



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

13 October 1994

**Thursday, 13 October 1994**

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

**LEGAL PRACTITIONERS (AMENDMENT) BILL 1994**

**MR CONNOLLY** (Attorney-General and Minister for Health) (10.31): Madam Speaker, I present the Legal Practitioners (Amendment) Bill 1994.

Title read by Clerk.

**MR CONNOLLY:** Madam Speaker, I move:

That this Bill be agreed to in principle.

Madam Speaker, the Legal Practitioners (Amendment) Bill 1994 will amend the Legal Practitioners Act 1970 in several respects. The provisions of the Act which deal with the issue by the Law Society of an unrestricted practising certificate will be amended. The main effects of these amendments will be to update the references to the employment of government lawyers to whom the Law Society shall issue an unrestricted practising certificate and to limit to New Zealand lawyers the issue of a certificate to overseas lawyers.

The conditions that a New Zealand lawyer must meet in order to obtain an unrestricted practising certificate are to be raised. The Bill will provide that a New Zealand practitioner must have completed five years' practice in the law, as opposed to the three years' practice currently required, within the preceding 10 years in order to qualify for the issue of a certificate enabling the practitioner to practise law on his or her own account in the Territory. This is in line with what is emerging as a national view of the appropriate conditions for entry to the profession for such legal practitioners.

The Legal Practitioners Act provides for regular audits of the money that a lawyer holds in trust for clients. A lawyer is required to enter such funds into a trust account. There is some doubt as to whether moneys and valuable securities of a client to which a solicitor has access but which have not passed through the solicitor's trust account must be audited under the Act. In order that this uncertainty is removed, an amendment will be made to include the concept of controlled moneys in the Act. Controlled moneys are defined in the Bill as moneys and valuable securities such as share scrip, negotiable instruments or land title documents belonging to a client over which a solicitor has direct or indirect control.

An annual audit is required to be made of the solicitor's dealings with trust moneys. The amendment will mean that the moneys and valuable securities of a client of a solicitor who is given authority by the client to deal with them on the client's behalf will clearly be understood to be subject to an audit under the Act. It is intended to ensure that all of a solicitor's transactions relating to any valuable property of a client are recorded and are to be subject to an audit. An auditor must give a copy of the audit report to the Law Society, which has the power to instigate further investigation of a solicitor's dealings. Better protection of the interests of a client of a solicitor should result from this amendment.

The amendment relating to payments out of the fidelity fund should also improve protections provided by the Act to clients of a solicitor. The fidelity fund is the fund administered by the Law Society out of which payments of compensation may be made to a client of a solicitor who has lost or stolen the client's funds or valuable property. This amendment will ensure that, even where the fund cannot pay out all claims at a particular time, claims which cannot then be satisfied will be paid out in full from the future accumulations of money in the fund. The Bill will also provide that the fidelity fund is to be the only property of the Law Society available for satisfying a successful claim against the fund.

Currently, decisions made under the Act by the Law Society are reviewable by the Supreme Court. In most respects this is appropriate, given that the Supreme Court is, in effect, a regulatory authority for the legal profession. However, there are decisions made by the Law Society relating to payment out of the fidelity fund which are not related directly to the professional conduct of the lawyer and are more appropriately reviewable by the Administrative Appeals Tribunal. Accordingly, the Bill will provide that these decisions are to be subject to review by the Administrative Appeals Tribunal. This amendment to the Act will provide a less costly, more accessible avenue of appeal for those who wish to challenge a decision of the Law Society as to their entitlement to a payment from the fidelity fund.

The Act provides that, before taking legal action against the client for recovery of an amount owing for work done for a client, a solicitor must give the client an itemised statement. The Act also provides that a client may request a solicitor to provide an itemised statement. There is currently no time limit within which such a request must be made. The Bill will provide that a client of a solicitor must make a request of the solicitor for an itemised statement of account within three months of either becoming liable to pay or having paid the solicitor's costs and disbursements. This period of time may be extended by the Registrar of the Supreme Court. The Bill will also provide for a definition of the expression "itemised statement" which is intended to make it clear that what must be provided to a client is a detailed account, signed by the solicitor, of the work done and the costs and disbursements relating to that work.

Madam Speaker, this Bill may appear to contain, generally speaking, technical and somewhat dry amendments to the Legal Practitioners Act. However, it will have the effect of clarifying and strengthening the provisions which regulate the legal profession in certain respects and of giving a more accessible avenue of redress for clients of the profession who believe that they have suffered a loss. The amendments of these aspects of the Act should benefit both the profession and the consumers of legal services in the Territory. I present the explanatory memorandum for the Bill.

Debate (on motion by Mr Humphries) adjourned.

### **CRIMES (AMENDMENT) BILL (No. 3) 1994**

**MR CONNOLLY** (Attorney-General and Minister for Health) (10.37): Madam Speaker, I present the Crimes (Amendment) Bill (No. 3) 1994.

Title read by Clerk.

**MR CONNOLLY:** I move:

That this Bill be agreed to in principle.

Madam Speaker, the purpose of this Bill is to amend the Crimes Act 1900 to implement much needed reforms to the law relating to search, arrest and related matters for the investigation of most offences. The Bill reflects, to a large extent, Commonwealth legislation which will commence on 1 December 1994. It covers areas of the law which were the subject of careful examination by the Australian Law Reform Commission in its report "Criminal Investigation" in 1975 and more recently by the review of the Commonwealth criminal law chaired by the Rt Hon. Sir Harry Gibbs. This review committee consulted extensively Australia-wide, commencing in this subject area with a discussion paper on search warrants in September 1987.

To date laws in this area have been contained in Commonwealth statutes, even in relation to the ACT, and in other Territory laws, police instructions or general orders and case law. This has led to a considerable degree of uncertainty and inaccessibility of the law. This is incompatible with modern concepts of open administration and access to justice. The Bill is designed to make public, and to make significant advances in dealing with, the powers of police and the rights of individuals in the important areas of police investigation.

The Gibbs review made recommendations to modernise the law in relation to powers of search, arrest and related matters. That committee felt that it was essential that the Government stated clearly the balance which was considered appropriate between the community interest in effective law enforcement and the maintenance of individual rights and freedoms. In addition, the law needed to reflect and take into account technological and forensic advances made in recent years.

In framing this legislation for the ACT we have been careful to take into account the local situation in the Territory and our community policing philosophy. The ACT Criminal Law Consultative Committee was consulted on the adaptation of the Commonwealth Act to the Territory's peculiar circumstances. The Bill provides for a comprehensive scheme for obtaining and executing search warrants, including telephone warrants, stopping and searching conveyances, arrest and related matters such as personal searches, taking and destroying fingerprints, holding identification parades and other identification procedures. It sets out the powers and obligations of police when carrying out any of these procedures and spells out the many safeguards to protect the rights of individuals.

I now mention some important features of the Bill. In relation to search warrants, the Bill will introduce improved protection for individual rights by providing that a limited number of judicial officers and officials have the power to issue a search warrant; requiring police to disclose to the issuing officer whether the use of firearms may be necessary; requiring warrants to specify the scope of the search that is authorised; requiring the warrant to specify whether a search at night is authorised and inserting a presumption against a search warrant issuing which authorises a search after 9.00 pm and before 6.00 am - this is a special provision for the Territory; requiring a police officer to state in an application for a warrant whether that officer has applied before in relation to the same person or premises; limiting the life of a warrant to seven days; requiring police to give the occupier the opportunity to allow entry before executing a warrant; requiring the police officer executing the warrant to give his or her name to the occupier and requiring a copy of the warrant to be given to the occupier.

**Mrs Carnell:** Is this not our Bill?

**MR CONNOLLY:** No. This is a far more sophisticated version of the clumsy, shoot from the hip, slapdash approach of this bereft Opposition.

The Bill will also allow the occupier to be present at the search if the occupier is present at the premises, and it will require receipts of things seized under a warrant to be given to the owner. The Bill will clarify police powers by expressly providing for an issuing officer to issue a warrant by phone or electronic means in urgent situations; giving police in the course of a search the power to seize evidence of an offence if this is necessary to prevent its concealment, destruction or use in committing an offence; and giving police in the course of a search power to take photographs, record fingerprints found, take samples of things, copy documents, and search computers and word processing equipment.

The Bill will expressly provide police with power to enter premises to make an arrest for serious offences. To date this power has existed by implication from the police statutory power of arrest. The Bill will not affect existing legislation which empowers the police to enter premises to prevent the commission of an offence or a breach of the peace. The Bill will replace existing legislation with respect to stopping and searching vehicles for evidence in respect of ACT offences. In doing so, the Bill will impose new safeguards on the exercise of this power. It will require that a warrant be obtained for such a search, unless the search is serious and urgent because evidence of a serious offence may be concealed or destroyed. The search must be conducted in a public place and a vehicle must not be detained longer than necessary to conduct the search.

The Bill will impose new safeguards in relation to personal searches. The Bill recognises three different types of search to which a person can be subjected and lays down clear criteria and procedures for the conduct of these searches. The Bill classifies personal searches as "ordinary", "frisk", and "strip" searches. A search warrant issued in relation to a person may authorise only a frisk or ordinary search. Procedures for any form of personal search, either under warrant or conducted after arrest, are strictly circumscribed to ensure both the effectiveness of the search and the maintenance of the privacy and dignity of the person being searched. No searches of a person may be carried out unless the person is under arrest or a warrant to search a person has been issued. Searches must be carried out by a person of the same sex as the suspect. Detailed procedures apply, to protect the suspect's privacy and dignity, and strip searches will be carried out only if authorised by a police officer of superintendent rank or above.

The new legislation gives police a limited power to require a person to give his or her name and address. Powers to demand name and address are often criticised on civil liberties grounds. Unlike members opposite, I am acutely aware of the need to guard the rights of all people, no matter what their age or station, to go freely about the streets. Members of this Assembly will be aware of my views in my consistent opposition to the numerous calls both inside and outside this Assembly, although now the outsider is back inside, for such things as move-on powers.

In September last year Mr Humphries introduced a private members Bill to provide a power to demand names and addresses. I want to distinguish this present carefully thought out proposal from Mr Humphries's Bill on the following grounds. This power is being introduced in the context of a comprehensive review of powers of arrest. My view is that arrest should be avoided where only a minor offence is involved, and taking a name and address is necessary if police are to proceed by summons, VATAC or caution, including the new diversionary conferencing procedures, rather than by arrest. The objective is to limit the number of people taken into custody, not to increase police powers.

Police will not have a general power to ask a person's name and address. In particular, the power will not apply where police merely suspect that an offence is about to be committed. The power will be available only where police have reasonable grounds to believe that an offence has been committed and that the person can assist with inquiries into that offence. The power will be limited to name and address. It will not require answers to be given about where a person is going or what he or she has been doing. It will be an offence to refuse or to give a false name and address, with the penalty being a fine. Because of the community policing nature of the Territory there will be no power to demand identification papers to verify name and address. This is something the Liberals are often squawking about. The citizen who is asked for his or her name and address will have a reciprocal right to demand the police officer's name and station and evidence that the officer is a police officer. The failure of a police officer to comply with this requirement is also an offence with the same penalty. Finally, the legislation provides that a police officer who requires name and address from a person will be required to record, as soon as practicable, the grounds for his or her belief that the person could assist with inquiries into an offence.

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I turn to other aspects of the legislation. The scope of police arrest powers will be unchanged. The police will continue to have powers to arrest a person who is committing or has committed an ACT offence, escaped prisoners and persons who have breached bail conditions. The Bill provides for a scheme for the taking of identification material - including finger, hand and foot prints, voice recordings and handwriting samples - from a person in lawful custody for an offence. A police officer of the rank of sergeant or higher may take identification material if the person gives written consent or if that police officer believes on reasonable grounds that the taking of material is necessary to establish the identity of the person, to identify the person as having committed the offence or to provide evidence of an offence. There are limits on the retention of the material.

The Bill will introduce new provisions regulating the use of identification parades and photographs in order to obtain evidence from witnesses. There are presently no legislative provisions in the ACT governing the collection of this identification evidence. In this area the Bill will introduce the following safeguards: A suspect must be cautioned before being asked to take part in an identification parade and must be told that he or she is entitled to refuse to take part in that parade; a person may have a legal representative present while deciding whether to take part in, and during the holding of, an identification parade; special rules apply to the organisation of an identification parade; the parade must be videotaped; special rules apply to the process of identification from photographs; and special provisions apply to persons who are under the age of 18.

We had hoped that we would be in a position to include in the Bill the latest thinking on the taking of forensic samples as they relate to the investigation of offences. This area is currently the subject of consideration by the Standing Committee of Attorneys-General, but all of the Australian jurisdictions have not yet reached agreement on proposed model legislation. Agreement is expected soon.

These amendments will not initially supplant other Territory laws in this area. Those other laws are to be carefully examined and, unless there is good reason to do otherwise, brought into line with the provisions proposed in the Bill. It is intended to ensure that inspectors of other agencies - particularly those not subject to the training, discipline and accountability of members of a police force - have no greater powers than police. Madam Speaker, there are many old Acts which give various public servants, in some cases, more sweeping powers than those of police.

I believe that there is a real need to provide information to relevant groups about the new rights and protections provided by this landmark legislation. My department will be arranging for information seminars to be conducted for youth groups, Aboriginals and Torres Strait Islanders, and other interested persons and groups when the Act comes into force. I am very proud to be presenting a Bill of this nature to the Assembly. No other State or Territory has yet done so. It deals with and protects the fundamental rights of individuals in their relations with the state which governs them. There are few matters that can be more important than that. I present the explanatory memorandum to this Bill.

Debate (on motion by Mr Humphries) adjourned.

## **PERSONAL EXPLANATION**

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

**MADAM SPEAKER:** Continue, Mr Humphries.

**MR HUMPHRIES:** Thank you, Madam Speaker. In the presentation speech he just delivered, the Attorney sought to distinguish features of the Bill just presented relating to the power of police to demand name and address from a Bill which was tabled by me last year in the Assembly. He listed seven points which purported to represent differences between my legislation and his.

I want to draw the Assembly's attention to three matters where I think that the Attorney has misrepresented the situation. He indicates that his Bill is different in that the power to demand name and address will be limited to name and address. It will not require answers to be given about where a person is going or what he or she has been doing. I draw the Assembly's attention to the fact that this is not a feature of my Bill and never has been proposed. He also says that it will be an offence to refuse or to give a false name and address, with the penalty being a fine, because of the community policing nature of policing in the Territory. I draw the Assembly's attention to the fact that my Bill is identical in this respect, not different. He also points out that under his Bill a citizen will be able to demand the police officer's name, station and evidence that the person is a police officer. That, Madam Speaker, is very similar to the proposal in my Bill, where a person has the right, in these circumstances, to require the police officer to state his or her surname, rank and badge number.

## **PODIATRISTS BILL 1994**

**MR CONNOLLY** (Attorney-General and Minister for Health) (10.51): Madam Speaker, I present the Podiatrists Bill 1994.

Title read by Clerk.

**MR CONNOLLY:** This is a step in the right direction, showing that our feet are placed on the ground. Madam Speaker, I move:

That this Bill be agreed to in principle.

The Podiatrists Bill 1994 will introduce registration for podiatrists and make provision for the control of the practice of podiatry and related matters in respect of the profession within the ACT. It is the first of two new health professions registration Bills and will bring the Territory into line with other Australian jurisdictions which currently have statutory regulation for this occupational group. It also fulfils in part the Territory's commitment to the introduction of a uniform approach to the regulation of health occupations similar to what, in the interest of public health and safety, is occurring across all States and Territories.

The Podiatrists Bill 1994 provides for the establishment of a regulatory body which will be known as the Podiatrists Board. The board will comprise a chairperson, three other members from the profession and one community representative. The chairperson and all members will be appointed by the Minister in accordance with the provisions of the Health Professions Boards (Procedures) Act 1981. The Bill also allows for the development of an associated registration system which will require the board to keep a register of podiatrists. This register may be kept electronically. There are provisions for alterations to be made to the register from time to time. These provisions allow for the amendment of incorrect particulars, for the addition of new or other relevant information, or the alteration of particulars regarding registration status following any disciplinary action.

The Bill introduces nationally agreed uniform educational standards for full or unconditional registration. It also details the necessary administrative arrangements for registering podiatrists. In order to be eligible for unconditional registration, persons must be graduates of a course of education and training in podiatry from an Australian institution which is accredited by the board or approved by a registration authority of a State or another Territory. A person is also entitled to unconditional registration if they fulfil the following requirements: They are a graduate of a course of education or training in podiatry in a place outside Australia which is substantially equivalent to an Australian course and which entitles the person to practise as a podiatrist in that place; they have passed such examinations as the board requires; and they have undertaken further education or training or gained experience in the practice of podiatry for a period specified by the board but not exceeding 12 months.

Registration with conditions may be granted at the discretion of the board in certain circumstances. Under these provisions the board may impose such conditions as it considers necessary to limit the person's ability to practise in a way the board considers is safe or appropriate for that person, or for protection of the public. The registration arrangements will distinguish initial registration protocols from subsequent streamlined mutual recognition procedures. A personal appearance before the board, or a person nominated by the board, may be required for the purposes of obtaining initial registration only. Initial registration means that the person is not registered with a registration authority in another State or Territory when seeking registration in this Territory. The Bill also makes provisions to ensure that, where a person's registration is subject to any condition or restriction in another jurisdiction, that person's registration here will be similarly affected.

The Bill provides for disciplinary sanctions which may be imposed by the Podiatrists Board on a person's registration. These powers are consistent with those of other health professional registration boards. The board has the power to impose any of those sanctions either singularly or in combination in relation to impairment or disciplinary matters. Again, in the interests of consistency with other health professions registration legislation, the Bill requires that the Podiatrists Board hold an inquiry before cancelling or suspending a person's registration or before imposing any sanctions on a person's registration. The board is also required to notify the person of any decision of the board on matters relating to registration or disciplinary action and to advise the person of a right of appeal to the Administrative Appeals Tribunal for a review of those decisions.

In addition to registration and disciplinary provisions, the Bill makes certain provisions covering the conduct of business and the practice of podiatry. These provisions prohibit a person who is not a registered podiatrist from providing a podiatry service for fee or reward, using a title or name which implies that the person is qualified to practise podiatry, or holding himself or herself out otherwise to be qualified or authorised to practise podiatry. The Bill prohibits a body corporate from providing or offering to provide a podiatry service except through a registered podiatrist, and prohibits a body corporate from advertising that it will provide a podiatry service whether through a registered podiatrist or otherwise. Under these provisions a registered podiatrist has an entitlement to recover fees or remuneration for a podiatry service, the board is able to review fees for a podiatry service, and for an executor or executrix or trustee of a deceased podiatrist to be able to administer the estate of a deceased podiatrist.

The miscellaneous provisions included in the Bill provide for a number of administrative matters associated with the functions of the board and are consistent with those in other health professions registration legislation. They include: A requirement for the board to enable a person to inspect an entry in the register or obtain a copy of an entry in the register upon payment of a determined fee; a requirement for the board to, if requested to do so, furnish a certified copy of an entry in the register to another registration authority without payment; a requirement for the board to publish in each year a notice in the *Gazette* containing the names of and professional addresses of all podiatrists registered under the Act; provisions in respect of the conduct of directors, servants and agents in proceedings for an offence under the Act; provisions for the Minister by notice in writing to determine fees for the purposes of the Act; and provisions for the Executive to make regulations for the purpose of the Act.

Penalties have been included in the Bill in relation to the failure of a person to return a certificate of registration when requested by the board to do so; failure of the person to notify the board of a change of address; and for offences relating to practising podiatry by either a person or body corporate. These penalties are set at a level which is consistent with other equivalent penalties for similar offences in other Territory legislation.

The transitional arrangements in the Bill include certain provisions which relate to persons who do not hold appropriate qualifications in podiatry that would entitle them to registration under this Act or any similar legislation in any other jurisdiction but who have provided podiatry services in the Territory for the equivalent of three years in the five years before the commencement of the Act. In order not to compromise the livelihood of people in this category, the board will be able to consider applications for registration from persons so affected, subject to their making application to the board within six months of the commencement of the Act. The board is able to impose such conditions on the registration of these applicants as it considers appropriate. There is a mechanism for the person to appeal to the Administrative Appeals Tribunal for a review of any decision made by the board under those provisions. Finally, the transitional provisions also make provision for the Minister to remove from office a person who has been appointed as one of the first professional members to the board if the person fails to apply for registration with the board within six months of the commencement of the Act. I present the explanatory memorandum.

Debate (on motion by Mrs Carnell) adjourned.

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**EDUCATION SERVICES FOR OVERSEAS STUDENTS (REGISTRATION AND REGULATION OF PROVIDERS) BILL 1994**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (10.58): Madam Speaker, I present the Education Services for Overseas Students (Registration and Regulation of Providers) Bill 1994.

Title read by Clerk.

**MR WOOD:** Madam Speaker, I move:

That this Bill be agreed to in principle.

The ACT Education Services for Overseas Students Bill 1993 has been withdrawn and I am now replacing it with this Bill which incorporates a number of amendments. These proposed amendments will help protect overseas students.

It is appropriate that, as proposed in this Bill, the Territory assume the major role in the regulation and registration of the provision of services to overseas students who come to Canberra. The proposed amendments accord with recent changes to Commonwealth legislation. Some of the proposed amendments arose from the recommendations of an inquiry by the Senate Standing Committee on Employment, Education and Training and related negotiations between the Department of Employment, Education and Training and industry bodies. Additionally, this legislation is consistent with the Code of Practice in the Provision of International Education and Training Services developed by a working party of the Ministerial Council on Education, Employment, Training and Youth Affairs. The legislation will facilitate the development and maintenance of high standards of service provision to students who are visiting the ACT from overseas.

In presenting this legislation, the ACT Government is recognising the importance of education to the cultural and economic life of the local community. It is also showing its commitment to promoting a strong and viable international education and training services sector. To do this, we must protect the students we encourage to come here. Members of the Assembly will be aware of the financial collapse of private providers and of unscrupulous practices which have occurred in the past. Such incidents leave students and would-be students out of pocket, and severely tarnish our reputation in their nations of origin. Within the industry and throughout government there is general agreement about the need for regulation to prevent the recurrence of such incidents. Here in the ACT private providers have been consulted about the proposed regulatory mechanisms and transitional arrangements, and they are aware of the implications.

The legislation we are proposing allows only government-approved institutions to provide education and training services to international students. The rigorous approval process aims to ensure that the industry has the ability to provide the services they say they will and to provide them at the required standard. The approval and registration process will assess intending providers for their financial viability, course accreditation, provision of suitable facilities and equipment, and insurance against fire and public liability. It will also assess their policies regarding their relationship with students, including their refund policies, student contracts, promotional materials, support services and mechanisms to deal appropriately with grievances. Once providers gain approval, they will be entered into both the ACT and national registers of providers. The ACT Accreditation Agency will administer approval and registration processes in the ACT, facilitating continuity of service from accreditation of the courses through to approval to offer them overseas.

A vital feature of the legislation is that it strengthens rules applying to trust accounts containing students' fees and requires providers' participation in tuition assurance schemes. Providers will be required to deposit course money into trust accounts and draw on that money only as services are provided to students. Accounts will be drawn on on a pro rata basis and no more than once a week. They will also be required to provide the ACT Accreditation Agency with audited periodic reports on the operation of those accounts and to join a tuition assurance scheme. That scheme will be a bona fide industry association. The scheme will provide, in the event of the failure of an institution, for either the placement of students with an alternative provider or the refund of tuition fees. Exemptions from the tuition assurance scheme will be available to providers who do not receive fees or receive them in arrears, or who procure either insurance to cover their full liability, a bank guarantee or a guarantee from a parent organisation.

The Bill I am presenting today will help towards achieving national consistency in the supply of services to overseas students through compliance with the Ministerial Council, which sets the agreed standards for States and Territories. This legislation is also designed to complement the Commonwealth Education Services for Overseas Students Act. Once our ACT legislation is in place, the sections of the Commonwealth legislation dealing with financial arrangements and tuition assurance will become our responsibility.

In the ACT the relevant sections of the Commonwealth legislation will be rolled back to coincide with the commencement of the proposed Territory legislation next year. On issues which relate to immigration and student health cover, providers will continue to deal with the Commonwealth. The Commonwealth will not issue visas and health insurance for intending students unless the providers with whom the students intend to study are listed on the national register. It will also retain rights of suspension and cancellation, particularly where it considers a provider to be engaging in misleading or deceptive conduct.

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Perhaps most importantly, this Bill will protect both the interests of the ACT and overseas students who choose to study here through the provision of a comprehensive registration system. This Bill will help to minimise the chances of difficulties; but, if a provider does get into difficulties, the Bill will provide financial protection for students. These measures will increase the ACT's credibility as a destination for overseas students and will ensure that we can offer potential clients a high-quality service. Madam Speaker, I present the explanatory memorandum.

Debate (on motion by Mr De Domenico) adjourned.

### **WATER POLLUTION (AMENDMENT) BILL 1994**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (11.05): Madam Speaker, I present the Water Pollution (Amendment) Bill 1994.

Title read by Clerk.

**MR WOOD:** Madam Speaker, I move:

That this Bill be agreed to in principle.

As you are aware, the Government is committed to the protection of water quality in the ACT, and in the Murrumbidgee River downstream of the ACT, for a range of environmental, social and economic uses. The ACT Water Pollution Act 1984 is one of the major means of controlling water pollution in the Canberra region. The Act makes it an offence to discharge wastes to receiving waters without a licence. Under the Act, the Pollution Control Authority currently licenses point sources of discharge, such as the Lower Molonglo Water Quality Control Centre, and non-point sources, such as land development activities. Conditions placed on these licences are aimed at best management practice to minimise the discharge of wastes such as phosphorus and suspended solids.

Pending the development of our integrated environment protection legislation, I am proposing a number of amendments to the Act which will improve its administration and ultimately improve water quality in our lakes and rivers. These amendments are: Extending the maximum term of a waste discharge licence issued under the Water Pollution Act from one year to three years; clarifying the relationship between sections 20 and 21 to make it clear that the conditions specified in section 21 are attached to a licence issued under section 20; clarifying the requirement on the Pollution Control Authority to ensure that, in licensing, pollution is reduced to the lowest practical level; and, finally, removing gender-specific language.

Increasing the term of waste discharge licences from one year to three years will allow large premises such as the Lower Molonglo Water Quality Control Centre sufficient time to plan, design and construct new capital works aimed at improved environmental outcomes as required by their waste discharge licence. The requirement in section 21 of the principal Act that pollution be reduced to the lowest practicable level is now directly linked to the issuing of licences. This amendment will provide consistency and clearly define a requirement which is important for the control of waste discharge. It is important that pollution control arrangements which protect water quality in the region are effective and efficient, and that the environmental benefits arising from the ACT's significant investment in stormwater management and sewage treatment are not compromised.

Madam Speaker, the amendments provided in this Bill will result in a more effective Act, which will lead to improved environmental outcomes while minimising administrative costs. I commend the Bill to the Assembly, and I present the explanatory memorandum.

Debate (on motion by Mr Stefaniak) adjourned.

**BUSINESS FRANCHISE (TOBACCO AND PETROLEUM PRODUCTS) ACT  
DETERMINATION OF FEES  
Motion for Disallowance**

[COGNATE PAPER:

PUBLIC ACCOUNTS - STANDING COMMITTEE - REPORT ON INQUIRY INTO PETROL  
SUPPLY ARRANGEMENTS]

**MR HUMPHRIES** (11.09): I move:

That Table 1 of Determination No. 137 of 1994, relating to a determination of fees made under section 44A of the Business Franchise (Tobacco and Petroleum Products) Act 1984, be disallowed.

**Mr Moore:** Madam Speaker, I suggest that we debate this motion with order of the day No. 2, which in many ways deals with the same issue. I think that it would be an efficient way to use to the Assembly's time if we debated those two matters cognately.

**MADAM SPEAKER:** Is it the wish of the Assembly to take those two matters as a cognate debate? There being no objection, that course will be followed. I remind members that they may refer to order of the day No. 2 while discussing Mr Humphries's motion.

**MR HUMPHRIES:** Madam Speaker, in supporting the motion, the Opposition indicates both its support for the general thrust of the recommendations of the Public Accounts Committee report on the review of petrol supply arrangements and, pursuant in some ways to the recommendations of that report, its opposition to a tax increase, which we see as a move of blatant hypocrisy by the Follett Labor Government.

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This is a government which, over the last few years, has traded on its reputation of doing something about high petrol prices but which, when it has the opportunity, itself raises petrol prices. We have to bear in mind that this is a party whose members, in opposition, claimed that they were very firmly opposed to tax increases on petrol but, in government, have embraced them and passed them on at every available opportunity.

Labor has, for over a year, been trying to play on the issue of petrol prices by attempting to force down retail prices through commercial advantages bestowed on particular favoured individual retailers - in this case, Burmah Fuels - and succeeding to a limited extent to do just that, if we are to believe the Federal Government's Industry Commission report, to the extent of between 1c and 2c a litre. I would have said that that was a fairly expensive achievement for the citizens of the ACT, particularly those who are involved with the retailing of petrol.

Madam Speaker, this increase from 7.04c a litre to 7.2c a litre is simply a revenue grab by the Follett Labor Government. The increase will cost ACT motorists just under \$600,000 in a full year and will increase the ACT Government's take from petroleum products sales from about \$26.1m to approximately \$26.6m this financial year.

**Mr Berry:** How much for a tank of petrol?

**MR HUMPHRIES:** Mr Berry interjects to ask how much extra a tank of petrol will cost. I concede that it will cost only a few cents extra for a tank of petrol; but one needs to bear in mind that there are businesses in this town who spend a great deal of money on petrol every year. The money that they have to spend on their overheads is money that comes out of their capacity to employ additional Canberrans. If this Government were at all serious about wanting to do something about the high cost of employment in this town and to decrease costs to ensure that more Canberrans, particularly those one in three young people who cannot get jobs in this Territory, are employed, then it would do something about the high cost of those overheads. So, Mr Berry, the few cents a litre per tank of petrol add up very considerably. This increase will cost \$600,000 in a full year.

Let us look at the history of this sort of policy of the Government. In 1990 the petroleum franchise fee was lifted by 3c a litre by the Alliance Government. It was done for a period of two years, specifically to fund the hospital redevelopment program.

**Ms Follett:** Hypocrisy!

**MR HUMPHRIES:** Ms Follett, who interjects, was quite vociferous at the time in her opposition to that move. In her speech on the budget in 1990, she said:

The decision to almost double the business franchise fee on petrol at this point in time clearly shows how out of touch this Government is. I would remind the members opposite that very few Canberrans are in the position of having their petrol paid for or of being driven around at public expense.

Note the cheap attempt to suggest that Alliance Government Ministers had chauffeurs. She continued:

Those Canberrans are already facing enormous price hikes, along with the price uncertainty associated with the Middle East crisis.

Here is a real gem, Madam Speaker. She said:

We should also remember that, whether we like it or not, Canberra has been built for cars. Our public transport system at this point is not adequate.

It is no more adequate today, Chief Minister. Now that the hospital redevelopment program is well and truly over the hump, there is no justification for the continuation of that increase.

Madam Speaker, at the time, as well as criticising that increase, Labor predicted that the increase would not come off; that, at the end of the two-year period, the Government would maintain the increase. The Chief Minister was 100 per cent correct. The certainty with which she approached that question was enhanced by the fact that, when that two-year period had expired, she was the Chief Minister and Treasurer and she herself made the decision, despite a promise at the 1992 election to remove the increase at the end of the two years. Has she forgotten that? In fact, she retained that 3c a litre increase. Both parties pledged that at the 1992 election. Since that time, through the action of the Follett Labor Government, that increase has become a permanent feature of Canberra's taxation system.

Let the Chief Minister be reminded of some of the history of this matter. She made this statement in the Assembly on 29 June 1989, at the time when the New South Wales Government increased petrol prices:

The ACT Government will not be introducing the petrol franchise tax that has been introduced by the New South Wales Government, so there will be no increases in ACT petrol prices brought about by action of this Government, I can assure you of that.

It is interesting to compare that statement with the justification for this increase provided in the explanatory memorandum to this most recent increase. The justification is based on the fact that these fees reflect announced changes to rates in New South Wales. Apparently, New South Wales did not matter in 1989; but, once the fee was conveniently in place, suddenly increases do matter in 1994. Last year the Government further raised petrol prices, on exactly the same basis. Apparently, the argument about parity with New South Wales cuts one way but does not cut the other.

Madam Speaker, the most extraordinary argument advanced for this recent increase has to be the argument about the consumer price index. The Minister said in her tabling speech that the increases in the petrol franchise fee "reflect changes in the consumer price index since the fees were last determined". The fees were last determined at about this time last year - about 13 months ago. In the 13 months or so since the fees were last

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determined, petrol prices in the ACT have fallen, as the Attorney-General and Minister responsible for consumer affairs matters frequently states. They have fallen - not by a small margin, but by a quite large margin. They have fallen from 75.9c a litre to 68.5c a litre.

The Opposition has never pretended that there has not been a fall in petrol prices. What it has maintained is that the fall in petrol prices has been due to other factors in the Government's policy. We are backed up in that view by the Industry Commission. The price of petrol, internationally, has fallen. The Australian dollar has strengthened in that same period. That is why petrol prices have fallen - not because of this Government's wonderful achievements, unless they can claim credit for world oil prices. Nothing is beyond Mr Connolly, I suspect. The fact of life is that the price of petrol has gone down from 75.9c a litre to 68.5c a litre. Where is the CPI adjustment that you are making? Come on; interject. How do you have a CPI adjustment justifying an increase in petrol prices when petrol prices have gone down?

**Mr Connolly:** Since it was worked out by your mates Peter Collins and John Fahey, you had better ask them.

**MR HUMPHRIES:** So, it has nothing to do with the CPI; it has to do with what New South Wales is doing. I assume that the Government will now withdraw this explanatory memorandum which claims that it is due to CPI increases and - - -

**Mr Connolly:** No; it is due to CPI increases in New South Wales.

**MR HUMPHRIES:** The CPI has not gone up. The CPI has gone down. That is a fact of life. You people should be reducing petrol prices, not increasing them. You should be reducing taxation on petrol, not increasing it. Because you are putting up petrol prices at the same time as petrol prices have gone down, you are not only increasing the actual amount that you are taking in petrol tax but also increasing quite significantly the proportion that the Government is taking of the total petrol dollar. In the present environment, where those opposite have traded consistently on being a friend of the ACT motorist, that is utterly outrageous and an example of the grossest hypocrisy.

Why does our petrol price have to be brought into line with petrol prices in New South Wales? I would suggest, for three reasons, that it is a false argument. First of all, other States do not do it. For example, Queensland does not follow the New South Wales lead by increasing State franchise fees. Indeed, they do not have a State franchise fee in Queensland. Secondly, the ACT already has significant differences between itself and New South Wales in its policy on the taxation regimes, most particularly with respect to the diesel fuel off-road exemption scheme. There is a very significant difference between our two jurisdictions. It does not seem to bother this Government. The third and perhaps most important point is that petrol prices in the ACT are already significantly higher than they are in New South Wales. They are higher than they are in New South Wales for the reason indicated in Mr Connolly's working paper on petrol prices - - -

**Mr Connolly:** But the gap is narrowing as a result of this Labor Government.

**MR HUMPHRIES:** Maybe it is narrowing; but the fact is that they are higher, and the reason they are higher is the reason identified by Mr Connolly's own working group on petrol prices, namely, Government planning policies over a long period of time. Government in the ACT - not just this Government, but government collectively - has been responsible for higher petrol prices. Your own report says that. Is it not, therefore, also government's primary responsibility to do something about lowering those petrol prices?

**Mr Connolly:** And we have, very successfully.

**MR HUMPHRIES:** No. Your policy has not been to have the Government itself take the initiative to act to reduce petrol prices; rather, it has been to act as a catalyst to force retailers, who are the victims of the Government's own policy, to lower petrol prices. I draw attention to the report of the Public Accounts Committee's review of petrol supply arrangements, where it said:

... the committee is concerned about the evidence put to it that the impact of the Government's policy has fallen predominantly upon local small business people rather than upon the oil majors whose lack of competitive activity so frustrated the Attorney-General.

It made recommendations, accordingly, dealing with that obvious inequity in the Government's policy. Of course, this Government - which never apologises, despite demanding that others do so - has not had the decency to acknowledge that its policies have fallen very heavily on the small businesses of this town, particularly those involved in retailing petrol. In fact, because Government has itself caused those higher petrol prices through a long-term policy, it ought to be on the Government's shoulders to forgo some of the very large amounts of income it has earned on petrol in this Territory by reducing its own petrol tax regime to bring it closer to what people in New South Wales are paying.

Bear in mind that every petrol station site that was initially released in this Territory produced handsome premiums for ACT governments and their predecessors - many millions of dollars, in some cases. Those millions of dollars have gone into government coffers. Is it too much to ask that it might forgo \$600,000 a year in acknowledgment of the fact that the Government has been, far and away, the biggest contributor to high petrol prices in this city? Reducing the tax burden on Canberra motorists would see the price of petrol lowered in a way which is fair for motorists and fair for service station operators. As I have indicated, my party would go further than this mere reduction. It would reduce petrol prices by 3c over a three-year period of a Liberal government. This is a commitment which we make now and which we will stand by. On this subject, we have been consistent.

**Mr Connolly:** Pigs might fly!

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**MR HUMPHRIES:** You have only to test us, Mr Connolly. Put us in office and find out. Madam Speaker, Canberra motorists now pay 60 per cent of the petrol price in the form of taxes to the Federal and ACT Labor governments. No-one denies the need for an appropriate mix of taxation revenue from petroleum products; but, on our side of politics, we oppose such high levels of taxation when they are brought about by a government which trades on being a friend of the motorist. I have only to quote what the then shadow Minister for Minerals and Energy - one Paul Keating - said in 1980. He said:

It's a shocking thing that every petrol pump has become an office of the Tax Department - a shocking thing!

**Mr De Domenico:** He would have repeated it.

**MR HUMPHRIES:** He would have repeated it, no doubt. "A shocking thing", he would have said. Madam Speaker, curse my tongue, but I happen to agree with him on this occasion. Maybe those opposite will not jump up, in the style of Mr Hawke, and call Mr Keating a crazed liar. I do not think that they are going to do that. But the fact is that on that occasion he told the truth and nothing but the truth. His words are as true today as, if not truer than, they were in 1980.

*(Extension of time granted)* For every \$20 of petrol a motorist puts into his or her car, the first \$12 is going in government taxation. Given Mr Connolly's policy on petrol pricing, some retailers are pocketing as little as 8c from that \$20. I would be ashamed if I were in government and that were the result of my policy. But I suspect that no-one in this Government has a skin thin enough to let that happen. Once motorists used to fill their tanks, get a lot of petrol and pay a little bit of tax. These days, it is very much the reverse. I think that we owe it to retailers in this Territory to start, once and for all, to adopt a fair and equitable policy towards a goal that we all share, and that is the goal of bringing down the price of petrol in this city.

Finally, Madam Speaker, let me say that, last year when I moved a motion concerning the reduction in the Government's petrol tax, there were hysterical press releases about the fact that the Opposition tried to cut \$26m from the Government's coffers. Let me put that to rest, both in respect of that occasion and in respect of this motion. I want to quote section 6 of the Subordinate Laws Act, particularly subsection (9). I ask members to listen very carefully. It states:

Where -

(a) a subordinate law or a provision of a subordinate law...ceases to have effect under this section; -

that is, it is disallowed -

and

(b) the relevant law repealed, in whole or in part, a previous law that was in force immediately before the relevant law commenced -

in other words, exactly the situation that we are faced with today if this motion is successful -

the previous law is revived from and including the date on which the relevant law ceased to have effect, as if the relevant law had not been made.

So, Madam Speaker, let us have no hysterical, cheap press releases on this occasion.

**MS FOLLETT** (Chief Minister and Treasurer) (11.27): Madam Speaker, I will address my remarks only to Mr Humphries's motion to disallow determination No. 137 of 1994, which provides for the increase in petrol and diesel fuel franchise fees in the ACT. As Mr Humphries has rightly pointed out, you need to be aware that, if the Assembly passes this motion, it will be denying the Territory some \$600,000 in revenue in a full year. That is the \$600,000 that would be gained by the indexation of the franchise fee.

I want to take issue slightly with Mr Humphries on the remark that he made in concluding his speech. It is my belief that, if the motion were passed, there could be some confusion about its impact. The motion, as it stands, gives the impression of abolishing the full petroleum franchise fee. Madam Speaker, I am prepared to accept what Mr Humphries means. I think we know what he means. I accept that he does not intend to place that \$26.1m in jeopardy. Nevertheless, I have to say to him that the drafting of his motion could cause some confusion, and we would have to rely on alternative measures to protect the base of that petrol franchise fee. Madam Speaker, the advice that I have is from both the Revenue Office and the Attorney-General's office.

**Mr Humphries:** Will you table that advice, Chief Minister?

**MS FOLLETT:** No, I will not. Madam Speaker, I am prepared to accept what Mr Humphries says; but I do urge him to be cautious in the way that he drafts these matters, because it can be confusing. I expect that the Attorney-General will want to address that matter further. Nevertheless, even the loss to our revenue of \$600,000 would need to be funded in some way. Of course, Mr Humphries has given us no indication of how that \$600,000 might be found. There is a limited number of means available. They include things like expenditure cuts, fewer teachers or nurses and fewer community services. We could increase some other tax that Mr Humphries has not addressed or we could borrow another \$600,000. They are the alternatives. But Mr Humphries, in his grandstanding on this issue, has simply not been responsible enough to address that matter.

Madam Speaker, it is a fact that in the 1993-94 budget the Government announced its intention to index the fuel tax annually in line with the New South Wales indexation. This could hardly have come as a surprise to anybody. The policy was announced well over a year ago. Again, as Mr Humphries pointed out, it was implemented last year as well. So, this movement to index in line with the New South Wales CPI can hardly be a surprise. Indeed, the action was foreshadowed again in the 1994-95 budget papers. So, the Opposition cannot claim that this determination is not part of a previously foreshadowed Government policy, a policy that has been known for well over 12 months.

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Madam Speaker, New South Wales will be indexing petrol franchise fees by 2.3 per cent, effective from the licensing period commencing on 1 November 1994. That is in line with the expected increase in the Sydney CPI for the coming year. It is absolute nonsense to suggest, as Mr Humphries has done, that you index the price of a product by the product's price. The announced policy, Mr Humphries, has been that indexation would be based on the CPI, not on petrol prices.

**Mr Humphries:** Why?

**MADAM SPEAKER:** Order, Mr Humphries! You will get an opportunity to speak again later.

**MS FOLLETT:** Mr Humphries's argument there has been absolutely nonsensical. The policy to align the ACT indexation with New South Wales will prevent cross-border distortions. There will be occasions when the expected CPI in Sydney will be either lower or higher than that for Canberra; but I believe that the benefits of harmonising the tax rates outweigh the extra costs of imposing marginally different indices on this particular franchise.

The effect of the determination is that rates will increase from 7.04c per litre to 7.2c per litre for petrol and from 7.08c per litre to 7.24c per litre for diesel. The increase was notified to the Prices Surveillance Authority and the petrol companies on 29 September; so, it gives them a month's notice of the impending changes. That notice period is consistent with past practice. It will not, therefore, place either the wholesalers or the retailers at a disadvantage. The increase of the franchise fee by this indexation amounts to just 0.16c per litre. It will have very little effect on the ordinary motorist. Indeed, it is simply maintaining the real value of our tax rate. Not to index the rate would see the effective tax rate decline. If there is a successful motion to disallow this determination, I suggest that the only winners out of it will be the petrol companies, who will get a windfall gain.

Madam Speaker, the introduction of the indexation regime on 1 November 1993 followed three years in which the ACT rate had remained frozen. I would like to remind members of the history of this particular franchise fee. It was doubled by the Alliance Government in 1990. Following our return to office and the unlamented demise of the Alliance, we froze that rate. The rate remained frozen for three years. What effect did that have on petrol prices? It had absolutely none. They continued to rise. I am afraid that, unlike members opposite, we have learnt by experience that the petrol franchise fee appears to have little, if anything, to do with the retail price of petrol in the ACT. For that long period when the rate was frozen, petrol prices continued to rise. I think that even the most casual observer would have to agree that that three-year freeze on the rate resulted in absolutely no reduction in the ACT's petrol prices compared to New South Wales. That is a fact.

Madam Speaker, if the motion were passed, the effect of it would be simply to lead to a return to a rate differential between New South Wales and the ACT from 1 November 1994. I would expect that, even if that were to be the case, there would be no benefit passed on to ACT motorists. That has been our experience, and I believe that that would again be the case. So, instead of allowing our revenue base to be eroded, what the Government has done is to seek to reduce petrol prices in the ACT through the introduction of competition in the retail market. These reforms have seen a genuine reduction in the price of petrol for ACT consumers, without damaging our ACT petrol revenue base. Mr Connolly will be addressing that matter in greater detail, I imagine; but even Mr Humphries in his remarks conceded that there had been a real reduction in the price of petrol in the ACT.

I might just touch on that reduction. It has seen the difference between Canberra and Sydney in the retail price for unleaded petrol fall from a high of 8.6c per litre in January 1994 to only 1.2c per litre in June of this year. That is a real benefit that has been passed on to ACT motorists. Madam Speaker, the Opposition's motion smacks of hypocrisy. For example, they supported my move to align with New South Wales in terms of the decision on the petrol tax threshold. They thought that that was a good idea. But now they will not support a measure which will not increase the real rate of tax but which simply maintains the status quo. I find that a hypocritical stance on their part, and I suspect that Mr Humphries is posturing on this matter.

There are a couple of other issues that I would like to touch on. I think that, in his remarks, Mr Humphries has confused the Government's action in terms of indexation with its action in terms of competition. Indexation maintains the real level of tax, but it does not allow the tax base to be eroded. Madam Speaker, if there were not that indexation, then the erosion of the tax base would not be by conscious decision of this Assembly or of the Government, but more or less by stealth, simply through the effects of inflation. I am sorry that Mr Humphries is not listening. On the other hand, competition policy is directed at reducing the prices by reducing the excess profit that is made by the oil industry compared to their profits in other markets such as Sydney. So, we are looking at a different strategy - a competition strategy. There is no comparison between the two measures - the policy of indexation and the policy of competition. Indeed, I believe that the cost of indexation to the consumers is more than offset to the consumers by our competition policy. Mr Connolly will make that even more clear. Mr Humphries has also conveniently ignored major changes in the Territory's circumstances since the franchise fee was first introduced by the Alliance Government. One of those major changes has been an unprecedented reduction in Commonwealth funding. That occurred in 1992. There was about a 20 per cent reduction in our general revenue grant. It remains the case that the overall tax effort in the ACT is generally less than that in the States, as measured by the Grants Commission. That is also a matter of record.

Madam Speaker, I believe that Mr Humphries, in moving this motion, is being consistent with his attitude last year; but I do not believe that it is a totally responsible attitude. He has certainly given us no indication whatsoever of where he would raise the money that would be lost to the Territory if his motion were to be successful.

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So, the Government will be opposing the motion. We do so, I believe, for a very good reason, and we do so in the knowledge that the action as a government we have taken to engender competition in the petrol market in the Territory has had the real result of reducing petrol prices to ACT motorists.

**Mr Humphries:** By 1c a litre.

**MR CONNOLLY** (Attorney-General and Minister for Health) (11.40): Madam Speaker, I hope, as I so often do, that the Liberal Party will some day actually get up and apologise for misleading the house. They never do. Mr Humphries continues to say that the Industry Commission says that Burmah impacted on the market by only 1c or 2c a litre, and then he interjects and says, "By 1c a litre". On page 186 of the Industry Commission's final report of July 1994 it is stated - and I will read this very slowly:

The Commission's analysis has found that Burmah's entry seems to be associated with about 3 cents of the fall ...

**Mr Humphries:** "About".

**MR CONNOLLY:** Yes, "about". Mea culpa. I am sorry; let us be precise. Let us turn to the specific analysis at Appendix F, page 13, of the Industry Commission report. It goes through a very complex computer modelling exercise to get there. It says "about 3c". So, yes, let us be precise. Let us not say "3c"; let us say "about 3c". At page 13 it is stated:

Simulations suggested that the entry of Burmah leads to a projected reduction of 3.09 cents per litre ...

You continue to come into this place and, at question time, ask these sly, grimy little questions, suggesting that I mislead the Assembly. You are always oiling your way up to the Independents, saying, "Let us do the Government over this. Let us have a censure motion. Let us have a no-confidence motion". Day after day, week after week, you come in here, barefaced, and make these assertions. You talk about the Industry Commission. You talk about a reduction of only 1c. You talk about the Burmah entry. There it is, in black and white. I read it to you very slowly so that you would understand - being Liberals - the statement where it said "about 3c". Then all you could say was, "Yes, only 'about'. It says 'about 3c'", suggesting again that somehow I am misleading the Assembly. You say, "It is, in fact, less than 3c. Connolly is at it again". There it is - it says "3.09c".

The fact is, Madam Speaker, as everybody knows and as the Industry Commission report would show you, at the moment in Canberra petrol is at a two-year historic low price because this Government was prepared to take on some of the most powerful vested interest groups in this town, acting in the public interest, as a Labor government has always done, not kowtowing to and looking after interest groups. We took them on, and we succeeded. I really would urge the Liberal Party to read the Industry Commission's final report, because it contains a lot of material that would be of interest to them.

At page F12 there is a chart which shows Canberra and Sydney prices. It demonstrates a point that we have made so often - that the major difference, which has in the past been well above 10c, has shrunk very dramatically as a result of the Burmah entry. The graph tracking Canberra prices begins in November 1992. We are now in October 1994; so that is nearly two years. The price of petrol started at 74c for the unleaded product and had not tracked below 70c in that entire two-year period until we got Burmah into the market, and now we are operating at 67.5c.

**Mr Humphries:** Until the world oil prices fell, too - a small matter!

**MR CONNOLLY:** Yes, it is true that there are variations because of world prices.

**Mr Humphries:** And the Australian dollar strengthening.

**MR CONNOLLY:** There are daily variations in the price of crude oil because of the strength of the dollar. In the past, when there were those daily variations upwards, the Canberra motorist copped them straightaway. You would listen to *AM* and hear that the price of crude oil had gone up, and up would go the price at the bowser. But then you would hear on *AM* the next day that the price of crude oil had gone down and, if you were in Sydney, down would come the price at the bowser. If you were in Canberra, it was like a ratchet; it would go up, but it would not come down. What has happened in the period since we introduced competition into this market and delivered on our promise to go on with that?

As this is a cognate debate, I should table the Government's response to report No. 13 of the Public Accounts Committee on petrol pricing arrangements. I formally table that report. The Government had considered that report in recent weeks. We released a copy of it to all members. I wrote to all members with a copy of my response. Subsequently, on 9 October, we placed ads in the *Canberra Times* and certain national newspapers, calling for formal expressions of interest in the three additional sites. Since we have injected that competition into the Canberra market, Canberra motorists have been getting the benefit of the fall in world oil prices and the benefit of the increased value of the dollar. Any Canberra motorist who went away over the recent October long weekend would have noticed two things. First, they would have noticed that we actually have countercyclical price movements around a long weekend. The Liberals want to go back to the bad old days. The Canberra public need to remember that, at every point, these people opposite have objected to what we have done on retail petrol price competition.

The current Opposition leader, who is not here at the moment, even made the breathtakingly silly promise that she would compensate the oil industry to the tune of \$9m for the effect of our competition. So, not only is Mr Humphries promising that they are going to knock off the 3c petrol tax, which is \$9m worth of hospital beds, nurses, doctors, policemen and teachers, but she has also said - - -

**Mr Humphries:** That is a distortion.

**MR CONNOLLY:** They are at it again. She has also said that she is going to compensate the industry for the effect of competition by giving it \$9m.

**Mr Humphries:** The retailers, not the industry.

**MR CONNOLLY:** The retailers are part of the industry, Mr Humphries. She is going to give the people who kept the prices up \$9m of ratepayers' money. So, that is another \$9m worth of nurses, doctors, teachers and policemen that we have to find. With this Opposition, it is all shoot-from-the-hip stuff. They are making these promises. Nobody believes you, Mr Humphries, because you and Mr Kaine doubled the tax in the first place. The tax in the ACT is precisely the same as in New South Wales, as the Chief Minister indicated.

**Mr Humphries:** Not according to the opinion poll on petrol, Terry.

**MR CONNOLLY:** You take comfort in that, Mr Humphries; good on you! If we had a difference - if the ACT Government were charging ACT consumers a higher tax than New South Wales - the Opposition would have a very valid point, and we would be very vulnerable. The fact is that we are not. The fact is that it is precisely the same. As the Chief Minister indicated, for a period of about two years, we had held the tax in the ACT and let the tax in New South Wales increase. So, we were actually having a lower rate of tax. What impact did that have on petrol prices? The impact was zilch and zip. They went up, as the Chief Minister indicated. While Queanbeyan was normally the same as the ACT, being part of the same closed market at the time, residents of Queanbeyan have also benefited from the ACT Government's price competition. I trust that Peter Cochran will be thanking me in his election campaign. There were periods when, despite our tax being lower, our price of petrol was higher than Queanbeyan's. That is not unusual.

The Opposition squawked about the Industry Commission and claimed, quite falsely, that the Industry Commission had said that Burmah's entry had had an impact of only about 1c. That is what Mr Humphries was saying. "About 3c" was the Industry Commission's considered view. When you go to their detailed analysis, you find that they say 3.09c. So, never mind a 300 per cent error; it is just Liberal figuring. If you go to that Industry Commission report and look at the section on taxes and charges, you find fascinating proof of what the Chief Minister said in her remarks. What the Chief Minister said was that it is proven that the level of State taxes has very little to do with the retail price. The retail price is driven by competition, and the competitive pressure existent in a market at a given point of time, rather than a State tax.

Let us look at State taxes. At that time, ours was the same as that of New South Wales, 7.04c; Victoria's was 8.43c; South Australia's was 9.11c; and Western Australia's was 5.67c.

**Mr Humphries:** And Queensland?

**MR CONNOLLY:** Queensland's was zero. Queensland has always had a zero tax. So, let us look at those States that have the tax. You are, no doubt, promising to have a zero tax. That is \$26m worth of nurses, doctors and teachers. Let us look at that. We would assume that, because South Australia has the highest rate of tax, at 9.11c, they would have the most expensive petrol; and we would assume that Western Australia, with a tax of 5.67c, the lowest of those States, would have the cheapest petrol.

But the price of petrol in Perth in that period was 77.4c per litre. So, it was 4c lower in the tax rate, with the price at 77.4c. The price in Adelaide was 71.9c. Hang on; what is going on here? We have petrol prices some 4c higher in Perth than in Adelaide and we have taxes some 4c lower in Perth than in Adelaide. Mr Humphries says, "The tax level determines the price that the consumer pays". It does not make sense, Mr Humphries. Not much of what the Liberals say does; but that certainly does not.

As the Chief Minister said and as the Industry Commission has proved, the determinant of the retail price is the level of competition in the marketplace. This Labor Government has taken on that market, has driven competition into this marketplace and has now, with the calling for expressions of interest for the release of those additional sites, pretty much unalterably produced in the Canberra market a dynamic of competition which will mean that Canberra consumers will continue to see benefit. Those Canberra consumers who, in October, were heading away for the long weekend saw the countercyclical effect. Traditionally, the prices go up on a long weekend. This time they went down. At the coast, traditionally, the price was about the same. What was the price of petrol around the coast, around country New South Wales, over that October long weekend? It was about 73c or 74c - the sort of price that Canberra motorists had always paid before we became competitive, the sort of price that Canberra motorists would pay again if the competition were driven out of this market, as the Liberals would have it. The price of petrol at the coast on that October long weekend was around 74c - some 7c to 8c higher than the price of petrol in Canberra - at the same rate of tax as in the ACT. (*Extension of time granted*)

What does Mr Humphries want to do? Does he want to abolish the tax altogether, as his rhetoric would seem to have it? We were talking yesterday about what you can read from parliamentary debates about true intention. Does he want to abolish the 3c? Does he want to abolish the 0.16c? He came in here and said, "It is very clear from the Subordinate Laws Act that, when you repeal a regulation, you can revive the previous regulation". If, in fact, what he had done was what he did last year, which was to try to knock out the whole regulation, it would be abundantly clear that, by knocking out the whole regulation that the Chief Minister introduced, the whole previous regulation would come back. What he has done is to take advantage of the ability we now have to amend and be more specific, where you can knock out parts of regulations or parts of determinations. He has drafted his motion in such a way that it seeks not to repeal the whole regulation so that it would be unarguably clear that the previous regulation was reinstated; he has sought to delete one schedule.

The regulation imposes a range of taxes on petroleum and alcohol. It imposes taxes as a percentage of volume of petroleum and on various dealers fees and licence fees, which are \$10 a month and \$50 a month. It is a quite complex range of taxes. You could quite easily evince from what Mr Humphries has done that he could have knocked out the whole thing clearly to bring back the pre-existing regime; but what he has instead chosen to do is very specifically to delete Schedule 1. From that, you could quite easily evince his intention. What he did was to keep all the other taxes but delete Schedule 1; that is, he decided to delete a petroleum excise per litre of volume sales, so it could be somewhat vague. He comes in and makes it very clear, we think, that he would expect the previous tax to revive; but it is not as simple as he says it is. In fact, if he had wanted it to be that clear, it would have been better to use the broadaxe.

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Madam Speaker, this motion is not about petrol taxes. It is what should perhaps, for the purpose of categorising parliamentary processes, be called a "notice me" motion. The Opposition, desperate for an issue, is trying to run out to the electorate, saying, "Notice me. Notice me. We are going to abolish petrol taxes. We know that you are pretty happy about the fact that the price of petrol has come down. We know that you are pretty happy about the fact that the Labor Government has actually taken on the oil industry in Canberra and got for Canberra consumers the sort of benefit of competition that consumers in Adelaide, Melbourne, Sydney, Hobart and Perth have had. We know that you know that the Liberal Party at every stage has opposed getting competition into the Canberra market. We know that you think that Kate Carnell's promise to give \$9m of ratepayers' money to the oil industry is one of the silliest things ever said in the ACT Assembly. But notice me. The Liberals are going to abolish petrol taxes". What a silly exercise!

**MADAM SPEAKER:** Order! It now being 45 minutes since the commencement of Assembly business, the debate is interrupted, in accordance with standing order 77.

Motion (by Mr Berry) agreed to:

That the time allotted to Assembly business be extended by 30 minutes.

**MR KAINE (11.55):** Madam Speaker, I would like to address both of the matters that are before the Assembly, which are being debated cognately, with specific reference to the Minister's response to the committee's report which he tabled only today. The Minister's response, together with a couple of comments made by him and the Chief Minister this morning, demonstrates to me that neither the Chief Minister nor Mr Connolly understands the oil industry and they do not understand the consequences of the decisions that they have taken. I would like to run through some of Mr Connolly's comments in connection with the recommendations that were put to the Assembly by the Public Accounts Committee. I will quote directly from his response. He said at page 2:

... the PAC has failed to come to grips with the main problem facing the Canberra petrol market, namely a lack of competition ...

That is exactly what the Government has failed to come to grips with. Mr Connolly's intention was clearly to take on the majors. He has not taken on the majors. All he has done is to give a preferential position to one independent company. The major oil companies have not been affected one jot. Nothing has affected the price at which wholesale petrol is sold by the majors to this Territory. The wholesale price has not changed one-tenth of a cent because of anything that Mr Connolly has done. So, when he says that the Public Accounts Committee has failed to come to grips with the main problem, which is lack of competition, I have to say that neither has the Government.

On the same page, he said that two of the majors admitted that, if they were given these leases, their objective would not be to reduce prices, but it would be either to maximise their profits or something else. He said that they are only out to make money. But he has totally overlooked the fact that the Burmah oil company itself said that they were in the business only to make a profit. So, it is all right for the independent to whom Mr Connolly has given this favoured position to say, "We are here to make a profit",

but it is not all right for the major oil companies to say so. What is the distinction? What is so great about Mr Burmah? On the same page the Minister said that the Government has been particularly concerned to do what it can to correct those aspects which are unique to the ACT. In other words, they knew that they could not deal with the majors on the basis of that, so they are fixing those conditions that are unique to the ACT. But I ask, in connection with the Government's response, "What are the factors that are unique to the ACT?". What has happened is that the local small businesses and investors have been victimised and have suffered major financial loss as a result of Mr Connolly's decision. But he has not addressed any factor that is unique to the ACT, because the simple fact is that there are none.

At page 3 of his response to the report he said that the Public Accounts Committee has been more concerned with the effects on existing operators in the ACT oil industry than with the price of petrol. You are darned right we were. The Government's actions have no long-term beneficial effects for anybody. They have had an immediate adverse consequence for local business; but they have had no effect at all on the majors. So, what you have is a short-term reduction in prices and no guarantee whatsoever that they will stay down. Mr Connolly cannot produce one jot of evidence that even Burmah will keep the price down. They are under no legal obligation to do so. In exchange for getting the price down for a short time, we are driving local small businessmen out of business. Mr Connolly said that the preferred approach is to ensure that the market is competitive. But the market is not competitive. It is no more competitive today than it was a year ago. It merely gives Burmah a price advantage. There is no competition in that. That advantage, to the extent that Mr Connolly sees it as one, will dissipate as the market settles down and Burmah simply puts up the prices to coincide with what the other majors decide is the price.

At page 4 Mr Connolly said:

Effectively this Recommendation -

referring to one of the specific recommendations -

is suggesting that the Government abolish existing franchise arrangements and convert franchisees into independents.

This had to do with our recommendation that he enact legislation that would protect an individual franchisee from victimisation by the major with which he is associated, if he does what he is allowed to do legally under his franchise and goes and buys fuel somewhere else. He said that we have misunderstood it. He said that we are suggesting something that we never suggested and had no intention of suggesting. It is absolute rubbish. It is not what the committee suggested at all, and the Government has totally misrepresented this recommendation. If he had bothered to read the franchise agreements, he would have understood exactly what we meant. The existing franchise arrangements ostensibly allow operators to purchase elsewhere. They are precluded from doing so only by the coercive power of the majors. They know that, if they go and buy one gallon of fuel on a wholesale basis from some major dealer other than the one from

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whom they have their franchise, they will lose their franchise. But their franchise agreement technically allows them to do it. If the Minister had read the recommendation and had had a look at the subject, instead of just brushing it off as being too much trouble to examine, he would have understood exactly what we meant. He would not have misrepresented it here.

At page 5, in connection with the removal of the 3c a litre that was supposed to be taken off two years ago, he said:

It would be an artificial way to decrease the price differential between Canberra and Sydney ...

It would be no more artificial than what he has done, because all he has done is to take 3c a litre out of the pockets of our local small businessmen. If he thinks that that is a reasonable way to get some stability into the market and create competition, it indicates that he simply does not understand the marketplace. Finally, he said that the Government has no legal liability to set up a compensation scheme for those who lose money as a result of his decision, because the industry knew about it and the industry resisted change. I will come back to that in a minute.

When he talks about the industry, what he really means is the majors. But it is not the majors that are suffering now and it was not the little local businessman who resisted change. The little local businessman has to operate in this environment. He wants to sell his product and, like everybody else, he wants to make a profit. It is the oil majors that constitute "the industry" that Mr Connolly is attacking here that has resisted change, and he has had no impact whatsoever on it. The committee knows that the Government has no legal liability; but we are suggesting that the Government should accept some responsibility, whether it is legal or otherwise. It is not the industry that has incurred the loss; it is the small business people in this town. So, once again, the Minister has chosen to misinterpret what we said and set it aside as being irrelevant. It is relevant.

Finally, in terms of the tender document, which is supposed to attract tenderers to take up the three new leases that he is going to put out, he said that the Government will table the document. That is interesting. He has not done so. But I know that it has been out on the street since 1 October. When does he intend to table it here? He obviously does not intend to, because he knows that it is going to attract some attention. It is going to attract some attention all right. I happen to have a copy of it, even though the Minister chose not to do what he said in his own response he would do and table it. There it is. It is a very interesting document. It is another example of how the Government stuffs up everything that it lays its hands on.

That document was advertised from 1 October. The document was not even available until 6 October. Six days after it was advertised, inviting people to express interest, they could not even get hold of the documentation. Interestingly enough, when the documentation went out, it said that submissions would not be accepted after 30 September - six days before the document was even available. What sort of smart game is this hot-shot Minister playing here? He puts out documents, and you cannot put in a submission after a date six days before the documents were even on the street.

When you read the document, Madam Temporary Deputy Speaker, and I am sure that you will, you will discover that the effect of it is to say that only Burmah Fuels will get one of these properties.

**Mr Connolly:** That is not true.

**MR KAINÉ:** You explain why it is not true. First of all, they are going to have to put up close to \$3m before they can even get onto the site. These are your documents, Minister. You tell me how many independents there are, other than Burmah, that can produce \$3m to get into a site, to start with. That is why there have not been any independents here before. You said to the committee that nobody, except the majors, could afford the \$3m to get into a site. Now you are imposing the same \$3m obligation on any - - - (*Extension of time granted*) Who, other than Burmah Fuels, is going to come along with \$3m? None of the little independents will be able to. Some of them already exist in this town and would love to get part of the action. The Minister has made darned sure that none of those people are going to get access. The other two major independents who might come in are excluded by a second condition that says that they have to be able to guarantee supply. Mr Sorbello gave evidence to the committee that the other two possible contenders had already indicated that they could not meet that requirement. They could not guarantee supply. So, here we have documents that say that you have to come up with about \$3m before you can even get in and you have to be able to guarantee supply. Those of us who sat on the committee - I presume that the Minister is just as well informed as we are and, if he is not, he ought to be - know that there is only one company that can comply with those requirements in the specification, and that is Burmah Fuels. How, then, is the Minister going to satisfy a commitment that he has already given - that Burmah Fuels will not be given access to all of these sites - if Burmah Fuels is the only contender, and the evidence suggests that they are?

Mr Connolly's original intention was to deal with the oil majors. He said that up front. He has absolutely failed. He has had no impact at all on the oil majors. Of course, now he justifies the outcome of all of this on the basis of saying, "We got the prices down, did we not?". He has had no effect on the wholesalers. He has merely given Burmah a preferential position in the ACT. This document is going to give them a much more substantial preferential position than they have now. I would like to hear Mr Connolly refute that. Any beneficial effect that might have been generated will be a short-term one, because Mr Connolly has no guarantee whatsoever that Burmah Fuels will continue to keep prices down. Their contract does not oblige them to do so. It places no onus on Burmah Fuels to sell their fuel at any price. They can sell it at whatever price they like. What he has done has caused a group of local businessmen some enormous financial difficulty, from which will flow loss of income and loss of equity value in their businesses. He will be the architect of major business losses, leading to business closures and bankruptcy.

We know that nearly one-third of the local fuel station operators in this town are up against the wall right now because of Mr Connolly's decision. He has merely transferred about \$9m a year out of the pockets of some 80 small local businessmen and into the petrol tanks of petrol users. Mr Connolly thinks that that is okay; but I suggest that it is clear that Mr Connolly has no interest whatsoever in maintaining small business in this Territory. The Chief Minister can mouth all the platitudes that she wants to about how

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this Government supports small business; but you have to put your money where your mouth is. What Mr Connolly has done is to destroy small business. His actions belie the Chief Minister's words. Mr Connolly argues that the community is the winner. He confines his arguments solely to the price of petrol that they put in their petrol tanks. If Mr Connolly were to look beyond his own ego - he had to prove that he got the price of petrol down, having committed himself to it, but he did it at any cost - he would recognise that the flow-on effects of his decision will have major impacts contrary to the community interest, which will far outweigh the Connolly vote-getting immediate benefit.

Those losses to the community will flow from a loss of access to local service stations. A lot of people are soon going to find that they do not have a local service station. They will lose the amenity of local shopping facilities because, history demonstrates that when the service station goes, the shopping centre goes. There will be a loss of public revenues due to lower property values and, hence, lower rate collections. There will be a loss of jobs generated by the service station and there will be a loss of investment, due to a lack of confidence that capital invested will be maintained and not lost. Mr Connolly and Ms Follett simply do not understand, and they have stuffed it up.

Debate interrupted.

#### **DISTINGUISHED VISITOR**

**MADAM TEMPORARY DEPUTY SPEAKER:** (Mrs Grassby): I draw members' attention to the presence in the gallery of Mr Santo Santoro, MLA, the Deputy Leader of the Liberal Party in Queensland.

#### **BUSINESS FRANCHISE (TOBACCO AND PETROLEUM PRODUCTS) ACT - DETERMINATION OF FEES Motion for Disallowance**

[COGNATE PAPER:

PUBLIC ACCOUNTS - STANDING COMMITTEE - REPORT ON  
INQUIRY INTO PETROL SUPPLY ARRANGEMENTS]

Debate resumed.

**MS SZUTY** (12.11): Madam Temporary Deputy Speaker, I want to address the disallowance motion, the Public Accounts Committee's report on its review of petrol supply arrangements, and the Government's response to the report which has been tabled here this morning. I will deal briefly with the disallowance motion. I note that in 1993 Mr Humphries proposed a similar disallowance motion in respect of the determination of fees under the Business Franchise (Tobacco and Petroleum Products) Act. The important point to remember is that these fees are a component of petrol prices and should be considered as such. I acknowledge the argument about the consumer price index that the Chief Minister put to the Assembly this morning. She mentioned the importance of linking this fee with the one in New South Wales. I do not have any argument with that.

She also drew attention to the loss to government revenue of \$600,000 in a full year. She indicated to the Assembly that that revenue, if lost by the Government, would have to be found from some other source. I also note that she foreshadowed that the increase would appear in the 1994-95 budget papers. I did not support the similar disallowance motion by Mr Humphries in October 1993, and I do not propose to support the motion before the Assembly today.

I would now like to turn to the Government's response to the Public Accounts Committee's report on the review of petrol supply arrangements in the ACT. I will go through the recommendations at some length and offer my comments on them. To date, I have not participated in the debate on this very important matter, and I think that my views would be of interest to members of this Assembly. The first recommendation made by the Public Accounts Committee was:

The Government adopt higher standards of documentation and analysis of options when considering major changes to long established Government policy affecting the financial interests of local businesses and individuals (such as major changes to fuel and supply arrangements in the ACT).

I note that the Government does not disagree with this recommendation. I certainly concur with the Public Accounts Committee's request that standards of documentation in relation to these matters be improved in the future.

The second recommendation - there are a number of points which flow from it - was:

The Government reconsider its current policy favouring independents as the pre-eminent means to achieve sustained fuel reductions in the ACT, given the impact of the Government's policy upon local small businessmen and women and the various reasons advanced in this report for scepticism about the long term benefits of the Government's policy. In particular, the Government should consider one or more of the following options:

. setting the maximum base wholesale price of fuel, the maximum retail price of fuel, and the maximum retail margin in relation to fuel (utilising existing legislation).

In response to this recommendation of the committee, the Government has said that it has already been considered by the Government and goes on to give the Assembly a fairly lengthy explanation of why the Government has not acted under the Fair Trading (Fuel Prices) Act 1993 that it introduced into the Assembly. I do not have any difficulty with the Government not pursuing that particular course of action. I think that it has had plenty of time to consider the consequences and the ramifications of proceeding in that way. I note that, some 12 to 18 months after the introduction of that Act, the Government has not felt inclined to proceed with the implementation of that legislation.

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The second point made by the Public Accounts Committee in that recommendation was:

. taking appropriate legislative action to enable franchisees to exercise their rights to purchase fuel from any supplier (without incurring punitive action on the part of an oil major).

The Government gives a fairly lengthy response to this recommendation and suggests that it would have to abolish existing franchise arrangements and convert franchisees into independents. In fact, they have taken preliminary legal advice about this course of action, which seems to present them with some difficulty. Another subset of the second recommendation was:

. reducing the ACT fuel franchise levy by three cents per litre (thus achieving the savings to consumers so highly sought by the Government and consumer groups, yet without doing so in a manner causing severe financial distress to local small businessmen and women).

In the Government's response, it stated:

The Government disagrees with this Recommendation on the grounds that it would remove an important revenue source for the ACT and have no impact on the level of competition in the market.

I agree with the Government's position in relation to this recommendation. Given the situation before Burmah Fuels came into the petrol market in the ACT, it is clear that the Government's position in relation to this matter is valid.

The next option put forward by the Public Accounts Committee referred to allowing the use of government sites as retail outlets. The Government, in its response, indicated that it was not quite sure what the committee was getting at in terms of that option. Perhaps Mr Connolly will be able to address that point at some stage in his remarks. Another point arising from the second recommendation was:

. eliminating the existing restrictions on the number of service station sites in Canberra and releasing new sites on major thoroughfares (as recommended by the Industry Commission in its Draft Report on Petroleum Products).

The Government pointed out:

There are no restrictions, in the Territory Plan, on the number of service station sites allowable in Canberra.

I think that is a very important point. I have stood up in this Assembly on numerous occasions and indicated that the Territory Plan is not a static document. It is an ever-changing document. I think it is completely unrealistic to expect that changes to the Territory Plan will not be made.

Recommendation 3 was:

The Government establish a scheme to provide compensation to those service station operators and others who can demonstrate financial loss as a direct result of the Government's decision to grant preferential access to the Canberra fuel market to Burmah and to lease three sites to 'eligible independents'.

The Government notes that it has no legal liability to pay such compensation; but I believe that it is the view of members of the Public Accounts Committee in relation to this matter that perhaps consideration could be given to the payment of some compensation to the small business men and women who have been so adversely affected by the changes which have occurred in the ACT. I take Mr Kaine's point that it was the Government's intention to affect the operation of the major oil companies in the ACT. Mr Kaine has indicated that he believes that the Government has failed to do that in relation to the changes that it is making to petrol arrangements in the ACT. I agree with that. I think it is extremely unfortunate that it is small business men and women who have borne the brunt of the Government's initiatives in this area, in terms of lowering petrol prices for consumers, which I wholeheartedly support.

Recommendation 4 of the committee was:

The Government flesh out the details of its policy on further independents in light of the immediately preceding recommendation, and advise the Assembly accordingly, before issuing leases to operators of the three sites already identified.

As Mr Kaine pointed out in his remarks, the Government had not tabled that documentation. I believe that Mr Kaine did so a few minutes ago. I believe that, if the information was available to people only after the closing date for the receipt of submissions, that is extremely regrettable.

**Mr Kaine:** Some of it was not available for a fortnight afterwards.

**MS SZUTY:** Yes. I think that is more than regrettable; it is absolutely inexcusable. There really is no point in the Government issuing such documents for comment if it has no realistic expectation that comments on that documentation will be received so that it can then act on them.

Recommendation 5 was:

The Government investigate the effect of national fuel supply arrangements with a view to assessing the most appropriate arrangements to secure the lowest possible fuel price in Canberra; that the Government make a statement to the Assembly about the results of such assessment; and that the Government actively seek to persuade the Commonwealth Government (if the assessment demonstrates that existing arrangements are not optimal) to change existing arrangements.

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There is a fairly lengthy explanation in the Government's response, indicating that the Government is mindful of the fact that national supply arrangements will inevitably affect the ACT market. Recommendation 6 was:

The Government urgently investigate the effect of service station closures on the planning concept of local shopping centres and provide a report to the Assembly within three months.

*(Extension of time granted)* I understand the tone and the sentiments expressed by members, and I will endeavour to be brief.

The response to this recommendation was that the Government is prepared to provide a report to the Assembly on this matter as soon as practicable but that it cannot give a commitment to the suggested timeframe - which is, within three months. I have to say that I do not think that is good enough. There are a number of inquiries going on at the moment that the Government has proposed, including a rates inquiry and an inquiry into urban redevelopment in the ACT, which is headed by Bob Lansdown; so, if the Government had the will to actually fulfil what the Public Accounts Committee is looking for with regard to this recommendation, it could certainly do so. I urge it to do so.

Recommendation 7 was:

The Government implement those recommendations of the ACT Government Working Group on Petrol Prices calling for a more pro-competition policy in the location of service station sites, and that the Government generally leave the acquisition of sites for service stations as a matter of commercial judgment.

The Government's response indicated that it proposes to implement the above recommendations as quickly as it can, immediately after the announced release of the three sites to independents. I think that is a favourable response to the committee's report from the Government. Recommendation 8 was:

The Government promptly adjust existing policies affecting the location and type of signs on main roads to permit appropriate branded signs (conforming to current guidelines) directing motorists to nearby service stations.

The Government has indicated in its response that it will undertake to give effect to this recommendation, noting the jurisdiction of the National Capital Planning Authority. Again, that is a positive response to what the committee is looking for.

The final recommendation of the committee was:

The Government consider increasing the amount of non-fuel retail space permitted in service stations.

The Government acknowledged that this is a matter already under consideration in the context of the Government's adoption of recommendation 7 of the working group's report. I think it is interesting when it is seen in conjunction with recommendation 6, which suggests that the Government should urgently investigate the effect of service station closures on the planning concept of local shopping centres. I think that there is an interesting argument being presented by members of the Public Accounts Committee in that instance.

Madam Speaker, I will conclude my remarks on this matter by saying that the issue of petrol supply arrangements in the ACT is certainly one of the most difficult issues that this Assembly has had to deal with. My remarks indicate that I do not concur fully with the comments of the members of the Public Accounts Committee in their report on the review of petrol supply arrangements. I do not fully concur with the Government's response to those recommendations either. But I present my views for the interest of Assembly members.

**MADAM SPEAKER:** Order! The extended time for the consideration of Assembly business has expired.

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

That so much of standing and temporary orders be suspended as would prevent debate continuing to conclusion on notice No. 1, Assembly business, and order of the day No. 1, Assembly business.

**MR MOORE** (12.25): Obviously, I want to take this matter to a conclusion and to a vote, Madam Speaker; so I will make just three points. First of all, I feel that this house is dripping with hypocrisy today. On the one hand, we have the Government over here, who present themselves as the champions of petrol prices, moving to increase that petrol price while they present themselves in the community as those who would lower petrol prices. On the other hand, we have Mr Humphries moving this disallowance motion; but he was part of a government that increased petrol prices by 3c and he continues to say, "Yes, we want to see the change". The hypocrisy is overwhelming, Madam Speaker. The third point I would like to make is that, in the interests of stable government, I committed myself to ensuring that the Government has the right to have its own budget and to raise its revenue in the way it chooses. Although I find this a hypocritical act, it is on that basis that I will be supporting the Government and voting against this motion.

**MR BERRY** (Manager of Government Business) (12.25): Join the throng, Michael.

**Mr Moore:** I am the only one who has been consistent all the way through.

**MR BERRY:** That is right; consistently asking the Government to spend money and look after the social - - -

**Mr Moore:** Give me an example.

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**MR BERRY:** You are to be congratulated for asking us to spend the money; but we have to get it from somewhere. Mrs Carnell is not here now; but, if you asked her, she might lend you some from the money tree. Otherwise, we will have to get it by the usual routine of taxes. This is one of those areas. It is a reasonable decision for the Government to have taken. For Mr Humphries, of all people, to jump to his feet and talk on these issues would take anybody's breath away. This means just a few cents per tank of petrol to the ordinary motorist, but a massive cut - - -

**Mr De Domenico:** You cost the ordinary punter \$4m because of the VITAB deal, for heaven's sake.

**MR BERRY:** Just on rough figures, it means about \$1.50 a tank saved by the action of the Government, and the community out there is congratulating the Government for it. As a result of CPI and so on, this will result in an increase of about 8c per tank. So, what are you whingeing about? The community out there are laughing. They have money in the bank and they are singing the praises of Terry Connolly.

**MR HUMPHRIES** (12.28), in reply: Madam Speaker, in closing this debate, let me make a few important points. First of all, it is quite true that the Alliance Government put up the price of petrol by 3c a litre. We have not denied that at any stage.

**Mr Moore:** And you were a Cabinet member then.

**MR HUMPHRIES:** I was a Cabinet member, and I supported the decision. I believe that there was, at the time, a very good reason to do so. We had a huge item of expenditure on our table. It was the hospital redevelopment program. We had a specific target for that. It was for two years. That is what we said and that is what we meant.

**Mr Kaine:** We could have done a Rosemary and borrowed it.

**MR HUMPHRIES:** We could have borrowed it, as Mr Kaine points out; but we said that we had a particular reason for it, and that was the reason we put forward. Madam Speaker, the point that Mr Moore seems to have lost sight of is that we had not said before that we were not going to introduce such a tax. We said that we were going to take the tax off after two years. We promised that again at the 1992 election, and we have promised it again now, and we mean it. With respect, the Government has attacked a government when it has put such a tax on; but, inconsistently with its promises, it has maintained that tax when that tax has been in its hands as a result of its coming into government. That is real hypocrisy, with great respect.

There is an important argument here - or, rather, a lack of an important argument - about linking our increase in ACT government tax to the CPI in New South Wales. Ms Szuty said that she heard and was impressed by the Chief Minister's argument on this question. I have to ask, "Why should the ACT's tax regime be linked to the price of any product in New South Wales or, for that matter, particularly of petrol in New South Wales, when we have taken the very specific decision to try to bring our price of petrol closer to that of New South Wales?"

**Mr Moore:** That is the argument you always used with diesel - that we should be the same as New South Wales.

**MADAM SPEAKER:** Mr Humphries, do not become distracted. Mr Moore, you are out of order.

**MR HUMPHRIES:** Madam Speaker, if the argument is that we have to be in close parity with New South Wales, that is fine; let us play that consistently across the board. But the argument that the Government has used consistently has been that we have to bring our prices down to the level of New South Wales - not our taxes; but the price of petrol. Surely, therefore, every time the New South Wales price goes up, it is an opportunity to close the gap. We do not do that if, in turn, through taxation measures, we increase our own petrol prices by the same amount; we make the goal of getting closer to New South Wales ever further distant. That is why we should be using this opportunity to reduce ACT tax, not to increase it.

Madam Speaker, the independents have complained about the Government's policies in this area. They have said that it is important that we do something about petrol prices without hitting local retailers. The fact of the matter is that there is only one way of doing that, at least for the foreseeable future, and that is to reduce the levels of government taxation on petrol. It is the only way of doing it fairly. You have not named another way. You are talking about getting stuck into the oil industry, as Mr Connolly puts it. When people talk about the oil industry, they think about the seven sisters - the Texacos, the Shells and the BPs. There are not any of those major companies present in the ACT in any realistic sense. The Government's policies have not reached beyond the ACT. The Government's policies have affected only that part of the oil industry which is manifested by small retailers. That is the point. You cannot talk about a policy that attacks the oil industry when what you really mean is a policy that attacks those small business men and women in the ACT market who have put their savings and their capital into an investment, namely, a petrol station, in the hope of being able to reap some benefits from that process, in accordance with existing government policy.

I know that Government members have chosen to vilify small businesses who operate petrol stations. They think of them as the enemy. They are beyond the pale. They are to be vilified. They are to be damned because they have dared to oppose this Government's will. Nobody observing this process could fail to admit that this Government's policies have been utterly unfairly directed against those particular people.

Madam Speaker, the Government has trumpeted its achievements in this area. The Government claims that it is producing a policy which is to the benefit of all Canberrans, that people know that they are doing the right thing by the people of Canberra, that it is the Liberals who are in the pockets of the "oil industry", so-called, and that it is the Government which is the friend of the motorist. That being so, the Government would be surprised to see that the recent *Canberra Times* Datacol opinion poll produced a very different view of what this Government was actually achieving in the

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way of reducing petrol prices. On this issue, second only to VITAB, the population of Canberra was extremely critical of the Government's performance. Of those who were asked whether they approved or disapproved of the Government's handling of petrol prices, a whopping 65 per cent of respondents said that they disapproved of this Government's handling of petrol prices.

**Mr Connolly:** I think they disapprove of high petrol prices, Gary.

**MR HUMPHRIES:** No. The Government's spin doctors have tried to say, "No; they were voting about petrol prices, not about Government policy". Of course, that was not the question that was asked. The question was, "Do you approve of Government policy and Government handling of petrol prices?". It was not petrol prices per se, but Government handling of those petrol prices.

**Mrs Grassby:** They want it cheaper, Gary. They still think it is too dear.

**MR HUMPHRIES:** Mrs Grassby, 65 per cent of people disapprove of your Government's handling of that matter. Only 15 per cent of respondents approve of it. That seems to me to indicate that people do not have much regard for your handling of these matters.

Madam Speaker, Mr Connolly continues to cast aspersions on the particular way in which this notice of disallowance has been drafted. I can tell the Assembly that this disallowance motion, as was the one last year, was drafted with the assistance of the secretariat of the Assembly, who have done, as they always do, a fine job in drafting a properly worded disallowance motion. Indeed, I understand that advice was sought from Mr Connolly's own Parliamentary Counsel's Office, to ensure that this motion did not, as was suggested by the Government, disallow all subordinate laws prior to this matter being debated today, but disallowed only the one before the Assembly today. That was the advice that his own Parliamentary Counsel's Office gave. During the week, we were attacked for casting aspersions on the work of public servants. I assume, therefore, that Mr Connolly will live by his own standards and will apologise to those public servants for having suggested that they made a mistake, because this motion is entirely in accordance with their advice.

Madam Speaker, the fact is that the process of admitting new players to this market has been utterly disgraceful. I understand that expressions of interest were called for on Saturday, 1 October. The Government was so disorganised that the relevant documents they needed to actually lodge those expressions of interest were not available until the evening of Thursday, 6 October. Page 3 of the document states that no submission will be accepted after 30 September 1994 - one week before the documents that were necessary for those expressions became available. It is now also clear that the conditions applying ensure that only one applicant is intended to succeed, namely, Burmah Fuels.

The process is rigged in favour of those sorts of enterprises - Burmah Fuels, particularly. The expressions of interest documents refer to site investigation reports. Those reports are absolutely essential for feasibility studies. The site report was not available to interested parties until today, Thursday, 13 October - almost two weeks after the original advertisement was placed in the *Canberra Times*. The closing date for applications has now been extended to 16 November. Presumably, the Government has acknowledged that it has stuffed up the process. This leaves barely four weeks from now until then for interested parties to undertake feasibility studies, negotiate with financial institutions and finalise supply arrangements with one of the major oil companies.

Madam Speaker, this process has been a farce and a disgrace, and the Government does not have the good grace to admit it. I hope, however, that the Assembly will have the good grace and decency to do something about this problem. There is no equitable way of reducing petrol prices without going down the path of reducing government taxation measures. The measures that the Government has adopted are clearly inequitable. They are clearly targeted at putting the boot into Canberra's small businesses. If you speak to one of them, you will find out what they think about that. The only fair way to deal with this problem, if we are really sincere about it, is to reduce petrol prices, and that means bringing down those taxes. I commend the motion to the Assembly.

**MR CONNOLLY** (Attorney-General and Minister for Health): Madam Speaker, I seek leave, under standing order 46, to make a statement.

**MADAM SPEAKER:** Please proceed, Mr Connolly.

**MR CONNOLLY:** Mr Humphries continues the track record of the Liberals. In his recent remarks, he said that the Government had rigged a tender process in favour of one applicant. It was a sly remark and would be slanderous, despite the High Court's recent ruling, if it were uttered outside this chamber. It was consistent with the sort of gutter slander that we heard during the committee process, when certain Liberals were extolling the views that this would show corruption in the Government; that Connolly would be got; that this was the end of Connolly; and that he would be proven to be corrupt over the Burmah deal. All of those allegations were found to be stuff and nonsense by the members of the committee who did adopt a fair and impartial approach to their duties, as, Mr Kaine, we would expect of you. No apology was forthcoming from those grubbier Liberals who had been rolling in the mud up to the release of the Assembly Committee's report. A minute or so ago, Mr Humphries said that the Government had rigged a tender document in order to produce a certain favourable outcome. He was virtually alleging criminal conduct. It is the sort of gutter statement that, unfortunately, some members of the Liberal Party are making a habit of; so, I was compelled to rise and refute it.

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Question put:

That the motion (Mr Humphries's) be agreed to.

The Assembly voted -

AYES, 6      NOES, 9

Mrs Carnell    Mr Berry  
Mr De Domenico    Mr Connolly  
Mr Humphries Ms Ellis  
Mr Kaine      Ms Follett  
Mr Stefaniak    Mrs Grassby  
Mr Stevenson Ms McRae  
                  Mr Moore  
                  Ms Szuty  
                  Mr Wood

Question so resolved in the negative.

**Mr Berry:** Madam Speaker, Mr Lamont is paired with Mr Cornwell.

**LEGAL AFFAIRS - STANDING COMMITTEE**  
**Report on Statute Law Revision (Penalties) Bill 1993**

Debate resumed from 16 June 1994, on motion by Mr Humphries:

That the report be noted.

**MR CONNOLLY** (Attorney-General and Minister for Health): Madam Speaker, I table the Government's response to the report. To facilitate the business of the house, I seek leave to have my tabling speech incorporated in *Hansard*.

Leave granted.

*Document incorporated at Appendix 1.*

**MRS GRASSBY** (12.43): Madam Speaker, the Statute Law Revision Bill is an important part of the Labor Government's reform of the penalties system in the ACT. The Bill is the outcome of the first stage of a broader review of penalties within the ACT legal system. I think it is significant that the committee not only has agreed with the broad approach of the Bill but also has recommended that the Government go a step further by incorporating the penalty review principles. The Bill concentrates on penalties for legislation which is of a social nature. The Bill standardises penalties for offences and crimes. The Government has provided for nine categories, using a scaling system.

The greatest innovation has been the introduction of penalty units. This will ensure that penalties maintain their punitive value over time. For example, category 9 covers offences which are of a very minor nature, such as failure to report a change of address. It imposes a maximum fine of only \$100. At the other end of the scale, however, in category 1, the penalty is a maximum of 12 months' imprisonment and/or a \$10,000 fine. This would be for only the most serious breaches of law of a social nature.

The work that was undertaken by the Legal Affairs Committee, which is the subject of this report, was to ensure that the penalties were consistent. It is important to understand the historic basis for this Bill. Many penalties as set down under legislation passed over many decades in most cases were set many years ago and under different policy regimes. This has led to inconsistent application of penalties. In fact, some penalties are even inconsistent with other penalties in the same piece of legislation. There has been a great deal of public confusion concerning what penalties are imposed by individual pieces of legislation in the ACT. There has also been a great deal of confusion because some penalties seem to be greater for offences which appear to be of a minor nature when compared with offences which the public perceive as being much more serious.

It is proposed by the committee that the penalty review principles be incorporated into the preamble to the Bill. This will enhance the policy of the Labor Government of raising the level of understanding in the community concerning the basis for statutory penalties. In the schedule to the Bill, reference has been made to particular pieces of legislation. In doing so, there has been an acceptance of the rule contained in penalty review principle No. 6. This principle is that the Executive should be prevented from imposing significant fines in place of the legislature doing so. The Bill has also followed the committee's recommendation that the prison penalties should not be imposed by regulations.

The committee also recommended that there be more consistency of approach in cases where penalties can be levelled on both a person and a body corporate. Some pieces of legislation make a distinction between these two different kinds of legal entities, and in some cases they do not. The Government has thus sought to set up a more consistent approach towards the different treatment of penalties incurred by individuals and by bodies corporate. This will be a major step in the right direction for law reform in the ACT. Individuals should be treated differently from bodies corporate because, in many cases, the latter are not deterred by fines which are highly punitive when levelled on a single person.

The Bill also did not shy away from the contentious issue of the mandatory reporting of child abuse. The Bill has increased by four times the penalty of failing to report such cases.

**Mr Humphries:** Five times, actually.

**MRS GRASSBY:** Five times; I am sorry. Thank you very much, Mr Humphries. I think that a lot of people will be very pleased to know that, because this has always been a contentious matter. Child abuse is one of the most serious social and criminal issues of our time, and the Government introduced these measures so as to reduce the number of cases which go without investigation. There have been very large increases in the fine,

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and the committee has recommended that, after a reasonable period of operation, there be a review of the effect of this greater penalty. In a similar area, the committee recommended that penalties in the Children's Services Act be made more consistent with each other. This is based on the principle that within an Act, if certain types of offences are distinguished from each other in one area, then the same should be done in the others.

Another area of concern that was addressed by the committee was the large increases in penalties for some offences. More specifically, there was an increase from \$40 to \$5,000 in the fine for the offence by a person authorised to collect of "importuning any person to the annoyance of that person". The committee was of the opinion that such an incredibly large increase was understandable, especially in light of the fact that the notion of "annoyance" is so subjective. I think that this is very important. There is an increase from \$40 to \$5,000 in the fine if somebody is being a nuisance to you. I honestly believe that this will make people think before they go ahead and do that.

Madam Speaker, this also ties in with something that I spoke of earlier, namely, the need to avoid taking highly punitive measures against activities which the public do not see as deserving such punishment. It seems mean spirited that a child selling cookies for pocket-money could face a fine of \$5,000. I do not think that anybody here would want to - - -

**Mr Humphries:** It is not the child that faces this fine; it is the person employing them that faces the fine.

**MRS GRASSBY:** I am sure that there is not a person here who would want to see that happen. I thank the other members of the committee - Mr Humphries and Ms Szuty - and also the secretariat. As I said before, we have had some interesting changes in our secretariat; but we still seem to come up with our reports on time. I would like to thank them for the work that was put in.

Debate (on motion by Ms Szuty) adjourned.

**Sitting suspended from 12.50 to 2.30 pm**

## **QUESTIONS WITHOUT NOTICE**

### **Health Expenditure**

**MRS CARNELL:** Madam Speaker, my question without notice is directed to the Minister for Health. In a media release issued by the Minister on 14 June this was stated:

Health Minister Terry Connolly today welcomed the 1994-95 budget for the Department of Health, noting that the recurrent allocation of \$267.7m is an increase of more than \$14m on the published forward estimate for Health.

I ask the Minister: In light of this \$14m increase in funding, why, at the end of August - just two months into the new financial year - has the recurrent health budget already blown out by some \$371,000? How can the Minister explain this overexpenditure, particularly when the latest available information from Woden Valley Hospital shows that in the first two months of this financial year there have been 347, or 4 per cent, fewer admissions than for the same period in 1993? Can Mr Connolly advise how, under Labor, you can treat fewer patients, spend more money, and still get a blow-out?

**MR CONNOLLY:** Madam Speaker, the Opposition are at it again. They have more front than Mark Foys, as the Prime Minister once said. They come into this place and they quibble. They keep making these allegations that I mislead the Assembly. Mr Humphries, this morning, brazenly said, "The Industry Commission says that you reduced petrol by 1c. That is what the Industry Commission says". I quote to him the figures of more than 3c. Is there any apology? No. For anything the Opposition says, near enough is good enough; slapdash. Mrs Carnell quibbles and carps about health. What is her solution? Smile a lot and rip \$30m out of the health system. Madam Speaker, I have tried grinning at Woden Valley Hospital and it does not produce a single additional bed. This Labor Government, Madam Speaker, has not tried slashing \$30m from the health system to see whether that will produce additional beds. I am sure, Madam Speaker, that it will not.

We are criticised by Mrs Carnell for spending more money on health. Health gets more expensive day by day, State by State, everywhere, and around Australia governments are trying to put in more resources. "Shock, horror! Our system is collapsing", says Mrs Carnell, on the basis of some interim July-August running figures. Shock, horror; we are some \$300,000 over projection for the first two months of the financial year on a budget, Madam Speaker, of some \$267m. Yes, you will need to keep an eye on these figures. We need to work on them. The Alliance - Mr Kaine, Mr Humphries, the old discredited crew - did not have a clue what was going on. Under the Alliance, they did not know - members who were here at the time will recall this - as of June, July or August what the outcome had been for the previous financial year. "Wait until the budget", was Mr Kaine's  
- - -

**Mr Kaine:** Neither do you, Minister.

**MR CONNOLLY:** No; we do. We know that, as at the end of August, we do have that degree of overspend - \$300,000 on \$270m. It is not something that one leaps up and down and boasts about, saying, "Wacky-do, wacky-do; we are spending a little more than we should"; but it indicates that you can then start to control it. Again, Mrs Carnell gloatingly says, "Gee, things are terrible. The world is about to collapse because we are some 300 admissions down on the equivalent period of last year".

**Mrs Carnell:** You are \$300,000 over and 300 down.

**MR CONNOLLY:** Yes, on a budget of \$270m, which we will address. These things are seasonal. These things vary from season to season. One patient can be in for a small matter; one patient can be in for a long matter. That is what we are trying to get a better

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feel on with casemix funding. Casemix accounting techniques will give us a better feel for that. It will not save us \$30m. Again, I smiled at the hospital and said, "Casemix, casemix"; but it still did not create any more beds, and it still did not give me a \$30m saving.

Madam Speaker, the ACT health system is, year after year, doing more with less in the sense of bed numbers. We are being more efficient. Our throughput is increasing. This year we are looking at about 50,000 admissions. We are dealing with about another 50,000 people in the emergency departments. It is a massive throughput in a town of some 300,000, although we have a region around us. We do have fewer beds now than we had some years ago. Mrs Carnell was getting terribly excited about that. She has made all sorts of nonsense allegations out and about.

Perhaps I should wait for the next Liberal question before dealing with that; but I would point out that, while they love to say that things are dreadful in the ACT, all members no doubt would have received the *Canberra Doctor* for this month, which has an interesting article on 10 years of health in Australia and which refers to public hospital beds in Australia from 1983 to 1992. It shows that there has been a decrease of about 25 to 26 per cent across Australia in public hospital beds in that 10-year period. For the equivalent period in the ACT the decrease has been 15.7 per cent. So, shock, horror; things are awful here! Interestingly, and Mrs Carnell no doubt would derive great joy from this, the private beds in the equivalent period in the ACT have increased by some 400 per cent, which is perhaps a little odd; but there we are. The total number of public and private beds in the ACT has increased, Madam Speaker. In June 1983 it was 980. It is now 1,007. So, the "Shock, horror; things are terrible" line of Mrs Carnell's is nonsense. All we ever hear from Mrs Carnell is carp and criticism. She is now thinking that she is onto a great political win with, "Gee, we are one point worse off than we should be on this month's running sheet, two months into the financial year. We'll all be rooned". All she does about health is to smile at the hospital, rip \$30m off and chant casemix. It will not work.

**MRS CARNELL:** I have a supplementary question. After listening to that very long non-answer, I ask: Is the Minister aware of a preliminary projection carried out by Woden Valley Hospital management at the end of August that warns that the budget blow-out is not \$371,000 for the whole year, but \$4.6m for the whole year? Are you worried?

**MR CONNOLLY:** No, you dill. Of course, if you have a \$300,000 blow-out in two months and you project that out and you do nothing, you will have a problem. The reason why we have put so much effort in, over the period of Mr Berry's administration and over the period I have been in charge of health, in getting a finer handle on what is happening financially is that we recall that under the Alliance you did not have a clue what was happening in health until the end of the financial year - Mr \$17m, or whatever it was. I notice that Mr Humphries now has the good grace not to be present while we are talking about hospital blow-outs. I must say that that is a wise course of action because he is not the man to talk about them.

Mr Berry took on the very difficult job of getting a better feel on the finances and getting to the point where we could publish monthly reports. Of course, every time the monthly report comes out Mrs Carnell has a field day and puts out the "shock, horror" press release. I recall your "shock, horror" press release on the six-month report of health last year. You were saying, "It is going to be a \$10m blow-out". In fact, we came in at about half of that - one of the best results since self-government. It was still not good enough, but it was a lot better than the woeful performance when you were in office.

Madam Speaker, no, I do not think that we are going to be over budget by \$4.5m. We are going to continue to work for maximum efficiency in the hospital; continue to work constructively; avoid trying to con the public by saying that there is some simple answer for health; accept the reality that around Australia public health funding is a very difficult issue which governments of all persuasions are grappling with; commit to the public that we will continue to resource the ACT public health system, not say that we are going to rip \$30m out of the health system, which is Mrs Carnell's prescription - smile at the hospital and rip \$30m out of the system. Madam Speaker, if we are stressed at the moment, which is Mrs Carnell's constant refrain, if we cannot cope at the moment - we can, but Mrs Carnell says that we cannot cope at the moment; there are not enough beds, not enough nurses, not enough doctors - how are you going to have more beds, more nurses, more doctors, more treatments and more admissions by ripping \$30m out of the system?

### **Kangaroos**

**MR MOORE:** My question is directed to Mr Wood as Minister for the Environment, Land and Planning. I draw attention, Madam Speaker, to his description in the *Canberra Times* this morning. There was clearly a mistake in a headline over an article by Ian Warden that described him as "Blinky Bill". It really ought to have been "Blinkered Bill". I refer him to a response yesterday to a question I asked about finding a short-term and long-term solution to the population explosion of the eastern grey kangaroos. At that time he replied that he had advice, including, of course, the unanimous report of the Conservation, Heritage and Environment Committee of the Assembly, and that he was considering options. Minister, on 11 April 1993, about 18 months ago, in an article by Bill Norman in the *Canberra Times* which had an inset stating "Humane shooting 'is the only sensible solution'", you were referred to in the following way:

After years of government inaction, the ACT Minister for the Environment, Bill Wood, has now recognised that there may indeed be a problem ...

At that point you appointed Dr Keith Williams to report on the impact. In the same article 18 months ago, Dr Williams set out three options - do nothing, increase rental rebates to leaseholders, or permit culling in line with the RSPCA approved code of practice which was adopted by nature conservation Ministers in 1985. For 18 months, Minister, you have chosen the first option, the do nothing option. Will you make a decision or start paying realistic compensation to drought affected rural lessees?

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**MR WOOD:** Madam Speaker, this mock indignation from Mr Moore! I have not heard a word from him on this. He did bring out a report, it is true, and now we have this indignation about this. Mr Moore knows that just at this moment he can say the word "kangaroos" and he is going to get some coverage. I have done two or three media interviews on kangaroos today, and I did last week and the week before. It is a very topical subject and Mr Moore is very keen to have that publicity. He was obviously quite chuffed about something in the paper today. The treatment of kangaroos is a serious matter. It is a significant issue that has had long examination - there is no question about that - and I think it is a level of examination and consideration that the subject requires.

**MR MOORE:** I have a supplementary question, Madam Speaker, following the non-answer from the Minister. All right, Minister; what is it that prevents you from actually making a decision, and what advice has your department given you on this issue?

**MR WOOD:** Mr Moore, I suggest that you contain yourself. I will be coming back to this Assembly. I will come back and you will hear the result of the appropriate amount of consideration we have given to this soon enough.

### **Public Hospitals - Bed Numbers**

**MR DE DOMENICO:** Madam Speaker, my question without notice is directed to the Minister for Health. Minister, the Department of Health annual report for 1993-94 shows on page 26 that the number of available public hospital beds at both Woden Valley and Calvary public hospitals at the end of June was 732. The advice tabled by you yesterday, Minister, under the heading "Bed numbers reconciliation", states that the two hospitals have a combined total of 776 public hospital beds. Is it not a fact that this increase of 44 beds has been achieved by, firstly, the inclusion of 20 nursing home beds, not hospital beds, at Calvary for the first time, even though these are not normally counted; secondly, the inclusion of up to 20 neonatal cots at Woden Valley Hospital for the first time, even though these have not been counted before; and, thirdly, the inaccurate claim that there are 56 paediatric beds open at Woden Valley Hospital when there are only 52 staffed beds available? Minister, when will you admit that there are only about 560 staffed and available public hospital beds at Woden Valley - a decrease of 45 from the 605 that were available in June 1993 - and only 172 public hospital beds at Calvary?

**MR CONNOLLY:** Madam Speaker, if that was what I was advised by the department, I admit it. I tell the Assembly what the department advises me on their basis of counting beds. What I advised you yesterday, and tabled in this place, was the breakdown. Mr Fraser says:

As I advised previously, there are currently 787 public hospital beds ...

Mr De Domenico makes a couple of points. He talks about the 605 bed number for June 1993. I am told that that 605 was an abnormally high point, which no doubt is why the Opposition likes to seize upon it, and that the average for 1992-93 was, in fact, 584. You have been ranting about the 20 renal dialysis beds. In fact, 10 of them were included and 10 of them were not, although we now get Federal funding for the 10 so we put them in. It did not include the 20 neonatal cots, but the Medicare agreement now regards them as beds - we are funded for them as beds - and we count them as beds, as does New South Wales. We checked last night, and New South Wales regards those as beds.

As for the so-called nursing home beds at Calvary, my departmental advice is that they have always been counted. They have always been regarded as hospital beds. They have always been funded by the ACT as beds. If you wanted to say that they are not beds, that they are nursing home beds, you would also probably have to take issue over some very long-stay patients in the geriatric ward at Woden Valley Hospital, and you would have to go through every hospital in regional and rural New South Wales where, in many small communities, there are very-long-stay patients in small rural hospitals in what could equally be called nursing home beds.

**Mrs Carnell:** But they are not nursing home - - -

**MR CONNOLLY:** Mrs Carnell no doubt says, "Well, I will not call them beds". I will tell you who will have big smiles on their faces because of that. Dr Lawrence and Professor Duckett, the new Secretary of the Federal Department of Health, will, because if we say that they are not beds the Federal Government will say, "Thank you, generous ACT; you say that they are not beds, so, for the purposes of the Commonwealth Medicare agreement, we will accept your argument that they are not beds and we will kindly take back the millions of dollars that that means in terms of the Medicare agreement's funding of the ACT hospital system".

Madam Speaker, every statement that I make in relation to bed numbers in this place is based on advice from officials with the Department of Health. I have, for the last three days, tabled those advices. Mrs Carnell and the Liberals continue to want to quibble and to suggest that there is some sort of con going on here. It is all heat and stuff and nonsense. When the tumult and the shouting dies there is really nothing to it. I quoted once before, and I will quote once again - something I am unlikely to do too often - some quite wise words from a Liberal counterpart, Ron Phillips, who constantly says to the New South Wales Legislative Assembly that the number of beds is not a meaningful measure of the effectiveness of the health system; and, as Marie Tehan is wont to say repeatedly to the Victorian Parliament, "We do not treat beds; we treat patients". So Mrs Carnell quibbles. The actual number of beds will vary from day to day; the number of people in them will vary from day to day. Mr De Domenico goes back to paediatric beds. He makes some new claim about the number of beds in paediatrics. Again, on the information - - -

**Mr De Domenico:** Was I right or wrong? They are your figures, Minister. It is your annual report.

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**MR CONNOLLY:** I have not been down there counting them this morning; but what I said yesterday, and the document that I tabled, I think, identified 56. I do not know how many of them are operative today. I do know that the very heavy stress in the paediatrics ward earlier this financial year has eased. Indeed, the last time I was down there one of the four wings did not have any patients in it. I pose the question, "Are they then beds?". "What is a hospital bed?" is an issue that we could debate forever.

**Mrs Carnell:** I will tell you later.

**MR CONNOLLY:** I can tell you. We use definitions, and that is where we get these figures from. The reason we count the neonatal cots as beds is that it is consistent with the Medicare agreement.

**Mrs Carnell:** Only if they are humidicribs.

**MR CONNOLLY:** It helps our funding arrangement. The New South Wales system does the same thing. Mrs Carnell says, "They are not beds". We will shut them down then, and we will say to parents who cannot get their baby into a cot, "It does not matter, because Mrs Carnell says that they are not beds". Madam Speaker, you have to go to the fundamentals of the health system. For the Liberal Party it is stuff and nonsense. Not a single constructive suggestion have we ever heard in this place from the Liberals about how to better manage the health system - an enormous challenge which faces every government across Australia. All they say is, "Smile at the system; rant and rave; carp and criticise". The hidden agenda is to rip \$30m out of the system, because that is your policy.

### **School Sponsorship**

**MS ELLIS:** Madam Speaker, my question is directed to the Minister for Education, and I ask: What is the Government's policy towards the issue of sponsorship for our schools? Will ACT schools be required to seek commercial sponsorship to make up funding?

**MR WOOD:** Madam Speaker, the Education Department, under my guidance, recently has established a sponsorship policy. It was the subject, I think, of some question or some discussion here. Certainly, the media was quite interested in it. We established a number of guidelines, the most significant of which is that there should be no compromise of the educational values of the schools. There are no conditions attached to sponsorship, other than, perhaps, the display of the local supermarket's attention to some of the activity at the school. In particular, the sponsorship must be of appropriate goods and services. What happened was that we really legitimised what was happening. We just endorsed the existing operation, basically, because sponsorship is not going to bring lots and lots of money to the ACT. It is not a significant source of money, and I made that clear. This is, of course, in very significant contrast with what the Liberals propose.

**Mrs Carnell:** No, it is not. It is exactly the same.

**MR WOOD:** I say "Liberals". I am not sure whether it is Liberal policy or whether it is Kate Carnell's Bronwyn Bishop-style plagiarised policy, the Carnell policy imposed on the Liberals. When I referred to an article in her name by Chris Uhlmann in the *Canberra Times* yesterday, I should have mentioned one significant part of it. The article said:

... the ideas must be okay if Kate thinks they're okay. "The Liberal Party believes and I do, too ..."

It is not Liberal policy until Kate says that it is okay. I think there is a lot of pre-empting of policy discussion by the Liberal leader. It seems to me that this group over here, who talk repeatedly about consultation, do not allow consultation in their own ranks, because the Liberal leader gazumps them all the time. She is the one who decides.

Going back to the question of sponsorship, what the Liberal leader has said about sponsorship is entirely consistent with her other notions of cutthroat competition in our schools. One of the things that article said was that she disagreed with what I had done in respect of controls on that sponsorship. She seems to suggest that there should not be controls.

**Mrs Carnell:** No, I did not. I agreed.

**MR WOOD:** But you do not want the measure of controls.

**Mr Humphries:** I raise a point of order, Madam Speaker. The question asked of Mr Wood was about his Government's view about corporate sponsorship. He has now been talking at some length about Mrs Carnell's views about corporate sponsorship. I would ask that he stick to the subject of the question.

**MADAM SPEAKER:** Order!

**MR WOOD:** Madam Speaker, Mr Humphries is going to jump up every minute of the day, I think. He had better stay on his feet. Mrs Carnell said that boards should be able to supplement their revenue by other measures such as corporate sponsorship.

**Mr Humphries:** I take a point of order, Madam Speaker. It was a serious point of order. He was asked about Government policy.

**MADAM SPEAKER:** I doubt whether it was a serious point of order, Mr Humphries. This is a parliament, for heaven's sake. The Minister will answer the question. Mr Wood, continue.

**MR WOOD:** He does not want to know about it.

**Mr Humphries:** I had not imagined that it was a sauna bath, Madam Speaker. There is a standing order - - -

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**MADAM SPEAKER:** Mr Humphries, you are not seriously suggesting that the Government may never speak about the Opposition. Seriously, Mr Humphries!

**Mr Humphries:** No, Madam Speaker. I am suggesting that he should answer the questions that have been asked of him. Mr Wood was asked a question about Government policy on schools.

**MADAM SPEAKER:** Thank you, Mr Humphries. Mr Wood, please answer the question that you were asked.

**MR WOOD:** Thank you; I will, because this question of sponsorship is a critical one. The words that Mrs Carnell has used in this article, as in a speech she gave a little while ago - - -

**Mr Humphries:** Madam Speaker - - -

**MADAM SPEAKER:** Mr Humphries, he is answering the question. Mr Wood, continue.

**Mr Humphries:** With great respect, Madam Speaker, he is not. He was asked a question about Government policy. Does Ms Ellis wish to repeat the question? I did not hear anything at all about Carnell or Liberal in that question.

**MADAM SPEAKER:** Please continue, Mr Wood.

**MR WOOD:** Madam Speaker, I am putting the question of sponsorship and what the Government's policy is in the proper context. If Mr Humphries does not want to know about it, I suggest that he can walk out of the room once again. I was mentioning that word "corporate". The word I have used in respect of sponsorship has been "commercial" sponsorship - that is, non-government. The word that Mrs Carnell has used twice is "corporate". It is a very significant choice of words because it fits in with this whole attitude towards schools that she has. It is a deliberate focus on beating, on corporate, on business; and it is the business approach that she seems to be pushing. This is disconcerting because at the same time, in her speech to a professional body, she said the fact is that savings have to be made.

What the Liberal vision is for schools in the ACT becomes quite clear. It is squeeze the schools; squeeze them hard; per capita funding. That is the measure. By way of per capita funding, squeeze those schools; establish cutthroat competition - a favourite word of Mrs Carnell's. Yesterday, as I pointed out, the message was, "Go and chase students, go and get those students", in this competitive way; but it is more than that. It is, "Go and chase the dollar too; go and chase the corporate dollar for your schools, because we are going to squeeze you".

Mrs Carnell wants fewer schools and, in keeping with what some of her colleagues said, we are going to have all schools - all primary schools, for example - with 437 students, because they cannot vary from a set number. They do not like large schools; they do not like small schools. The energy of our schools is going to be taken up totally with this harshness of survival. What they should be doing is focusing on the real issues of schools. That is the sort of thing I am about. I suggest that the Liberals ought to impose on Mrs Carnell a bit of real respect for our schooling process.

### **Public Hospitals - Bed Numbers**

**MR KAINE:** I address a question to the Minister for Health. I warn him that I am going to talk about numbers. I know that he goes into a frenzy every time we talk about numbers; but I would like him to sit quietly, smile sweetly, and listen to the numbers, because I want him to answer a question about them. Minister, yesterday you tabled a document headed, "Bed numbers reconciliation", from the chief executive of ACT Health. On page 1 it states that there are 192 available public hospital beds at Calvary. That is just to refresh your memory. I draw your attention to page 26 of the Health Department's annual report for 1993-94 where, under the heading "Calvary Public Hospital (a) - Inpatient Activity Statistics", it says that the average number of available beds was 172. It says 172, not 192. Is it true, Minister, that you have included the 20 nursing home beds at Calvary Hospital in the overall total number to get to 192? If so, why are these 20 beds included, since they do not comply with the definition given by the department of an available public hospital bed, and, secondly, Calvary Hospital itself does not include them in its own count?

**MR CONNOLLY:** I always smile during Mr Kaine's questions because he asks reasonable questions rationally and tends to avoid the sort of sly innuendo that marks most of his colleagues. I will give him a very precise answer. I shall read verbatim from the advice that Mr Fraser gave me earlier this morning, anticipating that such a question would be asked. As I have said repeatedly, when I come into this place and I am asked these questions about numbers, I seek the advice of my officers and I pass it on to members. These allegations are of misleading and all the rest of it, and you are going to have to reconcile that. This advice says:

The 20 nursing home beds at Calvary have always been included in a count of the available bed numbers at that hospital. To delete them from the count would substantially reduce the Territory's funding from the Commonwealth under the Medicare Agreement. The reason they are reported separately in the Annual Report - - -

**Mr Humphries:** That is not true. It is simply not true.

**MR CONNOLLY:** Mr Humphries can rant "That is not true" as much as he likes; but, as I said, I will read to you verbatim the advice that I have been given by Mr Fraser.

**Mr De Domenico:** Do you believe that advice?

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**MR CONNOLLY:** And I will table the document.

**Mr Humphries:** Do you believe that advice?

**MR CONNOLLY:** It is the advice that we also get from the chief executive of the hospital; so, yes, I have no reason to disbelieve the advice of a highly regarded senior public servant. But, if you want to come in here and do that, that is fine. He says:

To delete them from the count would substantially reduce the Territory's funding from the Commonwealth under the Medicare agreement.

That is very significant, as I said in the earlier answer to Mrs Carnell's questions. Mrs Carnell can say, "We would not count these things. We would say that they were not beds". Mr Kaine might like to explain to Mrs Carnell how public finances work. It would help if somebody did. She might then understand that promising everything, abolishing taxes and the money tree is just stuff and nonsense. I will continue quoting verbatim from Mr Fraser:

The reason they are reported separately in the Annual Report is that due to the longstay characteristics of these patients they would disproportionately distort the hospital's average length of stay indicators.

Madam Speaker, there is the precise answer from the department. I am told that they have always been included in the count of available bed numbers at the hospital, and I can do no more than pass on to members - - -

**Mr De Domenico:** Is the annual report wrong?

**MR CONNOLLY:** No, the annual report is not wrong. I explained:

The reason they are reported separately in the Annual Report is that due to the longstay characteristics of these patients they would disproportionately distort the hospital's average length of stay indicators.

As I said earlier in answer to Mrs Carnell's question, if you wanted to get into this point of what is a patient going in for treatment and expecting to come out very shortly, and what is a long-stay, in effect, nursing home-style patient, you would have to make a whole lot of value judgments across regional and rural Australia about patients occupying beds in wards who, in fact, have occupied those beds for months or years and are, in effect, nursing home-style patients. But those beds have always been funded - - -

**Mr Humphries:** But you have changed your criteria halfway through.

**MR CONNOLLY:** Mr Humphries says that I have changed the criteria. When I asked the secretary of my department, "When did we start counting them? Are they new? Is this something different?", the advice I got, which I read to you, is that the 20 nursing home beds at Calvary have always been included in a count of available beds at the hospital. My understanding is that members of my office have contacted Mr Dyer, and that is confirmed from Calvary Hospital. I can do no more, Madam Speaker, when asked a question of fact, than answer that question honestly and to the best of my ability, based on the advice of my officials. If that answer does not suit Mrs Carnell and Mr Humphries, there is little more that I can do.

**MR KAINÉ:** I have a supplementary question, Madam Speaker. Minister, on page 26 of the annual report where it gives the number of beds available at Calvary as 172, there are two footnotes. One in connection with in-patient activities statistics at Calvary Public Hospital says that the figure "excludes nursing home beds (20 beds)". In other words, they are not counted as part of the in-patient activities statistics. Lower down the page there is one for combined Woden Valley and Calvary public hospitals, where the number of available beds is given as 732, and, again, there is a footnote that says "Calvary Public Hospital excludes nursing home beds (20 beds)". That seems to contradict your assertion that your in-patient activities statistics have always included them. Your own annual report specifically excludes them. It does not list them separately; it says they are excluded. That being the case, I suggest that you again ask your departmental secretary for further advice. Furthermore, if it is proper to include the 20 nursing home beds at Calvary in order to arrive at the total number of available hospital beds, why is it not all right to include all of those at Jindalee, which are exactly the same kind of beds?

**Mr Berry:** No, they are not. That is why you never could manage it.

**MR KAINÉ:** They are nursing home beds, Mr Berry - and I asked Mr Connolly the question, not you.

**MR CONNOLLY:** Madam Speaker, as Mr Berry said, no, they are not, because at Jindalee we are going through the exercise of getting them as Commonwealth funded nursing home beds. It has been abundantly clear that the beds at Calvary will never be Commonwealth funded, and never have been Commonwealth funded, nursing home beds; they have always been regarded as hospital beds, and we have to cope with them in those ways. Again, I re-read the answer. It seems that my answer and Mr Kaine's supplementary question are - - -

**Mr Kaine:** This is an update on this morning's advice.

**MADAM SPEAKER:** Order!

**MR CONNOLLY:** Question asked and answered. The reason they are reported separately in the annual report is that due to the long-stay characteristics of these patients they would disproportionately distort the hospital's average length of stay indicators. We do asterisk that and say, "Oh, but, by the way, we also have these 20 other beds".

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Again, I am advised that they have always been included in the count. If you want to exclude those from the counts for previous years, we can have these esoteric debates about the number of beds we have had in the ACT for many years and delete 20 from all of them. If we want to jump up and down and make a great fuss and if the ACT says that these are not hospital beds, again the only people who will be smiling will be Dr Lawrence and Professor Duckett, because they will take some money away from us; we will not get funded for them. The people who will not be smiling will be the people who are in the beds, because they will get defunded and that will cause great problems for us.

Madam Speaker, all of this line of questioning, I have to say, is really best resolved in the Estimates Committee. If you are going after me, suggesting that I have come in and wilfully misled the Assembly, that I have made up figures, that I have been told certain things by departmental officers and come in here and inflated them, this is a good forum; but you seem to be taking issue with the methodology that the department uses. I have not heard any suggestion that I am somehow not honestly answering on the basis of the information I have been given by officers. I have tabled them and tabled them, and I will table the one that I was earlier reading from, as long as I can get a copy of it back straightaway because no doubt there will be another question. Next week we have an Estimates Committee process and, if you take issue with the methodology that departmental officers are using, and if you are saying, "We think you should count them in a different way", that is probably the best forum in which to do it.

As I said in answer to the first question, at the end of the day it is all just so much stuff and nonsense, as governments around Australia - Ron Phillips, Marie Tehan - say that you really do not count the number of beds you have. It is not a meaningful indicator.

**Mrs Carnell:** So, you are not funded on beds after all?

**MR CONNOLLY:** I am trying to answer your questions about beds to the best of my ability, as honestly and frankly as I can, on the advice that I have been given, and I have come in day after day and tabled that advice. What I am saying is that we can go down this path as long as you like, but it is not going to assist one more person get one more treatment. What we are focusing on is trying to drive the hospital to make it operate as efficiently and effectively as it can to continue to provide high-quality treatment for the people of the ACT. The evidence of that is that we have, over successive budgets, put some more money in to provide more treatments. Mrs Carnell wants to smile, chant "casemix", and pull \$30m out of the system.

### **Wheeled Bins - Collection Service**

**MS SZUTY:** My question without notice is for the Minister for Urban Services, Mr Lamont. I refer to Budget Paper No. 1, the Chief Minister's presentation speech, in which it was stated that the Government would be introducing later this year weekly garbage collections and fortnightly recyclable collections of wheeled bins provided to every household. I also refer to the Minister for Urban Services' evidence before the Select Committee on Estimates in which he stated that the day of first collection was anticipated to be around 1 November. Can the Minister inform the Assembly whether the collection of garbage and recyclables from wheeled bins will commence on 1 November as he anticipated?

**MR LAMONT:** I thank the member for her question. Yes, I do recall both the Chief Minister's budget paper and my evidence before the Estimates Committee. Madam Speaker, as members and the community would be aware, we are currently distributing to each household in Canberra two wheelie bins. The first of those is a smaller bin for non-recyclables. The collection date anticipated for that is now the first week in December. The reason for that was the availability of the bins for distribution, as I understand it, and the timeframe required to distribute those bins. The second type of bin that has been distributed is the recyclables bin, and I anticipate that we will commence some collections of recyclables bins in November. Madam Speaker, my department has prepared an information brochure to go to each and every household in Canberra, outlining the rules of usage of the new system, explaining the way in which we can maximise the benefit of this new system and outlining the collection days timetable and other processes. It also covers such things as replacement policy and so forth.

There has been one matter raised on which I think it would be appropriate, Ms Szuty, if I outlined the Government's position. Some properties may have a granny flat attached to the house and there is one title over that land. There was an expectation that there would be two sets of bins provided to that residence. That is not the case. We are using appropriate information to provide bins in numbers according to the title of the property. That is, I think, probably the single largest issue that has been raised with my office during this distribution phase. We are working to a very tight schedule. We are controlled to some extent by the availability of the bin manufacturing process and the distribution process. We are still on track for full introduction, full implementation, in that first week in December.

**MS SZUTY:** I have a supplementary question, Madam Speaker. If some of the recycling collection is going to start in November, when will every household have their recyclables collected?

**MR LAMONT:** All of the services, Madam Speaker, will start in that first week in December. Even if we start some of the recycling processes first, the total collection system will commence and be operational from that first week in December. We have decided, in some specific areas, to undertake the recycling a little bit earlier to allow for testing of the vehicles, to make sure that the technical specifications that have been put into these new vehicles are appropriate, to make sure that, when the full collection system starts, all of the equipment is fully operational and can meet the performance requirements of the service.

### **Woden Valley Hospital - Chronic Pain Management Unit**

**MR STEFANIAK:** My question is directed to the Minister for Health. Does the Minister believe that it is acceptable that a patient who has had three major back operations in recent years and who is on high doses of pain-killers and muscle relaxants, and whose doctor referred her to the chronic pain management unit at Woden Valley Hospital in July, should, three months later, still not have had an appointment to see the unit's pain management doctor?

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**MR CONNOLLY:** Madam Speaker, that seems to be a question for a clinician, and I am not a clinician. I would presume that a lot of this would depend upon the level of urgency the treating doctor referred to.

**Mr Humphries:** I could answer that question, Terry.

**MR CONNOLLY:** Yes, and you would say that everybody should go straight to hospital - no waiting lists; no taxes; we give away the petrol; 2,000 beds at the hospital; and a hospital in every electorate. It is the Liberal Party nonsense. This is pure stuntism from the Opposition. I cannot answer the question because I am not a clinician. I do not know the details of the matter. Opposition members have known in the past that, when they do have legitimate constituency issues that they want raised, if they raise them with my office we will try to facilitate an answer. They also know that if they want a cheap political stunt they can come into this house and ask these silly sorts of questions. Needless to say, the Opposition have decided that they want silly political stunts.

**MR STEFANIAK:** I ask a supplementary question, Madam Speaker. Given that this patient and her doctor had been told that waits of up to 10 weeks for an appointment are not unusual and that there could be as many as 300 people on the waiting list, will the Minister undertake to inform the Assembly as to exactly how many people are waiting and the average waiting period? That is something you can do.

**MR CONNOLLY:** If you want to give me the details of this matter, I will have it looked at. If you want me to come back and report on the pain management program, I will do that too. As I think we reported in our response in relation to the hospice, we have had some difficulties in recruiting certain people in this pain management area. These are people who have been suffering with pain for a very long time. These are not the urgent life-threatening situations. They are people with very legitimate concerns; I will certainly say that. I read with great concern on the front page of the *Melbourne Age* recently a reference to one of the major Melbourne metropolitan hospitals where, as a result of casemix funding, the chronic pain management clinic was shutting - totally, absolutely, finally, kaput. "Casemix", says Mrs Carnell; wave the magic wand of casemix and we will save \$30m. I would have to say to your constituent that I would not be hopeful if casemix came in, as Mrs Carnell seems to want it to come in - whatever she means when she says "casemix and slash \$30m". If Mr Stefaniak wants me, as a constituency matter, to look at this case, I will do that; but, again, if he wants to make cheap political points in the Assembly, I guess that he can do that too.

**MADAM SPEAKER:** Mr Stefaniak, I would ask you to check standing order 117(c) in relation to that question.

## Vocational Training

**MR BERRY:** My question is directed to the Minister for Education. In asking him a question I would like to thank him for drawing the stark contrast between Labor and the Liberals, particularly in relation to the policies which have been announced - those policies that were whipped up in the cauldron, the nightmare policies for ACT education. I would like the Minister to point out the contrast that might exist, and the opportunities for vocational training that are available, or will be available, to meet the demand for high level skills in ACT business and industry.

**MR WOOD:** This is a more significant question than the Opposition realises. Opportunities for training are expanding in the ACT, as in Australia, and they are changing. There has been, in fact, a revolution in training occurring around Australia over the last two or three years, and it will occur in the future, as it is a fairly time consuming task. The ACT has enthusiastically joined in the national training reform agenda because of the very considerable benefits that it will bring to the ACT, to its industry, and to the people who work in a whole range of businesses and industries. The reform is a recognition that the old ways had to change to ensure that the work force has the skills needed for a dynamic and competitive nation. In brief, the reform agenda will integrate industry, enterprises, and the needs of individuals, and will have them working in the same direction. It will also be competency based and it will achieve national industry standards. All this happens very much in consultation with industry. It will also ensure more flexible pathways for younger people as they exit schools, and it will increase the access of all people. The ACT Government, through its own resources, and with the welcome addition of Commonwealth growth funds, has provided hundreds of additional training places in the ACT. We have also established pilot programs in many areas to ensure that the way we are going is the best possible path.

I can assure Mr Berry that this is a highly significant part of my portfolio. To answer his question, this is in contrast to the vacuum on the Opposition side of politics. They are not even aware of the training reform. They are not even aware that training exists. They have no interest. There is no knowledge. That is the reason why there are no policies, not even a Kate Carnell directed policy. In that *Canberra Times* article there is not a mention of training. Mrs Carnell was given the same opportunity as I was when a similar article appeared in my name a week before, and that was to talk about the whole spectrum of education in the ACT; but she never gave a thought to training. She did not know about it. She has no vision for it. I think I said yesterday that, in respect of schools, the Carnell imposed vision was somewhat impaired. In respect of training it is simply blind. There is no vision at all because it is not there.

I think it was Mr Connolly who declared once that Mrs Carnell was a policy-free zone. That has become very evident in respect of training. In all the time that I have been attending to training issues I can recall Mr Cornwell asking one question, and I think Ms Szuty once asked a question. The Liberals simply do not know the importance of this program. It is something that I suggest they put their mind to. Perhaps it might be better this way. The policy they outlined yesterday, per Mrs Carnell, about schools will be

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enormously destructive of schools. If there is no policy on training, perhaps they will just leave it alone, and that might be the better way to go. As for the Government, Mr Berry, we will continue. We will carry on with our reforms in the interest of improving what happens in the ACT and what is happening nationally, especially for those people who are working in business and industry.

### **Health Expenditure**

**MR HUMPHRIES:** My question is directed also to the Minister for Health. The Minister has referred to this \$30m being ripped out of the public hospital system. I would like to ask him about this matter. He has attacked the Leader of the Opposition over her proposals to save approximately \$26m in public hospital expenditure over a three-year period, and \$4m separately in the Department of Health, through a range of carefully costed initiatives to return the focus in health to the patient.

**Mr Lamont:** It must have hurt.

**MR HUMPHRIES:** Something is going to hurt, Minister; I am not sure what it is going to be, though. On the same day that he released the Andersen Consulting report into ACT Health in April, the Minister promised that the Follett Government was fully committed to implementing all the report's recommendations. I am sure that the Minister recalls that. Noting, therefore, that on page 5 of the report it recommends that there be performance improvements in the order of \$25m over a three-year period, will the Minister now apologise to Mrs Carnell, who has simply been up-front about implementation of his Andersen Consulting report in contrast to his own position, which has been to attack the Carnell Opposition for merely doing what he does not have the guts to admit - that he is going to do it too?

**MR CONNOLLY:** Madam Speaker, I am glad that Mr Humphries has stood and admitted that the Liberal Party are committed to reducing expenditure on health by \$30m. That is, they want to spend \$30m less on health. They seem to agree; that is what they want to do.

**Mr Humphries:** But you are too.

**MR CONNOLLY:** No, I am not. If you listen you will learn, if possible. What we want to do, what we are committed to doing, and what has been the hallmark of this administration in a whole range of areas, is to drive efficiencies in government; to deliver services more efficiently in order to reap that efficiency dividend in order to provide more services. We know, as anybody with any sense and in-depth knowledge of the health system knows, that over coming years health costs are going to continue to rise, and in some areas alarmingly and unpredictably.

A very good example is that over the last 12 months we had an increase of the order - I do not have this figure in front of me, so no doubt you will censure me for misleading if I am out by some hundreds of thousands of dollars - of about \$1.4m because of better infection controls on single use items. A couple of years ago that would have been totally unpredictable. There has been some recent study on this. One of our senior doctors, Dr Collignon at Woden Valley Hospital, is one of Australia's leaders in this field. That sort of increase is going to be even more rapid over the coming few years.

The demand for new services is ever-increasing, such as the cardio-thoracic unit. Mrs Carnell thinks we can do that on the cheap. We are very sceptical about the long-term costs.

**Mrs Carnell:** No. We can fund it with the money we save.

**MR CONNOLLY:** For free perhaps; and services like the helicopter, which should not land anywhere near the hospital. We know that these costs are going to continue to grow. Across Australia for the past decade that has been the hallmark of health. We know that the health budget is going to be facing additional costs over the coming years.

What we are saying is very different from what you are saying. We are saying that we want to drive efficiencies in the health system so that we can enhance services and meet these new emerging costs. You say, "We want to slash \$30m out of the bottom line and spend less on health". That may be because you want to collapse the public system and force people into the private health system. There are various ways of getting more people into the private health system, and we are facilitating that to some extent by allowing the private sector to open more options. So, you can do it with these incentives - there are more services; go out and make a choice - or you can collapse the public health system; make it so untenable that people are driven into the private system. Given the philosophical bent of the Liberals and some of Mr Humphries's comments when he was Health Minister, the Liberals' policy commitment to just reduce expenditure by \$30m would indicate that that is the path they are going down.

Madam Speaker, it is very misleading for the Liberals to try to masquerade behind a proposition that their policy on health and our policy on health are the same. They are radically different. Our policy in health, as in education, as in urban services, as in the sort of work that Mr Lamont was explaining to you yesterday in the review of public housing, is about efficiency, about governing smarter, about driving dollars further. That is the reason why this Chief Minister and Treasurer has brought down five budgets in the six years of self-government, and they have all come in pretty much on track. That is why the net debt of the ACT, uniquely, is lower than it was six years ago, why Standard and Poor's are giving us the top credit rating, why even the right-wing think-tank, the Institute of Public Affairs, says that we had one of the best State or Territory budgets in Australia last year - because we are careful; we are prudent; we drive efficiencies to put back into new and enhanced services. We know that health costs will continue to increase, in some areas at very sharp rates, over coming years; so we want to drive efficiencies to pay for that and to maintain services. You want to slash services.

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**MR HUMPHRIES:** I have a supplementary question, Madam Speaker. On 19 May, Minister, you said:

The true position, Madam Speaker, is that we are spending \$30m more than we should for the service we are getting.

Given that and given what you have said today, will you confirm to the house that in the next three years you will be looking for savings in the health system of the order of \$25m?

**MR CONNOLLY:** Madam Speaker, we are always looking for more efficient ways of doing what we do, so that we can expand what we do. We have done it year after year in the most difficult budgetary circumstances faced by any Australian government. We have come up trumps time after time. You are asking the Canberra public not to accept this strategy, where the runs are on the board, and to adopt your nonsense of a commitment to slash expenditure on health.

We are not saying that we want to spend less on health. We are saying that we want to drive what we spend further. I do stand by the proposition that we are not spending what we spend as well as we could. I do stand by the proposition that there are savings to be achieved in the health system in efficiencies. That is why we are saying to all the unions that we need to sit around the table and work out more efficient ways of doing things. That is why we are saying to the doctors, effectively, the same thing, although at the moment we are awaiting arbitration on one key point of that. That is why I am saying to everybody in the system that there are efficiencies to be gained. We have identified - - -

**Mr Humphries:** How much are the savings, Terry? That is the question.

**MR CONNOLLY:** You are right; I have said that there is that \$25m to \$30m figure of efficiencies to get out of the system so that we can spend it on enhancing services, so that we can meet these increasing costs of health. We are saying that we will get that saving on what we do now, so that we can spend in other areas. You seem to think that the health budget will be static over three years and you can rip \$30m out of it. Anybody who knows the system knows that that is nonsensical.

Mrs Carnell knows this. Pharmaceutical costs are skyrocketing in certain areas of health. Imaging costs are skyrocketing. Costs of pathology services are skyrocketing. You need to factor in all of these things so that you can drive more efficiencies in certain areas, to keep providing standards of service. If Mrs Carnell's policy, this simplistic nonsense, were adopted, we would have a collapse of the public health system. We will continue to try to drive efficiencies in health, as in education, as in urban services, as in housing, to continue to deliver services to this community effectively, and continue to deliver good bottom line budget outcomes, as we have done for five years out of six.

## Homelessness

**MRS GRASSBY:** Madam Speaker, my question is to the Deputy Chief Minister in his capacity as Minister for Housing and Community Services. What is the Minister going to do about the high level of homelessness in the ACT, as reported in the *Canberra Times* on 7 October?

**MR LAMONT:** I thank Mrs Grassby for her question. Madam Speaker, media reports on this issue have misrepresented the situation. The report that has been referred to is called "Services for the Homeless 1990-92 - a Statistical Profile", and it was released by the Australian Institute of Health and Welfare on 7 October this year. Madam Speaker, the report emphasises in several places that caution should be exercised in using its findings. Without denying that this city is similar to any other city in this country, with similar types of social problems, similar types of issues confronting our youth, the way in which the issue has been represented misconstrues the actual situation.

One of the tragedies of the reporting of this issue was the juxtaposition of the headline that was used, which said that Canberra was the capital of the homeless, and then a graph was used to underpin that story. The graph referred to the usage per head of population of SAAP funded services and clearly demonstrated that per head of population we, frankly, do it better. We provide a greater level of service and more accessible services than anywhere else in this country. Unfortunately, the correlation between the use of the SAAP services and the headline tended to misrepresent the situation. I again emphasise that we, like any other city, do have issues of concern as far as homelessness is concerned.

There are a number of other errors, I believe, contained in that report that need answering. The report, Madam Speaker, attempts to draw conclusions about unmet need and has used turnaway rates as the basis for arriving at a particular suggestion. Here in the ACT, Madam Speaker, the turnaway data has been historically recognised as being skewed by the inclusion of Ainslie Village, which, in 1991, regarded its total population as homeless, and a turnaway policy which excluded those persons who may have had some debt to the village reapplying for accommodation within the village. It is skewed by any increase in the length of stay in services, multiple counting in a small geographic area, inappropriate referrals to service - that is, people with behavioural and mental health problems who are outside the scope of the program - and tertiary students from other centres who are unable to obtain accommodation on campus, as well as the non-participation of some services in the ACT in relation to the data collection for this statistical analysis. Those five things have skewed significantly the appropriateness of drawing the conclusions that were drawn from that data.

Madam Speaker, the Government currently funds 32 SAAP services, including 24 accommodation services, here in the ACT. The Government has taken action to implement the recommendations of the Kelly inquiry into Ainslie Village, and the former turnaway policy of Ainslie Village has ceased. The length of stay in services is determined in part by the availability of exit points for those requiring permanent accommodation.

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It is acknowledged that there needs to be more done in establishing a greater range of options, as far as exit points are concerned, out of SAAP services. Cooperatively, this Government, in conjunction with the non-government organisations providing exit point services in the ACT, intends to work to meet that demand, and to provide the range and types of exit point accommodation to meet the legitimate needs of people leaving SAAP services.

A range of other initiatives have been outlined in this year's budget and previous budgets as far as assistance to SAAP services is concerned. While there is always room for improvement and while I do not believe that we as a community, either here in Canberra or in Australia, can regard as acceptable any level of homelessness, I believe that this Government and the non-government organisations in the ACT have targeted extremely well the provision of services - not always, I might add, Madam Speaker, to a level that some of the non-government organisations may wish. But I believe that, within the constraints placed upon us in terms of the economic circumstances of this Territory, we do it better. We do it better, but we could improve.

### **Housing Trust Properties - Garages and Carports**

**MR STEVENSON:** My question is to Mr Connolly and it concerns housing tenants who erect garages on their properties.

**Mr Lamont:** Madam Speaker, Mr Connolly has not had responsibility for this matter for some time.

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

**MR STEVENSON:** I redirect my question to Mr Lamont. Once the tenant has moved, is it a set policy of the department to demolish any such garage or carport? If not, to what degree is the standard of the structure taken into account?

**MR LAMONT:** I thank Mr Stevenson for his question. I can confirm that the policy that my colleague the current Minister for Health, the former Minister for Housing and Community Services, adopted is one that I concur with and am continuing. Madam Speaker, the ACT Housing Trust will remove either an unapproved or approved structure from the property if it was poorly constructed, inappropriately sited or poses a health or safety risk. If the structure is sound and was constructed within specifications required for design and siting approval, it is left in place for the use of the incoming tenant. The Housing Trust then accepts responsibility for the ongoing maintenance of such structures and the work to seek and achieve design and siting approval. The ACT Housing Trust raises a charge against outgoing tenants for the cost of removing unapproved structures or structures which are, or do pose, a health or safety risk. We also require the outgoing tenant in such circumstances to make good the site or to meet the cost of returning it to a condition similar to that which existed prior to the construction.

I understand that there may be some question about whether or not the Housing Trust should recompense a tenant who, at their own cost, constructs a substantial garage or carport and then leaves the premises; a question about whether or not the Housing Trust should pay for the improvement that has been made on that property. Currently, further consideration is being given to the way in which those matters should be dealt with. It would raise serious concerns, as you would appreciate, if structures about which the Housing Trust was completely unaware were constructed on a property with an expectation that the Housing Trust would reimburse the tenant for that expenditure. I will confirm at a later date, Mr Stevenson, how they will be dealt with. Most certainly, for any structure, particularly one that was not approved, it is our policy to have it removed, except when, in the opinion of our building experts, it is likely to gain design and siting approval.

### **Public Hospitals - Bed Numbers**

**MR CONNOLLY:** Madam Speaker, I want to table two documents that may expand on some answers in question time. I wish to table a report of the Board of Health in August 1991 which proves that the 20 nursing home beds at Calvary and the then six renal dialysis beds were included in the count of average available beds through 1990 and 1991. I also wish to table the extract from the minutes of the Board of Health that proves that Mrs Carnell was present at the time that these were approved, and so knows full well that since at least 1990-91 the 20 nursing home beds about which she has accused me of misleading this place - she has gone outside - were counted as average available beds. Madam Speaker, I say, "Stuff and humbug".

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

### **ANSWERS TO QUESTIONS WITHOUT NOTICE**

**MS FOLLETT:** Madam Speaker, I would like to ask for leave for some answers to questions to be incorporated in *Hansard*. Yesterday Mr Kaine addressed a question to Mr Lamont, in my absence, concerning the preparation of the response to the report on Aboriginal deaths in custody. All of the issues addressed in Mr Kaine's question were canvassed in the debate yesterday on that royal commission report response, so I will not revisit them, Madam Speaker. On 13 September Mr De Domenico asked me a question relating to stress claims in the ACT Government Service. I took that question on notice. I have provided an answer in writing to Mr De Domenico. I also took on notice a question by Mr Cornwell, which he asked on 24 August, relating to expenses incurred by the Territory as a result of the ACTTAB-VITAB agreement. I have provided Mr Cornwell with a written answer, as well. As I say, I ask for leave for those three answers to be incorporated in *Hansard*.

Leave granted.

*Answers incorporated at Appendix 2.*

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## **DESIGN AND SITING APPROVALS**

**MR WOOD:** Madam Speaker, yesterday Mr De Domenico asked me a question about garages made, I think, by the firm W.R. Engineering.

**Mr De Domenico:** Carports too.

**MR WOOD:** Carports. I said that I would get back to him with the details of that. I did indicate yesterday that I thought it was due to technical difficulties and not meeting requirements. In fact, I am told that it was just simple delay. I think there was one question that was asked, but it is inexcusable. I am sorry that W.R. Engineering has suffered that delay. I might point out that the Department of the Environment, Land and Planning has been undertaking a very extensive review to see how well it provides its services, and I should hope that that sort of thing does not happen again.

## **MINISTER FOR HEALTH Motion of Censure**

**MRS CARNELL** (Leader of the Opposition) (3.39), by leave: Madam Speaker, I move:

That this Assembly censures the Minister for Health for misrepresenting to it the number of available public hospital beds in the ACT.

I plan to be quite brief in my approach, because I plan to cover three specific issues. Quite seriously, we could go on for hours about the number of statements that this Minister has made that have not presented the total picture. Today I would like to cover three issues. The three issues are: The 24 beds that the Minister promised in his answer on 16 June, which is added to in those tabled documents this week; the number of paediatric beds, which is also referred to in the documents that the Minister tabled this week; and the total number of beds. I actually plan to use the papers that the Minister tabled as well as his answers on Tuesday.

The first question that we asked on Tuesday quoted the Minister as saying on 16 June that 24 beds were coming on stream immediately. In fact, we quoted a number of other comments that the Minister had made to suggest that the 24 beds - 24 of the 55 that were closed over Christmas - were going to be opened by 1 July. Did we at any time see the Minister come back and tell this house that he had said that they were going to come on stream immediately but, unfortunately, they have not come on stream immediately? No, we did not, Madam Speaker. We did not hear him come back and correct the statement that he made in June, when he knew perfectly well that it had not happened; until this week, when, in answer to questions, again from the Opposition, he had to admit that the 24 beds had not actually opened. Now he states that 14 of the 24 beds have opened. That is on page 2 of the document headed "Bed Numbers Reconciliation". At the top of that page, it says:

To date, 14 of the 24 beds have opened ...

It also says, basically, that the remaining 10 will open when they can get staff. You assume that that means that 14 of the 24 beds that the Minister promised would be opened by 1 June are opened by October.

Shall we run through those beds? The document outlines them on the previous page, as the Minister did in the house in June.

**Mr Connolly:** "Promised in June to open"; not "promised to open by 1 June".

**MRS CARNELL:** Promised in June, to open by 1 July.

**Mr Connolly:** You said, "Promised to open by 1 June".

**MRS CARNELL:** I am sorry; 1 July. I am sorry, Minister; I got it wrong. I apologise for saying "1 June" instead of "1 July". The beds that he promised to open by 1 July included three surgical beds in urology. Unfortunately, the doctors cannot find them. Obviously, they are open somewhere else, but they do not seem to be anywhere obvious. There are the 11 paediatric beds, and I will speak about those at greater length later. There are the four high dependency beds that have never been opened. The four oncology beds have a tendency to open and close a bit; so, I will give the Minister the benefit of the doubt that they are actually open. The two beds for the treatment of bone-marrow transplant patients certainly are not opened, because we actually do not have the service in place just yet.

**Mr Connolly:** No; because we are training the staff.

**MRS CARNELL:** I am just making a comment on the beds that you, Minister, said would be open by 1 July. So far we are giving the Minister the benefit of the doubt that four of the 24 are open - not the 14 of the 24 that are actually referred to in the Minister's tabled statement.

I suspect that where the problem actually comes in is in relation to the 11 paediatric beds, Madam Speaker. If members are interested, they should look at the second page of that document. Towards the bottom - in fact, in the last paragraph - it says:

In relation to paediatric bed numbers, the WVH bulletin shows a total of 49 paediatric beds at WVH in August 1994. Since that time, a further 7 paediatric beds have opened (these are included in the 11 beds that I refer to above).

You have to assume immediately that four, at least, of the 11 have never been opened. The document continues:

In addition, a further 4 paediatric beds are amongst the 16 beds scheduled to open when staff have been recruited.

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Of the 11, we already know that four have never opened. If members would like to add up the three urology beds, the four high dependency beds, the four paediatric beds, and the two bone-marrow beds, they will find a small problem for the Minister.

I would like to deal now with the seven paediatric beds. If the Minister had sought to ask the right questions, he would know that those seven paediatric beds were, in fact, opened temporarily on 23 August. They were opened as a result of the demand caused by the rotavirus epidemic. They were opened temporarily, using staff from agencies and staff that were willing to work overtime. They were never opened permanently. In fact, they were closed the moment that the actual patients left, as the casual staff or the agency staff were used only on an hour-by-hour basis.

I have just been handed a note which says that, unfortunately, the four oncology beds that I was talking about have never really been opened because of a lack of staff. We can count those out now, too. To use your own definitions, Minister, an available hospital bed is a staffed hospital bed - a bed that actually has available staff. It seems that we can now cross off the oncology beds as well.

Let me go back to paediatrics for a moment. The seven beds were opened on 23 August; as I said, using temporary agency staff. Therefore, they cannot be counted. I am very happy to read out the whole definition of what an available hospital bed is, but I am sure that the Minister knows what it is. Basically, the definition of available public hospital beds is beds that are "located in a suitable place" where permanent staff are available or "could be made available within a reasonable period, to service the patients ... who might occupy them". It states:

The average number of beds should always be shown as a whole number.

This is something that I would like members to remember. I will go on with this definition, which actually comes from the *National Health Data Dictionary*, version 3. It is actually spoken about in the second document that the Minister tabled this week - the one headed "Additional Information on WWH Statistics". Interestingly, beds exclude:

surgical tables, recovery trolleys, delivery beds, cots for normal neonates, emergency stretchers/beds not normally authorised or funded and beds designated for same-day non-inpatient care.

That is a direct quote from that document. Therefore, a bed that is open temporarily, with part-time or casual staff, is simply not an available bed. These seven beds closed again as soon as the patients that were in them were no longer in the hospital system, which took the number of available paediatric beds down to beds with staff available so that, if we had a tragedy today, we would know how many children we could actually fit into paediatrics. The answer is 52. The figures that were tabled this week actually showed 56. There is a difference of four, immediately.

What do we have? The Minister said that 14 of the 24 beds he promised would be open by 1 July were actually opened. We find that that is simply not the truth. That, in itself, is something that the Minister should worry quite a lot about, because it was not terribly hard to find out; it just took a few phone calls, Minister. What we have in the paediatric beds area, and that was one that the Minister picked up in his tabled documents, is a situation where certainly the advice the Minister got was right, to the extent that it says:

Since that time, a further 7 paediatric beds have opened ...

Unfortunately, the advice, that the Minister chose not to check, did not go on to say "and they have subsequently closed". I do not think that is acceptable advice. Personally, I do not believe the Minister - he has ministerial responsibility, and I suspect that he should have checked - if all he does is just accept the advice that he is given.

I will go on to talk about the total number of beds in the hospital system. One of the questions we asked on Tuesday was about the total number of beds in the system. I think the quote that we put to the Minister was that he did say that he wanted to get those beds reopened. He said:

We provided funding to have them reopened by 1 July. That would get us to 600. We currently have 584 beds.

Members would remember that the documents that I tabled suggested that there were 562 beds at the end of August. We have to look at the figures that the Minister used. He now admits that in those 584 beds were 10 dialysis chairs that had never been counted before. The 10 that were actually at Woden Valley Hospital certainly had been counted, but we have 10 dialysis chairs that are actually at the old Canberra hospital.

**Mr Connolly:** You said to the media that the 20 had never been counted. You counted the ones that were there when you were on the Board of Health.

**MRS CARNELL:** You do not want to go into that. We will talk about that, too, if you like. The 10 dialysis chairs that are not at the hospital have never been counted before. But, interestingly, the Minister went on to admit, in these documents, that they counted 20 neonatal nursery beds. In the Minister's own statement in the house yesterday, he said that the major inaccuracies in the document tabled by me include the 20 neonatal nursery beds that were not included. He went on to say:

Cots are beds and have always been counted as such. You foolish little politician.

I am sure that the Minister now knows that neonatal nursery beds have not always been counted; in fact, they have never been counted, until now.

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**Mr Connolly:** I said immediately in question time, "We have done it at the best opportunity". I also said, "We have done it on the same basis as New South Wales".

**MRS CARNELL:** We will actually talk about that, too, Minister. The 20 neonatal nursery beds, we now find, had never been counted before. The 584 - that the Minister was trying to tell us on 20 September, and on a number of other occasions in the house, was the number - did not compare like with like; and the Minister knew that. It was 10 dialysis beds that we had never counted before; 20 neonatal cots that we had never counted before; and at least four paediatric beds that simply are not opened, Minister. That is being kind at the moment. The Minister might like to check that that unit is not full at the moment, because the rotavirus has finished. We are talking about beds that are actually staffed and available.

We have a situation where you can take at least 34 beds from the 584, which, fascinatingly, takes us down to 550 beds - if the Minister had been even slightly interested in comparing like with like. Did he come back and explain that to us, until this week when we asked the question? Certainly, he did not. He did not explain to us that the 24 beds he had promised by 1 July had not been opened; in fact, as it turns out now, virtually none of them have been opened. He did not explain to us that he had added to this figure a number of beds that had never been included and, on that basis, had not given the Assembly all the information. The other thing that is very interesting, that he had not explained to the Assembly, is that 80 of those beds are actually chairs or recliners that you cannot stay overnight in. That has always been the case. There have always been some of those. But the fact is that 80 of the 562 beds are actually not beds that there is a capacity to actually lie down in and stay overnight in. That is a fairly interesting statistic in itself.

The Minister made the comment before, about nursing home beds, that they had been counted previously. Certainly, at one stage they were counted in the number of beds; they were actually counted separately, but they were counted. But, interestingly, if the Minister would like to go on with those actual statistics that he quoted - from 1991 - he would realise that it says, "We have included the renal dialysis beds at Woden", as he has rightly said, "and the nursing home beds at Calvary". It then goes on to exclude the special care nursery beds - the ones that the Minister has now included - the neonatal intensive care beds, and the day procedure beds in gastroenterology and in oncology; all of those beds that are now included. (*Extension of time granted*)

Madam Speaker, I do not think that is the issue in this situation, because we can certainly get into the statistics on what was or was not included in 1991. There is no doubt that what was and was not included has changed, but not between now and last year, on figures that we were comparing. If the Minister was going to change his basis of counting right now, then this Assembly had a right to know. Without those figures, without knowing that he had changed the goalposts - something that he and his senior advisers seem to have admitted most recently - then this Assembly simply cannot be properly informed. If you read back over what the Minister has said all the way through - ever since he took over the ministry - but certainly the statements that we quoted from June and from various times in September, the Minister has said time and time again,

"We are doing better. We are opening beds. We are putting more patients through the system". The Minister would remember that one of the questions we asked on Tuesday was about putting more patients through the system. It seems, as we now know, that the figures to the end of August show that fewer patients went through the system; but that, in itself, can be another debate.

The issue of neonatal cots was the last one that I wanted to cover. The comment that the Minister made was that this situation is exactly the same as in New South Wales. The Minister, again, is telling us half the truth. Certainly, what is counted in New South Wales, and in other States, is neonatal intensive care cots, that we already have in our statistics, and humidicribs - full stop. I am confident that the Minister would be very well aware that there are three bays in our special care nursery. The first bay is the neonatal intensive care area, which has four cots. They are already counted in the statistics. Bays 2 and 3 have approximately 10 cots in each.

The babies that are in these cots are babies that need special and varying amounts of care. A number of the babies in bay 2, potentially all of them, could be in humidicribs - there are 10 - if it were full. But, interestingly, bay 3 is not like that. All of the babies are in open cots, cots that are not counted under the New South Wales or Australian statistics, Mr Minister. There is absolutely no way that you can use the same definition as you used to count all the cots in the special care nursery as humidicribs, because they are not. The babies in bay 3 are often babies that were born at a light birth weight or babies that have progressed from the neonatal intensive care area. They are not in humidicribs for 99 per cent of the time. I am sure that there will be one situation where they are, but that is an exception.

The fact is that the figures that you, Minister, are using are fudged. It is that simple. You can use whatever logic you choose; but the fact is that the reason that we are having these debates about beds is that you, Minister, chose to tell this house initially that you were going to reopen all those beds that were closed. You then categorically told the house that you were going to open 24 beds by 1 July. You did not. You did not come back to the house and say why you did not. This week you said that you would open 14 of them, and you have not. The debate on beds was started by you, Minister. If you are going to give figures, if you are going to make comments about how well you are doing in Health, what a wonderful job you are doing, and if you are going to state as a fact that this is what you have done, then, Minister, you have to get it right, because this Assembly and the people of Canberra deserve that. When you come back and show that you have counted totally differently, and added in things that were not added in before, you underestimate everybody here.

**MR CONNOLLY** (Attorney-General and Minister for Health) (3.59): Madam Speaker, a censure motion is a pretty serious form of the house. It is pretty hard to take this one as seriously as you should take a censure motion. The reality is that members who scan their interstate newspapers, watch ABC news or listen to ABC radio know that there was a motion of censure of Ron Phillips in the New South Wales Parliament this week; so, the local Libs thought that they had better have a motion of censure of the local Health Minister.

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The one thing that I have learnt - and it has been implanted in my heart and on my brow over the last three days in question time - is: Do not believe anything that Mrs Carnell says in question time; go out, have it carefully checked by officials; and come back the next day and respond to it. Members will see from the papers that I have tabled each day in this place that Mrs Carnell makes assertions; I go out and have the assertions checked; and I come back and give in this house the information that I am given by my officials, which refutes her points. Then she makes new assertions; I go out and have them looked at; and I come into this place and refute those assertions.

The nub of this attack is fairly hard to find. I am alleged to have misled. To mislead the parliament, in normal tenor, means that the Minister is aware of certain information and comes into the chamber and gives contrary information. At each point, when I have quoted a figure, I have been able to table, or I have been able to show members, if they have asked, the departmental advice on which I gave those figures. I said back in June that our aim was to reinstate those 24 beds. We were originally talking about 50; and then, because of the 26 substitutions with the John James Hospital, we were talking about 24 beds. I had not been asked in this house about how that had been going, until this week. When I was first asked, I gave, at the first opportunity, the truthful answer. I tabled my advice. On the best information available to me, on the written advice from my officials to me, to date, 14 of them have opened; and the remaining 10 will be opened. We went through that.

I have said that we had problems in recruiting staff. That was the first time that I said it here, because it was the first time that I had been asked. If you read your *Canberra Times*, you would have had progress reports on what was happening with the opening of those beds on a number of occasions, because the *Canberra Times* health reporter, on a number of occasions, has asked me, "How is it going?", "What is happening?". I have given the state of knowledge as it was then. When it started off, there were three; then there were six; and so it went on. At every point, when I have been asked, I have given the information.

The big king hit this morning - in the paper this morning, in the media interviews that Mrs Carnell was doing before lunch - and in question time this afternoon was that it was outrageous; that I have fudged the figures on the 20 beds at Calvary. You all heard at question time when I was under repeated attack about those 20 beds: I was misleading; they had never been counted as hospital beds - says Mrs Carnell; says Mr Humphries - I should know that; I was fudging the figures. Then, at the end of question time, I tabled the Department of Health stats for 1991, which showed the position in regard to those 20 beds and the in-hospital renal beds. If you read the newspaper report, Mrs Carnell said yesterday that 20 of them had never been counted. Now she says, "Ten have been counted, and 10 have not".

The number of beds at Calvary was the nub of the attack; I have misled over the Calvary beds. I tabled this afternoon documents that showed that they had been counted that way, certainly in 1991, and documents that proved that Mrs Carnell was a member of the Board of Health when those tables were put together. The asterisk note that went in was this: "This includes the 20 nursing home beds". We have shown that Mrs Carnell knew that that whole attack - outside in the media and in here today - that I was misleading over the 20 Calvary beds was nonsense. Is there any form of apology?

**Mr Humphries:** On a point of order, Madam Speaker: It is important to understand what is happening here. Mrs Carnell moved a motion based on what she had heard during question time today. The Minister has made a good point about nursing home beds at Calvary being counted. Mrs Carnell, in her speech supporting her motion did not mention nursing home beds at Calvary. Therefore, it is not part of this matter. She has raised, in her motion, matters based on what she heard in question time. She moved the motion after question time. She accepts certain points made by the Minister.

**Mr Lamont:** You had this written out before you came into question time.

**Mr Humphries:** No; I gave it to Mr Berry, Mr Lamont.

**MADAM SPEAKER:** Order! You are raising a point of order, Mr Humphries. This is a very serious motion. The Minister may use any material he likes in defence of himself. Proceed, Mr Connolly.

**MR CONNOLLY:** Thank you, Madam Speaker. I am being censured for misrepresenting to the Assembly the number of available public hospital beds in the ACT. Members heard question time. Members heard the statements and the argument about the 20 beds at Calvary. Members would have read the *Canberra Times* this morning, where Mrs Carnell says that that is part of the misrepresentation; that those 20 beds at Calvary should not be counted as public hospital beds. This afternoon I tabled documents that showed that Mrs Carnell had been a party to such a counting. Members will note the length to which Mr Humphries has been going to try to stop me talking about those beds. I will desist from talking about those beds from here on in. I am not surprised that you are embarrassed about it, because it shows the hollowness of Mrs Carnell's and the Opposition's politicking over this issue.

Madam Speaker, again as I said in question time, at each point when I have come into this chamber and quoted a figure or a number for Health, I have done it on the basis of the information available to me. I made it clear in question time today that, when I referred to the 20 neonatal intensive care beds, I thought that they had previously been counted. They had not, and I said that today. If the advice in relation to what happens in New South Wales is the nub of the censure, you are a joke. The advice that I have in relation to those 20 neonatal cots is as follows:

The 20 neonatal cots are available for use by babies eligible for admission under the definitions relating to public hospital practices under the Medicare Agreement. Equivalent cots are counted in NSW in the Royal Alexandra Hospital for Children.

We rang them last night, and my people talked to their people. The advice continues:

These beds are now included in order to best manage the Territory's interests under the Medicare Agreement. To continue the practice of not including them would potentially have a substantial negative impact on the Territory's Hospital Funding Grant.

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This afternoon Mrs Carnell made a whole lot of allegations in relation to the 14 beds that, I am advised, we have reopened and in relation to the make-up of the 584 beds that, I am advised, we had as at September and that are referred to in the document that I tabled yesterday. That is the state of my advice and best knowledge.

I will check very carefully every allegation that Mrs Carnell made today; but members should, having listened to this debate for three days, have noted that pattern. Allegations were made on Tuesday; I came in on Wednesday and tabled documents from my department showing where many of those statements were wrong, refuting them and reconciling them. I gave to this house the advice which was given to me. New allegations were made on Wednesday; I came in today and tabled the department's advice on that. In Mrs Carnell's attack today we have a whole new set of allegations. As Mr Humphries pointed out, she completely steered clear of the allegation, "You have conned us over the beds at Calvary". The documents that I tabled at the end of question time prove that Mrs Carnell had knowledge of this in 1991, because she was a member of the Board of Health, which endorsed that report. I wonder, Madam Speaker and members, if I had kept them in my back pocket until we were on the censure motion, whether Mrs Carnell would have been as silent on those Calvary beds or whether she would have said in the parliament what she was saying to the TV cameras at lunchtime and what she was saying to the *Canberra Times* last night, as reported this morning, namely, "The Minister has been conning you over those 20 beds at Calvary; they have never been included". Now she says, "I always knew that they had been included". Who is conning whom?

Madam Speaker, as I said, again at question time, I come into the house and give the information that is given to me by officials. When it is questioned by members I go away, have the members' allegations looked at, and come back and report to the house. I am not in a position to refute all the allegations that Mrs Carnell made some 15 minutes ago in relation to the beds that I identified yesterday, other than that, in relation to Mrs Carnell's unequivocal statement that the four oncology beds were not and had not been opened, I am told by the department that that was - a term for manure. We will check, and I will come back into this house at the next sitting with, or release to members before, the response from departmental officials.

As I said in question time, the sort of attack we have had all this week on this matter is something better dealt with in the Estimates Committee. If the Opposition was saying that I knew a certain set of facts and came in and made up other facts, or if the Opposition was alleging that the department had advised me of X and I came in and said Y, that is a very proper basis for censure. I accept that. In fact, the Opposition is saying, "The Minister keeps coming back to the parliament and telling us what the department is telling him. He even tables the documents, but we reckon that the documents are wrong; we do not like the methodology that has been used". They are issues that are best dealt with by the officials through the Estimates Committee. I am more than happy for us to spend as much time as you would like on that. How and why do we count beds in hospitals? We are trying, increasingly, to get better at it. Like all things in ACT Health, we are trying to get better at it; and we consistently are.

Again, much play was made of the fact that, they say, the throughputs were down in July-August this year, compared to July-August last year; that shows that the Minister is misleading when he says that Health is continually improving. If you look at the longer term, in 1992-93 and 1993-94 we are dramatically up over what we were in 1991, despite having about 100 fewer beds. The admissions in 1993-94 were at about the 50,000 mark; they were 47,000 in 1991. We are getting better. Those figures that Mrs Carnell tabled on Tuesday, amidst great drama, showed that in August we were a bit up over August of the previous year. I was alleged to have misled when I said that in August we were a bit better.

**Mrs Carnell:** No; you said June.

**MR CONNOLLY:** I seem to think that we were right there.

**Mrs Carnell:** You said that it was up in July.

**MR CONNOLLY:** In July we were a bit down. We are looking at two months' figures. Madam Speaker, Mrs Carnell says that we should compare like with like. I venture to say that it is probably darned near impossible to do so in relation to hospital bed numbers here or anywhere in Australia. As I have pointed out repeatedly - quoting not Labor people, whom you would no doubt mistrust, but Liberal Ministers - the name of the game - - -

**Mr De Domenico:** Only some.

**MR CONNOLLY:** I think every Liberal Health Minister in Australia says the same things, Mr De Domenico.

**Mr De Domenico:** No. We mistrust only some Labor Ministers, not all of them.

**MR CONNOLLY:** We do not count beds; we count patients. On those patient indicators, ACT Health is continuing to operate more efficiently and effectively, as it must, given - as I was referring to during question time - the ever-increasing cost pressures on health systems around Australia.

Some of the exercise in what you count as a bed and what you do not count as a bed, you may criticise; you may say that it is a bit of a game. It may sound a little absurd that we call a couch a bed; but we do, because it is a point from which we provide an occasion of service in the hospital. Throughout Australia, State health officials are trying to work out the best deal they can for their State or Territory under the Commonwealth Medicare funding arrangements. A lot of this debate is really driven by that Federal-State funding. You could say that a lot of that may be a silly game, and maybe it is, intellectually; but we are all trying to get the best deal we can for our State or Territory.

I note the remarks of the new Secretary to the Federal Department of Health reported in this morning's *Canberra Times*, in which he says, "This whole exercise is silly, and we should have a clearer split between State and Federal responsibilities. We should avoid this nonsense where the States are going to all sorts of lengths to try to classify what were once outpatient services, and thus the States' responsibility, as in-patient services and get better Commonwealth funding". Intellectually, I would say, "Yes, that is right; it would

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be much easier if we had a clear system". Whether it is Professor Duckett's view that the Commonwealth have the sole responsibility or whether it is the view of certain Liberal Premiers that the Commonwealth should devolve the lot and devolve the funding to the States, at the end of the day, does not matter. But we should have some greater clarity there. A lot of this is driven by the desire to get the best deal for a State or Territory.

Why have we decided to count some neonatal cots as beds, whereas previously we had not? Why is New South Wales, on my best advice, doing the same? Mrs Carnell says that that is wrong. I rely on my health officials' advice after speaking last night to Royal Alexandra Hospital. They were told, "We are doing the equivalent thing". We are trying to maximise the extent to which we can get dollars from the Federal system into the ACT, to try to provide the best service for the ACT. That is why we are changing somewhat now.

How accurate are the historical figures in relation to beds? On some advice, again from Mr Fraser - and I think I did table this today; it is the refutation of Mrs Carnell's allegations yesterday and this morning in the *Canberra Times* - there may be some question marks about historical bed notes. Let me read from Mr Fraser's advice:

In the course of the hospital redevelopment project, a number of major changes occurred, such as 36 bed wards (where 36 beds were never used) were changed to 30 bed units. Some new wards will be 25 bed units. This has removed excess, unused capacity from the hospital, which is a more efficient use of available resources. The bed numbers, which previously included unused capacity, now represent resourced, available beds.

What I am being told there by the Secretary of the Department of Health is that, historically, the way that we counted beds may have been a little slapdash. We had 36-bed wards, which was more the old, traditional style of hospital. If you go to old hospitals interstate, you see the big wards. The more modern form is that the wards are smaller. We do have fewer beds as a result. Again, you can question whether the advice of officials is correct. That has been the strategy all week. Historically, we said, we had 36 beds. On that advice, I am told that they were never used; they were never available; and they were never really there. The history of bed numbers and comparing like with like - as Mrs Carnell said we must do - may be a little dubious.

Madam Speaker, the Opposition seeks to censure me for misleading the parliament. That is a very serious allegation against a Minister. In order to succeed, the Opposition has to convince Independent members - they are not going to convince us; and it does not take much to convince the Liberals - that I wilfully came in here and provided you with information that I knew to be untrue.

**Mr Kaine:** Or recklessly.

**MR CONNOLLY:** Or recklessly. At all these points, when I have quoted numbers, I have produced the documentation to show the basis upon which I had been advised. Each day this week, you have queried it. I have gone away, had it checked, and come back and refuted it. You have queried something else. We go away, we have it checked, and we come back and refute it. You made the statement yesterday, last night, this morning through the media, and this afternoon at question time, "Ah, we have got you. As for those 20 nursing home beds at Calvary, that is a con. They were not really part of the system. You have misled us; you have conned us over that". I have tabled the documents to show that that was incorrect. (*Extension of time granted*)

All that leaves you then is the allegation that Mrs Carnell made in question time today, which is to the effect that the bed breakdowns, the figures that I provided yesterday, are wrong. I will go away and have all of that checked carefully and meticulously by senior officers, and I will come back on that in due course. The preliminary advice that I have is that it sounds about as dodgy as anything else that she said this week on this issue, but I will go away and have it checked carefully.

I would say to members that you do not have the basis of a censure motion here; what you probably have is the basis for some interesting and lively debate in the Estimates Committee about methodologies and the way we drive our methodology. While I agree that some of the substance of the debate today may seem a little silly, it is all driven by a desire to maximise the benefit for the ACT under the Medicare agreement. That may be a clumsy outcome. It may not be the best way to run a health system, as both the new Secretary to the Federal Department of Health and the Premier of Victoria, the leading conservative State, would agree - they come from opposite directions - but it is the system that applies and the one that we try to drive to get the best dollar benefit for the Territory.

The nub of the attack today is that I said in June that I would open 24 beds and have the resources for them from July. I did say that. I did have the resources. Each time that I have been asked, and I have been asked on a number of occasions by the media, I have reported how we have been going. The first time that I was asked on that in here, I gave a report on where we had gone. I said, "We have some 14 of them open now". I explained why we were having problems in getting staff for those other beds. Mrs Carnell now says, "You have not really got your 14". Again, all I can do is give to the house the best information that I have available from the department; and I have done that.

**Mrs Carnell:** That is what we have Ministers for.

**MR CONNOLLY:** Mrs Carnell, Ministers are not for running around Woden Valley Hospital counting beds manually. How the Liberals would deploy their resources is another matter. At every point where you have made allegations, to date we have come back and refuted them. You made a fool of yourself with your public statements over the Calvary beds, and I refuted that very effectively. Now you say, "Chuckle, chuckle; I knew that that was untrue". It has been refuted at every point. I will refute the other points; but I say to members, particularly to the Independent members, that the basis for a censure motion is just not here.

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I invite you to come to the Estimates Committee and explore some of these points. Did I mislead in what I said in this house about intentions to open those 24 beds and progress towards opening them? The answer is clearly not. I said that it was our intention to open them. On the first occasion on which I was asked about progress, I reported progress. My state of knowledge is that what I said in the house yesterday about that progress remains factually accurate. I will have Mrs Carnell's allegations checked. I will report back to the Assembly when they have been checked. As that information will probably be forthcoming before the next period of sittings, I will report to members out of session. You just do not have a censure motion here, members.

**MR HUMPHRIES** (4.18): Madam Speaker, why is this issue important enough for the Opposition to feel that it should bring forward a censure motion against the Minister for Health? The answer is that we are obviously aware that the ACT's health system is facing extreme pressure and has had a great many problems, almost since the beginning of self-government, if not before. In those circumstances there is no doubt that an extraordinary degree of scrutiny has been given to the health system, which certainly has not been enjoyed or experienced by, say, the sports administration, the Cultural Council or any other part of the ACT's administration.

Health has deserved that attention because health has been an area of major problem. There has been debate in this place about the value of beds, whether they are an effective tool for providing treatment in our hospital system or not. Then the point is made that we do not treat beds; we treat people. That is a reasonable point, as far as it goes. However, it is important to note that, without beds, certain treatment simply cannot be provided. It is also true - and I do not think even the Minister would deny this - that, over the last few months or years, on a number of occasions the lack of available beds has prejudiced the quality of care available in our hospital system. There is no doubt about that, from the many reports that we have had that people, particularly on elective surgery waiting lists but not exclusively, have experienced some compromise to the quality of their care because of their inability to obtain a bed in our public hospital system.

That is why it is extremely important that we pursue the question of how many beds are in the system and, at the same time, uphold the parliamentary concept that Ministers should provide to the parliament of the Territory, or wherever it may be, information which is accurate, to the best of their ability, at all times, and information which is accurate, to the best of their judgment, in terms of what is supplied to them. I will go on to say in a moment that I do not believe that it is sufficient to say, "I received the information; I supplied it to the house; and that is the end of the story". There is, of course, a process of filtering, which any Minister of moderate intelligence would have to apply, as to whether the information makes sense, particularly in light of what others might say on the floor of the Assembly.

Madam Speaker, the crux of this matter is that Mr Connolly indicated that he expected there to be another 24 beds on stream in our public hospital system by 1 July of this year. That was his promise. "Promise" is not putting it too highly. He was answering a question from Mrs Carnell on 16 June, and he made great moment of what was going to happen. He had made a firm promise to open the 56 beds at Woden Valley Hospital which were closed by the former Minister, Mr Berry, before Christmas. Mr Connolly said:

Actually, it is 55 rather than 56; but never mind. Madam Speaker, as we speak moves are afoot to open some 24 additional beds.

We might get to that point.

**Mr Stevenson:** On a point of order, Madam Speaker: I find it difficult to hear Mr Humphries. These points are vital if we are to make a decision. It is the interruption, with other people talking as well.

**MADAM SPEAKER:** Order! Thank you for bringing that to my attention. It seemed to be remarkably quiet.

**Mr Stevenson:** Madam Speaker - - -

**MADAM SPEAKER:** I have asked for order. That is enough.

**Mr Stevenson:** I take a point of order, Madam Speaker - - -

**MADAM SPEAKER:** No. I have heard you. That is sufficient.

**Mr Stevenson:** I take a point of order - - -

**MADAM SPEAKER:** Another one. Go on.

**Mr Stevenson:** Mr Connolly was talking. It is a very important point. It is no good if I or other members cannot hear what Mr Humphries is talking about.

**MADAM SPEAKER:** It is all right, Mr Stevenson. Do not take umbrage. Mr Connolly has calmed down. I call Mr Humphries.

**MR HUMPHRIES:** I appreciate the attention to my words. I was quoting from Mr Connolly's remarks on 16 June this year in answering a question from Mrs Carnell. He said:

... as we speak moves are afoot to open some 24 additional beds.

Mr Connolly was adopting his usual approach in these matters; he was being fairly bombastic and was indicating that Mrs Carnell was - to quote another phrase used today - "a silly politician". He repeated that he believed that there were a number of new beds coming on stream very soon. I quote him:

As I say, 24 are coming on stream immediately.

This was an important part of the Government being able to show that it did consider additional beds as being an important factor in improving the quality of hospital care and that it was working towards facilitating those extra beds as soon as it could.

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We have established fairly clearly - and even Mr Connolly admits - that the prediction of 24 additional beds by 1 July simply did not come about; it simply did not happen. Even he has acknowledged at this stage that that simply was not the case.

I certainly agree that, if you make a prediction that something is going to happen, and it is partly within your control and partly outside your control, you have a defence if it does not come about because it is frustrated by circumstances beyond your control. If you go to your office after you have made that statement at question time and say, "Cancel the 24 beds; it is the winter recess", that is another matter. If you say, "I promised these beds", and something intervenes to prevent that happening, that is another matter. I think it is true to say that "he promised those beds" is a fair construction of what was said. "Coming on stream immediately", I think, amounts to a promise that they are on their way.

If that promise, prediction, undertaking, whatever you want to say, does not come about, for whatever reason, beyond or within the control of the Minister, it would be fair to expect that the Assembly would be told that that clear prediction, undertaking or promise had not come about. That would be reasonable, in my view. I do not think it is fair to say, "I was not asked a question on that until October, so I am exonerated until such time as I was asked a question". That is not the way it works. If he has made that commitment in answer to an earlier question, he should carry through the commitment that he has made. That is the position that this Opposition takes. We will see whether the house takes the same view about those sorts of situations.

The commitment was not reached. Why? Madam Speaker, the point to make is that it was purported at an early stage in this debate this week that the commitment was reached, or that at least a substantial figure, close to what was promised, was actually reached. The suggestion is that there were in the public hospital system, at both Woden Valley and Calvary hospitals, a total of 732 beds at the end of June 1994 and that, as at 12 October this year, there were 787 beds, which was the suggestion contained in Mr Fraser's minute.

**Mr Connolly:** Which was the advice given to me.

**MR HUMPHRIES:** Indeed, it was the advice given to the Minister. The point, of course, is that the reason for the difference between those two figures - a difference of some 50 beds - needs to be identified. It needs to be identified how that difference has come about. The reason that the difference has come about, Madam Speaker, is that there has been, for the vast majority of those 50-odd beds, a new method of calculating bed numbers. The figures were juggled; whether intentionally, as some device to mislead, or accidentally, I will not say; I do not know. But the figures were juggled. We had 732 in June, and suddenly they were 787, declared the Minister proudly.

We know now that most of those additional 50 beds appeared on the list - not because they were opened, not because they were funded, not because they were found and dusted off and put into use - because they were reclassified from 30 June 1994. Beds which had not been beds at the end of June suddenly became beds in the middle of October.

That is the issue. Nursing home beds are included in that. We accept that there have been differing calculations of nursing home beds from time to time. In the middle of 1991 they were counted. Subsequent to that - the Minister did not mention this - they were not counted; they were excluded from the count after that point. Then we get to a stage where, suddenly, they are counted again. The point is that, that jump of 50-odd beds being made at a time when the Government had undertaken to provide additional beds in our hospital system, it seems to me to be a fair inference that those 50 beds are being added to the figures in order to meet the target that the Minister had promised. He said, "I will provide additional beds". Magically, the figures are juggled and additional beds appear in the system.

That, Madam Speaker, might suit Medicare purposes; it might be good enough for Carmen Lawrence and Mr Baker, but it is not good enough for this house, which has clearly paid attention time and again to the question of how many beds are in our public hospital system. Mr Berry paid a lot of attention to it when he was in opposition as well. It has been paid attention to by this house time and again. We deserve accurate, complete and consistent answers at all stages during the debate on these matters. The fact of the matter is, Madam Speaker, that we did not get them. We did not get consistency. When Mr Connolly said that bed numbers would increase, he did not tell the Assembly that this would occur simply by reclassifying the existing available facilities in our hospital system. (*Extension of time granted*) Mr Connolly did not say to the house, "I have achieved this goal by reclassifying what was already there. We now have more beds because there has been some change in the Medicare agreement. It has changed the status of a dialysis chair to a bed; it has changed a neonatal cot to a bed; it has changed a nursing home bed, which is not available to the public, to a bed".

**Mr Connolly:** You counted them as beds, which I proved. You are back to it, are you not?

**MR HUMPHRIES:** No; do not get excited, Mr Connolly. What I am saying is that, if you want to count them again, that is fine; but do not use it as a basis for suddenly saying - - -

**Mr Connolly:** But you counted them, Gary.

**MR HUMPHRIES:** Let me finish. I accept that; I have noted that. Yes, I agree.

**Mr Connolly:** But you just criticised me for counting them.

**MR HUMPHRIES:** No; I have criticised you for not counting them at one point and then counting them at the other, and not telling us that you changed the classification system. You said that one day we had X number of beds. The next day we look, we have 50 more beds. You did not come back and say, "That is because we have re-counted the beds we had before and we have reclassified beds". You had a duty to come back to this place and say, "We have reclassified those beds".

Debate interrupted.

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## ADJOURNMENT

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

That the Assembly do now adjourn.

**Mr Berry:** Madam Speaker, I require that the question be put forthwith without debate.

Question resolved in the negative.

## MINISTER FOR HEALTH

### Motion of Censure

Debate resumed.

**MR HUMPHRIES:** Madam Speaker, if Mr Connolly knew, as at 16 June, that the beds he was promising were beds that were going to be achieved by reclassifying existing facilities in the hospital system, he should have made that clear. He should have said to the Assembly, "This is how I will achieve those 24 beds", or whatever it might be. If he did not know, if that was information beyond the extent of his advice at the time, he should have come back at the first available opportunity and told us that that was the case.

**Mr Lamont:** Like you did when you were Minister, Gary.

**MR HUMPHRIES:** The fact is that, if you have that information, you should make it clear to the Assembly.

**Mr Lamont:** You will dodge that one, won't you?

**MR HUMPHRIES:** I have not misled the Assembly in the past.

**Mr Lamont:** You speak with a forked tongue.

**MR HUMPHRIES:** Madam Speaker, I have not been censured by the Assembly. I have told the truth in the past, and I stand on my credibility in those matters. Mr Connolly had a duty to the Assembly, if he added new information, to come back - even if it had been provided unintentionally to the Assembly - and explain what that meant.

I certainly would not think - and I do not think any citizen of this Territory, out there in the public, in suburbia, watching TV or whatever, would think - that we actually get new beds by simply changing the label on some couches or other facilities in our hospital system. They would not say to each other, "They are new beds". They would say, "That is a bit of economic or bureaucratic fiddling".

**Mr Stefaniak:** A bit of skulduggery.

**MR HUMPHRIES:** "Skulduggery" is what they probably would say; but, being kind, I would say something less accusatory. Madam Speaker, the Minister has said, "I told the Assembly what I was advised". I do not question that; I accept that he did. He must acknowledge that he had a higher duty in this respect not only to accept the advice, take the advice, and dish it up to the Assembly but also to cast a critical eye over the advice that he was getting, particularly given the fact that from Tuesday of this week, if not before - in fact, it was on the weekend - the Liberal Opposition had put a great deal of effort into raising this issue of bed numbers and alerting the Minister to the fact that we believed that there was a question to be answered.

We have done that forthrightly and up front. We have not surprised you on this. You could not have been surprised about this motion today, because you read about it in the *Canberra Times* this morning and you read about the issue on Sunday. We have raised the issue fairly. For the Minister to come into the house today and say, "I do not actually know what the story is. I will have to go and check out Mrs Carnell's claims", with great respect, is a position he should not be in, because he has had more than enough time to actually find out the answers to those questions at an earlier stage.

Madam Speaker, I believe that this motion is deserved. We clearly have not received a full picture on public hospital bed numbers. We clearly need to know what the situation is. There has been a deceit, and a clear deceit, with the reclassification of some facilities in our hospital system to something that they were not before. That has been passed off by somebody - perhaps by a more junior public servant, but certainly at one stage at least by the Government - as an improvement in the facilities in our hospital system. It is not. We know that it is not, and the Minister should be held to account for the fact that he attempted to give the Assembly information which he knows simply was not true.

**MR KAINE (4.34):** I have listened to the debate on this issue, and I listened very carefully to Mr Connolly's response to the assertion by the Leader of the Opposition that he had misled the house. I do not think, from where I sit, that I need to go into the numbers to establish the assertion made by the Leader of the Opposition. The Minister seems to have adopted a sort of siege mentality that, no matter what question he is asked, he is going to assert that everything is okay. The thing that concerns me is that the officials that work for him in the health organisations seem to have taken the same view.

**MADAM SPEAKER:** Order, Mr Lamont! Mr Stevenson cannot hear the debate again. I ask members to come to order.

**MR KAINE:** The officials that work for the Minister in the health organisations seem to have taken the same view; they seem to have adopted a siege mentality. I know that they must be concerned, because there is a perception in the community that our health system has failed. You do not have to listen to the debates in this place to know that that is the case. Go and talk to anybody in the suburbs who has had anything to do directly with the health system as a user in recent months; they believe that the health system has failed.

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I can understand why the Minister and his officials have retreated behind the barricades and are not going to concede that there is anything wrong with the situation. I am not going to debate the argument about whether the figures are right, wrong or indifferent. All I do know is that, for a long period of time, the Leader of the Opposition and others have been asking the Minister for information about bed numbers - a very crucial figure, because people go to the hospital and they cannot get a bed.

**Mr Connolly:** You have always had my best information given to you.

**MR Kaine:** The problem is, Minister, that, every time the information has been asked for, the answer is different. I sit in this place, and I listen to the questions and the answers; I am confused; I do not know, even now, how many beds there really are in our hospital system. Minister, you have not told me. Every time we ask the question, we get a different answer. Every time we query the answer, we get a different explanation as to why the figures are what they are. One gets the impression that there is a lot of the thimble and pea trick going on; you really do not know.

The thing that really concerns me, Minister, is that your defence rests on two factors. You said, first of all, "You cannot hold me accountable, because it is too hard to find out the actual bed numbers in our hospitals". That was one point you made. The other point was, "Because my officials tell me, and I pass it on to you, I am not responsible". What this is about is the accountability of the Government. Question time in this place is one of the very few techniques by which the Executive can be held accountable.

It is not acceptable for a Minister, after a prolonged period of questioning - not just today; over a period of days, weeks, months - about how many hospital beds there are, to come back with a different answer every time and a different explanation every time. At the end of the day he says, "You cannot hold me accountable, because it is too hard to identify how many beds I have in my hospital". Codswallop! Secondly, he says, "My officials tell me that that is so, and I accept it; but do not dare question my integrity or the integrity of my officials".

**Mr De Domenico:** Because if you do I will call you a silly little politician.

**MR Kaine:** That is right. Minister, you cannot have it that way. Either you are going to sit there and be accountable for the information that you present here, or you are going to shrug your shoulders and walk away and say, "I am responsible for nothing". If you take that view, you should resign, because that is not what responsible government is about.

I repeat, Madam Speaker: I have listened carefully, in light of my own lack of knowledge about what is happening in our hospital system; and that lack of knowledge remains; after repeated questioning of the Minister, I still do not know the answers. If he knows the answers, he should put them on the table. It is not good enough to say, "Come and ask me in the Estimates Committee", because he will not answer there either. In fact, in the past he has not answered these questions in the Estimates Committee. It is no longer called the Estimates Committee. When he fronts up, if he fronts up, before the budget review committee in a few days' time, I doubt that he will answer the question there either. It is simply not good enough. His argument that he is not accountable does

not hold water. He is accountable; he is the Minister; and he is responsible for what he tells us in this place. He has not satisfied me. I did not come in here to get his hide; I came in here this afternoon to hear what he had to say. He has not satisfied me, and I do not believe that he has satisfied anybody else either.

Mr Humphries said that people out there in the community want to know what is happening, and they do not have the answers. Indeed, they do not. The Minister has not mounted a successful defence, in my view, against the charge laid against him, and I will support the motion.

**MADAM SPEAKER:** The question is: That the motion be agreed to. Mr De Domenico, I think, was on his feet first.

**Mr De Domenico:** If the Chief Minister wants to speak, I will defer.

**Mr Stevenson:** I prefer that the leader of the Labor Party speak first, if she wishes.

**MADAM SPEAKER:** I am in charge here, Mr Stevenson. Please be seated. I am trying to sort out who stood up first.

**Mr Stevenson:** I am sorry.

**MADAM SPEAKER:** Please be seated.

**Mr Stevenson:** God, strike me!

**MADAM SPEAKER:** Just take it easy, Mr Stevenson. There are rules here.

**Mr Stevenson:** It is the way that they are applied.

**MADAM SPEAKER:** Order! You may leave, Mr Stevenson.

**Mr Stevenson:** It is the tone in which they are applied that is the difficulty.

**MADAM SPEAKER:** Order! Mr De Domenico stood up first; he deferred to Ms Follett. I am willing to let Ms Follett speak.

**Ms Follett:** I will defer to anybody, Madam Speaker.

**Mr Humphries:** I will speak again, Madam Speaker.

**MADAM SPEAKER:** I do not think that is necessary, Mr Humphries. If there are no further speakers, I will put the question. The question before the house is: That the motion be agreed to.

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**MR STEVENSON** (4.41): Some worthwhile points should be made. Firstly, it is important to hear what people say. No-one has ever claimed that that is a problem with me. It is relevant to mention that these microphones are not amplifiers. They do nothing to help people be heard in this Assembly, unless they are hooked up to the cubbyhole in the back. They are not amplifiers.

**MADAM SPEAKER:** Mr Stevenson, are you speaking to this debate?

**MR STEVENSON:** If you are trying to follow a detailed argument as sensitive as this one, you have to listen to the train of thought. If that train of thought is interfered with or the thread is lost, for whatever reason - someone coming up and speaking to you, or whatever; and I can understand people wanting to make different points - it is very hard to pick it up again. This specific point was made before, and it is relevant, because I am confused to some degree about the exact happenings as far as the number of beds we do or do not have.

Mr Kaine said a similar thing. One of the reasons may be that you do not necessarily hear exactly what is said. Earlier I mentioned that it was difficult to hear. It is unfortunate that the Speaker, who is now leaving - I hope that she listens in, because I am going to make a few more points - used the tone of voice that she did.

**MADAM TEMPORARY DEPUTY SPEAKER** (Mrs Grassby): Mr Stevenson, the tone of voice of the Speaker has nothing to do with the debate. If you have a problem with the Speaker, I suggest that you take it up with her in her office.

**MR STEVENSON:** Why it is important is that if I say - - -

**Mr Berry:** On a point of order, Madam Speaker: It is quite improper to reflect on the Chair, with respect, and I think you should ask Mr Stevenson to withdraw that. It is improper.

**MR STEVENSON:** Ha, ha, ha!

**Mr Berry:** It is improper to reflect on the Chair.

**MR STEVENSON:** You have a ripe chance of that.

**MADAM TEMPORARY DEPUTY SPEAKER:** Mr Stevenson, would you keep to the motion.

**MR STEVENSON:** I am expected to vote this afternoon on a censure motion. I could leave and say, "Look, it is all such nonsense that I will go". I looked at whether or not I should abstain and leave people with it, but it is important. I have to be able to hear the debate to make a fair decision.

**MADAM TEMPORARY DEPUTY SPEAKER:** Mr Stevenson, is this a point of order, or are you speaking about the subject of the debate?

**MR STEVENSON:** I am debating the matter. I am talking about the decision on a censure motion and whether or not you can hear the points that are being made.

**MADAM TEMPORARY DEPUTY SPEAKER:** Would you speak to the censure motion, Mr Stevenson.

**MR STEVENSON:** Indeed, and whether or not I can hear the debate.

**MADAM TEMPORARY DEPUTY SPEAKER:** Not about whether you can hear or not, Mr Stevenson.

**MR STEVENSON:** I will make the point that I was making earlier. It is important to be able to hear it. Mrs Carnell came up - - -

**MADAM TEMPORARY DEPUTY SPEAKER:** You have made that point, Mr Stevenson. I ask you to continue.

**MR STEVENSON:** I have not finished yet.

**MADAM TEMPORARY DEPUTY SPEAKER:** You have made the point.

**MR STEVENSON:** You cannot say that, because I have not finished it.

**MADAM TEMPORARY DEPUTY SPEAKER:** You have made the point about not being able to hear. Would you now keep to the subject.

**MR STEVENSON:** Mrs Carnell came up before and wanted to mention a couple of points. I said, "I am sorry; I cannot hear". That was when I was listening to Mr Humphries. That was not the first time. I kept it even. It is a bit grim when, firstly, we cannot hear and, secondly, when a fair attitude is not taken by the Chair.

**Ms Follett:** Madam Temporary Deputy Speaker - - -

**MR STEVENSON:** So, regarding the definition of beds - - -

**MADAM TEMPORARY DEPUTY SPEAKER:** Mr Stevenson, there is a point of order.

**Ms Follett:** On a point of order, Madam Temporary Deputy Speaker: Mr Stevenson has cast a reflection on the Chair which he must withdraw.

**MADAM TEMPORARY DEPUTY SPEAKER:** Yes; I ask you to withdraw that, Mr Stevenson. I was not in the chair at the time. You have reflected on the Speaker, and I would ask you to withdraw that.

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**MR STEVENSON:** Withdraw what, Madam Temporary Deputy Speaker?

**MADAM TEMPORARY DEPUTY SPEAKER:** Withdraw the reflection you made on the Chair.

**MR STEVENSON:** Which was that?

**MADAM TEMPORARY DEPUTY SPEAKER:** Mr Stevenson, I asked you to withdraw, and that is all I am asking you to do.

**MR STEVENSON:** I do not see that I made a reflection on the Chair.

**MADAM TEMPORARY DEPUTY SPEAKER:** A point of order was made. I believe that you did make a reflection on the Chair, and I would ask you to withdraw it.

**Mr Kaine:** On a point of order, Madam Temporary Deputy Speaker: If you are going to ask the member to withdraw something, you have to be specific about what it is that you want him to withdraw. You cannot harangue him from the chair, with all due respect.

**Ms Follett:** On the point of order, Madam Temporary Deputy Speaker: The comment which I asked to be withdrawn was the comment made by Mr Stevenson that the Chair had not acted fairly. It must be withdrawn.

**MADAM TEMPORARY DEPUTY SPEAKER:** I agree with you, and I would agree with anybody in the house who made that point of order. You do not reflect on the Chair. Would you withdraw it, Mr Stevenson.

**MR STEVENSON:** Madam Temporary Deputy Speaker, if the regulations of this Assembly require that I withdraw the statement, I withdraw; regardless of whether or not it is true. That is the unfortunate thing.

**Ms Follett:** Madam Temporary Deputy Speaker, that is a qualified withdrawal, which is not acceptable.

**MADAM TEMPORARY DEPUTY SPEAKER:** You cannot withdraw in that way, Mr Stevenson. You know very well the rules of this house. I do not have to tell them to you. I would ask you to withdraw it unqualifiedly.

**MR STEVENSON:** I withdraw. I have made the point.

**MADAM TEMPORARY DEPUTY SPEAKER:** Thank you.

**MR STEVENSON:** If you look at a dictionary, in the definition of "bed", you find that it is a sleeping place. I am not sure what the definition of "bed" is in the ACT, as regards hospitals. If it is not a sleeping place, if it is not a place where you stay over, is it something that looks like a bed? If it is not something that looks like a bed, is it a seat? Someone could say, "It is silly to say that it is a seat". If you can have a treatment in a seat, why is it silly to say that it is a bed?

**Mr Humphries:** This could be a bed here.

**MR STEVENSON:** That is right. Why could it not be? That is the point. How do we know what a bed is? We have to look at the definition, first of all, before we can tell. I would appreciate it if the Minister - and I am certain the Assembly will give him leave to do so - stood up and let us know the exact definition of a bed. If he is accused of not indicating the correct bed numbers, we have to know what it is that he did or did not include. It is another relevant point that, if the number is increased by a reclassification, that data has to be given. You cannot say that you have more of something when you did not really have more; you have counted different forms of the thing. I would appreciate the Minister handling that point specifically.

Mr Humphries certainly grants that the Minister correctly passed on the figures that he was given by the Health Department. Mr Kaine makes the point strongly that that is not enough; that a Minister, any Minister, has a responsibility to make sure that those figures are correct. If it was just a question of one situation, one could understand that the responsibility may not be very high. If a Minister is asked again and again about a specific area - in this case, bed numbers - it is reasonable that he not just get figures from the department, but go the extra mile and do whatever is necessary to make sure that those figures are correct; and then stand by them. It is also a valid argument that the Minister makes that hospitals use as many beds as they can - I can understand that - for Federal funding. It makes sense. Those details need to be explained clearly in this house.

Apparently, there are some things that are agreed upon. It was agreed that the Minister said that there were 24 beds coming on stream immediately. We all understand what "coming on stream" means. It means "going to be here". If the adverb is "immediately", they are going to be here right now. They were not. We know that. The Minister also has an obligation to explain why something does not happen. I am not saying that there is anything wrong with that; you simply explain it. If there were - and I am not 100 per cent sure - seven paediatric beds opened and then closed, you cannot really count them as being available in the ACT. There is also the question of the neonatal beds. At this time, I am not certain either way. However, I am certain that there are more matters that need to be explained, and I am also certain that it is difficult to hear when other people are talking in the Assembly.

**MS FOLLETT (Chief Minister and Treasurer) (4.51):** Madam Speaker, at the outset, I want to express my total confidence in Mr Connolly as a Minister. I regard him as an exceptionally capable Minister, any way that you want to measure that. He is certainly a Minister who has thrown himself into the health portfolio with a great deal of vigour, intelligence and integrity, and at a time - as I am sure every Health Minister in the country would agree - when it is extremely difficult for any Minister to handle this large and complex portfolio.

Madam Speaker, what we have seen over the course of the past week or so is a concerted attack by the Opposition on this Minister - an attack which has consisted of continually raising one allegation after another about different aspects of bed numbers, different aspects of health budgeting, different aspects of patient treatment, and so on.

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The Minister has responded to every one of those allegations. On the particular issue of bed numbers, he has refuted those allegations. Every time the issue has been raised in this house, the Minister has come back with the advice that he has had on the issue and has put it before the house.

I do not believe that in any way this Assembly could persuade itself that the Minister has knowingly, recklessly or willingly misled the house. There is simply no suggestion that that has happened. If you look at the motion that Mrs Carnell has moved, you will find that it is a rather strange one. If you look at *House of Representatives Practice*, Madam Speaker, that book deals with motions of want of confidence and censure motions pretty much as one and the same thing. In other words, they are the most serious motions that a parliament can entertain against one of its members. I would expect that, if you were to regard this issue very seriously, then the motion would not contain the word "misrepresent"; that it would assert a far stronger offence by the Minister. Yet there is no such assertion; there is no assertion that the Minister has misled the house; there is no assertion that he has knowingly, recklessly or willingly provided the Assembly with false or incorrect information. Even speakers opposite have said that they accept that the Minister has put forward the advice that he has received.

Madam Speaker, I believe that the Liberal Party really has devalued the currency of censure motions. As I have said before, they use them far too often. If they had wanted a serious debate on this issue, they could have raised it as a matter of public importance. They have not done that. They had the opportunity to do so today, and they raised industrial relations. Why not have this issue debated as a matter of public importance? Madam Speaker, the reason, of course, is that they are after another scalp. Mrs Carnell is after another scalp, pure and simple.

I believe that the censure motion, itself, is inappropriate. It is simply not the case that there has been put before this house the evidence that would in any way support a censure motion. I do want to point out that, on previous occasions, when Mr Connolly or I have found ourselves to be in error, to have made a mistake or to have not provided all the information, then both Mr Connolly and I have not hesitated in correcting that situation. We have both done it. Mr Connolly has done it repeatedly. That is a measure of the integrity that he brings to this job. It is very regrettable that there has been this attempted slur on his performance. It is not a slur which is warranted in any way, in my opinion.

I do want to address the general question of bed numbers, Madam Speaker. It is the case that throughout this debate we have all become aware that there are different ways of counting beds, and that beds might not always be beds; they might be couches; they might be chairs; they might be cots; they might be humidicribs or whatever. I am no expert on this. I freely admit that I would not have a clue how it is done, because it is well beyond my detailed knowledge as a Minister in this Government. There are clearly different ways of doing it, and there are different purposes for doing it. Some are for the Medicare agreement, some are for the nursing home funding arrangements, and so on. It is not as if this is a straightforward matter where the Minister has simply fudged the figures. He has not. If there has been a change in the way that beds have been counted, that change has come to light. That is all I can say. Madam Speaker, I find that completely unremarkable and certainly unworthy of a censure motion.

On the matter of beds, I think it is only fair to say that bed numbers are not an indicator of the health service provision in this Territory or anywhere else. I believe that spending time arguing about bed numbers really does take attention away from the real issue for the people of this Territory, that is, the efficient delivery of health services in the Territory - the efficient delivery of the services which they need. There clearly has not been a decrease in the provision of health services, and I have not heard anybody opposite argue that there has been.

The throughput of patients has not decreased, apart from the two months during the VMO dispute. What that means is that there is no real issue here. The bed numbers are not the most relevant issue. In fact, as we have heard repeatedly, even the New South Wales Liberals acknowledge that. I believe that the Victorian Minister has made much the same sort of comment. Beds are a tool. They are not a health service; they are a tool. They are some of the bricks and mortar kinds of tools that you need to provide services. But they do not equate with treating people; they do not equate with the number of people you treat, the types of services you offer or the quality of those services. They are merely one tool.

Madam Speaker, as members would know, the demand for services is not static. That changes day by day and from season to season, of course. So does the number of beds that are available for patients who need beds. It may well be that at any time of the year there may not be four oncology patients in the ACT who need a bed in the hospital; there may not be 49 paediatric patients who need a bed in the hospital. That changes. What we do not do any longer is leave staffed beds empty, sitting idle, wasting money. We change the tools to suit the need of the day.

The hospital operates to a budget and provides as many services as its budget allows. Obviously, some treatments are more expensive than others. Many patients these days, in fact, do not need a bed at all. Even patients who are in for surgery often do not sleep there. Mr Stevenson referred to a bed as something you sleep in. In fact, that is not the case, and it is not the suitable definition. Patients who are in for day surgery do not actually get to sleep there, as a rule. Patients who are having dialysis usually do not sleep there either. There is a whole range of scenarios where sleeping is not the issue, any more than bed numbers are. Mrs Carnell has been challenging the methodology that is used by the department. Mrs Carnell obviously believes that she knows better than the department. I am afraid that I do not share her confidence. It is my advice that the department uses national definitions as agreed by the Australian Institute of Health and Welfare and as endorsed by the Australian Health Ministers Advisory Council. I prefer to rely on that sort of advice.

Madam Speaker, the hospital redevelopment has, of course, had a significant impact on the way that we count beds; that is, the amount of bricks and mortar used in relation to the way that we treat people. In the past, I am advised, bed numbers did actually include a whole lot of excess unused capacity. With the redevelopment, for instance, the 36-bed wards have become 30-bed wards. Some new wards will, in fact, be 25-bed units. This has removed excess unused capacity from the hospital and has made for a more efficient use of the available resources. Madam Speaker, the bed numbers, which did previously include unused capacity, now do represent resourced and available beds.

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It is a matter of record that, just as we have tried to increase the efficiency of every aspect of our hospital and health system, we have also tried to increase the usefulness of the statistics that we keep. The constant carping about bed numbers does demonstrate that opposite there is a lack of understanding about the reality of a modern health system. It does raise serious concerns about Mrs Carnell's capacity as the alternative Minister for Health. (*Extension of time granted*) What Mrs Carnell and Mr Humphries have done is descend into what I believe is a cowardly attack on the public servants who are advising the Minister. There is no doubt about that. In fact, the Minister has made available all the information that has been provided to him by his department. He is clearly not misrepresenting that information one iota.

Madam Speaker, I believe that there are better ways of debating this issue, if there is a genuine desire to have the debate, than a censure motion, as I have indicated. I have said that there is a capacity to raise the issue by way of a matter of public importance; and we have the Estimates Committee process coming up. The other option, of course, is for the Liberals to seek a full briefing, which I am absolutely certain would be forthcoming. Any member of this Assembly could seek a full briefing on the situation with regard to bed numbers, how they are counted, why they are counted, where they are, and all the rest of it. I have no doubt, Madam Speaker, that, if it were requested seriously by a member of this Assembly, the Minister would actually agree to physically walking around the health system and counting the beds. That is something that I might find interesting as well. If anybody does want to do that, you might like to check off the tally with me.

Madam Speaker, this is a half-hearted censure motion. There has been no allegation at all that the Minister has knowingly, recklessly or willingly misled this house. He is accused of misrepresenting to the house the number of available public hospital beds. I argue that the Minister has made available honestly, and to the best of his ability, all the information that has been made available to him. I repeat that I have absolute confidence in Mr Connolly as a Minister. He has tackled a very difficult portfolio with a great deal of flair, with commitment and, above all, with a determination actually to improve the health system of the ACT and the services that it delivers to the citizens of this region. I do not see any such willingness on the part of members opposite. All I see is a concerted attempt to tear down this health system, everybody who works in it and everybody who offers any opinion upon it. Madam Speaker, I urge members to vote against this motion, because I do not believe that it is worthy of this Assembly and the seriousness with which censure motions ought to be treated.

**MR DE DOMENICO** (5.05): Madam Speaker, I am going to be very brief. First of all, I should say that the suggestion by the Chief Minister that this is a frivolous censure motion, to me, is an insult to all members of this Assembly. I can assure the Chief Minister that members of the Opposition do not believe it to be a frivolous motion at all, and I will tell you why, Madam Speaker. We all agree that the community out there is demanding of people, who speak to the newspapers and talk to the community, the best possible health service for the money that the community is spending on that health service. There is no doubt about that.

**Mr Wood:** Yes; but this motion is not about that, anyway.

**MR DE DOMENICO:** Mr Wood, I look forward to your contribution, too, by the way. The community, in demanding the best possible health service for the money that they are spending on that health service, also expects the Minister - whoever he or she may be, from time to time - to give the best possible advice when asked about that service delivery. That is what this motion is all about. The current Minister, Mr Connolly, has always been quite happy to tell everyone how good he is - whether it has been in consumer affairs or in other things - with a great fanfare. In June this year he said that he was going to open a certain number of hospital beds by 1 July. Out went the press release with all the fanfare. It got a great run in the newspapers and a great run on television. This was a new Minister; things were going to change under this Minister. He asked us to wait and see what was going to happen; and we waited, and we saw.

On Tuesday of this week, this Opposition, quite rightly, did its job and asked the Minister particular questions on what he, as a Minister, had come into this place and told us. We asked, "Minister, why is it that you said that you were going to do something in June - it is now October - and it still has not happened in the way that you suggested that it would?". What response did we get to that? "Silly little politicians". "Grubby little Leader of the Opposition". In other words, we got the personal attack. Mr Kaine put it quite rightly when he said, "On Tuesday we saw the automatic siege mentality". The Minister's attitude was, "How dare this Opposition have the gall to ask me, the best consumer affairs Minister in the world, a question!".

The Minister had a wonderful opportunity on Wednesday to come back and give us information that might make us believe that what we had said on Tuesday was wrong. In he came and he gave us some more information. We asked some more questions. We got some more information. As Mr Kaine, Mr Stevenson and other speakers have said, he came in and gave us information, which, I believe, has totally confused a lot of us. Why has he confused us? Because we are getting different answers every time we ask questions. Sometimes it is the same question, mind you, but certainly we got different answers.

I am going to keep out of the technical side of cots, neonatal beds and all this sort of thing, because I am now thoroughly and totally confused. But there is one thing that I can concentrate on; that is, what other Ministers have done in this place when they have found out that information that they had given us may not have been 100 per cent correct. I would take my hat off, if I had one, to Mr Wood, for example. Yesterday he was asked by me a question on carports and garages. Mr Wood yesterday believed that probably some technical thing had gone wrong, because he could not believe, in his own mind, that it would take so long to get approval for a carport. He came into this place this afternoon and he said four incredible words, namely, "I was wrong yesterday". He said, "Here is what the truth is. I apologise". End of story, end of issue. There was no siege mentality by Mr Wood; he did the right thing.

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**Mr Humphries:** I think it is incredible that he could be wrong, too.

**MR DE DOMENICO:** Yes. But what has Mr Connolly done? It appears as if Mr Connolly has gone out there and said, "Please, bureaucrats, go out and get me some advice that will protect me". Every time that he has been asked a question, Mr Connolly has gone into damage control mode. He has not said, "Listen, I do not know; but I am certainly going to find out. If you want a full briefing, I will give you one". He could have said that. We would not have asked any more questions. But, no; we asked questions; we got answers. We asked more questions, based on the answers we got; we kept getting different answers.

What does the community expect of politicians? The community expects that Mr Connolly, or any Minister, will not just willy-nilly accept any bit of advice that he gets from his bureaucrats. We have a sense of *deja vu*. That happened willy-nilly before, and it cost the particular Minister his position. It seemed to me, especially in the Chief Minister's defence, that the whole VITAB affair came back again. We were told then that there was nothing wrong.

I am going to now close my remarks, Madam Speaker, by saying that this is all about ministerial responsibility once again; this is all about making sure that, before someone comes into this place and gives us information, that information is checked and verified, because the community out there demands no less from us as members of this place or from the Minister that is responsible for a portfolio. It is not good enough for the Chief Minister to say, "This is all a frivolous, grubby little thing that people opposite are doing". It is not that at all. It is about this Assembly's right to be given correct information when it asks good questions of Ministers; it is also all about Ministers when they do not know answers, saying so and coming back and then giving us a good answer; and, when they do make mistakes, admitting that they have made mistakes and, therefore, that they are human. It is not all about going out there and defending oneself with any figures one can find, as long as the bottom line means, "I was right; go and do it".

We appear to have three different sets of answers, three different sets of figures. It has totally confused this Assembly. As far as I am concerned, nothing has been said yet by either Mr Connolly or Ms Follett to convince me that I should not be supporting the motion moved by the Leader of the Opposition.

**MS SZUTY (5.12):** I would like to indicate to the Assembly at this stage that I will not be supporting the censure motion proposed by Mrs Carnell. There were three points that Mrs Carnell raised as part of her censure motion. The first one was that 24 beds were promised by Mr Connolly on 16 June 1994; the second related to paediatric bed numbers; and the third related to the total number of beds. In relation to that first point - that 24 beds were promised on 16 June 1994 - I would like to quote from two documents, Madam Speaker. The first is the *Hansard* of 16 June 1994. In response to a question from Mrs Carnell about Woden Valley Hospital bed numbers, Mr Connolly said:

Actually, it is 55 rather than 56; but never mind. Madam Speaker, as we speak moves are afoot to open some 24 additional beds. I hope that we will have them by 1 July.

They were not promised by 1 July. The Minister said, "I hope that we will have them by 1 July".

The second document that I would like to quote from is the *Hansard* of 20 September 1994. In answer to a question, Mr Connolly's response was:

Madam Speaker, I did say that we wanted to get those beds reopened, and we provided the funding to have them reopened by 1 July. That was to get us to 600. We are currently at 584, I am told.

This is very clearly a matter that is in progress, as it was at 20 September this year.

I will not go through the calculations on paediatric bed numbers and the total number of beds, Madam Speaker, because my colleague Mr Moore is going to do that when he rises to speak in this debate. I am sure that he will address both of those issues, based on the calculations that Mrs Carnell has presented to the Assembly and on the calculations that Mr Fraser, the chief executive of the Department of Health, has presented to this Assembly.

I would like to make some comments about the information that has been presented, and the way it has been presented, to this Assembly. Mr Connolly, in response to the numerous questions that members of the Opposition have asked about bed numbers, has offered to have his figures checked at every opportunity that he has been given the opportunity to comment on that information. He has been very sincere, I believe, in the comments that he has made. In fact, both Mr Moore and I have consulted officers from the Department of Health to run through the various figures presented to us to assure us of the veracity of our remarks.

Mr Connolly also referred to the role of the Estimates Committee in looking at matters, particularly matters such as these, certainly in terms of the methodology that is used to count bed numbers. He is right, to a degree. That is an appropriate role for an estimates committee to have. I would add that it is certainly the role of the Opposition to put forward censure motions to this Assembly where they believe that the evidence supports the putting of those motions to the Assembly. Mr Connolly also remarked on the need to compare like with like, and that has certainly been one of the major substantive issues of this current debate. As Mr De Domenico has said, it can get very confusing for members of this Assembly when different beds in different places are counted in different ways. I did suggest to Mr Connolly, when I had a word to him earlier this afternoon, that perhaps it would be a good idea if we had a full explanation of how beds are counted, both in the ACT and across other jurisdictions, and we had a greater understanding of the Medicare agreement and the negotiations that the States have with the Commonwealth in terms of arguing their case for funding to be granted to them from the Commonwealth.

Madam Speaker, as I indicated to the Assembly, I will not be supporting this censure motion. I invite my colleague Mr Moore to address the matter of the counting of the numbers of beds.

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**MR MOORE (5.17):** Madam Speaker, we heard, in earlier debate, some of the numbers presented by Mrs Carnell. Since that time, we have listened to the Minister's response. She pencilled out for us a calculation in which she intended to illustrate the misrepresentation of the numbers. To do that, she took the figure of 787 that was presented to the house in the paper tabled by the Minister the day before yesterday. She then took the figure of 732, which is the number in the annual report, and said, "That leaves a discrepancy of 55 beds". Following the debate today, she conceded that, of those 55 beds, you could perhaps eliminate 20 from Calvary, 20 from neonatal and 10 from dialysis; and that way there are still five beds outstanding.

What I did with Mrs Carnell's figures was go back to Mr Connolly's advisers and say, "How do you reconcile this?". They said, "No. The figures from Calvary apply; that is fine". They accept that, and Mrs Carnell has conceded that. They also say, "But the figures of 20 neonatal and 10 dialysis are already in both the 787 and the 732; they ought not be considered there. Instead, what you are talking about is what is not in the two figures - the 13 beds in detox; 11 in QEII; the 20 from Calvary, that we have discussed previously; and 11 new beds". That is how, in fact, they reconcile the figures.

What it illustrates to me, Madam Speaker, is that Mr Connolly does the very thing that I have just done. He goes to his advisers and says, "How do I reconcile these figures?". They come back with advice, and he takes that advice. Similarly, Mrs Carnell drew our attention earlier to four oncology beds. In fact, halfway through her speech she was passed a note, and she said, "Look, the four oncology that are supposedly opened have not been opened at all". Once again, I asked the staff that Mr Connolly has out there, including the secretary of his department, "What about these four oncology beds?". I have seen the note that Mrs Carnell has, including the name of the person - I will not mention the name - who provided this information. I asked, "Can you check?". I stood there while they immediately got on the phone and double-checked their numbers. They, in turn, assured me that those four oncology beds are opened, in the sense that it is the current way that these beds are counted, according to the May 1994 agreed way of counting beds across Australia. I am quite happy to pass that document to members. Basically, I am left with this question: "Has Mr Connolly misrepresented to the house information that he has?". The answer to that is clearly no. The information that he has, he has not misrepresented. That is the first part.

The second question - and this is something that we always have to be careful of - is: "Has he recklessly just accepted figures from his department that he ought to have known were wrong?". There is in that question an element of "Would that be acceptable?". If I believed that he had recklessly done that, then he would have something to answer for. Madam Speaker, having been through the process in the last little while - and I deliberately put myself through that process - I do not believe that he has done that recklessly at all. In fact, what he has done is attempted to reconcile the figures that Mrs Carnell raises. There certainly is an issue about how we count bed numbers. There certainly is an issue about whether it is being done accurately. I think that is an issue. That is an issue that Mrs Carnell is actually trying to deal with.

The converse side of that, Madam Speaker, is that, if I thought that Mrs Carnell had come in here and recklessly put up a censure motion to have a go at a Minister and to get some publicity, then I would have no hesitation in turning the censure motion around and

censuring her for that. I do not believe that that is the case either. She has some genuine concerns about how these numbers were counted, and she has gone through and shown me the evidence on which she found discrepancies.

There is a question as to whether this should have been done as a censure motion or not. That is something that she will have to make a judgment about in the future. But, Madam Speaker, I came in here today knowing that the censure motion was going to come on, ready to listen to the information and ready to try to reconcile the numbers. Having looked carefully at the numbers, having tried to work out why the numbers are different and having had perfectly reasonable and rational answers presented to me, I do not find that this Minister in any way misrepresented what was given to him. Nor do I find that he has recklessly just taken information without challenging it, without questioning it. Rather, the contrary; it has been done with great care.

Madam Speaker, I think it is particularly important that we take great care in this situation, because the other option for Mr Connolly, or any other Minister, is always to come in here and, when he gets a question from any member, such as, "What is the situation with beds at Woden Valley Hospital?", respond, "We are hoping to improve the number of beds. It is not too good at the moment. We would like to see it better. At the moment, it is not going that badly". We will get these generic answers where the Minister never says anything that can be checked and double-checked. I do not think any of us want that. We do want to be able to ask questions, and we do want to be able to ensure that Ministers present, as openly as they possibly can, the information that is available to them. For that reason, I feel very strongly that it is important to protect Mr Connolly from the impact of this motion. I believe that he has acted in good faith and attempted not to misrepresent all these figures.

That last point, Madam Speaker, is the point that I want to make strongest of all in this speech, because I want Ministers to be able to answer the questions. What still remains over this whole issue is this reconciliation. I am satisfied that those numbers can be reconciled. I believe that Mrs Carnell is probably not satisfied at this stage. Now that both Ms Szuty and I have indicated that we will be opposing this motion, I believe that the next step - - -

**Mrs Carnell:** I am not surprised.

**MR MOORE:** Mrs Carnell interjects and says, "I am not surprised about that". I would like to remind you, Mrs Carnell, that a much stronger motion than this was moved by you regarding the last Minister for Health, in his capacity as Minister for Sport. In fact, that motion was supported. I do not take these things lightly. I have investigated them very carefully, as, indeed, has Ms Szuty.

I would like to continue my point. The correct way now to continue this debate is through the Estimates Committee, when you review the annual report. Because I know that there are still questions in your mind about the numbers and reconciling those numbers, that is the appropriate place to continue this debate. Madam Speaker, it is important that we recognise that the Minister has not attempted to misrepresent or recklessly misrepresent but also, on the flip side, that the Opposition also have not

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recklessly put up the censure motion. They have seen a discrepancy, and they have explored that discrepancy. Madam Speaker, that is why it is that I believe that today, whilst it has been a quite unpleasant exercise - I always find these things particularly unpleasant - we did - - -

**Mr Connolly:** It is more unpleasant when you are sitting here.

**MR MOORE:** I am sure that it is much more unpleasant for Mr Connolly than it is for me. Having been subject to a censure motion in the previous Assembly, I do understand that they are something that is particularly distressing. Madam Speaker, that said, I believe that this matter needs to be explored further through the Estimates Committee process.

**MR BERRY** (Manager of Government Business) (5.27): I rise to support my colleague Mr Connolly. One of the first things that I want to say is that I am pleased that the Independents have not been caught up in what I see - they have a different view of the world - as an ongoing campaign in the community about beds and the impact that beds have on the provision of hospital services in the Territory. If you listen to Mrs Carnell out in the community, it is as if beds are the only things that matter in a hospital. Beds, beds, beds!

**Mr Humphries:** You used to talk about it like that when you were Opposition spokesman on health.

**MR BERRY:** That is not so. Things have changed dramatically over the last few years. I see this motion of censure against my colleague Mr Connolly as another part of that campaign. It is a good thing that the debate will now be cut a little short, to ensure that Mrs Carnell goes out into the community and focuses on the issues - patients. How many patients are being treated in the hospital system? The answer is that 55,000 patients are being treated.

**Mrs Carnell:** No; they have not.

**MR BERRY:** They will be treated. That is the allocation for this year, 55,000. It was 50,500 last year. That target would have been reached if it were not for the strike by your doctor friends. We have to focus on this issue of the number of patients that are treated in our hospital system.

It is very easy to confuse the community on this issue, because if you say "bed" people think of the bedroom suite and the bed in the front room; they do not imagine it as it is in the hospital system. A bed is described as a piece of furniture located within a hospital and used for the accommodation of admitted patients. I have heard Mrs Carnell being critical of this, but this is the proper definition of beds which are used for the provision of services to patients. They include beds in wards, chairs, lounges, birthing centre beds and cots in approved neonatal nurseries. Beds exclude surgical tables, recovery trolleys, delivery beds and cots for unqualified newborn babies. The average person out in the community would not be aware of the definition of "beds" within the hospital system and

would think that every time Mrs Carnell moaned about beds it meant that somebody was not being treated. As the number of beds has been diminishing over the years, the number of patients being treated has been increasing. If nothing else, it would be a good thing if we stopped this silly argument in the community about beds and the impact that they have on hospital services.

Mr Humphries agrees with me, I think. They are not the only measure. Other Health Ministers agree that they are not the only measure. Without any beds you cannot provide any services. There is an amount which, of course, is appropriate. It is the wrong thing to argue about. The argument has to be about the number of people who have been treated.

**Mr Humphries:** Answer the question.

**MR BERRY:** You did not know how many people were being treated when you were in opposition. You did not have a counterargument.

I heard Mr Moore say that he might even contemplate a censure motion of Mrs Carnell if she was recklessly putting this motion to the Assembly. In fact, for a fleeting moment, I thought that this might be something that I might do. I thought of moving:

That this Assembly censures the Leader of the Opposition for misleading the community on the impact of bed numbers on the provision of public hospital services.

Then I thought, "What is the use? It is not going to stop her". Would that stop her? It might not. I thought, "We have spent a whole heap of time on this issue. To go down that path might further extend the debate and might not change things out there". I hope that the community understands that the issue is not only about beds.

The Liberals have tried to put a nice spin on Mr Connolly's answers in this place. As is always the case in this place, Ministers take extra care when providing information to members of the Opposition. The Opposition's job is to try to shoot holes in us. You expect that. Of course, they see that as their job. Good on them, if they think that is the way that they will get themselves elected; let them point out to the community that they are very good at what they do. Particularly on this health issue, they are slowly being exposed; their actions are being exposed. They are farcical when it comes to this beds issue.

Madam Speaker, Mr Connolly has done what every Minister here does when questioned - he has provided the information to the best of his knowledge. In my view, there has been no attempt to misrepresent the position. If the Government said, "We are a good government", the Opposition would disagree and say, "You have misrepresented the position".

**Mr Humphries:** Yes.

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**MR BERRY:** Mr Humphries interjects, "Yes". Misrepresentation is often a picture in somebody's mind. I rather think that has been part of this motion's origins as well. It has been about that ongoing campaign about what impact beds have on the provision of our public hospital services. I hope that Mrs Carnell uses all the measures which dictate the provision of hospital services; not only those who are admitted to the hospital system but those who are not and who receive services as well. The problem for politicians is that this is not a simple thing to present to the community and criticise. It is very easy to criticise, because nobody wants to be sick; nobody wants to go to a hospital; nobody wants to wait; and everybody wants to come out of it looking bright-eyed and bushy-tailed. All of those things do not always happen. In all cases, I am sure, the hospital does its level best to ensure that people come out better than they went in.

Madam Speaker, I urge members to resoundingly defeat this censure motion of Mr Connolly. It has been farcical; it has been something that we could well do without. I also note that it has taken up a lot of time of the Assembly which could have been devoted to some important business.

**MRS CARNELL** (Leader of the Opposition) (5.35), in reply: Madam Speaker, I sum up by just showing how a good spin can work. It is a complicated area; there is no doubt. I am disappointed that before the Independents took on board those figures they did not actually come in and run with those figures that Mr Connolly's people put a spin on. If they were right - and I am sure that the Independents will now see this - there were 560 beds at Woden Valley Hospital at the end of the financial year, according to the Government's own figures. The figure of 560 actually included the 20 neonatal cots that we have been told about, and the 10 dialysis beds on top of the 10 that are actually in the hospital system. Therefore, without those extra 10 and the 20 neonatal beds, we would have had 530 beds at that particular stage at Woden. The figures that I tabled the other day show that by the end of August we had 562 beds.

What did we do - open 30? Obviously, we did not. That is where the argument that the neonatal cots actually were in the figures at the end of the financial year falls apart totally. Certainly, the figure that I tabled for the end of August, the 562, did not include the 20 neonatal cots or the extra 10 dialysis beds. It included 10 dialysis beds, the ones that are actually in Woden; it did not include the satellite beds. They certainly were not included in the 562 beds that Woden Valley Hospital says that they had at the end of August.

Does that mean that in reality - just have a think about it for a moment - they do not exist in the 562 beds at the end of August? We add those on if we are going to compare like with like. If we are going to compare the 560 at Woden at the end of the financial year with the figure at the end of August, using the department's own figures, we add the 20 neonatal cots and the 10 renal dialysis beds that are not included in the 562 at the end of August; we get 592 beds at the end of August. What we are doing there is comparing like with like, according to the explanation that you were given. The 560 goes up to 592. We now have more beds than they are saying we have. They claim that they have 584 beds, and that is without adding in any.

I come back to it again: If the neonatal cots and the 10 extra renal dialysis beds were added to the end of the financial year figures - and we know that they were not, because I have given you the figures that they were not added in with the end of August figures; and the department says that they were not added in with the end of August figures - you would have to add an extra 20 beds onto the 562 that existed at the end of August. That means, supposedly, according to the department's own figures, that we had 560 at the end of June and 592 at the end of August. That just shows the joke of accepting what you have just accepted.

Question resolved in the negative.

## **STUDY TRIP Paper**

**MADAM SPEAKER:** For the information of members, I present the following paper:

Study Trip - Report by Mr T. Kaine, MLA - 16th Annual Conference, Australasian Study of Parliament Group, Darwin, Northern Territory, 6-7 October 1994.

## **LEGISLATIVE ASSEMBLY - COMPUTER NETWORK**

**MADAM SPEAKER:** Yesterday, Ms Szuty directed to me a question without notice concerning the implementation of the new computer network in the Legislative Assembly and asked who had the role of managing the installation of this computer network from the Assembly's perspective and what was the duration of the appointment.

Members may recall that the Assembly's computer system has been upgraded gradually over a number of years. In May 1993, the ACT Government Computing Service, ACTGCS, completed a report on an information technology strategic plan for the ACT Legislative Assembly, following extensive consultation with members and their officers. At a meeting on 1 June 1993, the Standing Committee on Administration and Procedures considered the report and resolved that the report be circulated to all members, indicating that it would be regarded as a guiding document for information technology development in the Assembly and asking for comment before the end of July 1993. The networking that was the subject of Ms Szuty's question is one of the stages of that plan.

As with the installation of other equipment in the Legislative Assembly, the officer overseeing the installation is the Serjeant-at-Arms. The Assembly has contracted Cyberdyne Open Systems to install the equipment. A representative of the firm has been in attendance in the Assembly since the installation began on 29 September, to respond promptly to any problems encountered during the installation and to assist members and staff. That representative will remain until the completion of the installation process, after which time a telephone help line will remain in operation to assist users.

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Recognising the need to minimise any disruption to members and their staff, during a non-sitting week training courses were conducted by representatives of the firm installing the network, prior to staff being connected. In addition, the installation was done during a non-sitting period. Unfortunately, the disruption which did occur yesterday, to which Ms Szuty referred in her question, resulted from an equipment failure, which was attended to immediately by the Serjeant and a representative of Cyberdyne. Once it was clear that the problem was a hardware fault, Cyberdyne promptly replaced the faulty equipment and restored service to users.

## **PAPERS**

**MR BERRY** (Manager of Government Business): On behalf of Mr Lamont, I present, for the information of members, the following papers:

Report for the Review of the Delivery of Housing Assistance Program in the ACT, together with Directions and Actions for changing the ACT Government's Housing Program, dated September 1994, which has been prepared by the Housing Review Secretariat; and

Resource Paper - The ACT Government's Housing Program - Current Housing Programs and Arrangements, dated September 1994, which was updated by the Housing Review Secretariat.

## **STATUS OF WOMEN - COMMONWEALTH-STATE MINISTERS CONFERENCE AND RECENT DEVELOPMENTS**

### **Ministerial Statement and Papers**

**MS FOLLETT** (Chief Minister and Treasurer), by leave: Madam Speaker, on Friday, 6 October 1994, I attended the Commonwealth-State Ministers Conference on the Status of Women, held in Adelaide. I was particularly pleased to be able to report at this conference on the achievements of the ACT Government, especially as it coincided with celebrations of the centenary of women's suffrage in South Australia. Today, I wish to report on a number of issues raised at the conference which have particular relevance to the ACT and the Government's policies on the status of women. With the launch of the discussion paper, *Women and Parliament in Australia and New Zealand*, a major focus of the conference was on women's participation in the political arena. This discussion was especially timely, given the historic decisions taken at the recent National Conference of the Australian Labor Party.

The ACT Government is proud of its record in relation to the number of women in government and in decision making positions. As at June 1994, 42.6 per cent of positions on ACT government boards and committees were filled by women. This is the highest representation in Australia and close to our policy objective of equal representation of women and men on all boards and committees. As a body politic, the Territory compares

well with other jurisdictions. In the present ACT Legislative Assembly, six of the 17 members are women, and in Australian political experience we are unique in that women simultaneously occupy the positions of Speaker, Chief Minister and Leader of the Opposition. In addition, two ACT government agencies - the Department of Public Administration and the Department of Education and Training - are headed by women. Madam Speaker, I believe that it is important to encourage broad debate and understanding about the role of women in politics and in the exercise of power generally. For this reason, I will be distributing the discussion paper widely in the ACT community. The paper will be a particularly useful addition to school and college libraries.

The conference also addressed the important issue of providing women with equal access to government services. Ministers agreed to commission research to develop and produce a framework for ensuring that government programs, services and activities are gender inclusive. This approach is consistent with the initiatives already under way to make customers a key focus for ACT Government-provided services. For example, both the ACT Government Service access and equity program and the introduction of the social justice budget statement encourage agencies to be more focused on the needs of clients. The access and equity program encourages managers to identify barriers to the services that they deliver to the community and to implement strategies to address those barriers. The program places particular emphasis on addressing the special needs of those people in the community who experience disadvantage. The social justice budget statement plays a similar role. It seeks to ensure that program managers across the ACTGS specifically consider the impact of their programs on every member of the community in terms of issues such as equity, access and participation.

The conference also considered the range of policy issues affecting the well-being of women with carer responsibilities. Access to, and coordination of, support services for carers were areas of particular discussion. The provision of more flexible, accessible and appropriate respite care was also highlighted as an issue of concern to women. The conference's interest in these issues reflects an increasing recognition of the personal costs associated with undertaking the caring role, which is primarily undertaken by women. These costs can include emotional stress, an adverse impact on the carer's health, financial difficulties and limited career opportunities. Indeed, at a public forum held by the ACT Women's Consultative Council this year, respite care and the economic independence of carers were identified as the two most pressing issues.

In response to our growing understanding of these issues, in the 1994-95 budget the ACT Government announced a number of significant initiatives to assist carers. These included an enhancement of community based support services funded under the home and community care program; professional training for carers of the aged in the ACT; innovative employer supported child-care initiatives which pilot a number of after-school and vacation care programs for children and young people with a disability; and the establishment of a family support group at Jindalee Nursing Home. In addition, the ACT Government is actively looking at ways in which, as an employer, it can be more responsive to the needs of workers with carer responsibilities.

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Madam Speaker, the ACT Work and Family Advisory Service, which commenced in August this year, will provide employers in the Territory's private sector with advice about the ways in which they can accommodate workers' family needs in the context of their workplaces. The establishment of the service will help dismiss the myth that workers' home lives and family responsibilities are left behind when they arrive at work. In this, the International Year of the Family, employers are being encouraged to look carefully at their workplace arrangements and policies, to ensure that employees' family needs are not put aside by outdated and restrictive practices.

Madam Speaker, members will be aware that one of the Government's key priorities is to ensure that women can live in a society free from violence against them. At the 1992 ministerial conference, the national strategy on violence against women was welcomed as a progressive framework for change. I was proud to be able to take the national strategy to the inaugural meeting of the Council of Australian Governments on behalf of the conference. The Council of Australian Governments, at its meeting in February this year, agreed to establish a working group specifically to survey responses by all State and Territory governments to the national strategy on violence against women. The working group noted that, while the rate of progress in each jurisdiction varied, there was a consistency in direction and in the outcomes being sought. The working group concluded that progress was being made in all areas on eliminating violence against women, with the possible exception of data collection at a national level.

In the ACT the Government is about to embark on a significant media campaign dealing with violence against women. The media campaign will consist of advertisements on commercial television, in the print media and on buses in order to present a clear message to the ACT community that violence against women and children is not acceptable and is a criminal offence. The campaign will encourage us all to take responsibility, as individuals and as part of the community, for violence and to act against it when we encounter it in our daily lives. As part of the campaign, two educational programs are scheduled to run in our high schools and colleges. The preventing abuse in relationships program is currently being conducted, on request, by the Domestic Violence Crisis Service. In 1995, Men Against Sexual Assault will conduct anti-rape workshops, again on request, in colleges and high schools. Madam Speaker, the awareness program also includes training for ACT Government Service employees. This training will enhance awareness of violence against women, particularly amongst those who provide services to victims. I am sure that members will agree that, in coming to grips with violence against women, it is important to consider the portrayal of women in the media and the effect that the media have in influencing society's views. The ministerial conference agreed to further work on this issue being undertaken by the Commonwealth-State Standing Committee on Women's Advisers.

Madam Speaker, the ACT Government's initiatives in the area of the status of women are held in high regard nationally as well as in the Territory. The Government will continue to build upon its already strong credentials in this area, both through local initiatives and by means of participation in national programs, to enhance the status of women in society. I present a copy of this statement, and I move:

That the Assembly takes note of the papers.

I wish to inform members that copies of the discussion paper have not yet arrived from the printers. When they are available, they will be circulated to members.

Debate (on motion by Mr Kaine) adjourned.

## **RESIDENTIAL REDEVELOPMENT REVIEW Papers**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning): Madam Speaker, for the information of members, I present the Residential Redevelopment Review - Issues and Options paper, dated October 1994, together with submissions to the review. I seek leave to move a motion in relation to the submissions.

Leave granted.

**MR WOOD:** I move:

That the Assembly authorises the publication of the submissions to the Residential Redevelopment Review.

Question resolved in the affirmative.

## **ARTS AND CULTURE - GOVERNMENT ACHIEVEMENTS Ministerial Statement**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning), by leave: Madam Speaker, next Tuesday, 18 October 1994, the Prime Minister will be launching the Commonwealth's long-awaited cultural policy. I would like to use this opportunity to highlight a number of recent initiatives by the Follett Government which demonstrate our commitment to arts and culture in the ACT. Members will be aware that Canberra already enjoys a strong cultural profile, at the national level, with the National Gallery, the National Film and Sound Archive, the National Library, the National Science and Technology Centre and the Australian Institute of Aboriginal and Torres Strait Islander Studies all located in our city. Therefore, we all look forward to Mr Keating's speech. In this context, I know that the Chief Minister has been working very hard with the Federal Government to make sure that the Commonwealth's cultural policy properly and adequately addresses the role of the national capital in the life of the nation. In the light of this statement, and with Canberra again hosting the very successful National Festival of Australian Theatre, I believe that it is timely to reflect on this Government's achievements in this field.

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Madam Speaker, this Government believes that culture and the arts play a key role in enlightening, enriching and entertaining society. The arts permeate our society through theatre, music, dance, film, literature and craft, and in numerous other ways. This diversity of expression is an important barometer of the health and vitality of our community. Support and encouragement of the arts and the people involved are essential roles for government in improving the quality of life for all in our community. I begin by noting our achievements in developing sources of expert advice in this field. In June 1991, the Legislative Assembly Select Committee on Cultural Activities and Facilities, which I chaired, recommended establishing an ACT Cultural Council to provide broad and specific policy advice to the Government on cultural matters, including advice on the allocation of grant moneys. On 21 November 1991, in the Government response to this report, and then as Minister for the Arts, I recommended the creation of the ACT Cultural Council as the ACT Government's principal cultural advisory body. I then went on in December 1991 to create the council - a 15-member voluntary, part-time group of individuals with considerable experience and expertise in the arts and culture.

In early 1992, the Government presented the council with a goal. This was to create a secure foundation and an effective framework for cultural development in the ACT. The council responded enthusiastically, and after a highly successful consultation process produced the publication, *Sharing the Vision: A Framework for Cultural Development*. This document was released in May 1993 and was the result of 15 months of development work, with both formal and informal discussions between the Cultural Council, its subcommittees and members of the wider community. As well as the provision of expert advice, effective planning has been a key element of our approach. In its 1992 election platform, the Government promised that cultural planning would be treated as an integral part of the planning process, just like urban and environmental planning. As an acknowledgment of this important link between planning and cultural development, a new position of cultural planner has been created in the ACT Planning Authority. This initiative represents a significant break with the past, where cultural development has been treated as an optional extra.

Along with the development of a broad agenda for ACT cultural planning needs, and whilst looking at the development of a cultural precinct in Civic, one of the planner's first major projects will be to develop a Belconnen region cultural plan by assessing the existing situation and suggesting a strategy for the future. The creation of this new position is a significant advance for cultural development in the Territory and is an integral element of this Government's commitment to consultation and community participation and to actively involving communities within Canberra in their own development. It is also an important element of our regional strategy for the arts, of which I will say more later.

Another example of this approach is presently being undertaken in Tuggeranong. Members may be aware that the ACT Government, through a \$15,000 grant to the Tuggeranong Community Arts Association, has funded a cultural planner to conduct a cultural mapping exercise and develop a cultural plan for that region.

The planner, Ms Marla Guppy, has been assessing current and future needs and will be presenting her report for Tuggeranong Community Arts this week. Cultural marketing planning has also been a highlight of this Government's approach. The Canberra Arts Marketing Consortium has recently appointed a marketing manager, with the assistance of funds from the ACT Government and the Australia Council. This organisation is aiming to assist in the marketing and promotion of ACT cultural achievements.

Madam Speaker, I now turn to the provision of facilities for the arts. Recently, I announced the provision of \$7m for the ACT Cultural and Heritage Centre to be built in North Building in Civic. This centre is another direct benefit of the casino premium and will provide the Territory with a further opportunity to project its own unique identity. The other significant development in Civic is the Playhouse redevelopment. An amount of \$2.3m was allocated in the 1994-95 capital works budget to supplement the allocation of \$5m from the casino premium. Work is expected to commence on this project in 1994-95 and should conclude in late 1996. The desirability of providing a 600- to 650-seat theatre on the present Playhouse site was recognised by the Standing Committee on Planning, Development and Infrastructure in December 1992. It also has received support from the ACT Cultural Council. Those two developments are further examples of the Government's recognition of the importance of culture in shaping, reflecting and informing our community, and I am particularly proud that these facilities will be in Civic, as the cultural heart of the ACT.

This is not to say that this Government has saved all its efforts for the centre of the city. The Government is also committed to providing cultural facilities in the town centres. In this regard, on Monday I announced the allocation of a further \$2.75m of the \$19m casino premium for regional cultural facilities. The allocation includes \$1.75m for the construction of a Tuggeranong Community Arts Centre; \$0.5m for the upgrade of the auditorium at the Canberra Institute of Technology, Woden Campus, to provide particularly for contemporary music performers; and \$0.5m for an upgrade of the Hawker College Theatre and construction of associated rehearsal and music practice spaces. I am particularly pleased with these developments because they address the important issues of community cultural development, community use of schools and strategic partnerships throughout Canberra.

Madam Speaker, another cultural facility opened in Canberra this year. Some time ago it became apparent that we needed a new community based theatre facility to replace the old Childers Street Theatre and the TAU Theatre at Braddon, which was destroyed by fire in 1990. The Street Theatre in Childers Street, City West, is a result of that process. You may know that the theatre is currently being used as a key venue during the National Festival of Australian Theatre. As I sat in its comfortable seats and watched a performance last Saturday night, I could not help reflecting on what an excellent facility it is. The seating, production, sound and lighting equipment in the theatre were provided by the ACT Government through the allocation of funds from the casino premium.

With the building of the theatre, Childers Street is beginning to have a real buzz about it. In fact, I believe that this area would make an ideal precinct for other cultural groups. As you may know, a government site in Childers Street next to the new Street Theatre has been identified to house four visual arts access organisations - Megalo Arts Access, Studio One, PhotoAccess and the Crafts Council. Such a major access facility would

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support the work of both professional and community visual artists. Professional artists would have access to high-quality facilities and equipment on a shared basis. A single building would provide cost savings to the Government in such areas as rent and maintenance and equipment costs. New creative links could be established between these organisations and with community artists, who would have access to common facilities of a high standard. I can report to the Assembly that planning for this facility has proceeded to the preliminary sketch plan stage and will be considered in the context of the 1995-96 budget.

Madam Speaker, I have mentioned the National Festival of Australian Theatre. In a very few years the festival - which certainly preceded my time as Minister - which has significant financial support from the ACT Government, has become an exciting cultural event, and this year is no exception. The national festival continues to provide innovative and challenging work of the highest standard. I find it particularly pleasing to see ACT performing arts companies and artists selected to perform in this year's festival. This year the festival includes the Performing Arts Market. This is a new initiative in the festival by the Australia Council and the National Festival of Australian Theatre to showcase the best in performing arts to an audience of international buyers. This is an exciting new development, and I commend the festival organisers for their enterprising contribution to selling our arts and cultural products around Australia and overseas. Finally, on facilities, I was delighted to see the long-held vision of a studio for local visual artists realised, with the establishment of the Australian National Capital Artists, ANCA, studios in Dickson and Mitchell in 1993.

I now turn to funding for culture and the arts. At a time when arts budgets are under threat in other States, the ACT Government has maintained its strong commitment to the arts and arts funding. In fact, this Government has ensured that CPI adjustments are made each year to funds provided. In 1992, the Government spent \$2.4m on its cultural development grants program. In 1994, that figure has increased to \$2.8m. Madam Speaker, we are in an exciting, dynamic period in the history of arts in the ACT. This Government believes that the arts are an essential component of the life of the Territory and play an important role in ensuring the vitality of our community. We have demonstrated that we are responsive to community needs, and our commitment to cultural development is clear and unambiguous. As we approach the twenty-first century and the future maturing of our city, the Government looks forward to the continuing development of our arts and cultural scene. I present a copy of this statement, and I move:

That the Assembly takes note of the paper.

Debate (on motion by Mr Humphries) adjourned.

**MATTER OF PUBLIC IMPORTANCE**

**Withdrawal**

**MADAM SPEAKER:** I inform members that Mr De Domenico has withdrawn the matter of public importance submitted for discussion.

**LEGAL AFFAIRS - STANDING COMMITTEE**

**Report on Criminal Injuries Compensation (Amendment) Bill 1993**

**MR HUMPHRIES (6.05):** I present report No. 7 of the Standing Committee on Legal Affairs on the inquiry into the Criminal Injuries Compensation (Amendment) Bill 1993, together with extracts from the minutes of proceedings. I move:

That the report be noted.

Madam Speaker, the Criminal Injuries Compensation (Amendment) Bill presented a significant problem for the Legal Affairs Committee. It was a difficult Bill in many respects. The chief problem we had was that all the submissions that we received in the committee were hostile to this legislation. There was clearly strong opposition to the intention of the legislation from groups such as sporting organisations, from lawyers representing their clients and from others. Also, the Assembly was aware of significant changes in the philosophy of the criminal injuries compensation scheme, which it felt should be considered very carefully by the committee.

The Government admitted, when it originally tabled this legislation in August of last year, that it believed that the courts of the Territory were departing from the essential principles under which the criminal injuries compensation scheme had been established. It was the belief of the Government that this needed to be addressed. The Minister said in his presentation speech:

In another case currently before the courts, a man is claiming compensation for an injury he received as a result of accidentally being struck by a child on a bicycle. The Government is concerned that these sorts of claims under the scheme are increasing. We have a responsibility to contain the cost of the scheme and to ensure that its original purpose in compensating victims of violent crime is observed by the courts.

Hence, a number of limitations on the current operation of the Act were proposed in the Bill. The Government suggested that there was, in effect, a floodgate opening and that there would need to be some action to close that floodgate, lest many sorts of unwarranted claims be made.

Madam Speaker, a majority of members of the committee had a problem with the issues that this gave rise to. First of all, we acknowledged that the principles under which the scheme has operated for some years were, unquestionably, being watered down by this Bill. The scheme has been in operation in the ACT for in excess of 10 years.

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Secondly, the committee found little evidence of the fact that there was some kind of floodgate opening that was producing all sorts of unwarranted claims. Certainly, there have been a few claims in the last year or so in respect of accidents relating to dog bites - the Government felt that this was an intrusion into the original intention of the legislation - but there were only a handful.

The Government pointed to the case of a man being accidentally hit by a bicycle ridden by a child. Since the presentation of the Bill, the case has been resolved by the courts, adversely to the applicant; so, there was no suggestion of a claim being available in these areas, in an unwarranted fashion, at least. Certainly, as we would all acknowledge, there are some cases where people ought not to be getting compensation; but those cases, at this stage, appear to be very small in number. At least, I have not been pointed to any large category of cases which this legislation would have addressed to prevent that occurring in the future. As I have mentioned, most of the organisations directly affected by the changes were hostile to the changes being made, particularly sporting organisations.

Madam Speaker, the committee considered the content of the legislation and recommended - it was a unanimous decision in this respect - that most of the provisions of the Criminal Injuries Compensation Bill not be proceeded with. There was certainly support for one provision in the Bill, which was a relatively minor one. It recommended, in turn, that the Government consider some further changes which were not part of the legislation but which were the subject of discussions between me and Mr Connolly.

Madam Speaker, I will refer briefly to some of the problems in the legislation. One of the changes that the legislation proposes concerns the necessity for a whole offence to be proven for compensation to be payable. At the moment, a part of an offence can constitute the basis for a claim. In this Bill, the Government was proposing that a whole offence be established. For example, a person who was chasing a criminal after a robbery and who fell and injured themselves would not have been injured as a result of an offence itself. Running away from the scene of a crime is not actually an offence unless you are being chased. The fact that a person was injured in those circumstances, clearly, at the present time, gives rise to compensation claims, because the person is injured as a result of a component of a criminal activity. The legislation proposed that that be closed off.

It was also proposed in the legislation that people should be subject to a discretion when coming before the court and that the judge, magistrate or registrar of the court should have the capacity to say, "These elements of the case are proven; nonetheless, I decline to grant this application". That discretion would override whatever provisions exist in the legislation to say that a person can or cannot have compensation. Madam Speaker, the committee had a concern about that. It felt that it should be clear on the face of the legislation whether or not a person was entitled to receive compensation. They should not have to depend on some discretion exercised by a judicial officer which may or may not go in their favour.

It was also proposed that, in certain categories of offences, an injury had to result from an act for which a charge had been laid. Those were particularly injuries resulting from animal attacks, injuries associated with bicycles and injuries associated with activities in sporting events or on the sportsfield. In those cases, an actual conviction or a charge

would have to have occurred before there could be a successful claim for compensation. Again, the committee felt that the original intention of the legislation - that is, to compensate people who were genuinely injured by acts arising from criminal activity - should not be subverted. The committee felt that it was inappropriate to change the direction of the scheme in some way to limit this compensation to serious and violent offences. Madam Speaker, certainly we would all hope that injuries resulting from serious and violent offences would always be capable of receiving compensation under this legislation; but it is, I think, something of a leap in logic to suggest that that was the original intention of the legislation and that it is, therefore, important to somehow restrict claims to serious and violent offences. That is not what the legislation says, and I would respectfully suggest that that is not what the legislation means. There are a number of other provisions in the legislation which the committee had difficulties with.

Having said all that, the committee was anxious that steps be taken to prevent unacceptable and unwarranted kinds of claims being made. Some of those sorts of claims were drawn to the attention of the committee. For example, it was suggested that, where a person had caused or contributed to their own injury through their own criminal activity or through being intoxicated or being under the influence of alcohol, there ought not to be a successful claim on the public purse. There were a number of cases put before the committee where, in the last few years, individuals had gone to a nightclub or an evening drinking spot, had become intoxicated, had woken the next morning to find themselves injured and had made a claim, on the assumption that they must have been injured through the criminal act of somebody else. That is possibly a fair assumption, but one which is not greatly illuminated by their own conduct. As a result, the committee recommended that people in those circumstances should not be eligible for compensation unless it could be shown that, being in that state, they had not contributed to their own injuries. It was also recommended by the committee that, where a person was unable to identify the assailant or person responsible, through criminal conduct, for that person's injuries, the person should have to prove beyond reasonable doubt - that is, the criminal onus - that a particular offence had occurred and the injury had resulted from it.

Not surprisingly, it was also suggested that the Territory ought to have the right to medically examine a claimant for criminal injuries compensation. Extraordinarily, at the present time, there is no such right for the Territory to do that. The committee readily agreed that it should be possible to compel a person to engage in such an examination before they receive compensation. There are a few other minor matters which the committee recommended. Madam Speaker, we have not treated this legislation entirely negatively. We have rejected the thrust of the initial Bill; but we have recommended that there be other changes which, we believe, will have the effect of limiting the number of unwarranted cases of criminal injuries compensation being paid at the present time in the Territory. I have to say that the number is relatively small at the present time. The committee has made it clear that we feel that we need to monitor this situation with care, to ensure that, in the future, if the floodgates that the Government has alluded to do start to open in some way and if there is a large volume of applications being made on an unwarranted basis, then we should return to this question and seek to limit them, if we can identify the principles under which people ought not to be eligible for compensation.

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It is true that there has been a very large increase in the number of people who are currently obtaining compensation. The amount paid out in 1992-93 rose from just under \$2m to just over \$3m in 1993-94 - an increase of 50 per cent. However, I do not believe that there is evidence that most of those claims are false claims or claims by people who do not deserve compensation. The vast majority of those claims are, indeed, claims which are fully deserving of compensation under the principles which this legislation lays down. I might point out that the legislation was an initiative of Senator Lionel Murphy back in the mid-1970s.

Madam Speaker, I want to make brief reference to Mrs Grassby's so-called additional comments. Mrs Grassby was persuaded to join with the committee in certain recommendations; but she has produced some comments which I think - despite not being called so - really amount to dissenting comments rather than additional comments. She rejects much of what the committee has recommended. I think that that is most unfortunate, because the committee worked hard, as it always does, to try to achieve consensus. I also reject the assertion in her comments that other members of the committee were not as committed as the Government to amending the principal Act to place some legislative ceiling on the volume of payouts under the scheme. I think that I speak on behalf of Ms Szuty when I say that we are not in favour of placing a ceiling on the scheme for the sake of placing a ceiling on it. We would be happy to do so if we felt that there were illicit or unwarranted claims being made. But the volume of those claims at this stage does not appear to be very great. I think, with respect, that the concerns which Mrs Grassby expressed in the committee are not actually addressed by the legislation that has been put forward - certainly, not in terms of the sorts of things that she commented on which she felt were matters of concern, such as people making claims in respect of nightclubs and so on.

Madam Speaker, I commend the report to the Assembly. I hope that, notwithstanding the rejection of much of what is in this Bill, it is still possible for there to be legislation before the end of this year. I have discussed this with the Attorney, and I think it is still possible to tighten up the operation of the scheme without adulterating the important principles under which people in this Territory are still entitled to get compensation when they are injured by criminal acts.

**MRS GRASSBY (6.21):** Madam Speaker, my report was not a dissenting report, because the only recommendation that I could not agree with was recommendation No. 1. If that were changed, I believe that the Bill could be amended on the floor of the house. The chairman met with the Minister. All the things that the Minister had put in a letter to us were then agreed to. I believed that, if the first recommendation were changed slightly, the Bill should not have to be withdrawn.

Madam Speaker, it is said that there has not been an enormous increase in claims. Let us take taverns, hotels and clubs. In 1991-92 the amount paid was \$190,105. In 1993-94 it was \$513,882. That is a 170 per cent increase. In 1991-92 the amount paid for work related claims was \$28,333, and in 1993-94 it was \$357,144.

That is a 1,161 per cent increase. I agree with the Minister that, if a claim is genuine, it should be paid. Madam Speaker, I have prepared a graph, which shows that in 1991-92 it cost \$10 per ratepayer. For 1997-98, the projection is that it will go up to \$150 per household. That shows that the rate has been climbing. I seek leave to table this graph.

Leave granted.

**MRS GRASSBY:** If this increase keeps up, we all know how it will end up. In 1991-92 it was \$12 per household. I agreed with the Minister that this matter really needed to be looked into, and the committee did so. This is where I had a disagreement with the committee. I thought that, with the jump from \$1m to \$3m in such a short period, it was climbing very high.

When I read a lot of the cases, I did not quite agree with the rest of the committee that they were genuine. There were a lot of cases that involved intoxicating liquor. In America, these days, you find that, if a person gets drunk in a hotel or a tavern and then goes out and causes problems, the person who owns the tavern gets sued. I think we need to look at the fact that the Government should not be paying for these sorts of things. There was one case where a girl was involved in a hold-up of a bank. She was working in the bank. She was paid because she was dreadfully upset and had headaches and everything afterwards. I believe that the bank should be responsible for that. It happened in her workplace. The bank should be responsible, not the ratepayers of Sydney. I did not believe that that was correct, and that is why I put additional comments into the report.

I believed that the committee was going to suggest that the Bill be scrapped and another Bill be drawn up. As the Minister had addressed the complaints of the committee in a letter, I felt that there was no reason why this Bill could not be proceeded with and amendments made on the floor of the house. After all, we all know that, to get a Bill into the house, first of all it has to be taken to Cabinet and agreed to. There are not many more sitting days left this year. The fact is that we do have a Bill on the table here and the Bill can be amended on the floor of the house. I cannot see why this cannot be done. That was the reason for my report. I agreed with recommendations Nos 2 to 6. I could not agree with the first one unless it was changed. I honestly agreed with the Minister. I had a long talk to the Minister and I agreed that, the way it was climbing, we needed to look at the amount that was being paid. A lot of that has been addressed now in the committee's report. Mine was not a dissenting report, despite what Mr Humphries says.

I would like to thank the other two members of the committee, Ms Szuty and Mr Humphries, and also our committee secretary, who did a very good job in drawing up the report. I thank him for his help.

**MS SZUTY (6.25):** I support the comments made by the chairman of the Legal Affairs Committee, Mr Humphries, on the Criminal Injuries Compensation (Amendment) Bill 1993. The committee has, for some time, been considering the Bill and the issues in relation to the criminal injuries compensation scheme. We held public hearings, received submissions and sought additional information before arriving at our final decisions.

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In effect, Madam Speaker, as the report of the Legal Affairs Committee indicates, the committee is not able to support the vast majority of the provisions of the Bill. It is not a decision that members of the Legal Affairs Committee have made lightly. As members will know, not many pieces of government legislation are entirely rejected or substantially rejected when they are presented to this Assembly. However, on this occasion, as the committee has recommended, by and large, the Criminal Injuries Compensation Bill 1993 deserves to be rejected by this Assembly. The committee has not been convinced by the Attorney-General or through the evidence that has been presented to it that the Government's response to the reform of the criminal injuries compensation scheme is appropriate.

One of the major changes that the Government intended to make to the Act was to remove references to "criminal conduct" where it occurs in the Act and replace them with the word "offence". This proposed change affects clauses 4 to 6 and 10 to 16 of the Bill. The only clauses of the Bill unaffected by this change are clauses 1 to 3 - the formal clauses - clauses 7 to 9 and clause 17. The proposed definitional change would have imposed greater requirements on applicants applying for compensation to prove that injuries sustained were the result of the commission of an offence. It was argued in the presentation of evidence to the committee that these amendments would unfairly prejudice the position of a person injured as a result of conduct where, unfortunately, all elements of a criminal offence cannot be proved. Extensive discussion about this particular matter is included on pages 3 and 4 of the committee's report, to which I refer members.

Clause 7 of the Bill draws attention to the court having a discretion as to whether compensation will be awarded or not. It is stated in the explanatory memorandum to the Bill that compensation does not have to be awarded in every case where an injury results from the commission of an offence. Under the current scheme, compensation also is not awarded in every case, as a careful reading of the summary of cases which have been brought to court will demonstrate. The summaries of these cases are included in the Criminal Injuries Compensation Act 1983 annual report of 1993-94.

Clause 8 of the Bill proposes that the court take a number of factors into consideration before deciding whether compensation will be paid. The explanatory memorandum to the Bill explains the Government's intent well. It states:

The first consideration for the court in making these decisions is whether a prosecution has been instituted. If no prosecution has been instituted, the court is to consider whether the offender has been identified, whether the offence was committed with an intention to injure any person and whether the offence was reported to police as soon as possible after it was committed. The court is also to have regard to any other matters it considers relevant. These considerations are intended to focus the attention of the court, in exercising its discretion to award compensation, on the questions whether the applicant was injured as a result of an offence and whether the offence is serious enough to justify the expenditure of taxpayers' funds

on compensation. The presence or absence of any of these factors will not necessarily be conclusive in determining whether a person may be awarded compensation. They are factors for the court to take into account in exercising its discretion.

In requiring the court to consider whether a person has been prosecuted for an offence, new section 8A is not referring to private prosecutions but rather to an official prosecution instituted by or on behalf of the Attorney-General, the Director of Public Prosecutions or a police officer authorised by the Chief Police Officer to institute prosecutions.

Clause 8 has been proposed by the Government in an attempt to reduce the amount of criminal injuries compensation which is currently being awarded. The committee report indicates at page 5:

... submissions and witnesses before the Committee strongly argued that the seriousness of an offence is not necessarily related to whether it is prosecuted. It was argued that if the Government wants to set some minimum standards for the seriousness of offences covered by the Act, it should use a standard directly related to the offence or injury. One suggestion was to increase the minimum payable compensation amounts. The Act currently sets a minimum of \$100.

Further, at paragraph 2.11, the committee's report states:

Decisions on whether to prosecute may be dependent on factors which may have no bearing on the seriousness of the offence, such as whether the offender is a juvenile, the record of the offender, and the likelihood of a conviction. The proposed amendment, in effect, could give some discretion to the police as to whether a person may be compensated for a crime and may influence the police's decision whether to prosecute a matter.

The committee also spent some considerable time examining clause 9 of the Bill. The committee did support one change to clause 9 of the Bill. It is the very minor change that Mr Humphries alluded to earlier. The explanatory memorandum says:

Clause 9 also removes an unnecessary reference in section 9 of the Act to death arising from the use of a motor vehicle. That reference is unnecessary because compensation is not to be payable in respect of any injury arising from the use of a motor vehicle whether or not the injury results in death.

A number of other issues in relation to clause 9 were raised by witnesses at public hearings and through submissions. These are explained under a number of headings on pages 5 and 6 of the report. Two relevant headings are "There is no demonstrated rationale for treating certain types of injuries prejudicially other than to reduce pay-outs" and "Prescribing classes of injuries as not compensatable should be dealt with by Act rather than regulation".

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The committee ultimately believed that the matters in respect of which compensation would not be payable, as proposed in the draft regulations of the Bill, could not be supported. There were three areas that the Government proposed that would be exempted under the Criminal Injuries Compensation Act. These were: Firstly, an injury sustained by a person while participating in sport as a result of an act or omission of another participant, whether or not the act or omission was within any applicable sports rules; secondly, an injury arising out the use of a bicycle, skateboard, rollerblades or similar recreational device; and, thirdly, an injury caused by an animal. Clause 17 of the Bill proposes to apply the provisions of the Bill retrospectively - a matter which was commented on by the Assembly's Scrutiny of Bills Committee in its report on this Bill. I refer members to that particular provision.

Madam Speaker, because I am running short of time, I have set out my remarks on the Criminal Injuries Compensation Bill 1993 in this way to illustrate why the committee felt that the majority of the provisions of the Bill could not be supported. In making my final point with respect to the Bill and the committee's inquiry, I would like to comment, in particular, on the premise that the original intention of the Act was to compensate only victims of serious or violent crime, which the committee concluded was not supported by the evidence. This is outlined on pages 6 and 7 of the Legal Affairs Committee's report. Madam Speaker, rather than dismiss the Government's Bill out of hand, the committee has recommended that a number of other measures be taken in relation to the Criminal Injuries Compensation Act 1983 and the criminal injuries compensation scheme. These recommendations are Nos 2, 3, 4, 5 and 6 of the committee's report. As Mr Humphries has addressed those, I do not propose to address those further this evening.

Finally, Madam Speaker, I wish to refer briefly to the additional comments made by Mrs Grassby in relation to the committee's report. I, too, seriously question whether Mrs Grassby's comments can be considered additional. Certainly, Mrs Grassby's last statement in her additional comments indicates that, really, it is more in the nature of a dissenting report. The final sentence reads:

The Attorney-General's proposed bill will ensure that compensation will only be paid in situations where criminal conduct does occur and where it is just and equitable to do so.

I believe that the committee in its report argued very strenuously against those provisions. In fact, they are in marked contrast to recommendation No. 1 of the committee's report, which perhaps indicates that Mrs Grassby really does not support the committee's position. The table of figures which represents costs per household in the ACT for the years 1994 to 1998 assumes an increase of over 50 per cent in criminal injuries compensation paid in each of these years. These figures are obviously based on speculation and imply that compensation is being paid to people who are undeserving of receiving that compensation. This has not been substantiated through evidence presented to the committee.

In conclusion, Madam Speaker, I would like to reiterate my support for the comments made by Mr Humphries, the chairman of the Legal Affairs Committee, in relation to this Bill. I trust that the Government will carefully consider the committee's report and the issues raised and will proceed to prepare another Bill or extensive amendments to this Bill which can be considered by the Assembly before the end of the year.

Question resolved in the affirmative.

### **DISCHARGE OF ORDER OF THE DAY**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (6.36): Madam Speaker, in accordance with standing order 152, I move:

That order of the day No. 1, Executive business, relating to the Education Services for Overseas Students (Registration and Regulation of Providers) Bill 1993, be discharged from the notice paper.

Question resolved in the affirmative.

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

[COGNATE STATEMENT AND PAPER:

COUNCIL OF AUSTRALIAN GOVERNMENTS - DARWIN MEETING]

Debate resumed from 22 September 1994, on motion by Ms Follett:

That the Assembly takes note of the papers.

**MADAM SPEAKER:** I remind members that we have previously resolved to debate this order of the day concurrently with the motion relating to the Council of Australian Governments fourth meeting. In debating order of the day No. 2, members may also wish to address their remarks to order of the day No. 3.

**MR KAINE** (6.37): Madam Speaker, I will be brief, given the lateness of the hour. On reading the Chief Minister's reports on the last two meetings of the Council of Australian Governments, one gets the impression that this is an organisation that has lost the plot. It does not seem to understand what it is there for, and it is not going anywhere. The original purpose of this organisation, which started off as the Special Premiers Conference, was to fix the fiscal imbalance between the States and the Territories on the one hand and the Commonwealth on the other. It flowed from the fact that the ordinary Premiers Conferences were conducted in a way that was totally unsatisfactory to the Premiers and the Chief Ministers of the States and Territories. Bob Hawke was finally compelled to bring together a Special Premiers Conference to deal with this problem as to how it was going to be done.

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**Mrs Grassby:** Bob who?

**MR KAINE:** He was the forward-looking Prime Minister who preceded the present one. That was the principal item on the agenda - to fix this vertical fiscal imbalance. If you look at the agendas of the last two meetings of this organisation, in February and August of this year, the subject does not even get a mention. It has disappeared off the agenda of the Council of Australian Governments, but the problem has not been fixed. In fact, if anything, it is getting worse.

The thing that I could see on the agenda that comes nearest to addressing the issues that have emerged out of the fiscal imbalance is this question of the definition of the Commonwealth-State roles and responsibilities. I suppose that, if you redefine the roles as to who is to deliver services and where the money is going to come from, ultimately at least you are going part way to addressing this problem; but what has happened to that? At the February meeting - I am reading from the communique - it was agreed that this should be the main item on the agenda for the meeting of the council in August of 1994. So, it was not addressed at any great depth in February, and the Chief Minister duly conveyed that to us in her report. She said this:

In recognition of the fundamental significance of this work, it was agreed to make this the main item for discussion at the next COAG meeting, scheduled for August this year.

What happened to it? Come the August meeting, it did not get a mention in the communique that was put out; so, obviously it was not dealt with. It was written off, along with a number of other major issues that should have been addressed, and were not, in these words:

The matters on the agenda that the council did not address will be progressed by correspondence - it must be very important stuff if you are going to progress it by correspondence -

or, where this is not practical, referred to the next meeting of COAG, which will be in Adelaide on 23 and 24 February 1995.

We have had two meetings of this organisation this year and the major issue for which the organisation was brought together in the first place has not even been addressed and is going to be dealt with either by correspondence or at the next meeting, maybe. It seems to me that the players in the game have lost the ball. They do not know where the ball is. They are out on the field and the ball is there somewhere, but they do not know where it is. I wonder whether they will even find it again.

The thing that concerns me about that, Madam Speaker, is that there has been a great emphasis on the Hilmer report. This seems to have become the thing that is going to save the country for the next few decades. There is good reason to suggest that, while implementation of the Hilmer recommendations - if they are ever implemented - will effect some economic efficiencies, unless this organisation gets back to the main game and

addresses the fiscal imbalance between the Commonwealth and the States and the Territories we are going to have continuing economic inefficiencies flowing from that. If they are not going to be addressed, any benefits that might be gained from the implementation of the recommendations of the Hilmer report are going to be more than counterbalanced by the loss of economic efficiency that is going to continue to flow from the fiscal imbalance issues.

It is even suggested that this fiscal imbalance might get worse, because, in dealing with the question of fuel excise, for example, the Federal Government, or at least the Prime Minister, has indicated that he would prefer that the States surrender their own source revenue independence in this field to the Commonwealth as well. "Uniform taxation", he says, "is the glue that holds the federation together". It might be holding the federation together, but it is causing the States and Territories a hell of a lot of problems. If he is going to draw it more to the centre - the general proposition when the Special Premiers Conference was first convened was that it should be going the other way; that the States and Territories should be given greater opportunity to deal with their own money and expenditure rather than less - I can see that, instead of improving the situation, as it was four or five years ago, it is going to get worse.

All I can say, Chief Minister, is: When you go to the next meeting in February, can you ask him to get back on track and deal with the issues for which the organisation was put together in the first place? Do not be sidetracked by all this irrelevant stuff that seems to have found its way onto the agenda, none of which is ever resolved. It just gets carried on from agenda to agenda, six months, six months, and we are not achieving what the organisation was put together to achieve in the first place. I think it is a grave disappointment that, four years on, the major issue appears not even to have been addressed.

**MS FOLLETT** (Chief Minister and Treasurer) (6.43), in reply: I thank members for their responses to the ministerial statements and the communiques that I tabled in March and in August. Madam Speaker, while the Council of Australian Governments was initially formed with the aim of increasing cooperation amongst the Australian jurisdictions and enhancing national debate across a wide range of areas, I think it is inevitable that the process will have its own controversies. The council takes up those issues which, by their nature, require the highest level of attention. In this context there are times when negotiating resolutions is extremely challenging.

The council considers those matters on which there are likely to be strong views, which are likely to be controversial, and where there is a history of either inaction or limited progress within other ministerial councils. I take Mr Kaine's point about the question of fiscal imbalance. I can certainly assure Mr Kaine that there are other State leaders as well who have an interest in pursuing that matter, so I imagine that there will be progress; but, of course, until we can get a consistent line amongst the jurisdictions it is going to be difficult even to get to an appropriate negotiating position.

COAG has, however, yielded some notable successes. Some of those worth mentioning include the reduction of the ministerial councils from 45 to 21. That was in fact an ACT initiative, my own initiative, and one which, I think, makes for much greater efficiency among those councils. We have had significant progress on electricity reform.

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We have had national consideration of violence against women. That was another ACT initiative. We have had progress towards micro-economic reform and national agreement to the principles of competition policy articulated in the Hilmer report. We have had progress in developing a regulatory framework for free and fair interstate trade in gas, and a national water resources policy. We have seen the initiation of joint Commonwealth, State and Territory reviews of government service provision aimed at improving delivery efficiency, and we have national agreement to a comprehensive Asian languages and culture program which will see an immediate and significant expansion nationally in the study of Australia's principal economic partners in East Asia.

Madam Speaker, the fourth meeting of the council, on 19 August in Darwin, was the most difficult to date; but I am pleased to report that subsequent scrutiny of that process seems to suggest that lessons have been learnt. It is proposed that in the future the meeting agendas will be shorter and more focused, and any areas where there is likely to be substantial disagreement will be refined and referred to the relevant governments for resolution between meetings, and, of course, the communique will also be improved. I think it is fair to say that communiqués have been less than transparent, at times. In addition to the work that has gone into improving the process of the meetings, work is also progressing on competition policy and on the respective roles and responsibilities of the different levels of government as they relate to a variety of specific purpose payments programs.

As I advised in the August speech, after considerable discussion about competition policy the council agreed that draft legislation would be distributed for public consultation. Some of the characteristics of this legislation include amendment and application of Part IV of the Trade Practices Act to all persons within State jurisdictions; establishment of pricing and access arrangements; and establishment of the Australian Competition Commission and the Australian Competition Council. During the consultation period, the Commonwealth, States and Territories will continue to meet in an effort to resolve the issues which remain outstanding. The legislation package is expected to be finalised by the next meeting of COAG. Madam Speaker, I have to say that I think it is somewhat doubtful whether there will be an ACT representative at the next meeting of COAG, given that it will occur, I think, two days after our February election.

You might also recall that a particular area of competition reform to which the council paid attention was the development of a national market in electricity. The principles to underpin the final form of such a market were agreed, and further work was commissioned in relation to the interim market arrangements that will apply from 1 July 1995. The development of a competitive national electricity market has the ACT's strong support as a consumer. The Territory also supports the structure of the ultimate market developed by the National Grid Management Council.

I should emphasise, Madam Speaker, that I drew the council's attention to our concern that the transitional market which is now in prospect may have specific weaknesses for the ACT. In particular, I expressed concern that the commitment to and the pace of reform of the Snowy Mountains scheme might not be matched by a similar certainty in relation to other aspects of the interim market structure. Members will be aware that, following the council's meeting, I wrote to the Prime Minister again raising this issue.

Specifically, I proposed that the ACT have equity in a corporatised Snowy scheme at a level which is commensurate with the benefits it now receives from the scheme. I also sought compensation in relation to any penalty the Territory may face as a result of the unequal pace of reform nationally when compared to the implementation of new arrangements for the Snowy. Further to my letter, negotiations are continuing, and I will keep the Assembly informed of the outcome of these negotiations. Work in important areas on the relative roles and responsibilities of levels of government is continuing. The aim here is to reduce overlap and duplication, and increase responsiveness to clients in fields such as health, community services, housing and child-care.

Madam Speaker, I welcome the attention paid within the Assembly to the major intergovernmental issues being tackled by COAG. If Australia is to enter the second century of Federation with confidence, it must face up to these issues and more in the coming years. I look to COAG to perform its role as a forum in which those kinds of issues can be debated at the highest levels and progress made in the interests of all Australians.

Question resolved in the affirmative.

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

Debate resumed from 24 August 1994, on motion by Ms Follett:

That the Assembly takes note of the papers.

Question resolved in the affirmative.

### **ADJOURNMENT**

Motion (by Mr Berry) agreed to:

That the Assembly do now adjourn.

**Assembly adjourned at 6.50 pm until Tuesday, 8 November 1994, at 2.30 pm**

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**ANSWERS TO QUESTIONS**

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 1330**

**Legislative Assembly Building - Air-Conditioning**

Mr Cornwell - asked the Minister for Urban Services:

In relation to the air conditioning installed in the refurbished South Building now used as the Assembly building

- (1) Who installed the air conditioning.
- (2) Was it intended for the air conditioning to be controlled zonally; if so, what areas were intended to be individually controlled.
- (3) Why is this now not able to be done.
- (4) How much did the supply and installation of the air conditioning cost.
- (5) How much does maintenance of the air conditioning cost.
- (6) What are the Occupational Health and Safety (OH&S) implications of persons working in offices where the temperature is regularly more than 27 degrees, sometimes on single days and sometimes on several days in a row.
- (7) What is the OH&S accepted temperature for optimum working and health conditions.
- (8) What are the maximum and minimum accepted temperatures under OH&S regulations.
- (9) Will the Minister ensure that the company that installed the air conditioning is instructed to rectify the shortcomings of the system to ensure, as per the advice of the building project controllers to Members and staff on the "guided progress tours" conducted during the refurbishment process:
  - (a) that the temperature in individual areas of the building can be controlled; and
  - (b) that the windows in individually controlled areas can be opened and air conditioning to be closed off in those individual areas if the occupants so choose.

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

(1) H P Horn Pty Ltd.

(2) Yes, the air conditioning system has been designed for individually controlled zones. There are 60 main zones with separate air handling units with a further 62 sub-zones. For example, each Members suite is served by a separate air handling plant and each space within the suite is a sub-zone. Ministers suites are each served by an air handling unit with 3 sub-zones within the suite.

(3) It is possible for the air conditioning to be controlled zonally. The various zones are controlled automatically through a computer-ised building management system (BMS). Adjustments can be made to the control settings through computers connected to the BMS which are located at South Building and the ACT Asset Management Service Depot at Fyshwick.

(4) The contract sum is \$1,729,542.00.

(5) The cost of maintenance for the first 12 months of operation is included in the contract sum.

After this period has expired, maintenance responsibility passes to the ACT Government. The precise arrangements and costings for future maintenance are still being formulated and are not yet available.

(6),(7) and (8) There is no specific correlation between any particular temperature level and OH&S implications. The ACT Government Service OH&S Manual states at Policy No. P 11 Clause 2 Thermal Environment and Thermal Comfort:

\* The thermal environment is a composite of a number of climatic factors. The major variables include air temperature, air movement, humidity and radiant heat.

\* Thermal comfort is dependent upon an individuals response to temperature and is affected by such factors as level of activity and metabolism, personal health, medication, alcohol consumption, suitability of clothing, level of acclimatisation and level and length of exposure to adverse conditions.

Policy No. P 11 goes on to state:

\* It is therefore impossible to specify a thermal environment that will satisfy everyone and difficult, if not impossible, to determine exact boundaries between acceptable and non-acceptable levels.

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Policy No. P11 recommends at Clause 6.1 that the thermal environment be maintained within the range 20 C - 24 C for sedentary work and 16 C - 30 C for manual work, while recognising that a degree of flexibility should be exercised in interpreting this recommendation and that individual tolerance of conditions outside the optimal and preferred range will vary according to individual preferences and acclimatisation.

The air conditioning system has been designed to meet the following design conditions, based on the universally accepted standards of the American Society for Heating Refrigeration and Air conditioning Engineers (ASHRAE standards):

Outside design conditions assumed -  
Summer 34°C  
Winter 0.5°C

Inside comfort design conditions -  
Summer 24°C +/- 2°C and 50% relative humidity +/- 20%  
Winter 21°C +/- 2°C and 30% relative humidity minimum.

The conditions experienced to which Mr Cornwell refers arise from minor plant failures and system adjustments which are common during the early operational phase of such systems.

The contract conditions are such that H P Horn Pty Ltd are obliged to rectify defects arising from the contract work for a period of 12 months from completion. The company is undertaking their obligations in this regard.

The purpose of this arrangement is to run the air conditioning system through all seasonal cycles and for adjustments to be made to control systems to suit the seasons so that the system is thoroughly proven before the Government takes over the responsibility for maintenance.

With reference to the other parts of the question:

(a) Temperature control can be individually set for any particular zone, which relates to each separate air handling plant; and

(b) while windows in the building can be opened, it is not recommended that they be opened while the air conditioning system is operating. The building management system can be programmed to close down the individual zone air conditioning system.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1346**

**Housing Trust - Rent Levels**

MR CORNWELL - Asked the Minister for Housing and Community Services -As at 23 August 1994 -

- (1) What is the basis upon which non-rebated ACT Housing Trust rent is charged.
- (2) Are items such as contributions made by the tenant, eg carpet, heater, established gardens, taken into account in setting the rent.
- (3) What is the non-rebated rent of a 1951 Trust three bedroom weatherboard house in good condition in Yarralumla.

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

- (1) Market rent.
- (2) No. The rent is fixed on the basis that the tenant improvements had not been carried out.
- (3) \$177.50 per week.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 1389**

**Chief Minister Portfolio - Market or  
Political Research**

MRS CARNELL - Asked the Chief Minister upon notice on 13 September 1994

For each and every department or agency for which you have ministerial responsibility -

- 1) What market or political research has been conducted (a) in the year 1992-93; (b) in the year 1993-94 and (c) since 1 July 1994.
- 2) What was/is the purpose of that research.
- 3) What were/are the questions asked.
- 4) What was, or is expected to be the cost of that research.
- 5) What were the results of that research. (Can copies of the results, including reports, of any research conducted during the specified periods be provided.)

MS FOLLETT - The answer to the Members question is as follows:

- 1) No department or agency for which I have responsibility undertakes political research.

For every department and agency for which I have responsibility, market research carried out included: (a) 1993 ACT Householder Survey; (b) the demand for advanced technology manufacturing sites in the ACT from companies outside the ACT and (c) nil.

- 2) The purpose of the research was:

- (a) to survey all ACT Households and Caravan Site tenants, thus allowing the people of Canberra to participate in the future planning and management of the ACT; and
- (b) to ascertain the demand for advanced technology manufacturing sites in the ACT from companies outside the ACT, as input to a proposal to the Government for the establishment of an Advanced Technology Manufacturing Estate in the ACT.

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3. The questions asked were:

- (a) see the attached copy of the 1993 Householder Survey Report; and
- (b) part of a survey project carried out by Coopers and Lybrand for the Economic Development Division of my Department to ascertain the demand for sites outside the Territory. A copy of the questions is attached for your information.

4. The cost of the research was:

- (a) \$56,355 for the 1993 Householder Survey; and
- (b) \$10,500 to ascertain the demand for advanced technology manufacturing sites in the ACT from companies outside the ACT.

5. The results of the research were:

- (a) see the attached copy of the Report of the 1993 Householder Survey; and
- (b) that 1 - 2 companies may be attracted to Canberra per year and that 2 - 3 new businesses might locate in Canberra per year. These figures do not include any intentions of existing Canberra companies or individuals.

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**SPEAKER OF THE LEGISLATIVE ASSEMBLY  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION ON NOTICE NO 1404**

**Speaker - Interstate and Overseas Travel**

MR HUMPHRIES - asked the Speaker:

In relation to trips taken by you at Government expense between 1 September 1992 and 15 September 1994

- (1) What was the destination, duration and purpose of each visit.
- (2) What staff members, by name and position, accompanied you on each occasion.
- (3) What was the cost of each visit by (a) yourself and (b) each accompanying staff member.
- (4) Did any family members accompany you at Government expense on any of these trips; if so, (a) who, (b) on which trip/s and (c) at what cost.

MADAM SPEAKER - The answer to the Members question is as follows:

- (1) 18-19/3/93 Study trip - Sydney. The purpose of the visit is outlined in the Study Trip Report which was presented to the Assembly on 13 May 1993.
- 21-23/7/93 Study trip - Brisbane. The purpose of the visit is outlined in the Study Trip Report which was presented to the Assembly on 17 August 1993.
- 23-31/7/93 24th Conference of Presiding Officers & Clerks - Vanuatu. The purpose of the visit was attend the Annual Conference of all Presiding Officers and Clerks in both Australia and the Pacific.
- 30/8-13/9/93 39th Commonwealth Parliamentary Conference - Cyprus. The purpose of the visit was to be the ACT Branchs delegate to the Annual CPA Conference.
- 11-13/11/93 Visit WA Parliament - Perth. The purpose of the visit is contained in the Report which was presented to the Assembly on 23 November 1993.
- 4-13/9/94 Commonwealth Parliamentary Association Regional Seminar - Apia (Western Samoa). The purpose of the visit was to be the ACT Branchs delegate to the Biennial CPA Regional Seminar.

- (2) None. The Clerk of the Assembly attended the 24th Conference of Presiding Officers and Clerks in his capacity as Clerk.

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(3) (a) Sydney: \$562

Brisbane: \$600

Vanuatu: \$3112

Cyprus: \$1322

Perth: \$600

Apia: \$745

(b) N/A

(4) N/A

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1405**

**Housing Trust - Statistics**

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

- (1) What was the estimated total value of the ACT Housing Trusts properties at 30 June 1994.
- (2) How many (a) houses; (b) flats, (c) bedsitters and (d) Aged Persons Units did the Trust have at 30 June 1994.
- (3) What was the estimated total value of non-rebated rent for each Liype of property at (2) in 1993-94.
- (4) What was the actual rent received from Trust properties in 1993-94.
- (5) What was the actual rent received from each type of housing listed at (2).

MR LAMONT - The answer to the Members question is as follows

- (1) \$1,447.773m.
- (2) (a) 8,156.  
(b) 2,264.  
(c) 924.  
(d) 1,062.
- (3) (a) \$65.763m.  
(b) \$15.215m.  
(c) \$4.344m.  
(d) \$6.938m.
- (4) \$44.554m.
- (5) The ACT Housing Trusts computer system records rent received from tenants against their individual rent account numbers. The system does not cross-match the account numbers with the types of houses tenants occupy. To provide the information would involve the allocation of a considerable level of resources which are currently dedicated to other tasks. This will be done if the information will advance the operations of the Housing Trust.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1406**

**Housing Trust - Rent Receipts**

MR CORNWELL - Asked the Minister for Housing and Community Services -Why is it not possible to provide information requested in question on notice No. 1191 in relation to actual rent received from different types of dwellings owned by the ACT Housing Trust.

MR LAMONT - The answer to the Members question is as follows -

The ACT Housing Trust records rent received from tenants against their individual rent account numbers. The account number does not identify the type of housing they occupy. The computer system does not provide a cross-match between account number and types of housing so as to enable a report to be generated. To provide the answer would involve the diversion of considerable resources which I do not believe is justified at this stage. Further enhancements on the computer system could allow this information to be reported on. These enhancements will be programmed for development if the information presented in that form would advance the operation of the Housing Trust.

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**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1407**

**Housing Trust - Properties Constructed  
or Purchased**

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

(1) How many new ACT Housing Trust dwellings were provided for in the (a) 1992-93; (b) 1993-94 and (c) 1994-95 Budgets.

(2) What was the total budget outlay in each year.

How many of these dwellings were constructed for (1) (a) and (b) and at what cost and how many applications have been approved and/or construction begun or completed for this budget year.

(4) Was there a shortfall in the number of dwellings constructed in (1) (a) or (b).

Were there unused funds in any of those years.

(6) In the last three budget years, how many houses were built by the Trust specifically for sale rather than letting to Trust tenants.

MR LAMONT - The answer to the Members question is as follows -

(1) The ACT Housing Trust acquired (completed by construction and purchase)

(a) 203 (b)145 (c) 205

(2) 1992/1993 - \$35,109,000

1993/1994 - \$18,487,000

1994/1995 - \$31,524,000 (Estimated)

(3) (a) constructed: 160 construction cost: \$16.925M.

(b) constructed: 115 construction cost: \$11.532M.

Constructions completed this year as part of the 1993/1994 budget: 4.

Constructions completed in 1994 as part of the 1994/1995 budget: Nil.

(4) (a) Yes: 45 (b) Yes: 17

(5) Yes: 1992/1993 - \$2,922,000

1993/1994 - \$6,261,000

1994/1995 - Unknown

(6) (a) 1991-1992- Nil

(b) 1992-1993- Nil

(c) 1993-1994- 12

These were built as part of the Building for Buyers Program and were funded outside the budget.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING:  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 1409**

**Water conservation - Public Areas**

Mr Cornwell asked the Minister for the Environment, Land and Planning - In relation to the ACTEW Authority drive to conserve water -

- (1) Why were the lawn sprinklers operating for 5.5 hours on 26 August at the Garran Shops?
- (2) Is the ACT Parks and Conservation Service aware of ACTEWs water-saving strategy and if so, what are they doing to assist?
- (3) Is it intended to reduce the time sprinkler systems operating in public areas and if not, why not?
- (4) What steps have been taken to ensure that sprinkler systems do not operate during periods of rain or immediately after rain?
- (5) In the event of rain, what process is involved in turning off sprinklers already in action?

Mr Wood - The answer to the members question is as follows:

- (1) Trees in this area were showing signs of water stress and needed a good deep watering.

This area is watered by a manual pop-up system, and is in three sections. It requires the gardening staff to travel to Garran and manually turn the water on and off three times to water the whole area. This was done over the five and a half hour period on 26 August.

- (2) ACT Parks and Conservation Service officers have assisted ACTEW in developing these water saving strategies and are actively involved in joint promotions with them. .

City Parks and ACTEW, along with CIT and ACT Landscape have planned and constructed a Xeriscape Garden at Weston which is open to the community. This garden demonstrates to home owners how to save water in their gardens, ACTEW are using David Young, a City Parks officer, as a televising presenter for a series of water saving tips for the Canberra community.

Other areas where ACT Parks and Conservation and ACTEW are working cooperatively are in the sewerage mining project at Southwell Park, and the use of water from the Point Hut Retention Pond for the irrigation of Conder playing fields and Lanyon High School.

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(3) Turf grass in Canberra requires about 60-650 of nett evaporation to be added as irrigation for the turf to remain healthy. If watering falls below about 450 of nett evaporation, the grass will die and the cost of renovation is greater than the cost of the water.

Over the past three years more than 3700 sprinklers have been removed or deactivated, reducing the area being irrigated by more than 100 hectares.

(4) The irrigation of most of Canberras sports fields and major parks, is operated by a computerised irrigation system. This system turns off all of these sprinklers after 1mm of rain. If sufficient rain falls the system will remain off until the soil dries out.

This technology leads the world.

Irrigation on the remaining areas is controlled by conventional controllers which have to be turned off when it rains, and back on when the rain ceases.

(5) The computerised irrigation system has the capacity to turn sprinklers off in an area after 1mm of rain has fallen.

Automatic control systems are turned off after significant falls of rain, but not during light rainfall, or during short heavy showers, as the labour costs rapidly exceed the cost of the water used during that time.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1410**

**Housing Trust - Braddon Flats  
Construction Projects**

MR CORNWELL - Asked the Minister for Housing and Community Services - In relation to the construction over the old boiler room in the ABC Flats complexes.

- (1) When was the tender let for fencing off the area.
- (2) When were plans for the construction (a) lodged and (b) approved.
- (3) When was money allocated for this project in (1) and (2) and (a) how much and (b) under what program was it identified.
- (4) When were plans for the courtyards and improvements (a) lodged and (b) approved.
- (5) When was money allocated for the project in (4) and how much and under what program was it identified.
- (6) When was tenant involvement first invited for the projects in (2) and (4).
- (7) When will both these projects be completed.

MR LAMONT - The answer to the Members question is as follows -

- (1) No tender was let for the fencing. The fencing is a precautionary measure to ensure the safety of the residents, and is provided by the Construction Manager as part of his service contract.
- (2) (a) 15 April 1994. (b) 12 May 1994.
- (3)(1 and 2) The Construction Program 1993 / 1994. Costs for construction of the room have since been transferred from the Allawah, Bega and Currong Enhancement Program to the 1994/ 1995 Capital Works Program.  
(a) \$92,063 (b) Capital Works Program.

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- (4) Final sketch plans have not been completed. They will be submitted to the Planning Authority for approval when completed.
- (5) The 1993/1994 Construction Program. \$500,000 was allocated under the Allawah, Bega and Currong Enhancement Program.
- (6) (2) and (4). In May 1994.
- (7) (a) Staff accommodation above the boiler room will be completed late November 1994. (b) Courtyards and external improvements are delayed by sewerage upgrade work, and their completion is anticipated in late January 1995.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 1411**

**Housing Trust - Braddon Flats**

**Cleaning Contracts**

MR CORNWELL: Asked the Minister for Housing and Community Services In relation to cleaners at (a), Bega; (b) Allawah and (c) Currong Flats

- (1) How many cleaners are employed (a) at each of these complexes and (b) for how many hours per day or per week.
- (2) What are the duties of cleaners at each of these complexes.
- (3) How much money is allocated for these cleaners per complex.
- (4) What types of surfaces are the cleaners expected to clean and what equipment is supplied for these tasks.

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

- (1) All complexes are cleaned under contract. A copy of the standard tender specifications for each cleaning contract is attached. As provided for in the specifications, each contractor is required to be in attendance five days per week. The specification do not cover the number of cleaners to be employed by the contractor or the number of hours of attendance.
- (2) See tender specifications for each contract.
- (3) The cost per month for each contract is: (a) Allawah/Bega Flats - \$1,911.50; (b) Currong Flats - \$2,229.95.
- (4) See tender specifications for each contract. Under the general conditions of contract, the contractor is required to provide all necessary tools and equipment.

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29/09 9409:10

1206 2075543

PWS CONTRACTS

LETTING OF COMMON ARENS AT CURRONG FLATS

Currong Flats consist of three (3) detached seven-floor blocks having the \_20l-ow4 net public area

LAUNDRIES

HOPPER AREAS

LIGHTS AND SHADES

WINDOWS AND GLASS DOORS

LIFTS

INTERNAL HANDRAILS

LANDINGS

CAR SPACES

LIFT FOYERS

LOBBIES

FIRE ESCAPES

in WALKWAYS

STAIRWELLS

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3 (covering floors, basins and windows)

3 (comprising 5 hoppers)

210

370 (including larding screens)

4

84

42

Areas surrounding flays within pavement/carpark boundaries

5 of 8 floors each

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1412**

**Housing Trust - Braddon Flats Roadway**

MR CORNWELL - Asked the Minister for Housing and Community Services -In relation to the roadway between Allawah and Currong Flats.

- (1) Is it a public or private roadway.
- (2) What restrictions to traffic are placed on that road and how are those restrictions indicated.
- (3) Do Police or Parking Officers patrol this roadway and book vehicles parked thereon.
- (4) Are tenants of the flats who have permit stickers on their cars permitted to park in the area of this roadway.

MR LAMONT - The answer to the Members question is as follows -

- (1) The road to which you refer is not gazetted. However, this road is open and used by members of the public and as such is subject to the provisions within the Motor Traffic Act of 1936. Consequently fines incurred by vehicles parked on this road have the same legal status as fines incurred in any other place.
- (2) Restrictions to traffic placed on the road include: speed humps at three equidistant points marked by a 5 kph limit, a two hour parking limit applying to the length of the road with appropriate signage, a 20 kph limit applying to the roadway which is signposted. The road is also marked Currong Flats, No Through Road, at the Ainslie Avenue entrance.
- (3) Yes.
- (4) Yes. Vehicles with Class B labels must comply with restrictions indicated as would any other vehicle.

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**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1414**

**Twin Cities Scholarships**

MR CORNWELL - asked the Minister for Education and Training on notice on 15 September 1994:

- (1) Is it a fact that 10 Twin Cities Scholarships are available to ACT students in October/November to visit Versailles.
- (2) What publicity is being given to these scholarships in the ACT Government and nonGovernment school systems.

MR WOOD - the answer to Mr Cornwells question is:

(1) It is a fact that 10 ACT students were selected in 1993 to go to Versailles in 1994. They left in December/January and spent up to six months in Versailles and have now returned to the ACT.

In October/November the selection process will take place and a number of students will be selected to go to Versailles in 1995. As yet, it is uncertain how many of the eligible 19 applicants will be selected.

(2) All government and non-government schools with students of eligible age were , notified. The eligible age group is described as Years 9 and 10.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 1416**

**Business Delegation to Japan**

MR CORNWELL - Asked the Chief Minister upon notice on 15 September 1994:

In relation to your September 1993 visit to Japan what has been the benefit to the ACT in the last 12 months in terms of -

- (1) (a) business and (b) education.
- (2) How many businesses have set up in Canberra to date as a result of the Japan visit.
- (3) How many more students from Japan are attending our schools as a result of the visit than attended in (a) 1992 and (b) 1993.
- (4) How much money has been made by both private and public ACT companies and organisations as a result of the visit.
- (5) What was the (a) total cost of the Japanese visit and (b) total cost to the taxpayer.

MS FOLLETT - The answer to the Members question is as follows:

- (1) (a) One of the main focuses of the ACT Business Delegation to Japan was to promote the ACT in the areas of education, tourism and advanced technology, and to obtain valuable contacts which may assist local business to consider Japan as a potential export market.

Over the last 12 months a number of local companies have either undertaken business visits to Japan or are making arrangements for business visits in the near future. These include companies from the wine industry, translation publishing, jewellery, legal firms, ACT tertiary institutions, and individuals planning to mount art/craft exhibitions.

A consignment of locally produced wines has been sent to Japan, with a further consignment expected to follow; Christine White Australia has commenced operating out of the Australian Retail Shop in the Asia and Pacific Trade Centre in Osaka; arrangements have been made for the inclusion of Canberra tourism information in Japanese Tour Wholesalers Brochures and in Qantas tourism material; further soccer interchanges are being arranged following the success of the visit earlier this year by Panasonic Gamba Osaka and Mitsubishi Urawa Red Diamonds; and the Canberra Burley Grin and Heijo Nara Rotary Clubs have signed a twinning agreement to further promote business and community awareness between the two cities of Canberra and Nara.

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(b) A second focus was to encourage an increase in the levels of fee-paying students from Japan attending ACT educational institutions.

A direct result of the delegations visit to Japan was the appointment in Canberra of a representative from Japans Ehle Atlas Institute, to recruit fee paying students on behalf of the ACT Department of Education and Training.

(2) In addition to increased activity by Canberra companies in Japan, the twinning of Canberra and Nara and the two Chambers of Commerce and Industry aims to promote Canberra as a business and investment destination.

As with any Asian country, there are long lead times in establishing and consolidating relationships with Japanese companies; market research has to be undertaken and new business opportunities explored.

There has, however, already been investment interest from Japan, including:

- the establishment of Ehle Atlas in the ACT
- commitments to Canberra Institute of Technology by the Roland Corporation and by Fuji Xerox
- commitment to the ANUs Centre for Information Science Research by Fujitsu

(3) In 1992 there were four long-term fee paying students from Japan undertaking studies in Canberras government schools. This figure increased to eight in 1993 and to twenty-four in 1994. Each of these students is estimated to contribute at least \$25,000 to Canberras economy during their stay. The increase in numbers is a direct result of the agreement with the Ehle Atlas Institute, signed during the delegations visit to Japan.

In addition, numbers of students arriving at government schools for short stays of approximately three weeks has also increased significantly, with each of these contributing at least \$3000 to the Canberra economy during their brief visits.

In addition to fee-paying students undertaking study in government schools, large numbers of student exchanges are arranged for both Canberra and Japanese educational institutions, through the ACT Department of Education and Training, various Rotary Clubs, the Australia-Japan Society, Canberra Institute of Technology, Canberras private schools, the Australian National University and the University of Canberra.

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(4) It is difficult for the Government to determine how much money has been generated by local companies as a result of the delegations visit. This information is "Commercial in Confidence" and, as such, is not made available to government officers.

(5) (a) The total cost to government of the ACT Business Delegation to Japan was \$1 1 3,195.00. The private sector delegates funded their own costs during the visit.

(b) The cost to the ACT taxpayer was \$1 13,195.00

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 1417**

**Lease Variation Process**

Mr Cornwell - asked the Minister for the Environment, Land and Planning in relation to the "moratorium" upon urban infill approvals effective 22 August 1994

- (1) How many applications by block and section number and land use variation by (a) private and (b) ACT Housing Trust tenants, were under consideration for approval at that date.
- (2) How many by block and section number have received lease variation approval.
- (3) What is the process required to be fulfilled to obtain lease variation.
- (4) Does the lease variation area liaise with the planning area prior to granting a lease variation approval and if not, why not.

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

- (1) Housing Trust tenants can not apply to vary a lease. The information provided is based on applications submitted by the ACT Housing Trust, as the lessee. According to my Departments data base 85 lease variation applications were being processed at that date. The breakdown between private residential and the ACT Housing Trust applications is 80 and 5 respectively. Attachment A contains the block and section details.
- (2) Fifteen applications have been approved since the 22 August 1994. Attachment B details those approvals by block and section. -
- (3) A lease variation means to add, remove or change one or more of its provisions. Under the Land (Planning and Environment) Act 1991 this is defined as a "controlled activity". The variation of a lease can include the following activities:  
changing the lease purpose clause for a wider range of uses or for some other purpose changing development rights such as extending the permissible gross floor area adding adjacent unleased land to the existing lease

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Lessees, or their authorised agent are required to submit an application form and pay the designated fee. In addition, applicants are required to provide a certified full copy of title including the dealings sheet for the property.

Once an application is lodged with the Shopfront it is directed to the Lease Administration Branch of my Department. The Lease Administration Branch has prescribed procedures and timeframes for the processing of applications. The application is forwarded to the ACT Planning Authority for an initial assessment. The ACT Planning Authority examines the application to determine if it appears to be consistent with the Territory Plan and whether public notification is required. Public notification is always required on residential lease variations.

Copies of the application will also be sent to other ACT Government agencies and unless exempted by law or by the Territory Plan, to adjoining lessees. The application will also be examined to determine if an environmental assessment is needed. ,

If the ACT Planning Authority assesses that the application can proceed notification of the application and a letter seeking comments is forwarded to the following ACT Government areas and agencies:

Traffic and Roads

Environment and Conservation

Heritage Unit

Department, of Urban Services - Quality Assurance

ACT Electricity and Water

AGL

Telecom

If letters of objection are received, following the public notification process, the Department forwards these to the relevant commenting agencies to enable the assessment of the objections. The ACT Planning Authority and the applicant receive all letters of objection for consideration and comment.

Once all the relevant areas have commented, the delegate of the Minister and the ACT Planning Authority are required to provide within a prescribed period, a notice in writing to the Minister that the concurring Authority

- (a) does not object to the approval of the application
- (b) does not object to the approval of the application if the approval is given subject to conditions specified by the concurring authority in the notice; or
- (c) objects to the approval of an application

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A decision on the application is then made by my delegate, usually an officer within the Lease Administration Branch, based upon the information provided by commenting agencies, objectors, the applicant and the concurring authority's responses. The applicant, agencies/organisations and individuals who made comments will then be notified of the decision.

Notice of the decision will include information on rights to lodge an appeal with the Land and Planning Appeals Board if the applicants or objectors wish to have the decision reviewed.

If the application is approved, it is then referred to the Australian Valuation Office to assess whether there is added value to the lease as a result of the lease variation. If betterment is payable, the applicant is informed and betterment must be paid within 28 days. If the applicant wishes to appeal against the amount of betterment payable, these appeals are heard by the Administrative Appeals Tribunal. Information on appeals against betterment is provided to the applicant.

(4) The Lease Administration Branch is in constant liaison with the ACT Planning Authority regarding a lease variation application. As described in the previous answer there are prescribed procedures and timeframes for the processing of lease variation applications. The application is referred to the ACT Planning Authority as soon as it is received to assess whether it is consistent with the Territory Plan and whether the application is publicly notifiable. The ACT Planning Authority is also a concurring authority as detailed in Section 255 of the Land (Planning and Environment) Act 1991. Apart from the formal requirements for liaison with the ACT Planning Authority, there is also informal negotiation with the Authority over any development conditions which may be required for redevelopment projects and referral of matters which are design and siting related.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1418**

**Aged Persons Units Development - Ainslie**

Mr Cornwell - asked the Minister for the Environment, Land and Planning

In relation to the nine-unit development at Block 52 Section. 33 Ainslie (corner Ebdon and Tyson Streets):

1. How many bedrooms does each unit contain?
2. What was on the site prior to the redevelopment?
3. Do the services ie water and sewerage require upgrading. and, if so, who will pay for the upgrading?
4. Who owned the property prior to the redevelopment and what was the sale price if the property was sold?

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

1. The approved plans provide for five 1-bedroom units and four 2-bedroom units.
2. The site consisted of. two blocks containing a pair of semi-detached cottages.
3. ACTEW does not require any contribution for upgrading of services.
4. The previous lessee of the site was Eldorado Investments, who sold it to the present lessees Harold & Anne Pennay for a total of \$207,500.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1419**

**Housing Trust - Building for Buyers Project**

MR CORNWELL - Asked the Minister for Housing and Community Services -In relation to recent advertisements offering for sale "Affordable, Energy Efficient Houses" in Palmerston, Gordon, Conder and Banks under a "Building for Buyers" Program -

- (1) Who are eligible clients.
- (2) How many properties are for sale.
- (3) Is the ACT Housing Trust competing with the private sector in the sale of new houses and if not, how does it overcome the existing eight year wait Trust tenants must accept before they can possibly purchase their Trust property.
- (4) Are the sales of these houses at (2) being marketed by real estate agents and if so, (a) how are the agents selected and (b) what commission is payable.
- (5) If agents are not involved, (a) why is this so and (b) who is selling the properties.

MR LAMONT - The answer to the Members question is as follows -

- (1) Eligibility under the Building for Buyers pilot project is limited to recipients of vendor finance under one of the Commissioner for Housings lending arrangements and includes public tenants and low to moderate income and low deposit households.
- (2) Fifty seven (57) properties were offered for sale under the project. The properties are located in Banks, Conder, Gordon and Palmerston and include a mix of two, three and four bedroom standard houses and townhouses.

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- (3) The ACT Housing Trust is not competing with the private sector in the sale of new houses. Building for Buyers is a small scale demonstration project targeting a discrete client group. The eight (8) year minimum public tenancy eligibility criterion, under the Sale to Tenants Program, does not apply under Building for Buyers.
- (4) The properties are not being marketed by real estate agents.
- (5) The Commissioner for Housing is selling its properties under a vendor finance arrangement. This strategy has been supported by the Real Estate Institute of the ACT, Master Builders Construction and Housing Association of the ACT, Housing Industry Association (ACT) and other key industry agencies and was negotiated during the consultation processes prior to the launch of the project.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1420**

**Medium Density Development - Phillip**

Mr Cornwell - asked the Minister for the Environment, Land and Planning  
In relation to the medium density development of Central Park (Block 1 Section 1 Phillip):

1. How many units have been constructed?
2. How many vehicles is the development likely to generate and have studies been undertaken to assess the impact upon Ainsworth Street?
3. Will existing services of water and sewerage be sufficient for this development, and if not, (a) will steps be taken to augment these services and (b) who will pay?
4. Why was the medium density design approved and what percentage of the site has been built upon?
5. What is the total area of the site available for development excluding existing trees?
6. What is the total number of units in the Phillip area between Hindmarsh Drive and Woden Cemetery, including Norfolk and Tiffany Gardens and Central Park?
7. What was the total available area for development and what is the area that has built upon in (6)?

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

1. 240 units have been constructed.
2. It is calculated that the development will generate 1800 trips per day (ie 900 in each direction). A study to assess the impact on Ainsworth Street has been carried out.
3. Water and sewerage services have been upgraded, as the site was the playing fields for the former Woden Valley High School. The developer paid for these upgradings.

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4. The medium density design was approved because it was consistent with the objectives and controls in the Territory Plan, including the Residential Design and Siting Code for Multi Dwelling Development. 33% of the site area has been built upon.
5. The total area of the site excluding existing trees is 3.13 ha.
6. The total number of units in the Phillip area between Hindmarsh Drive and Woden Cemetery, including Norfolk and Tiffany Gardens and Central Park is 655.
7. The total area available for development is 20 ha and the total area that has been built upon in (6) is 16.8 ha.

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**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1429**

**Woden Valley Hospital - Helipad**

MR CORNWELL - asked the Minister for Health

- (1) Is there a helipad at Woden Valley Hospital and if so, where is it located.
- (2) What procedures exist to limit noise from the arrival and departure of helicopters.
- (3) In siting helipads, is consideration given to the need to minimise noise upon surrounding residential areas.

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

(1) Yes. The north-eastern corner of the north car parking structure, 70 metres from the intersection of Kitchener Street and Gilmore Crescent. This provision was made as part of the hospital redevelopment as indicated in the Master Development Control Plan which was approved by the Alliance Government while Mr Humphries was Minister for Health on 31 March 1991.

In fact, Mr Humphries issued a media release the day I opened the helipad, saying, quite correctly, today's opening of the new helipad at Woden Valley Hospital is welcome.

- (2) Yes. There are signed instructions on the helipad for helicopter pilots indicating procedures to be followed to ensure noise abatement.
- (3) Yes. The arrival flight path is an approach from the west across playing fields. The take off flight path is east across the Garran Primary School playing fields. This is governed by the directional beacons on the parking structure and directional arrows on the helipad.

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APPENDIX 1:  
(Incorporated in Hansard on 13 October 1994 at page 3632)  
MINISTERIAL STATEMENT ON  
GOVERNMENT RESPONSE TO STANDING COMMITTEE  
REPORT ON  
THE STATUTE LAW REVISION (PENALTIES) BILL 1993  
To be delivered by:

Terry Connolly MLA Attorney- General

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13 October 1994

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MADAM SPEAKER

I PRESENT THE GOVERNMENT RESPONSE TO THE REPORT OF THE STANDING COMMITTEE ON LEGAL AFFAIRS ON THE STATUTE LAW REVISION (PENALTIES) BILL 1993.

ON 24 FEBRUARY 1994, THE ASSEMBLY RESOLVED THAT THE BILL BE REFERRED TO THE STANDING COMMITTEE ON LEGAL AFFAIRS FOR INQUIRY AND REPORT.

THE BILL, WHICH GIVES EFFECT TO THE OUTCOME OF THE FIRST STAGE OF THE PENALTIES REVIEW EXERCISE, WAS INTRODUCED IN THE ASSEMBLY ON 16 DECEMBER 1993, ALONG WITH THE INTERPRETATION (AMENDMENT) BILL (NO. 3) 1933. THE BILL ALSO CONVERTS THE PENALTIES TO PENALTY UNITS OF \$100 EACH RATHER THAN DOLLAR VALUES. THE LATTER BILL PROVIDES FOR A SYSTEM OF PENALTY UNITS FOR FINES IN A.C.T. LEGISLATION.

ON 15 APRIL 1994, I WROTE TO THE CHAIRMAN OF THE COMMITTEE TO INDICATE THAT IT WAS PROPOSED TO AMEND PENALTIES IN A NUMBER OF ACTS REFERRED TO IN THE SCHEDULE TO THE BILL. THEY WERE THE:

DOG CONTROL ACT 1975

FISHING ACT 1967

HAWKERS ACT 1936

STOCK DISEASES ACT 1933

TAXATION (ADMINISTRATION) ACT 1987

WEAPONS ACT 1991

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THE COMMITTEE MADE 12 RECOMMENDATIONS, 9 OF THEM SUGGESTING CHANGES TO PROPOSED PENALTIES IN THE BILL.

THE GOVERNMENT AGREES TO 6 OF THE RECOMMENDATIONS.

RECOMMENDATION 1 SUGGESTS THAT THE PRINCIPLES BE INCORPORATED IN A PREAMBLE TO THE BILL. THIS IS NOT AGREED. THIS IS BECAUSE THESE PRINCIPLES ARE ALREADY INCORPORATED IN THE EXPLANATORY MEMORANDUM TO THE BILL AND HENCE FORM PART OF EXTRINSIC MATERIAL FOR THE PURPOSES OF STATUTORY INTERPRETATION.

RECOMMENDATIONS 2, 3, 4, 6, 9 AND 11 ARE AGREED. ALL OF THESE, EXCEPT RECOMMENDATIONS 3 AND 4, RECOMMEND A CHANGE IN THE LEVEL OF PENALTY PROPOSED IN THE BILL.

RECOMMENDATION 3 CANVASSES THE NEED FOR CONSISTENT APPLICATION OF THE DIFFERENTIAL PENALTIES ON NATURAL PERSONS AND BODIES CORPORATE. THIS RECOMMENDATION IS AGREED AND AS MUCH AS POSSIBLE DIFFERENTIAL PENALTIES WILL BE USED IN THE REVIEWS SECOND STAGE.

THE CURRENT POLICY WITHIN MY DEPARTMENT IS TO RECOMMEND PENALTIES IN THE CASE OF BODIES CORPORATE FOR VIRTUALLY ALL PROPOSED OFFENCES, FOR THE CONSIDERATION OF AGENCIES.

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VIEWS ABOUT THE AMBIT OF THE CRIMINAL LIABILITY OF BODIES CORPORATE ARE EVOLVING AND SUBJECT TO MUCH ACADEMIC ANALYSIS AND COMMENT.

AT PRESENT, SECTION 32 OF THE INTERPRETATION ACT 1967 PROVIDES THAT A PROVISION RELATING TO OFFENCES SHALL, UNLESS THE CONTRARY INTENTION APPEARS, BE DEEMED TO REFER TO BODIES CORPORATE AS WELL AS INDIVIDUAL PERSONS. THAT SECTION PROVIDES FOR A SCALE OF MONETARY PENALTIES TO APPLY TO BODIES CORPORATE, WHERE THE PENALTY PRESCRIBED FOR THE OFFENCE IS A PERIOD OF IMPRISONMENT ONLY. I BELIEVE THIS PROVISION SUPPORTS THE VIEW THAT BODIES CORPORATE ARE CAPABLE OF COMMITTING PRACTICALLY ALL OFFENCES.

RECENTLY, I TABLED A COMMONWEALTH BILL IN THE ASSEMBLY, WHICH GIVES EFFECT TO THE PROPOSALS MADE BY THE CRIMINAL LAW OFFICERS COMMITTEE OF THE STANDING COMMITTEE OF ATTORNEYS- GENERAL. THESE PROPOSALS REPRESENT THE FIRST STEP TO A UNIFORM CRIMINAL CODE AND THEY RELATE TO GENERAL PRINCIPLES OF CRIMINAL RESPONSIBILITY FOR COMMONWEALTH OFFENCES. THE PRINCIPLES PROVIDE THAT A BODY CORPORATE MAY BE FOUND GUILTY OF ANY OFFENCE, INCLUDING ONE PUNISHABLE WITH IMPRISONMENT.

ALSO THE GOVERNMENT AGREES TO RECOMMENDATION 4 , WHICH SUGGESTS THAT AMENDMENT TO SECTION 103(2) OF THE CHILDRENS SERVICES ACT 1986 BE REVIEWED AFTER A REASONABLE PERIOD OF TIME.

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THE COMMITTEE RECOMMENDED THAT PENALTIES IN RESPECT OF BODIES CORPORATE IN SUBSECTIONS 21(5) AND 21(6) OF THE LAKES ACT 1976 BE REPEALED FOR THE REASON THAT THE COMMITTEE FOUND IT DIFFICULT TO CONCEIVE HOW A BODY CORPORATE COULD COMMIT THE OFFENCES UNDER THESE PROVISIONS.

THE OFFENCES RELATE TO ENTERING AND REMAINING IN A PROHIBITED LAKE AREA. THE PROVISIONS CURRENTLY PROVIDE FOR DIFFERENTIAL PENALTIES AND I AM OF THE VIEW THAT A BODY CORPORATE COULD BE LIABLE FOR THESE OFFENCES IF THEY ARE COMMITTED BY ITS RESPONSIBLE OFFICER IN THE COURSE OF HIS OR HER EMPLOYMENT WITH THE BODY CORPORATE.

THE COMMITTEE RECOMMENDED CHANGES TO THE PROPOSED LEVEL OF PENALTIES FOR CERTAIN OFFENCES IN THE LAND (PLANNING AND ENVIRONMENT) ACT 1991 - RECOMMENDATION 8 - AND TO OFFENCES IN THE CHILDRENS SERVICES ACT 1986. - RECOMMENDATION 5. THE GOVERNMENT DOES NOT AGREE WITH THOSE RECOMMENDATIONS FOR REASONS WHICH ARE ADDRESSED IN DETAIL IN THE GOVERNMENT RESPONSE WHICH I HAVE PRESENTED TODAY.

ALSO, THE COMMITTEE RECOMMENDED THAT THE IMPRISONMENT TERM IN THE PROPOSED PENALTY UNDER SECTION 84(1) OF THE LAND (PLANNING AND ENVIRONMENT) ACT 1991 BE DELETED. THIS RECOMMENDATION MAY HAVE BEEN MADE TO EQUALISE THE PENALTY UNDER THIS SECTION WITH THE PENALTY UNDER SECTION 70 OF THE ACT. SECTION 84(1) PROVIDES FOR AN OFFENCE

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OF PUBLISHING RESTRICTED INFORMATION. SECTION 70 PROVIDES FOR AN OFFENCE OF DISTURBING, DAMAGING OR DESTROYING AN UNREGISTERED ABORIGINAL PLACE. I THINK THE LATTER OFFENCE IS A SERIOUS OFFENCE AND THEREFORE, AN IMPRISONMENT TERM SHOULD BE ADDED TO ITS PENALTY.

IN RELATION TO THE OFFENCE UNDER SECTION 12 OF THE FISHING ACT 1967, THE COMMITTEE RECOMMENDED A PENALTY OF 10 PENALTY UNITS. THE OFFENCE UNDER THIS PROVISION IS TAKING UNDERSIZED TROUT OR BASS FROM FRESH WATERS. THE CURRENT PENALTY OF \$50 WAS REVISED IN THE BILL TO 30 PENALTY UNITS.

I ADVISED THE THE CHAIRMAN OF THE COMMITTEE ON 15 APRIL 1994 THAT THE PROPOSED PENALTY IS TO BE REDUCED TO 20 PENALTY UNITS. IN THE GOVERNMENTS VIEW, FOR THE REASONS STATED IN ITS RESPONSE, THIS PROPOSED REDUCED PENALTY IS APPROPRIATE FOR THIS OFFENCE.

I THANK THE COMMITTEE MEMBERS FOR THEIR ANALYSIS AND COMMENT AND I WILL PRESENT THE NECESSARY AMENDMENTS WHEN THE BILL IS DEBATED.

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APPENDIX 2:

(Incorporated in Hansard on 13 October 1994 at page 3655)

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
QUESTIONS WITHOUT NOTICE TAKEN ON NOTICE

12 OCTOBER 1994

MS FOLLETT On 12 October 1994 Mr Kaine asked Mr Lamont (in my absence) questions relating to the ACT Governments Implementation Report on the Recommendations of the Royal Commission into Aboriginal Deaths in Custody.

Mr Kaine referred to the length of time involved in preparing the 1992/93 Implementation Report and asked when the Chief Ministers Department requested Government agencies to provide material for the 1993/94 Implementation Report; whether agencies should prepare their contributions earlier than occurred in the 1992/93 year; assumed that the 1993/94 Report was overdue; and asked whether the 1993/94 Implementation Report would be produced before the recess leading up to the next election. Mr Kaine also asked whether I accord the reporting process a high priority.

MY ANSWER IS:

It was not until the October 1993 Ministerial meeting of the Australian Aboriginal Affairs Council that it was agreed that each jurisdiction should produce an annual Implementation Report relating to the implementation of the 339 recommendations of the Royal Commission into Aboriginal Deaths in Custody. The adoption of a particular format for the annual Implementation Report was also agreed at that meeting.

The 1992/93 ACT Implementation Report was tabled in June this year. This was the first such Report prepared by the Territory and as its length and thoroughness suggests considerable time was required for its preparation. I understand that the majority of jurisdictions took a similar length of time or longer to produce their first Implementation Report and that some have yet to release their 1992/93 Implementation Report.

The 1992/93 Implementation Report outlines a number of significant achievements including:

- the establishment of the ACT Aboriginal and Torres Strait Islander Advisory Council;
- the implementation of a substantial number of legislative reforms in accordance with the recommendations of the Royal Commission; and
- bringing the majority of Australian Federal Police (ACT Region) instructions and procedures into line with the Royal Commissions recommendations.

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I believe that these and other achievements as outlined in the 1992/93 Implementation Report, demonstrate the high priority the ACT Government has given both to reporting comprehensively and to empowering Aboriginal peoples and Torres Strait Islanders, which was a main theme of the Royal Commissions report.

All ACT Government agencies are involved in the preparation of the annual Implementation Report. On 17 August 1994 Government agencies were requested to provide input for the 1993/94 report and the process for this years report is well in hand and on schedule. I look forward to releasing the 1993/94 Implementation Report later this year.

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QUESTION TAKEN ON NOTICE - INCORPORATION INTO HANSARD

1. STRESS CLAIMS IN THE ACT GOVERNMENT SERVICE
2. ACT/VITAB COSTS

Madam Speaker, on 13 September 1994 Mr De Domenico asked me a question relating to stress claims in the ACT Government Service.

I took that question on notice, and have subsequently provided Mr De Domenico with an answer in writing. \_

I also took on notice a question by Mr Cornwell on 24 August 1994, relating to the total expenses incurred by the Territory as a result of the ACTTAB/VITAB Agreement. I have also provided Mr Cornwell with an answer.

I would now seek leave to have these answers incorporated into Hansard.

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*13 October 1994*

Australian Capital Territory

CHIEF MINISTER

Rosemary Follett MLA  
Mr Tony De Domenico, MLA  
Deputy Leader of the Opposition  
ACT Legislative Assembly  
London Circuit  
CANBERRA ACT 2601

Dear Mr De Domenico

On 13 September 1994 I took on notice a Question Without Notice from you regarding stress claims in the ACT Government Service.

My response to your question is attached.

Yours sincerely

Rosemary Follett

ACT Legislative Assembly, London Circuit, Canberra ACT 2601. GPO Box 158, Canberra ACT 2601  
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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY**

**QUESTION WITHOUT NOTICE TAKEN ON NOTICE**

**13 SEPTEMBER 1994**

MR DE DOMENICO:

My question is to the Chief Minister. Chief Minister, during estimates you stated that Comcare had suggested that part of the reason for higher workers compensation premiums was the higher incidence of stress claims by ACT public servants. Can you, Chief Minister, advise the Assembly what information you have at hand that would explain why ACT public servants are more stressed out than their federal or interstate counterparts.

If you have got no such information could it be because Comcare can not justify their reason for increasing the ACT workers Compensation Premium and they should be dumped as a workers compensation insurance.

Chief Minister, what are you actually doing or what have you done in relation to the fact that it seems that ACT public servants are more stressed out than their federal and interstate colleagues. What areas are we getting more claims from? Have we done any studies? Do we hold any statistics on that?

MY ANSWER IS:

As I have indicated previously to the Estimates Committee, the incidence of claims for workers compensation in the ACT Government Service arises from accidents and injuries in three main categories:

- back injuries
- strains and sprains (excluding back injuries); and
- stress.

With respect to the first two categories, the ACT claims experience is high compared with the Commonwealth, reflecting the more diverse work (with its consequential risks of physical injury) undertaken in the ACT Government Service.

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With respect to claims for stress-related conditions, the pattern in the ACT Government Service is similar to that in the Commonwealth. Data from Comcare indicates that the number of claims for stress has increased over the last four years (from 65 in 1990-91 to 140 in 1993-94). Stress claims comprised 9 per cent of all claims in the ACT in 1993-94 compared with 4 per cent in 1990-91.

It is clear that to reduce workers compensation costs, the ACT Government Service must take action in workplaces to

- prevent illness and injury; and
- speed up the successful rehabilitation of injured workers.

I can report that action is in hand, as a priority, on several fronts, again reflecting the diversity in the nature of work undertaken in the ACT Government Service.

#### STRATEGIES FOR PREVENTION

Manual Handling and Safe Working Programs customised to particular workplace needs are being run in agencies to reduce the number and severity of manual handling injuries which can often result in claims for back injuries, strains and sprains. Defensive Driving Programs are being run in appropriate agencies.

To reduce the incidence of stress-related conditions the ACT Government Service is implementing Comcares Quality of Working Life Program aimed at early identification and active intervention in stress inducing situations. Staff also have access to the confidential counselling service known as the Employment Assistance Program.

#### REHABILITATION STRATEGIES

The Department of Public Administration is streamlining the rehabilitation process by working with line agencies and Comcare to review the status of each existing case and the associated paperwork.

The objective of getting injured workers back to work as quickly as possible is facilitated by active intervention and the use of programs such as the Reskilling Placement Scheme.

These initiatives are being taken against the background of a general education program to raise levels of awareness particularly among line managers of the need for

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preventive measures and the costs associated with the incidence of workplace injury, both human and financial.

#### DATA COLLECTION

It is essential for the sound management of workers compensation cases for timely and accurate data to be available on accidents and injuries.

As I informed Members on 13 September 1994, I am pleased to provide all possible assistance to the Standing Committee on the Public Sector. The Standing Committee has already been provided with information on the legislative framework for workers compensation arrangements in the ACT, based on the Safety Rehabilitation and Compensation Act as well as information on workers compensation generally, including the report of the Industry Commission of February this year. Additional material is being prepared. The ACT Government Service receives regular updates from Comcare Australia of information on claims and this is used by agencies to monitor progress.

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13 October 1994

Australian Capital Territory

CHIEF MINISTER

Rosemary Follett MLA  
Mr Greg Cornwell MLA  
ACT Legislative Assembly  
London Circuit  
CANBERRA ACT 2601

Dear Mr Cornwell

On 24 August 1994 you asked a question relating to the costs associated with the ACTTAB/VITAB Agreement. At that time, I was able to provide you with information on legal, administrative and printing costs, and undertook to follow up on other associated expenses identified in your question.

I have been advised that in relation to travel costs resulting from negotiation of the ACTTAB/VITAB Agreement and establishment of computerised links, all such costs were borne by VITAB.

I am also advised that ACTTAB did not incur any costs in respect of upgrading its computer system to provide for the VITAB arrangements. Some changes to software were required, however, and I understand that the approximate cost of this work was \$17,000.

In relation to your proposition that the ACT has lost revenue as a result of a severing of the link with the Northern Territory TAB, I would take this opportunity of informing you that there has been no severing of links with the Northern Territory TAB. Rather, ACTTAB again expects to receive a substantial fee from the Northern Territory for providing linking services. I understand that this fee will be approximately \$200,000 in 1994/95.

Finally, you sought information relating to the linkage fees payable by ACTTAB under the new pooling arrangements with TABCORP. I am advised that the linkage fee for 1994/95 is expected to be 0.19% of the total bets transmitted, and that this is a considerably lesser amount than the fee recently proposed by the NSW TAB. -

Yours sincerely

Rosemary Follett  
13 SEP

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