rod Power, or officers of the Planning Authority.

But it does not matter what we do or what is said. There is a closed position. Areas B and C, as far as Ms Szuty and Mr Moore are concerned, should not be allowed to proceed.

Mr Moore: What is the rush?

MR LAMONT: The rush, as you call it, Mr Moore, was a program outlined to the Planning, Development and Infrastructure Committee and this Assembly. What can I say? Mr Moore has spilt the water.

Mr Cornwell: He has gone to water again, has he?

MR LAMONT: I was not going to say that. That was too obvious a line. I would not say that. The procedure adopted by the Planning, Development and Infrastructure Committee was outlined and publicly announced to this Assembly some time ago. The time at which variations would arrive was announced and put to the Planning, Development and Infrastructure Committee. The committee on Friday, consistent with the terms of reference and resolution of appointment, could have said, "We will present the report to the Speaker for publication at 4 o'clock. If you wish to have a dissenting report, Ms Szuty, put it in by four".

We did not do that, because we did not think it was appropriate. So, we undertook to find the most appropriate method to ensure that the rights of Ms Szuty were taken account of. By unanimous decision of the committee, that is what we did. For anybody else, Mr Moore included, to stand up here and impute an improper motive to any member of the Planning Committee is an absolute outrage and a matter, Madam Speaker, that in my view, if persisted with, would warrant censure in this house.

MR KAINE (Leader of the Opposition) (4.50): I am one of the four-fifths of the membership of the Planning, Development and Infrastructure Committee who endorse these four proposals without any difficulty at all. There are a couple of things that I would like to say about them. They really break down into two different categories. The Harcourt Hill development and the West Belconnen development are both broadacre developments. The other two are suburban developments of different orders of magnitude. I will deal with them in those two different categories.

First of all, I think that the Harcourt Hill venture is a very significant one for Canberra. It will involve a great deal of expenditure here. It will generate a very large number of jobs, which is what we are looking for and what we need, and at the end of the day we will have a development which will be of great value to the Territory. It will be partly residential, but it will include recreational and tourism facilities that will continue to draw people to Canberra and to generate revenue for Canberra for many years to come. I support that one without reservation.

I supported the submission that came to us that areas B and C at West Belconnen be developed. Sadly, Madam Speaker, that is all we were asked to approve. I would have supported it without reservation had we been asked to approve the entire development, including areas A and D. I think it is a matter for some regret that the Government has arbitrarily withdrawn area A from further consideration. Area D, I must note, has not been withdrawn from further consideration. It remains an investigation area because it is occupied by CSIRO.

I believe that once building begins in areas B and C, as it soon will - and again it will bring jobs and it will provide houses perhaps more cheaply than they can be made available in other areas of Canberra - it will be very hard to switch it off. I think that the Government will have to reconsider area A for further residential development. It will not only provide jobs and provide land and houses more cheaply than would be the case in Gungahlin and elsewhere but also provide

additional population to support and maintain the infrastructure that is in that area already. By that I mean shopping centres. Some of them are already experiencing some decline. If you want to see the end product of that, go and have a look at Hackett shopping centre. We do not want that happening to the shopping centres in West Belconnen.

I also mean schools. I know that this will raise hackles on people's necks; but some schools in that area were already identified as having declining populations, and ultimately even this Government would have had to confront the issue of whether those schools should stay open or not. This development, including area A, will guarantee in the foreseeable future that those schools will remain open, including the one at Higgins, which is one of those that have been under threat and I think will remain under threat into the future unless there is additional population there. Of course area A, which has been excised from the proposal by the Government, would provide a continuing school population for the Higgins school. So, I think it is a matter of regret that area A has been excised, and I think that in time even this Government will have to reconsider that matter.

Madam Speaker, the other two variations are interesting developments. As Mr Lamont noted, the matters of concern brought to the committee in connection with both of those developments by and large did not relate to the variation of the land use. They had to do with design and siting. That raised some interesting questions for the committee, because I do not believe that it is within the committee's terms of reference to deal with design and siting matters. Our role is to determine whether the Government's proposal to change the land use is a valid proposition. That is where our responsibility, in my view, ends. It is interesting that people come to us with their concerns about design and siting.

In fact, the point was made quite eloquently by one witness in connection with the Griffith site. He raised real questions about the process that is currently in place and about whether or not the community has adequate opportunity to comment on and to make an input to determining questions of design and siting. He also made some interesting points about the chronology of events. In one case a notification that the matter had been referred to the committee appeared in the media the day after the committee had in fact examined the matter. So, the community has raised concerns about the process, and I am quite sure that the Government, the Planning Authority and others involved will take up those concerns and perhaps we will see some changes in the process in the future, particularly as it relates to design and siting matters. I certainly hope so.

Madam Speaker, I support these variations without reservation, except in so far as area A of Belconnen is concerned. There is comment in this report that some members of the committee thought that that area should not have been withdrawn. I was one of them. I believe that quite strongly.

In concluding, Madam Speaker, I have to comment on two points made by Ms Szuty in her dissenting report. The first is that she believes that the Planning, Development and Infrastructure Committee has not had time to consider the concerns of people making submissions and to establish beyond reasonable doubt that the West Belconnen variation should proceed. Madam Speaker, if I had any questions in my mind about whether there was a reasonable doubt that these things had happened, I would not have supported these variations. I am just as concerned to see the public interest served as I am sure Ms Szuty is. I resent

being told that I have skated over this thing lightly and I have no regard for people's reasonable doubts. The other point - it was Ms Szuty's concluding remark - is that she does not believe that it is the role of the Assembly standing committee to rubber stamp variations. Madam Speaker, neither do I. I did not rubber stamp them in this case, nor will I at any time in the future do so. For Ms Szuty or anybody else to suggest that I and other members of the committee are guilty of either of the two things that she has made reference to here is quite regrettable.

MR DE DOMENICO (4.57): I am going to be very brief on this topic, because I think Mr Lamont and Mr Kaine have quite lucidly described the facts of the matter on these developments. I rise very briefly to express concern at the fact that Ms Szuty and others in the community have said various things, starting last weekend, about what happened at the meeting of the Planning, Development and Infrastructure Committee. I can say to people who have made comments from time to time that there will be some times when people in this Assembly and people on committees disagree. There will also be some times when decisions made by this Assembly and by various committees of this Assembly are not agreed to by various members of our community. So be it. To be 100 per cent agreeable every time, we would all have to be perfect, and we are not perfect. For any member of the community to imply that any member of the Planning, Development and Infrastructure Committee did not take into account, as much as possible, every concern expressed in the allowable time is just not right. I urge Mr Moore not to make any comment, because he is not a member of the committee and he does not know what went on in committee meetings.

Mr Moore and Ms Szuty may, for various political reasons, wish to have their names in headlines over the West Belconnen issue. Perhaps it is because Mr Moore has, all of a sudden, taken a great interest in West Belconnen, which is nowhere near Reid. All members of the committee, including Ms Szuty, had a fantastic opportunity to go through the proposed variations and all the information put forward to that committee. The committee went further, as Mr Lamont said. We in fact met time and time again last Friday - some of us cancelled other appointments - to make sure that Ms Szuty had every opportunity of asking those questions that she felt needed to be asked. She was given that opportunity. For anybody in the community to say that the decisions made by that committee were wrong decisions is a matter of opinion, but to say that those decisions were taken lightly is simply not true. Anybody who says that in this house should withdraw and think very seriously about apologising to all members of the committee for anything that might be said outside.

MS ELLIS (5.00): I was not going to speak on this issue; but, being the fifth and remaining member of the PDIC, I believe that it is essential that I put on record my feelings on this issue very briefly. I was part of the unanimous decision of the committee in relation to three of the variations spoken to by Mr Lamont and Mr Kaine.

I was also part of the decision on the West Belconnen issue. I would like to put on the public record, for the sake of the whole of the community - not just Ms Szuty - that I do not consider that I have treated this issue any differently to any other issue that I consider within the realm of the Assembly work or

committee work. I was very impressed by the efforts put in by the Planning Authority officials in fully briefing members of the committee. We also visited the West Belconnen site, and I spent much of my own time considering the documentation put before me. There was no haste at all on my part in considering that variation and deciding in the manner in which I did.

I would like to put on the public record that I am very unhappy with the comments made against the committee, and therefore me as a member of that committee, in Ms Szuty's dissenting report. It is with quite a bit of sadness that I say that, because members of the PDIC - one of the larger committees of this Assembly, with five members, and with one of the largest workloads - have worked together extremely well. Up until now we have not had a problem like this, and I hope that we do not have one like it in the future.

MS SZUTY (5.01): It is with regret that, with regard to West Belconnen, I have had to table a dissenting report to report No. 8 of 1992 of the Standing Committee on Planning, Development and Infrastructure. The terms of reference of this standing committee require the committee "to examine matters related to planning, land management, transport, economic development, commercial development, industrial and residential development, infrastructure and capital works, science and technology". The proposed West Belconnen development incorporates the majority of the above in its development, which is expected to meet the needs of some 9,000 residents of the ACT.

Sections 25 and 26 of the Land (Planning and Environment) Act 1991 require the Executive to refer draft variations to the Territory Plan to an appropriate committee of the Assembly for report and the Executive to then have regard to the committee's recommendations before approving any variation. Madam Speaker, West Belconnen is no ordinary variation to the Territory Plan. Since its inception, the proposed development of West Belconnen has attracted much controversy and, indeed, during the election campaign areas A1, A2 and D were removed from the proposal. The original environmental impact statement was considered to be so inadequate as to require another environmental impact statement to be undertaken.

The final environmental impact statement, dated August 1992 and tabled by the Minister for the Environment, Land and Planning on 24 November 1992 along with significant background papers, has been available for members of the Planning Committee and the general community to peruse for less than two weeks. In the report on public consultation concerning the draft variation it is noted that 241 responses were received, 46 expressing support for the variation and 189 indicating that they were critical of or opposed to the variation. I believe, Madam Speaker, that the Planning Committee has not had time to consider their concerns and to establish beyond reasonable doubt that the variation should proceed.

The Standing Committee on Planning, Development and Infrastructure has had every opportunity to defer consideration of this variation until members become familiar with the material provided by the ACT Planning Authority and to further consider the involvement of the wider community through an inquiry process. As I have stated before, this is no ordinary draft variation.

During my inaugural speech in this Second ACT Legislative Assembly I drew members' attention to the importance of involving the Canberra community in our decision making processes, and for good reason. We live among the most highly educated community in Australia, people who have high expectations of the standard of work that their elected MLAs will deliver. By endorsing this variation at this time the Standing Committee on Planning, Development and Infrastructure has chosen to ignore the views of many people who are concerned enough about the impact of this draft variation to put forward their views to the ACT Planning Authority for consideration.

Madam Speaker, I do not believe that it is the role of the Assembly's Standing Committee on Planning to rubber stamp the variations that we are presented with for consideration. I believe in the case of the West Belconnen variation that that has indeed occurred. I intend to pursue this matter by moving a motion of disallowance in the course of this sitting period, which will give members time to reconsider or to consider the matter further. In the interests of proper consultative processes and open government, I urge members to consider this matter thoughtfully and carefully. It is not yet too late to prevent the variation regarding West Belconnen from proceeding at this time.

MR MOORE (5.05): Madam Speaker, there was a great contrast between the speeches given by Mr Kaine and Mr Lamont. Mr Kaine argued logically and rationally from his perspective. He said that it was his responsibility to look at variations and to make his decision on those variations. He made it very clear - I am sure that he will be happy with the way I rephrase it - that he saw some difficulty with design and siting but that the responsibility of the Planning Committee was restricted to variations to leases.

In fact, that is absolutely correct. That being true, I can see why the committee approved the Gungahlin, Griffith and Braddon variations. The issue of design and siting raised in respect of Braddon reflects the lack of third party appeals - I think this is what Mr Kaine was referring to - when somebody knows that something peculiar is going on next door, across the road or up the street and knows what impact it will have. Most people in Canberra - although it is a very huge number compared to other places - do not know what the impact of a variation of a lease will be until they actually see a proposal for what is to go on that particular site. That is why I argued during the debate on the Land (Planning and Environment) (Amendment) Bill that there should be third party appeals at the design and siting stage. I still argue that that should be the case.

Madam Speaker, contrast the logical and rational Mr Kaine with the intimidating Mr Lamont.
Mr Lamont did not attempt to argue the logical rationale. Instead, he tended to intimidate.
Mr "Bully" Lamont dealt very lightly with the truth, Madam Speaker, when he suggested that in fact the ravings of Mr Moore were to do with the fact that he had a nature to object.
Madam Speaker, I think that we are aware that the Assembly and the Planning Committee have dealt with a large number of variations which Mr Moore has not objected to. It is not in the nature of Mr Moore to object; it is in the nature of Mr Moore to watch, to look, to weigh up.

If I think that I ought to object, in spite of intimidation, in spite of the bullying tactics of Mr Lamont - in spite of all that stuff - I will. Let me give an example. Madam Speaker, you heard the tone; you heard the language. Mr Lamont finished up by saying, "If Mr Moore continues, we are going to have to censure him". One cannot help wondering what Ms Szuty has been subjected to by the intimidating bully boy, Mr Lamont.

Mr Berry: I think there is a fairly serious imputation there, and it ought to be withdrawn. You just cannot say those sorts of things.

MADAM SPEAKER: I ask you to withdraw that, Mr Moore.

MR MOORE: Certainly, Madam Speaker. I withdraw unreservedly. Madam Speaker, what is very clear, though, and what we saw in this house is the type of intimidation that Mr Lamont is capable of. Union bully tactics that might be very appropriate within the TWU or within Labor Party factions are entirely inappropriate in a public forum and are entirely inappropriate here. We should be debating this motion in the way Mr Kaine did - logically and rationally.

I think it is appropriate, Madam Speaker, to still ask the question to which we have never had an answer. Why, after such a short time since the environmental impact statement on West Belconnen was released - and that is the issue about which there is some difference - was it necessary for the Planning, Development and Infrastructure Committee to report to you on the Friday afternoon without a member having an opportunity to come up with a dissenting report? That report could have been given to you on Monday. That is still an issue.

Madam Speaker, I think it is important that people recognise that this Labor Government that talks again and again about consultation says that this West Belconnen proposal is something that we have to rush. At the same time as the environmental impact assessment - and most of us remember the size of that environmental impact assessment - was presented in this Assembly, so too was the Adoption Bill. We will debate that Bill later today, no doubt. I am talking about the consultation process. Both of these matters, it appears, need to be rushed through.

We are beginning to think that the Labor Government is starting to respond to the notion they have not been doing anything and therefore they had better get going and do something. I have not said here that the Labor Government has not been doing anything. However, there should be time for appropriate consultation to take place. No doubt we will hear further discussion on that matter in the debate on the Adoption Bill this evening.

Madam Speaker, Ms Szuty indicated that she will be moving a motion of disallowance in respect of the West Belconnen variation. I make one small comment on that in response to Mr De Domenico. He said that I had taken a particular political interest in West Belconnen. Even with his limited knowledge of what is likely to happen in the next election, when a Hare-Clark electoral system will be in place, he must know that my chances of being involved in a electorate that covers West Belconnen are absolutely minimal, just as my chances of being involved in an electorate covering Tuggeranong and the Tuggeranong Homestead are incredibly minimal. Nevertheless, I still take an interest, as I believe all members do, in issues that affect the people of Canberra generally. That is what we were elected to do and that is what I will continue to do.

MR LAMONT (5.13), in reply: There are a couple of points that I wish to address - most importantly, those made by Mr Moore and Ms Szuty. Mr Moore ungraciously attributed a certain attitude to me. I do not believe that what he said would be supported by members of the Planning, Development and Infrastructure Committee in respect of the conduct of the business of that committee. He may suggest that it is bullying, but I am outraged that a member of a committee that I chair - I would feel the same if it were a member of a committee that I was a member of - should suggest that every opportunity had not been given to her to address the points she wished to address. In this case that is simply wrong.

Mr Moore: I did not suggest that. I am not a member of the committee.

MR LAMONT: No, but your comment about haste was predicated on what you believe may have happened. As you have now interjected, you do not know what has happened. Where you do not know, you will make it up. That is quite clear in relation to a number of comments that you made.

Yes, I am concerned that the integrity of members of the committee that I chair has been brought into question. The whole process of the Planning, Development and Infrastructure Committee that we have carefully nurtured since the inception of this Assembly has been called into question. The veracity of each of the members of the PDI Committee has been called into question. That, to me, is quite simply an outrage.

Members have defended their own integrity and the collective integrity of the committee. I say to Ms Szuty, Mr Moore and other members of the Assembly that with my last dying breath I will defend the right of any member of this Assembly to hold a dissenting view or a view different from mine. But, in defending their right to do so, there is a mark beyond which I believe it is improper to go. This afternoon I believe that we have seen Ms Szuty go beyond that mark in the comments that she has made about the integrity and the veracity of members of the committee. That will in no way affect the way in which I, as chair of that committee, intend to continue to carry out my duties and obligations. I believe that the same would apply to the way in which the other members of the committee discharge their responsibilities. Let us get that on the record, to start with. That is hardly what I would consider to be a bully boy position, Mr Moore.

Let us have a look at a couple of the specific issues. Mr Kaine raised the question of the public notification required under the legislation when matters are referred to the PDI Committee from the Planning Authority. It is at fault and should be rectified. The Planning Authority indicated to the PDI Committee, when this matter was drawn to their attention some weeks ago by Father Morozow, that indeed it is a matter which they will redress expeditiously, to ensure that the public notice goes out prior to the committee actually dealing with the matter. One of the problems and one of the reasons why it is an issue - - -

Mr Kaine: That will be very helpful, Mr Chairman.

MR LAMONT: Thank you. One of the reasons why it is an issue is that the existing legislation requires that the notification of a reference to the PDI Committee appear in a Saturday newspaper. I think that provision of the legislation was brought about by the requirements of Mr Moore. It was a quite proper proposition when you consider that Saturday's *Canberra Times* has the

largest circulation. That question is being considered by the Minister and the Planning Authority. It is appropriate that that be taken into account in relation to future proposals. That provision, I might add, did not affect the question of West Belconnen. It is unfortunate that West Belconnen has become a divisive issue among members of the committee. It has become a divisive issue, I suggest, because there has been a fundamental misunderstanding of the procedures of the committee and the legislation. It now appears that Ms Szuty may have read the legislation, so that could overcome some problems.

Not so long ago I remember the chair of the Estimates Committee, when a complaint had been made about the processing of a particular report, saying, "Well, I am the chair of the committee. I have had time to read the documents and do everything else. If you haven't, well ...". That is not the attitude which the PDI Committee adopted. It is not the attitude that I, as chair of that committee, adopted. It is not an attitude that I subscribe to. The reality is that Ms Szuty came along to the PDI Committee saying that she had not read the EIS. Mr De Domenico had; Mr Kaine had; Ms Ellis had. I, as chair of the committee, had. I knew that the matter would be discussed and be determined on that day. When material is placed before members of this committee and a process is outlined, then it is incumbent upon us to make sure that we get through the work. I, along with other members of this Assembly, have burnt the midnight oil on more than one occasion to ensure that I properly brief myself before attending a committee meeting or a meeting of this Assembly.

If Ms Szuty did not avail herself of the opportunity to read the documentation to gain whatever information she wished to gain, then she should not blame the committee or say to me, "You have not given me the opportunity". She should not say to Mr Kaine, "You have not given me the proper opportunity". She should not say to Mr De Domenico, "You have not given me the proper opportunity". She should not say to Ms Ellis, "You have not given me the proper opportunity". Ms Szuty failed to read the papers.

Mr Moore: More intimidation.

MR LAMONT: That is not intimidation; it is a statement of pure and simple fact. Yes, I am emotional about the issue, Michael, because it is my integrity and the integrity of each of the other members of the committee that have been - - -

Mr Moore: I raise a point of order, Madam Speaker. Mr Lamont should be addressing his remarks through the Chair.

MADAM SPEAKER: Through the Chair and with proper titles, too. That is the order of the day, Mr Lamont.

MR LAMONT: As I said before, it is appropriate that I address myself on the matter to the rest of the members of the Assembly and to you, Madam Speaker, because nothing I say will influence Mr Moore in relation to this matter. What we have here, Madam Speaker, is a very simple position. Ms Szuty expected the workings of the Planning, Development and Infrastructure Committee and the Government to be held up because she had not read the documents. That is not a position that any member of any other committee would be allowed to take and get away with. That is the simple fact that I hope each member of this Assembly bears in mind later in these sittings when Ms Szuty moves for disallowance of the variation in relation to West Belconnen. I commend the motion to the Assembly.

Question resolved in the affirmative.

LAND (PLANNING AND ENVIRONMENT) ACT - VARIATIONS TO THE TERRITORY PLAN
Papers and Ministerial Statement

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (5.22): Madam Speaker, pursuant to section 29(1) of the Land (Planning and Environment) Act 1991, I table four variations to the Territory Plan. I want to go into a little detail. There are some comments I want to make. I have been particularly careful to see that they are not repetitions. I seek leave to do so, Madam Speaker.

Leave granted.

MR WOOD: A number of things need to be put on the record. These four variations were referred to the Standing Committee on Planning, Development and Infrastructure, as required by section 26(2) of the Land (Planning and Environment) Act. This section of the Act also requires the Executive to have regard to any recommendations of a committee of the Assembly before approving any draft variation to the Territory Plan.

The first of the four variations relates to a proposed joint venture development between the Government and private enterprise at Harcourt Hill, Gungahlin, including the Gold Creek tourist area. This variation proposes to change the existing land use policies to permit an integrated residential, golf course and tourist development over the southern section of the area to be known as Harcourt Hill and consisting of a 250-room four-star hotel and conference facility, an 18-hole international championship golf course - - -

Mr Kaine: I have a real yen to see this golf course in place.

MR WOOD: You might move from your existing place over to there in the future. There will also be three practice holes and a driving range, a country club and other sporting facilities, serviced apartments, and approximately 1,500 dwellings. The variation will also make some minor changes to the previously planned pattern of open space, community facilities, and residential and commercial uses in the northern part of Nicholls.

The land included in this draft variation is proposed to be defined land under section 7(3)(e) of the Land (Planning and Environment) Act. This has been done to enable minor adjustments to be made to the boundaries between different land uses at the detailed planning stage without the necessity to again undertake all the processes involved in draft variations to the plan.

The proposed development has also required an amendment to the National Capital Plan because of the proposed extension of some residential development into the previously planned Gold Creek tourist area. This was carried out concurrently with the public consultation on the draft variation to the Territory Plan and has now been finalised and approved by the Federal Minister for the Arts and Territories.

Following consideration of responses received and having regard to government policy, the ACT Planning Authority revised the draft variation by adding two specific requirements to the principles and policies: High value native trees are to be retained wherever practical; and the roof line of all development on the slopes of Harcourt and Percival hills will be at least eight metres below the skyline, and generally considerably lower.

On the financial side, I advise members that the proposed Harcourt Hill development is to be a joint venture development and consequently the Government will obtain revenue from the premium for the raw land as well as a 50 per cent share of the profits. Costs of land servicing will be covered by the developer. The committee considered and endorsed this variation as proposed.

The second variation relates to a proposed joint venture development between the ACT Housing Trust and a private developer in Torrens Street, Braddon - sections 22, blocks 6 to 9. This variation will allow the construction of 34 medium density residential units, although I think that number is still subject to negotiations, on four blocks that are currently occupied by single residential dwellings. It is a good example of the Government's commitment to more economic use of inner city areas. It is also a good example of how the Government and private enterprise can work together on urban renewal. The Australian Valuation Office will be requested to revalue the blocks in question so that a determination regarding betterment can be made.

The committee considered and endorsed this variation as proposed, but in doing so drew attention to the fact that some objectors, while supporting development in this area, had concerns about aspects of the original design and siting requirements applying to the proposal. I, too, Madam Speaker, am very interested in that aspect. The ACT Planning Authority has noted those comments and is continuing negotiations with the applicant to improve the detailed architectural treatment, to ensure that the development is compatible with design elements of the area. This information was provided to the committee by the Chief Planner during the hearing last week.

The third variation relates to four sites in Griffith - section 84, blocks 4, 5, 6 and 7 - and proposes to broaden the land use policy for these sites to include residential, including medium density dwelling, multiple unit dwelling and aged persons accommodation. The old Hunters Tavern, the Regency Motel and the former Captain Cook Hotel currently occupy blocks 5, 6 and 7, while block 4 is vacant. With the exception of the Regency Motel, the buildings on the blocks are unused.

The lessees of the blocks have submitted a joint proposal to redevelop the site for medium density housing. Section 84 is well located near the employment centres of Fyshwick, Kingston and Manuka, which provide a range of retail, community and recreational facilities. The site is also well served by public transport and utility services. The proposal is consistent with the urban design and traffic requirements for the site and is consistent also with the ACT Government's policy on urban renewal.

There are no costs to the ACT Government arising from this draft variation, and I advise the Assembly that the Australian Valuation Office will be requested to revalue the property so that a determination regarding betterment can be made. The committee considered and endorsed this variation, with the recommendation that the development proposal be restricted to two storeys on McMillan Crescent.

The Planning Authority has noted the committee's recommendation and will include appropriate development conditions to reflect the committee's recommendation. This will effectively be in the form of an additional control beyond those in the development guidelines.

The final variation I have tabled today relates to West Belconnen. This variation proposes to vary the land use policies for the land described in the draft variation as areas B and C, immediately to the west and north-west of the district of Belconnen, to allow an extension of the urban area of Belconnen. I add at this stage that the Planning Authority revised the original draft variation by deleting areas A1, A2 and D after the government decision in February this year following consideration of responses received.

Area B forms an extension to Macgregor, with some special residential areas around the outer edge of the area, and will accommodate between 550 and 850 dwellings. Development will be generally single unit housing. An open space corridor averaging approximately 100 metres in width is to be provided adjacent to existing housing. Area C, adjacent to Macgregor and Charnwood, will provide for some 1,580 to 2,250 dwellings as well as a local centre, central playground and community facilities. An open space corridor of approximately 40 metres wide will be retained adjacent to existing housing.

The principles and policies relating to areas B and C are generally unchanged, except that a 40-metre-wide open space corridor is provided in area C adjacent to existing housing, the bicentennial national equestrian trail is to be relocated away from overhead powerlines in area C, and the maximum dwelling yield for area C has been increased from 1,800 dwellings to 2,250 dwellings.

Two other actions have occurred in conjunction with the draft variation. A draft environmental impact statement for this variation was released for public comment in November 1991. The EIS was finalised for areas B and C and submitted to me, as Environment Minister, along with an evaluation of public comments. I undertook an evaluation of the EIS and tabled the documents in the Assembly on 24 November 1992. A series of consultations with the NCPA raised a number of issues, all of which have been resolved and have culminated in the National Capital Planning Authority gazetting an amendment to the National Capital Plan which reflects the draft variation to the Territory Plan as submitted.

There will be some costs incurred by the ACT Government in relation to the provision of infrastructure, stream protection measures and the like. The extension of Ginninderra Drive and engineering services for the initial stages are programmed to commence in April-May 1993, subject to the approval of this variation. The design works raised in question time earlier today have never presumed a decision but have always been dependent on the outcome of the planning process. The committee considered and endorsed the variation as proposed. Madam Speaker, I have tabled the four variations to the Territory Plan.

Sitting suspended from 5.33 to 8.00 pm

BAIL (AMENDMENT) BILL (NO. 2) 1992

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.00), by leave: Madam Speaker, I present the Bail (Amendment) Bill (No. 2) 1992.

Title read by Clerk.

MR CONNOLLY: Madam Speaker, I move:

That this Bill be agreed to in principle.

Section 7 of the Bail Act creates a right to bail in respect of minor offences, which are offences punishable by fine only or by imprisonment of not more than six months. A person charged with a minor offence is entitled to be granted bail without any conditions and to be released from custody upon giving an undertaking to appear. There are exemptions to this entitlement, such as a failure to appear on a previous undertaking, that the person is in physical danger - for example, a person who is intoxicated - or that the person is otherwise in custody or that bail has been dispensed with.

This provision has the unintended consequence of allowing an automatic right of bail without conditions where a person is charged with breaching a domestic violence order under the Domestic Violence Act or a restraining order made under the Magistrates Court Act. This is because the relevant offences covering breaches of those orders are only minor offences within the meaning of section 7 of the Bail Act, in that they carry maximum penalties of six months' imprisonment.

Automatic bail in respect of minor offences is not, of itself, objectionable. The difficulty is that breach of a domestic violence order is the sort of offence where automatic bail is not appropriate. It should be noted that, if the police charge with other offences, apart from the breach of the order, then the automatic bail provision may not apply, depending on the offence. We have dealt with this in the interim by charging persons who may have breached a domestic violence order, if there has been no violence, or threat or violence, with assault so that bail may be refused.

The Bail (Amendment) Bill (No. 2) 1992 contains an amendment to the Bail Act 1992 to provide that the right to bail found in section 7 of the Act for minor offences does not apply to the offences of breaching a protection order under the Domestic Violence Act 1986 or a restraining order under the Magistrates Court Act 1930. The amendment will return the law to the same position that prevailed before the commencement of the Bail Act, which occurred last Saturday. The Community Law Reform Committee is conducting a review of domestic violence legislation and is examining, as part of its reference, more stringent bail provisions for persons who breach domestic violence and restraining orders. That review should be allowed to run its course before any other changes are made to this area of law.

The Bill contains one other minor amendment that would enable such offences as are prescribed to be excluded from the operation of the automatic bail provision. This second amendment is being proposed as a cautionary measure in case there are other offences that come to light which in the public interest should not attract the operation of section 7. I hasten to stress that, if any such offence was prescribed, the instrument so prescribing the offence would be disallowable, so Assembly members would have the opportunity to review any action that the Executive took. Madam Speaker, I commend the Bill to members of the Assembly, and I present the explanatory memorandum to the Bill.

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

ADOPTION BILL 1992

Debate resumed from 18 November 1992, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MRS CARNELL (8.04): The Liberal Party welcomes this legislation. It is a massive improvement on the past, and it modernises the whole approach to adoption. It will unify and consolidate legislation that was previously scattered over six different Acts.

Mrs Grassby: Are you going to support it, Kate?

MRS CARNELL: Yes, we will support it. Unfortunately, we cannot agree to passing this legislation into law today, and Mr Connolly has himself to blame for this. Earlier this year I expressed my concern, as did other members of the Liberal Party, on various issues in this legislation, particularly - - -

Mr Connolly: And we changed to reflect your concerns. You have had a win.

Mr Kaine: Why don't you stop interjecting?

MRS CARNELL: Thank you.

MADAM SPEAKER: Thank you, Mr Kaine.

MRS CARNELL: I expressed my concern about a number of issues, some concerning international adoption, in a meeting that, by the way, I arranged with Mr Connolly. Mr Connolly indicated that when the Bill had progressed further he would arrange a briefing. This briefing, unfortunately, never occurred.

Mr Connolly: That is a lie.

Mr De Domenico: I take a point of order, Madam Speaker. I ask the Attorney to withdraw that.

Mr Connolly: Madam Speaker, I offered a briefing to Mrs Carnell; it was not taken up.

Mr De Domenico: On a point of order, Madam Speaker: I have asked the Attorney to withdraw.

Mr Connolly: I withdraw that it was a lie. I offered a briefing to Mrs Carnell. It was not taken up.

MADAM SPEAKER: Thank you, Mr Connolly.

MRS CARNELL: I was referring to a briefing, as I just said, that Mr Connolly indicated that he would give before the Bill was tabled. Unfortunately, he elected to introduce the Bill and then to give the Assembly only one week to examine it. Yes, he did offer a briefing on the last day of the last sitting, all of one week ago, after the legislation was tabled; a briefing that, unfortunately, due to commitments of committees and other things - I am sure every member of this Assembly has been flat to the boards in the last week - we have not had an opportunity to take up.

The draft Adoption Bill was originally released in February, I think, or possibly March 1992, which is some 10 months ago.

Mr Connolly: You do not know. That shows your interest in this matter.

MRS CARNELL: The Minister has certainly had a very long time to settle questions in his own mind and to his own satisfaction, and I will make a comment about February 1992. The draft legislation that I have has that date at the top. Equally, from spending a lot of time looking at newspaper articles and so on, there is some indication that it could have been March. That is the reason why there are two different dates, but my copy certainly has "February" at the top.

The Minister seems to believe that other members of this Assembly deserve only one week, after he and his party have had 10 months to look at this legislation. I might add that we had been in contact with Mr Connolly's office to see whether we could get a copy of the final legislation prior to its introduction. Again, that legislation was not forthcoming. We have made our best efforts to assist in getting good consensus on this legislation. If that consensus had been achieved prior to the legislation being tabled, this Bill could have been passed quickly. The problem is definitely with the people on the fifth floor.

Mr Connolly: So, are we going too fast or too slow? What is the problem? You wanted it more quickly?

MADAM SPEAKER: Order, please! Mrs Carnell has the floor.

Mr Connolly: Madam Speaker, I apologise; but sometimes I do get provoked.

MADAM SPEAKER: Thank you, Mr Connolly. Let us have a bit of order, please.

MRS CARNELL: To be fair, views being expressed by us and other non-executive members of our staff on various provisions of this adoption legislation have been incorporated in the final draft that Mr Connolly - - -

Mr Connolly: Yes.

MRS CARNELL: If you would listen to the whole speech you would understand. However, there are still a number of aspects of the Bill which are contentious. In particular, and this was canvassed often before the legislation was tabled and after, we have a number of concerns in the area of international adoption. That is not by any stretch of the imagination our only concern. There are also concerns raised by some parties about the process of consent surrounding adoptions and that the birth mother may not be given enough support when considering this vital decision.

Another important series of concerns relates to the mechanisms of review in this legislation. I am not happy that there is no mechanism for reviewing adoption decisions, apart from the Administrative Appeals Tribunal or an internal procedure over which the director of the adoption service has full control. In fact, the legislation relies entirely on the Administrative Appeals Tribunal for any independent review.

Mr Connolly: And the Ombudsman and the Supreme Court and the Federal Court.

Mr Kaine: Madam Speaker, I take a point of order. We heard the Minister in silence when he presented his defective Bill. He has an obligation to sit and listen in silence to what the Opposition thinks about it and not to conduct a debate on the subject.

MADAM SPEAKER: I remind members of the standing orders that require silence. Please continue, Mrs Carnell.

MRS CARNELL: I believe that the legislation should incorporate its own independent review procedure which would be fair, just, economical, informal and quick - something which, unfortunately, the AAT often is not. As I said, these questions remain. We need to arrive at a rational, well-informed conclusion to these issues. We are not here merely to rubber stamp the Minister's views on the issue.

Certain aspects of this Bill, in particular those provisions relating to international adoptions, appear to be formed by a one-sided view of the issue. Again I say that we were not given an opportunity to be part of the consultation period or even to be briefed on where it was heading at any time during the 10-month period. The current provisions for international adoption are motivated by legitimate concerns, and I do not deny that these concerns have a very definite place. All the same, I believe that in catering for these concerns the legislation may not have been totally fair. I say "may not" again because we were not party to anything on this legislation until a week ago.

The problems faced by those trying to adopt from overseas must also be taken into account, and I believe that in most cases that has been done; but there are still a number of people who have concerns. Because we have had this legislation for only a week, we have not been able to canvass those concerns. In clause 56 - an area of the legislation that Mr Connolly seems very concerned about, as that is all of the information I seem to have been getting in the last day or so - the Bill makes a blanket imposition on people trying to adopt from overseas regardless of their particular circumstances or the requirement of the country of origin.

Subclause 56(3) in particular appears at a glance - remember that we have had the Bill for only a week - to be unjust because it allows the director to levy compulsory fees on those making adoptions from overseas. This may be a breach of UN conventions - for instance, article 21 of the UN Convention on the Rights of the Child and article 24 of the draft Hague Convention on Private International Law.

These conventions prohibit governments from discriminating against a child based on its origin of birth - something, I am sure, that we would all totally support. I believe that these arrangements that this Government has chosen to put in place may - and again I say may - be at risk of doing just that. They are imposing a 12-month supervision period on all overseas adoptions, but they are making no such requirement in the case of local adoptions. In any case, these arrangements have a very real potential to put bureaucracy in the way of human happiness. Many people have found that the arrangements are not to their liking. I am sure that we can come up with a solution that will overcome everyone's concerns in this area if we are given an opportunity.

As I said, in catering for legitimate concerns surrounding the international adoption process, those drafting the legislation seem to have gone to an extreme and down one path only. There appears to be a view that we can cater for only one side of the story, and those who are trying to adopt from overseas who do not quite agree with the mainstream view appear to be told that they can really go to hell. I must admit that I differ from that view, having had a week to look at the legislation. I believe that we can pass excellent adoption legislation which addresses all sides of this story and which presents itself as a win-win solution for all the different parties involved, be they the adoptive child, the birth parents, the adoptive parents or any of the various agencies involved.

On the provision of information, dealt with in Part V of this Bill, such a solution seems already to have been generated. The removal of information vetoes has the potential to be a great step forward on the draft legislation, and we think this allows for a more understanding approach to this whole area. I also think it leaves us with rules on contact and on the provision of information which have worked very well in other States, particularly in New South Wales. Why can we not get similar commonsense consensus when it comes to other aspects of this legislation?

In retrospect, perhaps the legislation should have been considered formally by a committee before the Assembly saw it at all and before it got to this stage. As I see it, a week is just not long enough to adopt an informed position on this important Bill, and that is why we believe that it needs further consideration. I believe that the legislation should be referred to the Social Policy Committee over the Christmas break. The legislation can be dealt with promptly before the Assembly sits next year.

Mr Connolly: The committee cannot meet until February.

MRS CARNELL: Why?

Mr Connolly: Ms Szuty is on holidays in January.

MRS CARNELL: I am certainly prepared to give my time, rather than be in the pharmacy, to consider this issue in depth before the Assembly resumes. Admittedly, it would mean a short delay; but I believe that it is a reasonable one in the interest of developing an informed consensus and ensuring that the legislation is properly scrutinised by all parties, in very stark contrast with other Bills that we have seen lately.

I was interested that a number of individuals and groups involved in the adoption area, even as late as yesterday, have not had a chance to read the proposed legislation, let alone give an informed view on it. For his part, Mr Connolly has whipped up a certain amount of hysteria about the referral that we are now proposing. His own department has already said that the passing of the Bill will not mean immediate access to information because they need time, maybe up to six months - remember that we get a week - to make the necessary arrangements. I can see no reason why the department cannot start putting those arrangements into place now in readiness for the legislation that will be passed next year. In the meantime, aspects of the Bill must be considered, and I urge the Assembly to vote that the Bill be referred to the Social Policy Committee when I move that motion later, after the in-principle debate. Again I say that we support this legislation in principle.

MR MOORE (8.18): Madam Speaker, all members are often very well supported by our staff and it is very rare for members to formally recognise that. With reference to this particular Bill, I think it appropriate for me to recognise the tremendous effort that has been put in by Tina van Raay of my staff in helping me to stay abreast of developments in this legislation and to understand the range of issues associated with it. I would like to formally thank her for her wonderful contribution.

Adoption Acts were intended to protect from exploitation and inadequate care children who could not be cared for by their birth parents and who needed to be raised by other families. In its early years adoption was quite open, with all parties knowing each other's identity. The notions of secrecy and complete severance of familial ties which have been associated with adoption were later developments. Until approximately 20 years ago there were more children needing adoptive families than families wishing to adopt. Provided they were assessed as suitable, people who wanted to adopt a child could usually choose from a number of children, with a minimal waiting time.

Unsupported birth mothers were encouraged to place their children for adoption as it was believed that this would enhance their child's life chances. The children's best interests were thought to equate with long-term financial and material security. There was no support for single mothers and it was thought that it would be in their best interests to get on with their lives and forget the child they had lost through adoption, as if that were possible. I wonder how many among us here tonight, especially women who have given birth, would ever forget that they had once had a child. The situation led to a belief in the community that adoption was a ready way of creating families for childless couples, a logical choice for people unable to have their own children. The fact that the primary purpose of adoption is to find families for children who need them was often obscured.

However, times have changed and the view of adoption as the placement of newborn babies with childless couples as an ideal solution to the problems faced by all parties is no longer sustainable. Over the past two decades the number of babies needing adoptive parents has dropped dramatically. Changes in family structure, societal and legislative change, improved sex education, improved accessibility to contraception and financial support have all contributed to the changing composition of adoption. There is no distinction in the law between children born within marriage and those outside of marriage. The stigma previously associated with illegitimacy has almost disappeared. In addition, and very importantly, the sole parent pension has given single mothers a real option since 1972, even when family support was not available. This support from the Government has resulted in a massive drop in the number of children being offered for adoption, thereby reinforcing the fact that lack of financial support was one of the important factors contributing to women relinquishing.

In the wake of these changes has come questioning of whether the traditional view of adoption is appropriate to society today. Reported experience has shown that secrecy and severance was never in the best interests of the adoptees or birth parents in the past. Modern adoption requires a new approach if it is to remain as a viable option for children needing permanent care in the twenty-first century. It needs to be flexible enough to meet the needs of the three parties - the child, the birth parents and the adopting parents. The needs of each will change over time as the child develops, circumstances alter and life experiences accumulate. I applaud the Government for taking heed of the review of New South Wales legislation which clearly validated that secrecy, which was previously referred to as privacy, was the cause of long-term illness and dysfunction, and that an honest approach based on the best interests of the child is paramount in the ACT Adoption Bill.

Adoption legislation has had a major impact on many people's lives in this country. In 1992 there were 250,000 people in Australia, birth parents and adoptees, actively searching for their severed child, birth mother or father. It is well and truly time to change a situation that was fraught with secrecy, and a denial of basic rights which gave very unhealthy mixed messages about ownership rather than parenting. The bulk of this legislation, I am very pleased to say, has improved remarkably from the draft Bill circulated in 1991, and the Minister deserves congratulations on that. This new Bill reflects the experience gained from reviews conducted in New South Wales and facilitates information and contact exchange previously denied to those adoptees and birth parents.

However, there are some serious concerns about some elements of this legislation that I believe must be rectified before we proceed, and I will refer specifically to the clauses as I go through them. Clause 26 states that consent cannot be made under 28 days, as it should. When you read that in conjunction with subclause 34(3), it leaves the way open for an adoption order to be made legal in under 28 days but not less than seven days. I believe that subclause 34(3) should read "28 days". Subclause 34(3) currently reads:

> An adoption order shall not be made pursuant to an instrument of consent signed by the mother of the child before the expiration of 7 days after the day on which the child was born ...

Consent given before at least 28 days, I believe, is to be avoided. Many birth mothers have testified that they were urged to give up their babies before they were ready. I would venture to say that such a serious decision cannot be reached within a period shorter than 28 days. Now that we are learning more and more about postbirth blues, postnatal depression, the health benefits of breast milk and long-term dysfunction as a result of severance made too early, we ought to ensure that under no circumstances should consent be made too early. Rather, we ought to err on the side of the child being older than grant consent any earlier. So, that is the first issue that I think needs consideration.

The second issue that needs consideration, I believe, has to do with subclause 46(1), which reads:

> Upon the making of an adoption order, the adopted child acquires the domicile of the adoptive parents at the date on which the adoption order was made and after that date the child's domicile shall be determined as if the child had been born in lawful wedlock to the adoptive parents.

Subclause 46(2) reads:

> The domicile acquired under subsection (1) by an adopted child shall for all purposes be deemed to be also the child's domicile of origin.

Does this mean that the Government intends to perpetuate a lie that will inevitably be found out when the adoptee, who is no longer a child, receives information on his or her origins? Or is it simply a mechanical system of ensuring citizenship rights for adopted children? Surely the Government is not intending to continue the past mistakes of deceiving a human being and encouraging adoptive parents to collude. I have a question over that. Madam Speaker, I support the Bill in principle very strongly, but there are some areas that I have questions about and those are the ones that I am going to raise.

The next matter that I wish to deal with is subparagraph (b)(ii) of subclause 55(2), which states:

> the Director or the principal officer of a private adoption agency has, before the adoption in that other country, agreed to the placement of the adopted child with the adoptive parents and the child is placed in accordance with the conditions of approval of the adoptive parents;

That indicates that there are some conditions set by the adoptive parents. I think that that is not the intention of the clause. The intention of the clause seems to me to require words something like "placed on". Perhaps it should read, "the conditions of approval placed on the adoptive parents". Perhaps this is correct in terms of drafting, but it certainly is not plain English. It could be read to mean conditions placed on the parents.

Madam Speaker, I can manage to draw attention to these matters in spite of the very short time that I have had to deal with this Bill, thanks to the fine work done by Tina van Raay on my behalf. Subclause 56(i), I think, has been dealt with in general terms by Mrs Carnell, but I will make a comment. We need to have evidence and sound reasons as to why supervision of overseas adoptions, after

the adoption has occurred, is necessary apart from those adoptions from countries where it is a requirement. I can understand that support is desirable and often necessary, but supervision only for parents adopting overseas seems to me inappropriate. If there are reports of adopting parents abandoning or abusing their babies in the first year, we have mechanisms for dealing with that already, as indeed for any parent. I think there is a case for support visits made to those parents adopting overseas, especially when those adoptees are in their teens and need to know their heritage.

Even stranger, though, Madam Speaker, is subclause 56(3). I think this subclause should be deleted. It says:

> Where the Director supervises the welfare and interests of a child -

remember that the director has decided that he or she is going to do the supervision; it has nothing to do with the choice of a parent -

> under this section, the Director may require payment by the adoptive parents of the child of a fee not exceeding the determined fee.

I think this is entirely inappropriate. Perhaps it has been put in there under a user-pays concept. However, in this case the user is forced to do something at the will of the director and then is charged for it. I think that is an entirely inappropriate way to go about it. So, there are a few further concerns that I have raised, Madam Speaker; but there are others in this Bill that Mr Connolly wants to push through tonight.

Clause 65 deals with medical information and I will read it. It says:

> Where, under this Division, information concerning the medical or psychiatric condition of an applicant for that information or of a birth parent, birth relative or child of the applicant, may be disclosed, the relevant authority may, if the authority considers that the disclosure might be prejudicial to the physical or mental health or well-being of the applicant, refuse to disclose the information to the applicant personally and instead may disclose it (without identifying a person other than the applicant) to a medical practitioner nominated by the applicant and approved by the authority.

This means that medical information can be passed from one doctor to another rather than given directly to the applicant. This legislation applies to people seeking medical information about others; but it also includes seeking information, as I read it, about oneself. It seems to me that an applicant has a basic right to his or her own medical information long before a medical practitioner.

You may have the AMA view - if it is its view; it probably is not - that a medical practitioner is entitled to information about one's medical information before oneself. Whilst I can accept that that might be important in terms of a third party, I think there are real questions - and I am just raising them as questions at this point - of a deploringly patronising stance taken by the medical profession who believe that a patient does not have the right to know. The legislation should

reflect an applicant's right to know and perhaps if any prejudicial information is to be given it could be given jointly to an applicant and their medical practitioner together. I can see that that could make some sense in some strange extenuating circumstances.

Madam Speaker, I now go to clause 89. Clause 89 relates to an offence, and the penalty is a $50,000 fine or five years' imprisonment. It is a serious offence; there is no question about that.

Mr Connolly: Yes, kidnapping, Michael.

MR MOORE: Mr Connolly interjects and says "kidnapping". If we were dealing with kidnapping it would be an even more serious offence. In one sense it is kidnapping, but we have to take into account the emotional stress of a birth parent in this particular case. Whilst I consider it a very serious offence - I am not taking away from it, even from the kidnapping side of it - there is a question in my mind as to the level of the penalty. I would certainly ask how that level was determined. If it were just plain kidnapping, Mr Connolly, I am sure you would agree that it would be at the same level as the offence of kidnapping, which is higher than that - if I remember correctly, 12 years, and maybe $100,000.

Madam Speaker, I now move to subclause 94(1), which is even more interesting. As if the other clauses were not enough for us to say that this Bill needs further consideration, subclause 94(1) tops them off. Subclause 94(1) refers, amongst other things, to the notion of surrogacy. Whether it does it purposefully or not I am not quite sure. It certainly includes that. I have not heard any debate in the public about the notion of surrogacy. The last time anything was heard in public about surrogacy that I can remember was in April 1991 when the then Attorney-General - I think it was Bernard Collaery - said that residents should be aware that it was contrary to the adoption of children, that there would be uniform national legislation about surrogacy and how difficult it was to deal with the issue.

The question now is whether this is part of the uniform national legislation on surrogacy or is in here just by stealth. These are just questions. Is this the definition of surrogacy? I hear an interjection about whether this really is surrogacy. *(Extension of time granted)* Thank you, members. Madam Speaker, when I phoned parliamentary counsel today I said that it seems to me, on my reading of this, that it deals with the issue of surrogacy. Parliamentary counsel, always helpful, said yes, that it does, in a indirect way, deal with surrogacy. One definition of surrogacy is the creation of a child with a deliberate intention of separating it at birth from its mother. It is basically, as I see it, a cruel and dehumanising process of buying babies.

The underlying and severe problems with surrogacy - and this debate has not got into the public arena are: That children are treated as commodities; that the surrogate mother suffers psychological trauma and guilt associated with breaking the bond developed with the child in utero; that the children suffer from confusing family relationships and inability to obtain information about their biological origins; and that the surrogate mother is treated as a means to an end, a commodity, a baby-making factory. It exploits women and is destructive to the family of the woman who acts as a surrogate. In short, all the evils that this legislation is trying to address appear to come up with this issue of surrogacy, and it does address them. I am not suggesting to Mr Connolly that in some way it says surrogacy is okay. I am not intending to give that impression at all.

It is part of banning it. I am not saying that, but there still has been no debate on this issue. There is a huge difference between adoption and surrogacy in that in adoption a family seeks a child in need of a family and with surrogacy one creates a child for adult needs.

It seems to me, Madam Speaker, that if we are going to address surrogacy we should do it properly. This is the point that I am really getting to. If we are going to address surrogacy we should ensure that any contract that is drawn up with relation to surrogacy - this is what is missing now, Minister, and this is what I am getting to - should be considered invalid. That should be part of the law. So, if we are going to deal with it, and the Bill does deal with it, let us deal with it fully and properly.

It is appropriate, Madam Speaker, that we give credit where it is due. What we have now is a vastly improved Bill over what had been presented to us as a draft. The process that Mr Connolly has been through has been an excellent process. It has come up with a very good result so far. Mr Connolly saw another process like this. When we dealt with the Prostitution Bill it happened in reverse. There was an inquiry by this parliament that went through a tremendous amount of public consultation and brought down a whole series of issues. Then Mr Connolly decided that it was appropriate for him to get a government response. The overall full job embraced a parliamentary inquiry, a parliamentary response, a government look and a government response.

What is so different in our saying, "You have had a government look and a government response; now we want a parliamentary look and a parliamentary response"? Keep in mind that, in Mr Connolly's case, once the initial investigation had been carried out the Government response was very brief and relied heavily on the work done by that committee. In this case, if the Bill is to go to the standing committee all it should deal with is the issues that have been raised this evening. It is not necessary to redo the Bill. It is not necessary to open up, for example, the information veto question. That is the first thing.

Madam Speaker, I know that in some ways and for some reason the Minister seems to feel jilted on this issue because he expected it to go through this year.

Mr Connolly: No, the community feels jilted.

MR MOORE: The Minister interjects, "The community feels jilted". The only reason the community could possibly feel jilted is that the Minister has given them some indication of a promise that he would deliver by the end of this year, which he said he did, and he is not in a position to deliver like that unless he gets the numbers first. It is not up to him to deliver; it is up to this parliament to deliver. That is the difference. We would like to be able to do it, but we prefer to do it properly. What we are going to see, no doubt, is the Minister standing up here and doing what he does best in full debate. There is no question that we will see Terry Connolly flying on, debating beautifully, and there is no question that he does it extremely well.

When we look coldly and seriously at what we have in front of us, we have a Bill that has a series of questions hanging over it, and we as members have a responsibility to ensure that we have those questions resolved before we deal with the Bill in the detail stage. There is no question that the Bill in general, with the exception of those few areas that I mentioned - there is only a handful

of them - is an excellent Bill. There is no doubt about that. There is no doubt that those issues still need to be dealt with in a lot more detail than can be dealt with by a few amendments tonight. The appropriate way to deal with them is to ensure that we work together on them in the same way that we have done with a series of other Bills in this house, the Electoral Bill being a very good example.

It seems to me that one of the questions that have been raised here by the Minister is that this will delay the whole process. That, of course, is absolute nonsense. The ball is in the Minister's court. We have made very clear tonight that we are talking about some small parts of the Bill. He can easily go back to his department and say, "Right, we know that this Bill is going to go through; we know that it is going to go through by the end of February". I give you my commitment on that. That is the commitment on my votes. That is what I am telling you.

Mr Kaine: How can you do that?

Mr De Domenico: How do you know?

Mr Connolly: The Liberal Party seem to have some difficulty with this, Mr Moore.

MR MOORE: That is right. I am telling you. That is what I am giving you in terms of my votes - by the end of February.

Mr Lamont: Could you repeat that?

MR MOORE: I have said it. It is in *Hansard*. If you act appropriately now, Minister, and instruct your department appropriately, the community need lose no time whatsoever and we will still come up with the best possible Bill. That is what we are after and that is what is possible. I hope that by the end of February all members of this Assembly will have pulled together and we will have contributed to making this the best possible Bill.

MS SZUTY (8.41): In principle, I too agree wholeheartedly with the majority of people who feel that the ACT needs a comprehensive Adoption Act. The process has been a long and involved one which in reality started in 1986 following the Human Rights Commission review of adoption legislation. As rightly stated by the Minister in his presentation speech, the ACT's laws were a hangover of the 1960s in which governments of the day did not address issues of social policy. Mothers of children born out of wedlock were castigated and their babies described as illegitimate. Thus the 1980s and 1990s have been left to resolve the dilemmas that have arisen from the long neglect of the area of adoption policy.

This proposed Act deals with many issues, although on reading through the Minister's presentation speech it would appear that the proposed Act is about only access to information about adopted children and birth parents. This is not the case. The Adoption Bill covers a wide range of issues including, possibly, surrogacy, as mentioned by Mr Moore, and overseas adoptions. These issues have been addressed in a variety of ways by the different States, but I believe that with this Bill we are hoping to cover all the aspects of adoption for all children and young adults who are in need of parenting by people other than their birth parents.

What we need following the passage of this Bill is a stable environment in which adoption can take place. The adoption process needs to be accessible and flexible and to meet the needs of all parties involved, with a bias towards the welfare of the child. The final Bill passed by this Legislative Assembly should reflect these needs. This is why I too will be supporting the motion to refer this Bill at the detail stage to the Social Policy Committee. The Assembly's committee process is best placed to address the concerns that have been expressed about the Adoption Bill, to consider and reflect upon them, and hopefully come to an agreed position regarding them. This process, as Mr Moore suggested, need not take a long time. It is, of course, up to the committee to determine the extent of inquiry needed. We are not talking about major changes here; just the finetuning which should occur following the presentation of a Bill of this kind in the Assembly.

There have been two notable occasions this year when such a process of committee referral would have been helpful and advantageous to the operations of the Assembly. While not wishing to reflect on past debates, the Animal Welfare Bill required substantial alteration by the Government in the detail stage, and that Bill had been developed over a similar timeframe to that of the Adoption Bill. The Bail Bill will also require refining because of unexpected consequences relating to offenders apprehended in domestic violence cases; but, like the last example, if we do not get the finetuning right at this stage, we risk personal suffering for people who could become seriously disadvantaged as a result of the errors.

Individually sponsored amendments worked out on the floor of the Assembly today may not necessarily give us a coherent Adoption Act. If we need to change this Bill, or even if not, there needs to be a consensus reached on the issues raised as concerns by various community members and groups. Madam Speaker, I support the Adoption Bill in principle.

MR HUMPHRIES (8.45): Like my colleague Mrs Carnell and others who have spoken in this debate, I also rise to support in principle the Adoption Bill which we are considering tonight. I concede, at the outset, that it is a major breakthrough in this area in the ACT's package of laws. Adoption is an area of enormous sensitivity, in terms of both the way that governments and administrations deal with the facilitation of adoption and also the way in which it occurs in individual families. It is difficult, Madam Speaker, to satisfy all the elements of a complex equation which make up an adoption in any given case; but what we have to do in this Bill is attempt to find a solution which is in the best interests primarily, I believe, of the child and of all those involved in these arrangements to the maximum extent possible.

Adoption legislation has been tremendously controversial in other jurisdictions in Australia. We have seen such intense debate, such enormous division, in the community about some aspects of adoption in other States, that it is true to say that in some of those cases at least it actually has been harmful to the process of adoption. I must say at this stage that the process of adoption is one which I strongly support. It is a facility which we need to make sure exists in our community. Perhaps it is unfortunate in one sense; but I believe that, given human nature, it must continue to exist and it must be made available to those who feel that they need to take advantage of the process. We have the benefit today of other States' experiences in building their own adoption packages, and I think that we can, as a result of that experience in other States, now build a better legislative basis in the ACT for the conduct of adoptions.

Madam Speaker, I still have serious concerns about some elements of the Bill, and I know that others in this place do as well. I have to say at the outset that I will not be a party to legislation in this place which either is or has the potential to be substandard in some way. I cannot be sure that this Bill, which was presented in its final form just 20 days ago, albeit similar in some respects to legislation tabled at the beginning of this year, is entirely up to scratch, and for that reason I will be supporting the motion foreshadowed by Mrs Carnell to move this matter to the Social Policy Committee for consideration.

We have seen tremendous angst on the part of the Government, tremendous stamping of irritated feet, because of this view that this should be adjourned. Madam Speaker, that attitude reflects, in my view, an approach to the conduct of legislation which I will never accept, and that attitude is that the passage of a Bill through parliament is the last and the least important stage - that the legislation needs to be put through in order to put it on the statute books. There seems to be the view in some quarters that parliament is merely a rubber stamp which simply puts its imprimatur on legislation already worked out carefully by the Executive in other places. I know that I sound like a broken record on this subject because I have said that many times before; but unfortunately, Madam Speaker, it has to be said again and again because this Government, regrettably, does not appear to be unwilling to keep testing the issue.

The Minister in particular has been extremely upset about the approach that has been taken, and I assume that we will hear his point of view in the near future. He said earlier in the debate that the community feels jilted because the Assembly has had the audacity to want to refer this matter to a standing committee of the Assembly for examination for a couple more months. I must state my view, Madam Speaker, in response to that: It is not the role of government to decide what is or is not the view of the community. The Government is a single party which received a large percentage of but by no means a majority of the votes at the last ACT election. The entire Assembly is the best indicator of the view of the community, and the entire Assembly must have the chance to consider properly legislation which is put before it. If the Assembly, at least in its majority, cannot approve that legislation, it should not go ahead.

Madam Speaker, I have concerns which I do not wish to air tonight in great detail. There was extensive consultation by my party some months ago - in fact, I think, in the middle of last year - particularly about the vexed question of access to information. I remain concerned about that issue. The view which was put to my party and which my party has adopted as a result of consultation it conducted at that time is a different view from the one which is put forward in Part V of this Bill. I am prepared to concede the possibility that that view is no longer the correct one and to consider whether that should not take account of changes in important places like New South Wales. I am certainly mindful of the experience which has occurred in New South Wales and that certain things have happened or not happened in New South Wales which might lead us to believe that we can accept some of the provisions in this arrangement. But, Madam Speaker, I am not yet ready to reach that conclusion and I want to make sure that I can reach that conclusion before I support this Bill.

I therefore say to those in the community who will feel disappointed if this Bill is not passed tonight that the result of this delay, I am sure, will be a stronger Bill at the end of the day. I am certain that, if I were to put this Bill in front of a large number of people in the community who have been affected in some way in their lives by adoption, there would be many who would say, "I disagree with something in this piece of legislation". While that remains the case we still have a job to do. That job, Madam Speaker, I think, will be done best by the Social Policy Committee. I believe that the committee will be able to sort out at least some of those problems and ensure that what we deal with, hopefully next February, will be an improved and, as far as possible, as far as we can determine, a sound and solid piece of legislation for the purposes of adoption in this Territory.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.52), in reply: Madam Speaker, normally at the conclusion of the in-principle debate I am in the fairly happy position of getting up and saying, "I thank members for their contributions; I think you have made a positive contribution to debate and we will get on with the matter". Unfortunately, tonight is not such an occasion. What we have heard for just about an hour has been the biggest collection of mealy-mouthed platitudes that I have heard since I have been in this chamber. You all get up and say that there is a need for change in adoption law; that we have to have more open adoption; that there is a pressing need for reform; that the community desperately wants change; but then you say that you will not do it. You will not do it because you want to make a political statement about the Government.

Mr Humphries's speech best expressed this. Mr Humphries distinguished himself in his remarks by not making a single comment on the detail of the Bill. Mr Humphries's remarks were all about the Assembly having to show that it will not be a rubber stamp for the Executive. That is what he was talking about. There was no comment about adoption law; there was no canvassing of the issues of adoption law; the Assembly has to show that it is in charge.

I can accept, Madam Speaker, and this Government can accept, that there is a legitimate role for committees to scrutinise Bills. It is a good concept. I have said to members opposite that some of the new legislation that we are going to bring in next year - the de facto legislation is the best example of new, innovative, reformist legislation - could be referred to a committee for a consultation process. But, Madam Speaker, this Bill has been in the public forum. I quote the *Canberra Times* of 20 May 1992, which said that six years ago a Federal Minister in control of ACT affairs announced a wide-ranging review of the ACT's adoption laws. This process has been going on for six years. A lot of people in this community have poured an enormous amount of intellectual and emotional energy into getting this law before this Assembly, and you people are going to flick it off.

Madam Speaker, we hear about the Bill that we introduced last week and that we want people to vote on. Madam Speaker, the Bill contains 121 clauses and there have been changes to nine clauses. Mr Moore at least made an effort to provide some criticism of the Bill. I also give Mr Moore credit for being a member of this Assembly who has taken an interest in the Bill. On 7 May 1992 Mr Moore was sufficiently informed on the detail of the Bill. He takes his responsibilities quite seriously and he got a copy of the exposure draft, which was featured on the

front page of the *Canberra Times* back in March with a big headline, "New ACT adoption laws set out". A big subheadline said "ACT Govt invites adoption feedback". Mr Moore took it upon himself to interest himself in the Bill and issued a press release. "Adoption Bill too secretive, says Moore" was the headline in the *Canberra Times*. He was critical about what we called then the privacy provisions and he called secrecy provisions.

Mr Moore: And you responded appropriately.

MR CONNOLLY: Quite appropriately, Mr Moore. At the end of the day we changed our mind. I note that the *Canberra Times* editorialised in a similar vein on 20 May. The overwhelming view of the community, as I said in the introduction speech, was that we had taken a too restrictive approach; perhaps a too conservative approach. We based our model on the Queensland model. We changed our mind to bring it into line with New South Wales. That and age were the two issues that were contentious. We had a provision which had a statutory age bar. I note that during the election campaign the Liberal Party, which again then was interesting itself in this issue and then seemed to know all about the draft legislation, said that they would move against the age bar. Well, we have moved against that.

Madam Speaker, my staff did a little bit of work in the library because they wondered why there was a lot of agitation this week from Mrs Carnell and Ms Szuty to delay this legislation. This was the most important issue for those two members and it had to be delayed. We had a little look at how much interest they have taken in this Bill to date. As I interjected on Mrs Carnell, I offered to every member of this Assembly - I include Mr Stevenson, who is not here at the moment - access to my officers for full briefing on this legislation. It was not taken up.

Mrs Carnell: When?

MR CONNOLLY: When it was introduced. When it was introduced in its final form. In fact, Madam Speaker, I probably breached Cabinet confidentiality by telling members opposite in advance of our formal decision to depart from the restrictive Queensland model and to move to the more open model. I told members that that was the direction in which we were heading. So, mea culpa; I did that. So, they knew what we were doing and I offered every member access to my officers for detailed briefing. Did they accept it? No.

This is the most important issue tonight; it has to go off to a committee; it has to be delayed. All those members of the community who are desperately wanting access to this more open adoption law have to cool their heels for months because these members think it is so important, and they did not even accept the offer of briefings from my officers. More than that, Madam Speaker, when my officers had a look in the library they found the fascinating feature that Mrs Carnell, who is the spokesperson on this issue, has managed to get herself reported 177 times this year, according to the press clippings. Somebody went down and counted them.

Mr Moore: That is in the print media.

MR CONNOLLY: In the print media. Has she spoken on adoption, Madam Speaker? Not one word. So, this is the most pressing issue. Sorry, community, you have to be delayed. How important is this issue? She has not said dicky-boo. Madam Speaker, Ms Szuty has managed to get herself reported in the print media 128 times - she is doing quite well - but, again, not a word about adoption. Madam Speaker, these are the members who are making the big political exercise tonight. Mr Humphries was talking all about politics. He was not talking about adoption law. He was not talking about adoption issues. He was talking about politics. He was saying, "We have to show that we are not a rubber stamp". How much have they thought about adoption law in the last nine months since this was tabled? They have not had a word to say.

Mr Moore, as I said, at least has made the effort to come through and quote lots of clauses and raise lots of problems. Even Mr Kaine interjected, "Look how flawed this is", when listening to all the clauses that Mr Moore quoted. Most of the clauses he quoted are identical, word for word, comma for comma, apostrophe for apostrophe, to the clauses as they stood in March. Clauses 26 and 34, he says, are fundamentally flawed. There is no change. Clauses 46 and 47 are fundamentally flawed. There is no change. Clause 65 is fundamentally flawed, he says. There is no change. Clause 89 is appallingly flawed, with the penalty provision. There is no change. Clause 94(1) is this sneaking in of the surrogacy provisions; the sneaky Government introducing something by stealth. There is no change. Madam Speaker, this was simply, from Mr Moore, an attempt to justify the delay. He ran through clause and subclause and pointed out these issues that he says are fundamentally important and show flaws in the Bill. Madam Speaker, not even an apostrophe was changed in those clauses. This law has been in the public domain since March. Mr Moore has had plenty of opportunity to discuss it or to raise issues with me or my officers. As members know, we take a very open approach to legislation. On the Prostitution Bill, we sat down round a table in my office and debated issues. I would be delighted to do that with this Bill.

The one clause where there has been a bit of change is clause 56, which relates to foreign adoptions. I have said to all members on a piece of paper that I circulated this afternoon, and I say again, that if that is what is concerning you let us send that off to the Social Policy Committee. I think you are fundamentally wrong on that, as does the Adoptive Families Association; so I am happy to debate that issue at any forum any time. But let us do what the community groups are urging. Let us leave that issue aside and I will give you an undertaking that I will not commence that clause until the Social Policy Committee reports, whenever it reports. Mr Moore said, "I will guarantee that it is by February", and the Liberal Party members fell about laughing, saying, "How can Mr Moore guarantee when something will happen?". That is quite correct, Liberal Party.

I am prepared to give an undertaking on behalf of the Government that we will not commence that clause if you will put the Bill through, because there are a lot of people who are desperate, Madam Speaker, to get access to that adoption information. When the ACT first moved in this direction, well before self-government, six years ago, as the *Canberra Times* editorial said, ironically the ACT was then seen to be in the forefront of reform in this area. We are now at the position that we will be the last in Australia. Only the ACT and the Northern Territory were lagging, and the Northern Territory will probably catch up with us. We were in a position where we could have had this through over the next couple of weeks. We have been through one of the most extensive processes of debate and consultation on any piece of legislation going back six years.

The Bill that was exposed in March differs from the Bill introduced to this house in nine clauses. Fundamentally, they relate to opening up access to information, which Mr Moore has called for. Again I give Mr Moore credit for taking an interest in an important issue of public administration and expressing his viewpoint. As we have opened it up we are reflecting in the ACT the position that the New South Wales Liberal Government adopted some two-and-a-half years ago. So, that is the fundamental change.

The other change that we introduced is to do away with what was a statutory age bar, which, coincidentally, Ms Sutinen, who was a candidate for the Liberal Party, called upon us to do during the election campaign. So, Madam Speaker, these stealthy changes that we are accused of introducing reflect the community demands and also, incidentally, a statement that was expressed by Mr Moore some months ago and the statement of the then Liberal Party spokesperson, who at least should be given credit for commenting on this issue, which Mrs Carnell has not done up until now when she now says, "Let us adjourn it; let us not debate it".

Madam Speaker, I am very disappointed that we have taken this course of events. We could have advanced this law fully through to passage, if not tonight, over the next few days. In the week or so since it was formally introduced there has been an offer, not accepted, for full access to my departmental officers to brief opposition members on any queries they have about it. If there were substantial issues that the Opposition had, they could have raised them with me. The other issue that Mrs Carnell raised was review rights. There are no review rights, says Mrs Carnell.

Mrs Carnell: No independent - - -

MR CONNOLLY: Well, no review rights apart from the Administrative Appeals Tribunal, apart from internal review, apart, of course, from the Ombudsman who can also review it, and, of course, apart from the Administrative Decisions (Judicial Review) Act, which gives a right of review to the Supreme Court and the Federal Court. So, apart from internal review, Administrative Appeals Tribunal review, Ombudsman review, and Supreme Court review and Federal Court review, there is no review. For heaven's sake, Madam Speaker, what other form of review is there? Decisions under this Act will be as accountable as any form of decision making in ACT administration. I think Mrs Carnell said, "Oh, there should be some sort of independent complaints ombudsman". So, what does she want - a separate ombudsman for this Act as opposed to other Acts? Nonsense! It is mealy-mouthed nonsense, Madam Speaker, in an attempt to justify to the community groups the delay of this Bill. The only substantial problem that the Liberal Party can come up with is overseas adoptions and I reiterate the offer, "Let us put the rest of the Bill through and deal with overseas adoptions separately".

Madam Speaker, I am disappointed this evening that members opposite have decided to play this game with this Bill; but my disappointment, I think, is as nothing compared to the disappointment of community groups that have been working on this legislation right back to six years ago when the review was first announced and when hope was offered that the ACT then would lead the country in open adoption. Tragically, we are probably now going to be last in the country. The responsibility for that, again, sadly - - -

Mrs Carnell: Is yours.

MR CONNOLLY: Madam Speaker, I will not say where the responsibility for that rests. I will let the community decide. I know how they will decide. Madam Speaker, I urge members to support the matter. I should also, before I sit down, formally present the explanatory memorandum, which was not formally presented, but I think was circulated.

Question resolved in the affirmative.

Bill agreed to in principle.

MRS CARNELL (9.06): I move, pursuant to standing order 174:

> That the Adoption Bill 1992 be referred to the Standing Committee on Social Policy for consideration and that the Committee report back to the Assembly by 23 February 1993.

I will speak only briefly because I think everything has been said, and after those really quite outrageous comments by Mr Connolly it is very hard to speak at all. This motion includes the reporting date. If Mr Connolly's department moves appropriately to implement the pieces of the legislation which have been supported quite openly here tonight by all on this side of the house, the areas of the legislation that Mr Connolly's department suggested would take six months to get in place anyway, there should be no delay at all.

For the Social Policy Committee to report by 23 February is a very tight timeframe, but I put it forward in the motion because we understand the concerns of many groups in the community. It certainly does put pressure on the committee. I am fully aware of that and we spent a large amount of time deciding whether we should do so. Equally, everything done in this house should represent a balance between the rights of various people. I believe that the Social Policy Committee can bring down a report by that time, which will allow it to be debated in the next sitting.

I believe, quite strongly, that legislation of this magnitude, as I already commented in my speech, is too important to pass when many of us have not had an adequate opportunity to make sure that it does what the Minister says it does. We have had experiences of the other side of this house not getting it right. We do not want it to happen with this one. I again state that I do not believe that this motion will slow down the provision of information to those who want it, if the Minister chooses it not to.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.08): Madam Speaker, I want to make only two points. One concerns this complete furphy about six months. I asked my advisers some seconds ago how quickly we could be operational if we pass this Bill tonight. It is a matter of weeks. So, Madam Speaker, that is simply nonsense. The Opposition now claim that we could get ourselves geared up to be operational in any event. The problem is that we just do not know what you people want. It is basically open slather. If this Bill goes to the committee we just do not know what will come back. We do not know what your points are. It is complete fairyland stuff. So, Madam Speaker, let no-one have any confusion here; you are voting to delay the Bill.

The other point that I wish to make, which I forgot to do earlier, is this: I wave a lovely rainbow coloured selection of documents. This demonstrates the extent of the community consultation. This is the range of pamphlets that have been circulating in the community since early this year advising people of this Bill. The process of community consultation on this legislation has been extensive and massive, and you people are thumbing your noses at it. Madam Speaker, the Government strongly opposes this motion because the Government wishes to deliver modern, up-to-date adoption legislation to the people of Canberra. We do not think that the people of Canberra should be the last in Australia to enjoy that.

MR MOORE (9.10): Madam Speaker, it is a pity that Mr Connolly chose this method to attempt to whip up the community. The reality is that had he wanted to keep his promise he did not have to delay the Bill by introducing it at this stage in December. He could have got it through his Cabinet process much earlier. That is the reality of the situation. This Minister could have got it to us the sitting beforehand and we would have had time to deal with it appropriately. To put a Bill on the table in a sitting week and expect with one week's break that the rest of the members will then say, "Carte blanche, okay, away you go, that is fine, Minister", is entirely inappropriate.

If Mr Connolly is right in saying that the members of the Adoptive Families Association think that Labor has done an absolutely wonderful job on this, and if the rest of us believe that the processes of this parliament need to be appropriate and we need to be held accountable and responsible for our decisions and the way we make them, then so be it. That is the way it goes. The reality is, Madam Speaker, that Mr Connolly has given some commitment that he would push this through this year. It was a commitment that he was not entitled to give. He can give a commitment that he will do his best, and there is no doubt that he has done his best, and nobody can take that away from him, to get this Bill through this year.

There is going to be a minor delay at the most. My understanding was that this Bill, like many Bills, was going to take at least six months to deal with. It seems to me, Madam Speaker, that we have to make appropriate decisions on the way we deal with each Bill. It was said that the Bill sat on the table for just on three weeks. Two of those were sitting weeks, and in the third week almost every backbench member here spent at least half the time sitting on committees - - -

Mr De Domenico: The Territory Plan, for a start.

MR MOORE: Apart from dealing with the Territory Plan that was released and a series of other things.

Mr Lamont: The Territory Plan took 15 minutes.

MR MOORE: Madam Speaker, I hear an interjection from Mr Lamont that the Territory Plan took him 15 minutes. He is an incredible speed reader if that is the way he dealt with it, unless I have misinterpreted him.

The other issue is that Mr Connolly suggested that Mrs Carnell has made 127 statements or something along those lines. His staff have looked in the media to see what sorts of statements people have made. I dare to inform Mr Connolly that some members make their comments in other places. Some of us make comments as well for the electronic media, both radio and television, and we also

speak to groups of people, formally and informally. So, there are other times. I do not know how many comments have been made on this issue by either Mrs Carnell or Ms Szuty, but searching the library is an inadequate way of dealing with this issue.

The other point that the Minister raised was that nobody had accepted his invitation to be briefed on the Bill and to deal with the issue since this last form of the legislation was tabled. That is correct. I have explained the amount of time that I had. I simply had a full diary and it was impossible to find the time to do that. That is the first thing. The second thing is this: Minister, perhaps you commented on this and I missed it, but you will recall the large number of times that Tina van Raay from my office and I went to your office and discussed this Adoption Bill prior to that.

Mr Connolly: And we delivered on all those points.

MR MOORE: Indeed, you met the concerns that we had. Had we not had this particular arrangement of two sitting weeks, a week off and then a further sitting week, perhaps we would have been able to do it in that way, but the reality was that there simply was not time. Minister, I now reiterate that how quickly this can be put into action after February will come back to you.

MS SZUTY (9.15): I said in my in-principle speech that this issue has been discussed at length by the various groups directly involved with adoption. Draft legislation has been available for some time and the Government also has been working on the Adoption Bill for some time. I would like to take the opportunity to remind members, as Mr Moore has done, that the Adoption Bill 1992 was tabled by the Minister for Housing and Community Services, Mr Connolly, on 18 November. As Mr Moore rightly points out, members will be aware that since that time there has been only one week's break between sitting periods, when most of us have been involved in public hearings and finalising reports as members of various Assembly committees.

The Adoption Bill was scheduled for debate today and it is interesting to note that the Government has only two Bills, tabled during the November sittings, to be debated in this sitting period - the Adoption Bill and the Housing Assistance (Amendment) Bill, which will be debated on Thursday. It is also noted that in this sitting period there are 10 government Bills listed for introduction. It needs to be remembered that once the adoption legislation is passed it will take some weeks before the legislation is gazetted, which will allow the Housing and Community Services Bureau time to consider the ramifications of the legislation.

It seems entirely unreasonable to me, as Mr Humphries pointed out earlier this evening, to ask the ACT Legislative Assembly to consider this landmark legislation in the shortest possible timeframe. This stage of the process of considering the legislation is the most important stage. We, as Assembly members, do ourselves a great disservice if we do not take the time to carefully consider the legislation and its ramifications before its passage. An appropriate mechanism for doing this is for the Bill to be referred to the Standing Committee on Social Policy for further consideration.

This morning Mr Connolly described the proposed action by Liberal and Independent members to refer this Bill to the Social Policy Committee as treating the matter as a political football. What could be further from the truth? The whole modus operandi of Assembly committees involves members of those committees discussing issues and resolving difficulties in a non-partisan political manner. It seems to me that the best way of resolving issues concerning adoption is through this process.

Madam Speaker, I understand the hopes and expectations of some members of the community who wish to see the Adoption Bill passed today. However, to debate the Bill in one day, following a lengthy lead-up process, with an extensive period before gazettal to follow, would be to give scant regard to the role of this Assembly. I believe that the community will be better served by the Social Policy Committee and, at a later stage, the Assembly considering the Bill once multipartisan support has been achieved. I commend Mrs Carnell's motion to the Assembly.

MR STEVENSON (9.18): I understand that some people would like to see this Bill passed today. However, there are others who believe that it is wiser to spend more time. The key to legislation is not what happens before the Bill is tabled in this house or any other parliament. What is in a draft Bill and what is discussed may not be in the Bill that is tabled in the parliament. We have seen this again and again in this house. The animal welfare legislation is one example. At the last minute, amendments were presented to ban animal circuses. If it were not for the same members in this house tonight who will vote to allow more time for this Bill, that legislation would have been passed without anyone having the opportunity to comment on it. Mr Wood stretches a little and makes a couple of noises, but he knows full well that again and again in this Assembly the ALP would ram Bills through with no opportunity for people in the community to have access. Do not worry about just other members of the Assembly whom you talk about again and again; what about the community?

The Electoral Bill was the result of a fraudulent referendum on the people of Canberra in that it did not give us a choice of a single electorate, which most people prefer and which the Australian Electoral Commission recommended. That was another example of a Bill that you would have put through in about a week. That is what you would have done. Let people know what you think of their rights to look at legislation. What you say legislation means and what we actually find within the clauses of legislation quite often are two entirely different things. I make it a point not to listen to the tabling speech, and usually not to read it. I find that it is just misleading. The way to find out what the Bill means is to read the Bill, and that takes considerable time.

This Bill, which is longer than the Australian Constitution, has 51 pages. People in Canberra believe that there should be a minimum of two months from the time any legislation is tabled to the time it is improved by this Assembly. The delay in this matter will not be considerable, and it is something that we should make sure happens. It is not a matter of passing a Bill; it is a matter of passing the right legislation. I am sure that the Social Policy Committee and the people that are concerned about this will have that opportunity.

Mrs Grassby: Dennis, I bet you are worried about them. Like hell! You could not care less.

MR STEVENSON: I did not hear what Mrs Grassby said, but we all know that there are many suggested amendments to this Bill. They will have an opportunity - - -

Mr Connolly: No, I have not heard of a single one. No-one has suggested an amendment.

Mrs Grassby: There is not one amendment, Dennis. You ought to check your facts before you get up to speak. You would not even know, Dennis.

MADAM SPEAKER: Order! Mr Stevenson has the floor.

MR STEVENSON: I find it interesting that some of the members of the ALP say that there is not one amendment. I have seen many amendments.

Mr Connolly: I haven't. Show me. Table them, Dennis. You said that you have seen them.

MR STEVENSON: I will make sure that you get copies. Okay?

Mr Connolly: Where are they?

MR STEVENSON: I said that I will make sure that you get copies.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (9.22): It has been interesting to sit here and listen to this debate. People have stood up, barefaced, and said that they have not had long enough to consider this matter. I have in my hand the draft Adoption Bill 1991. It says that there are 122 clauses in it. The Bill that reached the table here had nine changes to that Bill. This Bill and all of the paraphernalia that went with it, Madam Speaker, went to these people who complain about not having enough time to look at the matter; it went to these people in March. Now, Mr Stevenson, do not stand up and say that you have not had enough time. It went to you in March.

Mr Stevenson: I did not say that I had not had enough time. I talked about the community.

MR BERRY: Well, you had plenty of time. You certainly have plenty of time. Sitting up there in your luxuriously staffed office and not spending much time in the Assembly, you certainly would have had plenty of time. I wish you had spent a little bit more of that time looking at the legislation with the view to assisting with its passage through this Assembly and helping those people in the community who want access to the sorts of provisions provided herein.

Madam Speaker, this essentially boils down to a bunch of people wanting to put their scent on a piece of legislation, yet they are not prepared to put any effort into providing changes to fix the flaws that they allege are - - -

Mr Moore: That is not true. That is a lie. That is a lie.

MR BERRY: You are not, Michael Moore. You have been grandstanding on this issue all along. Let us be very clear on this issue. There has been plenty of time to consider this. There has been plenty of time to conjure up amendments, if that is what you want; but none of you have done it.

Mr Humphries: How do you know?

MR BERRY: None of you have done it. Where are they?

Mrs Carnell: We are not debating it in detail.

Mr Humphries: We have not got to the detail stage yet.

MR BERRY: I rest my case. The community will be your judge.

Question put:

That the motion (**Mrs Carnell's**) be agreed to.

The Assembly voted -

AYES, 9	*NOES, 8*
Mrs Carnell	Mr Berry
Mr Cornwell	Mr Connolly
Mr De Domenico	Ms Ellis
Mr Humphries	Ms Follett
Mr Kaine	Mrs Grassby
Mr Moore	Mr Lamont
Mr Stevenson	Ms McRae
Ms Szuty	Mr Wood
Mr Westende	

Question so resolved in the affirmative.

NON-GOVERNMENT SCHOOLS FUNDING - INQUIRY REPORT
Paper

Debate resumed from 19 August, on motion by **Mr Berry**:

That the Assembly takes note of the paper.

MR CORNWELL (9.28): Madam Speaker, this report of the inquiry into territorial funding of ACT non-government schools, otherwise known as the Berkeley report, is a report that the Government was obviously reluctant to debate. It was released to the community, I remind members, in July of this year during an Assembly recess, but not tabled in the Assembly at that time, of course. It was formally tabled in the Assembly in the second week of the August sittings and only, I might add, after prodding by me during question time. Why is the Government not keen to debate the report? I put it to you, Madam Speaker, that it is essentially because the Government is really in a no-win situation.

The report has made various recommendations that, if implemented by the Government, would end up alienating either the government school sector or the non-government school sector, and perhaps both in one or two cases. Despite the obvious dangers to the Government, however, I believe that the report does need to be debated. It cannot be ignored. It cannot be ignored and needs to be debated, Mr Wood, if only because time and money have been expended upon it.

I understand that some $51,309 between February and June was the total expenditure. The annual report of the department, I notice, gives a $30,000 figure. Certainly, there was an expectation in the educational community that a debate would take place, and that I propose to do now.

I would like to go through the recommendations, Madam Speaker. Recommendations 1 and 2 really concern individual schools. The Liberal Party agrees with recommendation 1, which I remind members calls for a review of Canberra Grammar School's level of category 1.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

NON-GOVERNMENT SCHOOLS FUNDING - INQUIRY REPORT
Paper

Debate resumed.

MR CORNWELL: The Government's initiative in seeking redress has the Liberal Party's support, and we regret that the Keating Federal Labor Government has rejected these representations made in the interests of correcting a financial injustice which resulted in Canberra Grammar being the most underfunded school, in Commonwealth terms, in Australia.

While the Liberal Party supports the ACT Government's approach to Federal Labor on this matter, we are not blind to the underlying reason for the Follett Government doing so. It is very simply a cynical move which this Government knows will cost it nothing. It will cost it nothing to pass the blame for Canberra Grammar's financial injustices over to the Commonwealth. In so doing, the Follett Government attempts to minimise its own actions in the 1991-92 budget which stripped $350,000 from Canberra Grammar. Hardly the action, I put it to you, of a government really in sympathy with Canberra Grammar School's government funding problems. The removal of this cushioning is, I note, a decision that the Berkeley report, regrettably, has upheld at recommendation 3.

At recommendation 2, we would certainly not oppose the AME's incorporation into the government system, provided that the AME was agreeable and the issue of the school's education philosophy and ethos could be resolved to AME's satisfaction.

Of the remaining recommendations, the majority can be regarded as unremarkable, though not to say uncontentious, with almost half being accepted, sometimes with minor qualifications, by the non-government school community. For example, a new method of funding non-government schools to a percentage link with government schools, which is recommendation 4, and a working party to examine needs based funding, which is recommendation 7, have met with general cautious support. Although heavily qualified, there is a preparedness to examine - and I would stress that word - the new funding scheme set out at recommendation 5. Much more consultation and investigation is needed upon these three recommendations, however.

Recommendation 9 is another recommendation welcomed by the non-government school community and is vigorously supported by the Liberal Party. There is no doubt that the interest subsidy scheme is crucial both to the establishment of new non-government schools and to the refurbishment of existing non-government schools. Unfortunately, as the ACT grows and the demand for non-government schools correspondingly increases, so too does the demand for more funds through this scheme, not only for these new schools but also for the refurbishment of the increasingly older original non-government schools. As Berkeley pointed out at page 80:

> A number of the non-government schools operate on facilities at a standard considerably below that provided in the government schools ...

Opponents of non-government school education might care to ponder on that statement and ask themselves why parents continue to opt for non-government schooling for their children, often at considerable financial cost, when the facilities at the school are less than can be found in the government system.

Governments too should take note of the statement and the implied warning that the situation can only get worse, not better, with increasing demands for a higher level of funds to be made available under the interest subsidy scheme. The Liberal Party therefore awaits the Government's response to recommendation 9 with great interest, conscious that the interest subsidy totalled $1.8m actual in 1991-92 and is estimated at some $2m for 1992-93.

Perhaps one solution, Madam Speaker, to the ever higher and higher interest subsidy demands as our established non-government schools grow older and new schools are sought in new areas can be found at recommendation 10. It represents a radical departure from what normally occurs and raises a very fundamental question about the application of government action on disposal of non-government school land and building assets.

This recommendation, members will be aware, recommends that such surplus facilities be sold and the proceeds of the sale shared between the Government and the non-government authority concerned. From my own limited research it appears that it is not quite possible, due to government policy, for the Government's share of the profits to be allocated specifically for educational purposes. However, I see no reason why the splitting of the proceeds between the Government and a non-government authority should not be entertained, particularly if the non-government proceeds are used for educational development and to relieve pressure on the interest subsidy scheme.

A sharing and use of the proceeds for such purposes also would go some way towards mollifying the critics of non-government schools who argue that the disposal of such property represents a windfall gain because the non-government body paid nothing for the site in the first place. Again, Madam Speaker, we await with interest the Government's response to this innovative suggestion.

Similarly, recommendation 12 to establish a non-government schools consultative committee is supported, and we urge speedy resolution of this recommendation. Two other recommendations, No. 6 and No. 13, have been generally criticised. The first refers to per capita grants to non-government schools being at two levels, K-6 and 7-12. The non-government school sector seeks three-level per capita funding in conformity with the three levels of education now existing in the ACT, and the Liberal Party concurs with this sensible suggestion.

Recommendation 13 seeks more statistics on expenditure of government provided funds to non-government schools. The Liberal Party will support the recommendation only if it means that such statistics to the ACT Government are instead of those now going to the Commonwealth; otherwise we join with the non-government schools in rejecting what is simply more unproductive duplication of financial information.

I turn now to the three recommendations which have caused the most comment and concern. They are, of course, recommendations 8, 11 and 14. Recommendation 11, which calls for the sharing of resources, is opposed not so much for its content as for its compulsion. Certainly, the Liberal Party recognises that there can be substantial capital savings in the provision of joint facilities such as gymnasiums, libraries, et cetera, but this sensible pooling of such resources will call for detailed negotiations.

The inference in recommendation 11 that non-government schools be forced to cooperate is unfortunate and is probably unintended. The Liberal Party would certainly support any pooling of resources if it were sought by both the government and non-government sectors and could be beneficial in the provision of education, particularly in new areas; but we will not support any attempt to force or coerce unwilling participants.

Recommendation 8 probably caused the most concern among the non-government school communities, principally because Mr Berkeley did not appear to have recognised the distances travelled by non-government school students in the ACT. Whether or not this is desirable is not the point. Labor government policies of restricting the development of new non-government schools to new areas has obliged students to travel, so that travel from one side of the city to the other is not uncommon for many non-government students. Therefore, to suggest that options should be examined for transport, and I quote Mr Berkeley, "beyond the nearest appropriate non-government school" simply does not make sense. It ignores parental choice, either religious or academic, and the availability of places in a school, even one of choice or one that is in fact the nearest appropriate. A case could be made for a thorough examination of school bussing, but in the context of this report the Liberal Party does not support this recommendation's thrust.

Finally, recommendation 14 is a strange suggestion which, not surprisingly, has been almost universally rejected. Again, Mr Berkeley, does not seem to appreciate the very real philosophical differences and religious wishes that lead people to seek non-government education for their children. Such convictions will not be easily set aside and, I submit, it might be desirable, for the sake of diversity alone, that they not be.

To talk about integration of both sectors - and again I quote the report - "while still allowing the non-government schools to retain the important aspects of their present character" is, to my mind, a contradiction in terms. Certainly, much more investigation would need to be done before such an integrated system as has occurred in New Zealand could be instituted in the ACT. Granted, the Berkeley report recognises this and suggests that it may take place by way of a "broadly representative ministerial committee"; but I suggest that there needs to be the willingness to enter into discussions before even this step can take place and that to date there is no indication of any such interest from mainstream schools, either non-government or government.

The Berkeley report, it seems to me, has been something of a nuisance in its recommendations and therefore something of an embarrassment to the Government as to what action it needs to take upon the recommendations. I am aware, Madam Speaker, that the Government is examining some of the less contentious issues arising from the report and I look forward to receiving advice as to its decisions upon these matters as soon as possible.

As to the others, I believe that most can be discounted if the cooperation of the non-government sector is not forthcoming for their implementation. In saying this, I exclude from such a fate the breaking of the funding nexus at recommendation 4, the new funding formula outlined at recommendation 5 and the proceeds sharing suggestion at recommendation 10. These are recommendations that I believe warrant further detailed examination and negotiation involving the non-government school sector. I certainly have found a willingness on the part of that sector to cooperate and, providing there is no further erosion of, and ideally an improvement in, funding levels, or no diminution of levels of independence currently enjoyed, some good might come from - - -

Mr Wood: You want the best of about 10 different worlds.

MR CORNWELL: Yes. I am speaking on behalf of the non-government sector.

Mr Wood: You want more and more independence and more and more money.

MR CORNWELL: Some good might come from these recommendations in the Berkeley report itself; but, Mr Wood, the Liberal Party awaits the Government's response to these important recommendations, and we assure you and your Government that you will not be allowed simply to ignore them.

MS SZUTY (9.42): Madam Speaker, in its report to the ACT Government in June 1991 the Belconnen Region High Schools Task Force, of which I was a member, recommended, firstly, that the ACT Government be asked to examine and reassess the inherited Commonwealth territorial policy for funding non-government schools, and, secondly, that application of the criteria for education resource index or ERI categories for determining public funding of non-government schools in the ACT should be reviewed. These recommendations were based on consolidated community and professional views that the funding of non-government schools in the ACT has an impact on parental choice of school and consequently on enrolment levels in government schools. As quoted in the report:

> ... under current arrangements the large part of ACT and Commonwealth Government funding to non-government schools is guaranteed for extended periods against budgetary fluctuations. In circumstances of fiscal restraint, budget flexibility in school funding is obtained mainly from the government school sector. The guaranteed funding of the non-government schools thus creates the danger that fiscal restraint will lead to a reduction in the quality of schooling available in the public education sector.

Following the release of the task force's report, the Minister for Education and Training, Bill Wood, announced an inquiry into Territory funding of ACT non-government schools to be conducted by Mr George Berkeley. Mr Berkeley had had previous involvement with ACT public schooling and, in 1987, along with Mr Noel Kenway, produced a report on the structure of the then ACT Schools Authority. Mr Berkeley completed his current report in July of this year and since that time the Department of Education and Training has conducted further consultations with key education groups to examine options for the Territory funding of non-government schools in the future. The Berkeley report is an extensive and comprehensive one comprising recommendations about the future funding of non-government schools.

Madam Speaker, I referred earlier to consolidated community and professional views that the extent of non-government school funding directly affects the level of enrolments in government schools. The reaction of the Australian Teachers Union ACT branch and the ACT Council of Parents and Citizens Associations to Mr Berkeley's recommendations reflect their support for priority funding for public schools.

Mr Cornwell: It is all so predictable.

MS SZUTY: I will come to that, Mr Cornwell. The reaction of the Parents and Friends of ACT Schools to Mr Berkeley's recommendations reflects their support for no loss of funding for non-government schools. Clearly, the ACT Government faces a dilemma in terms of the future funding of non-government schools, and a further extensive consultation process with groups such as those mentioned is essential for any degree of consensus to be achieved. This may in fact never be the case and the Government will need to take tough decisions which are deemed to be appropriate in tough economic times.

Given that the non-government sector can be expected to oppose any of Mr Berkeley's recommendations which might result in a reduction of funding to ACT non-government schools, it is appropriate to explore the comments offered so far by the two major public schooling groups, the Australian Teachers Union ACT branch and the ACT Council of Parents and Citizens Associations, to the key recommendations. I thank Mr Cornwell for taking the approach of addressing the recommendations from the point of view of the Parents and Friends of ACT Schools. It is interesting to compare the Australian Teachers Union ACT branch's views on the Berkeley recommendations with the ACT Council of Parents and Citizens Associations' views, and I, like Mr Cornwell, will go through the recommendations and speak on them in turn. The first recommendation is:

> That the ACT Government actively supports the application of the Canberra Grammar School to the Commonwealth Government, through the Department of Employment, Education and Training, for a review of its level under the Commonwealth funding category.

The ATU view is opposed; the Council of P and C Associations is not opposed. What is being sought here is a review of Canberra Grammar School's education resource index funding category. A review does not necessarily mean that the ERI funding category will be changed. In fact, the Belconnen Region High Schools Task Force recommended that the ERI funding categories of all ACT non-government schools should be reviewed.

The second recommendation concerns the AME School and its incorporation into the government school system. The ATU agrees with this proposal, with conditions. The Council of P and C Associations endorses this recommendation. My colleague Mr Moore has commented previously on the need for negotiations to occur which would enable the AME School to be incorporated within the government school system. The Australian Teachers Union has particularly noted that staffing, enrolment and financing policies must be similar to those of comparable government schools and must be compatible with system needs. Recognising that the AME School caters for particular students, scope may be found which will enable the AME School to be staffed and funded along the lines, perhaps, of the School Without Walls and still be an integral part of the ACT public school system.

Recommendation 3 is:

> That the 1991 decision to remove the cushioning be not revoked.

This recommendation was supported by both the Australian Teachers Union and the Council of P and C Associations. It is significant that both groups strongly supported the ACT Government's decision in 1991 to remove the funding cushion available to Canberra Grammar School, the Canberra Church of England Girls Grammar School and the AME School as originally referred to by the Belconnen Region High Schools Task Force, and confirmed by the Berkeley recommendations.

Recommendation 4 is:

> That the basis of Territory funding of non-government schools be progressively changed from its current link with Commonwealth recurrent funding to a percentage link with the equivalent cost of educating a student in government primary and secondary schools.

The Australian Teachers Union believes that this recommendation makes good sense, while the Council of P and C Associations says that the general approach of this recommendation is endorsed. This recommendation, I believe, needs further work to firmly establish what the links will be between the funding of students in both government and non-government schools. As this is one of the key recommendations of the Berkeley report, it would need to be closely examined by government before it determines its funding priorities for the future.

Recommendation 5 talks about the total amount of ACT funding for education in non-government schools and how that is determined in terms of per capita amounts from year one through to year five of implementation. The Australian Teachers Union expresses concern about this recommendation, and the Council of P and C Associations is opposed to it and in favour of other options being explored. Council has proposed that Territory funding of private schools with resources exceeding the government school cost benchmark be redirected to under-resourced non-government and government schools. It states that there is no case for the ACT Government to provide private schools with greater resources than available to government schools. I would tend to agree.

From the November 1992 newsletter of the Melbourne Grammar School, a Victorian private school currently receiving Commonwealth and Victorian Government support, it is noted that funds have recently been raised for the erection of an electronic scoreboard on the main oval. Madam Speaker, governments must continue to provide for the basic requirements of our students necessary to provide a high quality of education. It seems to me unfortunate that some students have access to the likes of an electronic scoreboard while others lack basic books and materials with which to pursue their studies.

Recommendation 6 is:

> That ACT Government per capita grants to non-government schools be made at two levels - primary (Years K-6) and secondary (Years 7-12).

The Australian Teachers Union expresses some concerns about this recommendation, while the Council of P and C Associations endorses it. Existing funding arrangements for non-government schools would seem to suggest that non-government secondary schools are overfunded and non-government primary schools are underfunded, relative to each other and to their government school counterparts. This explains to some degree the proportions of students attending government and non-government schools at both the primary and secondary levels. A far greater percentage of students attend government primary schools, while the ratio is much more even at the high school level, in years 7 to 10. The trend is reversed again in years 11 and 12, where a far greater percentage of students attend ACT secondary colleges.

Recent research by Dr Don Anderson in 1990 suggests that the balance between public and private education sectors has become unstable, and that if present trends continue government schools will become a safety net to catch the residue of children not catered for by the private sector. Evidence would suggest that this is most definitely the case in the ACT, particularly with respect to students in years 7 to 10 at high school.

Recommendation 7 reads:

> That a Working Party consisting of representatives of non-government schools, the Department of Education and Training and the Treasury, and with the power to co-opt experts, be formed to devise an instrument and the procedures to determine how funding on a needs basis can be distributed.

The Australian Teachers Union response to this recommendation is that this process must be an open one. The Council of P and C Associations' position is that it opposes this particular recommendation. Council has recommended that all funding of ACT non-government schools be needs based. This will ensure that the most poorly resourced non-government schools would be better funded, while the better resourced schools would receive less government support. *(Extension of time granted)* Funding models in other States recommend funding by needs of students, needs of schools and on a per capita basis. It is acknowledged that any major proposed changes in these areas should be open to public review and scrutiny.

Recommendation 8 says:

> In any examination of the adjustment of costs for subsidising the transport of children to schools, particularly out of their area or beyond the nearest appropriate non-government school, options for reducing services or the cost of such services to the public purse, should be devised.

The Australian Teachers Union supports this recommendation, while the Council of P and C Associations is not opposed to it. The Berkeley report has raised the very vexed question of the subsidisation of transport costs for students attending non-government schools. It is clear that non-government school students receive the greatest benefit in terms of the provision of school bus and route bus services at a heavily subsidised cost by the community. It is noted that this same privilege extends to government school students attending out of area schools. While the discontinuation of school bus services in favour of route bus services is impractical, ways need to be devised to recover more of the cost of transporting these students to and from school.

Recommendation 9 states:

> It is recommended that the funds available under the interest subsidy scheme be at least maintained in real terms and that consideration be given to increasing the amount provided annually.

The Australian Teachers Union opposes this recommendation, as does the Council of P and C Associations. Council notes that ACT non-government schools continue to be provided with free land, a subsidy which no other government in Australia provides, while the Australian Teachers Union notes that the public financial support for capital works and the provision of land has been a major factor in the disproportionate growth of the non-government sector in the ACT. It is appropriate that both groups' responses compare these arrangements with the current dearth of renovation and refurbishment in government schools.

Recommendation 10 reads:

> It is recommended that the existing policy concerning the disposal of assets (land and building) of a non-government school that is to be closed be replaced by a policy that enables such assets to be sold with proceeds being shared between the non-government authority and the Department of Education and Training and used for further educational provision.

The Australian Teachers Union opposes this recommendation, as does the Council of Parents and Citizens Associations. Council rejects this recommendation that private schools be allowed to sell land they have received free from the Territory Government and retain part of the betterment value, while the Australian Teachers Union says that it is not appropriate for private authorities to have access to the proceeds of the disposal of assets which had their origins in grants or support from the public.

Recommendation 11 concerns where non-government schools are proposed in the same area as existing or planned government schools and are seeking government financial assistance. It would be mandatory that the appropriate authorities participate in a planning exercise to determine the sharing of some school resources. The Australian Teachers Union opposes this recommendation, while the Council of P and C Associations endorses it. The council has indicated that it is willing to participate in a planned process of educational provision. The Australian Teachers Union remains opposed to the idea on the ground that sharing resources implies a lessening of resources for, and reduction in control over resources by, government schools. Some compromise is called for here. Planned educational provision of government and non-government school facilities makes economic sense. However, the sharing of resources should not be seen to disadvantage government school students in any way.

Recommendation 12 is as follows:

> The proposal to establish a Non-government Schools Consultative Committee is strongly endorsed and it is recommended that its membership and functions be along the lines proposed in this Report.

The Australian Teachers Union position on this is for the advice of that consultative committee to be public, while the Council of P and C Associations' position is that it is not opposed to the recommendation. This proposal seems to be a sensible one and complements the recently established Ministerial Advisory Council on Public Schooling.

Recommendation 13 is:

> When decisions have been made about the nature and extent of funding to non-government schools arising from recommendations of this Report, there should be set in place new measures both in relation to claims for funding and accounting to the Department for the expenditure of those funds.

The Australian Teachers Union and the Council of P and C Associations endorse this recommendation. Greater accountability measures for the expenditure of public funds are crucial in these times of economic restraint. Non-government schools should not be considered to be an exception. I seek a very short extension of time.

MADAM SPEAKER: You need to suspend standing orders to do that, Ms Szuty. Under standing orders two extensions of time are not allowed. I would recommend that you table the rest.

MS SZUTY: I seek leave to table the rest of my speech, Madam Speaker.

Leave granted.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (9.58): Madam Speaker, Mr Cornwell began by suggesting that I was not keen to debate this issue.

Mr Cornwell: No, I said that the Government was not.

MR WOOD: Well, the Government or me. That is not the case. I have had a long interest in the funding of non-government schools - the funding of all schools in fact. I find it a fascinating topic; one of interest and one of very great differences. I am quite happy to talk about it. Mr Cornwell used as the basis of his argument, I think, the fact that it was he who asked me to bring this in so that we could have the debate. That is true, and it is probably sensible to have a debate. Actually, nothing I have heard thus far tonight confirms that we needed a debate at all. I do not see it here.

Mr Cornwell made some comments. They were, in a sense, comments that I have heard before. I do not think there was anything particularly new in it, although he did make some positive comments or negative comments about the recommendations. Ms Szuty took the opportunity only to give us an account of what we knew in the setting up of this, and then strangely, I thought, read into the debate the views of two organisations who widely circulated their submission. I found that a strange contribution to the debate. I do not think the debate has added anything on the question. I do not think we needed it. I do not think people have really taken the opportunity that Mr Cornwell seemed to think was necessary.

I can say, and this is, I suppose, something new in a sense, that two recommendations are being or have been acted upon. While, in the future, the Government will come back with a detailed response to the recommendations, the Chief Minister has written to Minister Beazley about recommendation 1, the Canberra Grammar School matter, and I understand that the matter was referred to the routine review committee and was rejected. On all the criteria, Canberra Grammar School apparently fits into category 1. I note the various remarks that have been made about it, but there is no way out of that problem. The statistics, the data and all the compilations say that that is where it belongs. I would have been quite happy for Canberra Grammar to be boosted to level 2 by some review, but it was not to be. I can only assess that it has been fairly done.

The other recommendation on which there is some action, not yet complete, is recommendation 12 - the proposal to establish a Non-government Schools Consultative Committee. That was also a matter in the ALP election policy commitments, and I am moving on that. I am considering who should be chair of that, who should be members, who should be ministerial appointees, as well as those who will represent the various groups.

Mr Cornwell focused the major points of his speech on the most interesting recommendations, Nos. 8, 11 and 14. These refer to transport, new non-government schools, and maybe breaking the nexus between government and non-government schools. I suppose they are interesting from the standpoint of the schools. The recommendation they have most focused on is recommendation 5, which relates to funding and breaking the existing arrangement. I do not think there is any more critical recommendation than that one. It is one that the Government obviously is obliged to consider most seriously. Indeed, a working party has been established, with representatives from the non-government schools, to look at this matter in particular. They have had a couple of meetings at this stage and they are to report in about March next year, which I think will be an appropriate time to report. That is the recommendation that is receiving the most detailed attention. Some of these other recommendations are policy issues, but this one requires a great deal of processing of data to assess exactly the impact of the changes proposed by Berkeley.

I will conclude on the point that arises frequently, the point made by Mr Cornwell that the non-government sector wants more and more independence and at the same time more and more money. I am not sure that those two factors go together very comfortably. If there is to be more and more money, and that is an issue yet to be determined by both the Federal and Territory governments, it seems to me that there is also a requirement that they may have less and less independence because governments will take more and more active interest in what happens to that money. At present there is no direct reporting to the ACT Government about how that money is acquitted - how it is spent and how the schools are using it. There is a recommendation that you mentioned on that and I think it is sensible that we do get information. We provide substantial funds and we have not made that assessment. We rely on what the Commonwealth does because the reporting is to the Commonwealth. Perhaps a sensible proposal on that recommendation is that we get a copy of what is provided to the Commonwealth.

Mr Cornwell: Fine. There has never been any doubt about the accountability, as you know.

MR WOOD: You would agree with that and it may be that that could be the outcome. I make the point that if non-government schools are seeking more of the public resources - whether that is justified is another debate - I do not think they can also argue that they want more and more independence. I think that we have to look, as recommendation 14 does, at the longer term and the overall relationship between government and non-government schools. There seems to

be a view among some of the parents of pupils in non-government schools that they want the same level of funding, or very close to it, that goes into government schools. I believe that that is flawed logic. Then they are quite happy to top that up with additional resources that they have the ability to put in, in most cases. So, we would have a very different system, with the government school sector very much the poor cousin.

The question of the balance between the funding of government schools and non-government schools will always remain a difficult problem. It is that sort of thing that I would have been much happier to debate in some detail tonight. At the present moment in the ACT, and what happens here is not too different from what happens in the States, there is a proportion government versus non-government. That has been established over many years by political processes, often not based on anything other than political issues at the time. It is based also, and substantially, on needs of schools, and that remains the basis of Labor Party policy.

Mr Cornwell: What about freedom of choice?

MR WOOD: Wait on. It remains that non-government schools will be funded basically according to their needs. That is what started it when Whitlam first provided the funds back in 1972 or whenever. There was the near collapse of a very large segment of non-government schools, and needs remain the basis. I think we need to continue that debate and maybe determine, at some stage, whether the ratio, the balance, is really based on logic or not but we will not pursue that tonight.

Mr Cornwell suggested that freedom of choice is a factor. I think that has been misrepresented sometimes by the non-government sector. The ACT Government, like the Federal Government, acknowledges the dual system of education and the right of parents to choose the school of their choice. It is sometimes presented to me that because of the high fees at the grammar schools there is no freedom of choice. Well, there is not a freedom of choice. Most parents cannot afford to send their children there. Providing non-government schools does not necessarily, for many parents, expand the freedom of choice. That may not be the case with the Catholic sector that generally provides a comparable range of facilities.

Mr Cornwell: The same argument could be put forward if you cannot get into the school either.

MR WOOD: That is the sort of debate I would like to have. We did not quite have it tonight. Maybe another time.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Racism

MRS GRASSBY (10.09): I rise this evening to speak once again on racism. It is distressing to me to be forced to do this. However, I believe that Mr Cornwell's comments earlier today must be addressed. Madam Speaker, firstly, Mr Cornwell charges that I and my husband in some way were involved in book burning. I refute this utterly. Mr Cornwell has obviously lost the plot. I am sure that the school books that Mr Cornwell grew up with that stated that man had not walked on the moon and was never likely to are no longer used in schools. Thank goodness. I believe that Mr Cornwell would be amongst the first who would call for removal of books and material that were factually wrong, just as I believe that school material that states that one race, religion or colour is superior to another must be removed from our schools.

Madam Speaker, as for the assertion that there is no racism, I would find that laughable if it were not so serious. I have met with the parents of two little Muslim girls in Canberra who have had their veils torn off and been told by other schoolchildren to get back to where they came from, although they were born in this country. If this is not racism, then I do not know what is. Madam Speaker, may I also remind Mr Cornwell that only recently the New South Wales Education Department was forced to move several teachers from a central coast high school as the teachers' language and actions had been discriminatory towards Aboriginals. Mr Cornwell has woven an illusion for himself that does not conform with the incidents and the statistics available.

I will quote from a publication launched by the Chief Minister this year called the *Too Hard Basket*, which gives these disturbing figures. Over 86 per cent of Australian-born young people from non-English-speaking cultures in Canberra see racism as a general problem. These were 16- to 25-year-olds. Between 15 and 16 per cent of the respondents felt that teachers were racist. These figures are an indictment of our community. Even more appalling is the belief by 10 per cent of these young people that the law will not do anything to help in cases of discrimination. Mr Cornwell claims that I use only anecdotal evidence. I hope he remembers these cold hard facts and manages to become better informed in an area that has affected Australian society for over 200 years.

Racism

MR CORNWELL (10.11): Madam Speaker, I am not sure that Mrs Grassby was not in breach of standing orders in reflecting on an earlier debate today.

Mrs Grassby: You can speak on anything on the adjournment. You had better look up your rules.

MADAM SPEAKER: Order! Mr Cornwell has the floor.

Mr Humphries: That is not quite true.

MADAM SPEAKER: Order! Mr Cornwell has the floor.

MR CORNWELL: However, Madam Chair, may I briefly respond. That is all it really calls for. I repeat that I am appalled at the thought that Mrs Grassby or her husband would have burnt a book. I understand from Mrs Grassby - correct me if I am wrong - that it came from a school, so it was damaging school property, to begin with. But to have burnt any book, I think, is outrageous. I think I made reference, Mrs Grassby, to the fact that this sort of thing went on in Hitler's Germany in the 1930s. I would hope that we would never see evidence of that sort of thing occurring again in the world. I think it is an appalling indictment. She then went on to talk about something happening on the New South Wales central coast of which I was aware. I read about it in the newspapers, but I do not see that it has any relevance whatsoever to the ACT.

Mrs Grassby: The *Too Hard Basket* does, though. You obviously did not read that either.

MR CORNWELL: The *Too Hard Basket* does indeed, Mrs Grassby. I think that if you check the records - Mr Connolly might check the records as he seems to be pretty good at ferreting out information - you will find that I am the only person in this Assembly who has asked a question relating to that publication and as to what was happening in relation to the recommendations. I think the record speaks for itself. Indeed, the Chief Minister is nodding her head, so I think my position on that is reasonably well demonstrated.

Mrs Grassby: That is not what you said in your speech.

MR CORNWELL: I do not resile from anything I said. I did invite you, and I still invite you, to put up or shut up in relation to what is going on in our schools by reporting the incidents and the information to the Minister, Mr Wood. If you do not do that, I believe that you are remiss as a member of this Assembly. Of course, if these terrible things are going on in our ACT schools, as you claim, it is clearly an indictment of your Government.

Small Claims Court

MR HUMPHRIES (10.15): I want to make brief reference to a matter which was brought to my attention by a constituent. It is hard to see what else he or I can do about the circumstances of this matter, except for me to make some comments in the adjournment debate. This constituent was appearing as a party in the Small Claims Court and he claims to me that his scheduled hearing in the court was interfered with. He says to me that he was telephoned by someone calling himself Barry - I assume that that is a surname rather than a Christian name - allegedly from the Small Claims Court, to say that his hearing time had been changed.

Members may be aware that the people at the registry of the Small Claims Court - in fact, of any of the courts in the Territory, to my knowledge - do not change hearing times by ringing people up and telling them over the telephone. Of course, consumers, ordinary citizens who might be unfamiliar with the processes of the court, are unlikely to be aware of that. In this case my constituent was called and told that his hearing time had changed from 9.30 am on that day to 12.30 pm on the following day. He was also quoted the reference number - - -

Mr Berry: That sounds like the other party.

MR HUMPHRIES: I will not comment on that suggestion, but I suppose we can draw our own conclusions. He was quoted the reference number of his case. My constituent asked for the name of the caller but felt reassured when he was quoted the reference number. He thought that must indicate that it was someone from the court.

Mr Wood: The other party would know that too.

MR HUMPHRIES: Indeed. He fronted at 12.30 the following day and was told that his case had been heard at 9.30 the previous morning; that he had not appeared; and that judgment had been entered for the other party. The Small Claims Court registry knew nothing about the change of time and day, and knew that nobody called Barry was working there. My constituent obviously had been misled.

Mr De Domenico: Are you sure it was not Berry?

MR HUMPHRIES: It was Barry, I think, not Berry. Madam Speaker, I cite this case. I recount the facts of this matter as a warning to citizens that sometimes the processes of justice can be arcane. It is easy to fall into the trap of believing everything that we are told by people that sound as though they are in authority. If others can learn from the lesson of this case it would be a salutary lesson for them.

Question resolved in the affirmative.

Assembly adjourned at 10.17 pm

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ANSWERS TO QUESTIONS

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 392

Housing Trust Properties - Disposals and Acquisitions

MR CORNWELL- asked the Minister for Housing and Community Services -

(1) How many Trust properties were disposed of in 1991-92 by (a) sale; (b) demolition and (c) other means.

(2) How many Trust properties were acquired in 1991-92 by (a) purchase; (b) construction and (c) other means.

MR CONNOLLY- The answer to the Members question is as follows:

(1) (a) 78.
(b) 241 - includes 212 Melba units.
(c) 4.

(2) (a) 69. (b) 136. (c) 8.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 393

Housing Trust Properties - Repairs and Maintenance

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to the changes made recently to the ACT Housing Trusts approach to repairs and maintenance on Trust properties, modelled on the methods used in Victoria -

(1) What was the date of the changeover to the new system and why was the changeover deemed necessary.

(2) What was the cost of changeover, including the installation of the computer system, staff training, refit of premises etc.

MR CONNOLLY: The answer to the Members question is as follows -

(1) The Housing Trust implemented a new maintenance system on 3 August 1992 to provide the following improvements in client services and management information:

- Improved response to tenant initiated maintenance requests;
- An ability for the Housing Trust to cost services more accurately;
- Consistent and reliable data recording of the Housing Trusts critical information; and
- Accurate and up-to-date financial information.

The decision to purchase ISIP was made by the ACT Housing Trust in 1990 following consideration of existing public housing computer systems used by each of the State Housing Authorities.

The cost of implementing the maintenance system was $129,000 for software, $22,000 for hardware, $14,000 for staff training and $1,000 for refit of the premises.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 394

Housing Trust - Waiting List

MR CORNWELL - asked the Minister for Housing and Community Services - In relation to the waitlist for ACT Housing Trust residences -

(1) How many applications are currently on this waitlist and how many people does this represent.

(2) How many applications have been listed for (a) less than 6 months; (b) more than six months, but less than two years; . (c) more than two years, but less than 4 years and (d) more than 4 years.

(3) How many applicants currently on the waitlist are receiving rent relief.

(4) In the twelve months from October 1991 to end September 1992, how many applicants on waitlist were placed in government housing.

(5) In the 12 months from October 1991 to end September 1992, how many applications were withdrawn from the waitlist for any reason other than that they were successful in gaining public housing.

MR CONNOLLY - The answer to the Members question is as follows:

(1) As at 31 October there were 7,618 applications for public rental accommodation. This represents approximately 17,521 people.

This information is not readily available.
(3) 2,357 as at 19 November 1992.
(4) 1,502.
(5) 2,519.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 395

Housing Trust - Rent Relief

MR CORNWELL - asked the Minister for Housing and Community Services -

(1) Is there a six month residency requirement which applies to rent relief.

(2) How many people currently receive rent relief.

(3) How many of them have been on the waitlist for less than 6 months.

MR CONNOLLY - The answer to the Members question is as follows:

(1) Yes. An applicant is required to have lived or worked in the ACT for a minimum of six months.

(2) 2357 as at 19 November 1992

(3) A client whose application for registration for public housing has been approved can immediately apply for Rent Relief. When their application for Rent Relief is received the length of residency is carefully checked. The time an applicant has spent on the waiting list is not a deciding factor in approving an application and therefore this information is not recorded.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 403

Housing Trust - Individual Leases

MR CORNWELL: Asked the Minister for Housing and Community Services - In relation to the statement (Proof Estimates Transcript pp 1375-6) that the Department was doing suburb sweeps to obtain individual leases for Housing Trust properties -

(1) How many suburbs have been covered to date.
(2) What is the estimated number of properties still to be processed
(3) When is it estimated all properties will be covered. -

MR CONNOLLY: The answer to the Members question is as follows -

(1) A total of 579 leases have been completed to date. These include 221 in Richardson, 50 in Kingston, 59 in Mawson and 73 in Stirling. The remainder are spread throughout the city. 700 leases in Kambah and Charnwood are at various stages of completion.

(2) Approximately 7000.

(3) June 1995.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 404

Housing Trust - Leases to Defence Personnel

MR CORNWELL - asked the Minister for Housing and Community Services

(1) Does the ACT Housing Trust lease houses or flats to the Department of Defence for the purpose of housing defence personnel in Canberra.

(2) If so, how many houses are currently leased to the Department of Defence. - -

MR CONNOLLY - The answer to the Members question is as follows:

(1) &(2) No. However, three houses are leased directly to individual defence personnel tenants under an arrangement that existed prior to self-government. These tied tenancies exist for historic reasons, and as dwellings are vacated the properties are relet to people on the waiting list for public rental accommodation.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 421

Housing Trust - Tenant Standards

MR CORNWELL - asked the Minister for Housing and Community Services

In relation to the Housing Trust

(1) Does the Trust set a minimum standard of behaviour for its tenants in order to preserve the social amenity for neighbours of those tenants.

(2) If so, how are the tenants advised of these expected standards.

(3) If so, and the tenants do not uphold these minimum standards, what action is taken by the Trust.

(4) If no minimum standards of behaviour are set, why not.

MR CONNOLLY - The answer to the Members question is as follows:

(1) Housing Trust tenants sign a tenancy agreement when accepting a house or flat. The tenancy agreement has a clause in it that states that tenants will not be a nuisance or cause a disturbance to other tenants or occupiers of any other property in the neighbourhood.

(2) Tenants read and sign the tenancy agreements in the presence of a Trust officer who also witnesses the tenants signature on the agreement. Trust officers emphasise important sections of the agreement to the tenants and inform the tenant that legal action may be taken if persistent breaches of the agreement occur.

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(3) The Trust visits and counsels the tenants who have allegedly breached their agreements and, if appropriate, refers them to other supporting agencies. Legal action is taken against tenants who are proven to persistently breach their agreements

(4) Not applicable.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 422

Housing Trust - Printing Arrangements

MR CORNWELL - asked the Minister for Housing and Community Services -

Why are ACT Housing Trust rental payment voucher books printed in Melbourne rather than in Canberra (as stated in Tenants Newsletter No 11 of October 1992).

MR CONNOLLY - The answer to the Members question is as follows:

The Housing Trust obtained the ISIP computer system from the Victorian Housing Commission in 1991. It is cheaper for the Trust to purchase voucher books from Victoria than to have the books printed in smaller numbers in the ACT. .

3667

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 428

Emergency Rescue Services

Mr Westende -- asked the Minister for Urban Services: .

(1)Would the Minister indicate why the Annual Report 199:1-92 of. the Department of Urban Services makes no reference to the arrangements established between the Australian Federal Police (AFP) and the-Fire-Brigade (Memorandum. of - Understanding) in regard to the .supply of rescue services.

(2).Who are-the parties to the memorandum of understanding from Fire and Emergency Services; is.itthe Urban Fire--Services .or the ACT-Emergency Services.

(3) What is the operational. procedure for engaging the Fire Brigade in a -road rescue.

.(4) What is the comparative-.capability between the AFP and the .Fire Brigade in terms of trained personnel in rescue operations and in terms of equipment..

(5)Are-Fire Brigade rescue vehicles also used for firefighting; if so, how does the Fire Brigade handle a road rescue if there is also a major fire.

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

(1)The original road rescue agreement identified in the Annual Report 1990-9.1 was still in - operation at the time of the tabling of the. Annual Report. 1991-92 together with other mutual aid agreements with oher organisations for the provision of joint services.. The. Memorandum of Understanding flowing from tat agreement detailed the supply of rescue services and the responsibilities of both parties to the agreement .... Whilst. the 1991-92 report does not specifically mention the memorandum it does make mention of the responsibilities of the Fire Brigade, which includesthe road accident rescue function. A new agreement is now being negotiated which-will be identified in the Annual Report of 1992-93.

(2) The Urban Fire Service and the Australian Federal Police are the parties to the Memorandum of Understanding.

(3) Interim arrangements agreed to by the AFP and-the ACT Fire Brigade have the nearest emergency.vehicle with a trained crew, whether the. ACT Fire Brigade or AFP, attend road

accident rescues. The. crew will provide-initial rescue services until the arrival of the agency with the primary responsibility for the area. AFP Communications Centre notifies all parties.

Under the current. agreement the Fire Brigade is notified by the AFP Communications Centre of any road accident situation in the northern zone, .where the Fire Brigade has primary responsibility.

The Fire Brigade. will also provide, back up support to the APP when requested to do so or when a Fire Brigade unit is in the immediate vicinity of an accident..

(4). Fire Brigade.

Personnel trained .
100% of operational firefighters qualified to level l
rescue (specifically road accident rescue operator).
58% of operational firefighters qualified to level 3
rescue (specialist operator trained to crew the
Emergency Support Vehicle) All 8 Fire Stations are equipped with hydraulic rescue and associated equipment suitable for road accident rescue. .. Specialist rescue vehicle located at Ainslie .(temporarily located at Royal Canberra Hospital). Standby rescue vehicle used a training module.

Australian Federal Police

Personnel trained
The minimum manning level of an Australian Federal
Police (APP) ACT Region. rescue vehicle is one rescue operator and one senior operator.

A rescue operator has completed a minimum of seven weeks rescue training which encompasses a broad range .of rescue skills including road rescue. The operator is employed full-time in the APT Rescue Squad. A senior operator has completed .a minimum of seven weeks rescue training which encompasses a broad range of rescue skills including road rescue. The operator has worked two years full-time in the AFP ACT region Rescue Squad under. the supervision of a qualified senior rescue operator, and satisfied the Officer in Charge that he/she is capable of controlling a rescue incident.

Equipment available
The AFP Rescue Squad maintains two fully equipped heavy rescue vehicles which are outfitted to handle the most complex of rescue incidents: . Along wheel based four wheel drive troopcarrier is also used-to respond to rescue incidents in the mountainous areas within the ACT. The carrier also provides back up support to the ACT Ambulance Service four wheel drive vehicle.

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(5) All ACT Fire Stations are provided with equipment that is suitable for .fire and rescue situations. With the Standard Operational Procedures used by the Fire Brigade, which encompasses back-up arrangements, Assembly-Members can be assured that a suitably equipped Fire Brigade vehicle is always ready to attend any emergency incident within the ACT.

In addition to the dual functions of the Fire Stations the Emergency Support Vehicle is also available in a support role for firefighting operations, as well as. carrying equipment to .perform a range. of specialist rescue functions. Because of its -principal role as a support vehicle is firefighting operations; the. Emergency Support Vehicle is always available to respond to a road rescue incident.

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ATTORNEY GENERAL FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 431

GIO House - Minor Works

MR HUMPHRIES - Asked the Attorney General upon notice on 25 November 1992.

What Minor work was carried out at the office of the
Attorney General at GIO House, costing $6,691 (Gazette Ref. 01200)

MR CONNOLLY: The answer to the Members question is as follows:

The work involved relocation and erection of new partitions in the Government Solicitors office and the Office of the Parliamentary Counsel

The work was undertaken as a result of the relocation of the Credit Tribunal to the Magistrates Court and to subsequent reallocation of the spare previously occupied by the Tribunal, to the offices mentioned.

The relocation of the space eased the staff congestion in the respective offices.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 445

Housing Trust - Purchase Applications

MR CORNWELL: Asked the Minister for Housing and Community Services -

At 31 October 1992 how many applications were before the Housing Trust to purchase Housing Trust homes.

MR CONNOLLY: The answer to the Members question is as follows -
35.

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MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 452

Housing Trust - Tenant Statistics

MR CORNWELL - asked the Minister for Housing and Community Services -

How many current Housing Trust tenants have been tenants for (a) less than five years; (b) five to nine years; (c) ten to fifteen years; and (d) more than fifteen years.

MR CONNOLLY - The answer to the Members question is as follows:

(a) 7002
(b) 2535
(c) 1019
(d) 1522

The above figures are for current tenancies and do not reflect tenants who may have had tenancies in more than one property.

3673

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION N0 458

ACTION - Diesohol Bus

Mr Humphries - asked the Minister for Urban Services: What was the reason an ACTION Diesohol bus. was parked on the south bound side of the Tuggeranong Parkway, between the Lady Denman Drive exit and the Cotter Road exit at 11.30 am on Tuesday, 1 December.

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

Flat tyre.

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