



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

24 November 1998

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

PERSONAL EXPLANATION

MR QUINLAN: Mr Speaker, I seek leave to make an explanation of a personal nature under standing order 46.

MR SPEAKER: Proceed.

MR QUINLAN: The *Canberra Times* of Saturday last included a report that my office had issued to my colleague Mr Berry some misinformation; more precisely, figures that included a double-count amongst various elements of revenue generated by ACTEW. The report is, unfortunately, correct. My office did prepare a table for Mr Berry that, effectively, double-counted dividends provided and projected. I take full responsibility for that error, because it originated from my office. The figures at no time passed through my hands and I knew nothing of them until I followed up after the Chief Minister had the good grace to telephone me on Friday last, and I thank her for that courtesy.

The error in the figures was so basic that no-one could imagine that it represented an attempt to mislead. It was the most obvious and fundamental of mistakes in a simple spreadsheet. I wish to register my regret regarding the matter, particularly as it has more than undone an effective grassroots campaign conducted by Mr Berry in his electorate of Ginninderra and it may turn out to distract from the very serious question as to what we are forgoing if ACTEW is sold off. I repeat that I knew nothing of the particular figures until Friday of last week. I do have one very contrite staffer who has otherwise been performing exemplary work. Thank you, Mr Speaker, and thank you, members.

ESTIMATES 1998-99 - SELECT COMMITTEE Report on the Annual and Financial Reports for 1997-98

MR BERRY (10.33): Pursuant to order, I present the report of the Select Committee on Estimates 1998-99 on annual and financial reports for 1997-98, together with extracts from the minutes of proceedings, and I move:

That the report be noted.

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Mr Speaker, in speaking to this report, I think it is significant to note that the dissenting report from Mr Hird related to four recommendations of the committee and there was a joint dissenting report by Mr Rugendyke and Mr Hird in relation to one. So, overwhelmingly, the recommendations and comments in the report were endorsed by four of the committee members. I would say at the outset in relation to Mr Hird's dissenting report that this does not seem to be the same Mr Hird that was in the committee making these comments.

Mr Hird: You weren't listening.

MR BERRY: Mr Hird interjects that I was not listening, but I do remember asking him to contribute to the debate and him saying on many occasions that he would wait till later. I must say that had some of these - - -

Mr Hird: I take a point of order, Mr Speaker. I would like to bring to members' attention that I had only just received the report that morning and I had had a very heavy workload - and he, as chairman, knew that.

MR SPEAKER: There is no point of order. You will have the opportunity to respond in due course, Mr Hird.

MR BERRY: One other thing I would say to Mr Hird - through you, Mr Speaker - is that in future, if people advise you on a course to take in relation to matters, you should check the substance of the advice that you receive. I will give you an example. In referring to Executive members and private business, you said that there were no direct precedents for Executive members in relation to private business and you referred to the Artificial Conception (Amendment) Bill which was presented by Mrs Carnell. Mrs Carnell, as Chief Minister, sought leave to present it and it was presented.

The arrangements, which, of course, resulted in a change to standing orders, are what the committee was referring to and there are no precedents, according to the evidence that the committee received. That should have been easily understood by you. So, check the advice that you are getting before you make statements. Again, I would just say that this is a different Mr Hird from the one that appeared in the committee, it appears to me. I would have liked to have taken some of his views into consideration if they had been reported in detail in the course of proceedings. I think all the other members would agree that ample time was given to members to express views in relation to all matters contained in the report.

The first thing that I would like to do is thank those committee staffers who helped us on this voyage. It was a new way of dealing with this particular committee's function in the Assembly. On the advice of Mr Symington, three other portfolio committee secretaries were involved in the process. They then participated in the committee's inquiry at each step along the way. The steps I refer to, of course, were the individual investigations of annual reports insofar as the portfolio areas of the various Ministers are concerned.

This is also the culmination of a committee inquiry which adopted a new approach by involving the community at an earlier stage of deliberations. I regard that approach as being quite successful. It gave the community a short time to express a view about the Government's budget and I think that contributed to the overall process in developing a report. But I must say that I was very grateful for the skill, care and attention that was given by the secretariat staff and their office assistants in the preparation of this report. I think overall the result was good. It was a different approach and one that I think worked well.

I would also like to thank my Assembly colleagues for their forbearance and for their participation in the inquiry process. They were under pressure because of timelines. From memory, the timelines for estimates committee reports have always been tight, and this one was no different. But everybody was as flexible as they possibly could be to deal with the program that was in front of them for the investigation of the respective areas.

Turning to the report, this is, as I said earlier, the second leg of a process which began in July-August with the Appropriation Bill. The inquiry, basically, was about holding agencies and the Government to account for what they had done with community resources, funds and assets and whether the ACT had gained maximum benefit. It is not a popularity contest and I do not think the committee is particularly popular with the Government or its agencies, and we never set out to be popular. I think the Government and the agencies probably think that the committee is far too probing, but that is the committee's task.

Ms Carnell: We do not think you are probing at all; that is the problem.

MR BERRY: Mock bravado, Chief Minister. It would be failing the Assembly and the community if it did anything less. A matter for regret is that the committee's role is not readily understood or welcomed by some agencies. Of regret also is the time constraint, as I mentioned earlier, which prevented the committee from going further. Also, agency annual reports need to be more informative so as to assist the committee and the community in finding out just what they do. You can always tell when a committee report is successful. You know from the amount of bleating that comes from the other side that you have hit some of the right buttons. You do not expect to hit them all in the short timeframe, because there are only five people investigating the work of many hundreds who have as their job the preparation of a public relations statement for five Ministers. The five members of the committee have the job in front of them to lift the lid off some of the distortions which, of course, are hidden behind the facade. As I said, you can always tell when you are getting close to the buttons when people start to whinge.

Ms Carnell: We have not whinged at all, because we have just got a copy.

MR BERRY: Here we go again.

Ms Carnell: We have not whinged at all.

MR BERRY: We must be close to the mark.

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Ms Carnell: We have not seen it before right now.

MR BERRY: Here we go. Hear it over there?

MR SPEAKER: Order! Let us just move on.

MR BERRY: It works. We made a point about Executive members and private business and the committee's report mentions that the pursuit of legislation such as the Litter Bill is not a good use of a Minister's time. The Chief Minister will say that that is the deal she did with Michael Moore in relation to allowing him to deal with certain private members business. That does not alter the fact that we have a hospital that is having difficulty providing care to prospective patients, a hospital that has to bypass emergencies, a hospital that has to flick-pass some of its work to the private sector, a hospital that has burgeoning waiting lists, a hospital that has difficulty with waiting times, a methadone program that cannot cope with demand and a Minister that seems to be diverted by worrying about leaflets under windscreen-wipers. The committee formed the view that that was not a good use of the Minister's time, that he would be better occupied looking after matters of state concerning health, that is, the provision of care - - -

Mr Moore: You are a whacker, Wayne.

MR BERRY: You can hear it again. We are getting close to the mark. The moon is starting to come forward. It is not a good use of the Minister's time to worry about leaflets under windscreen-wipers when these important matters of state are confronting him, and the committee so resolved.

In relation to ACTEW, the committee dealt with possible conflicts of interests where consultants recommend courses of action and then line up to carry out work on contract. That is an important consideration and a good recommendation which ought to be considered positively by the Government. It is not good to see a situation where, for example, a consultant recommends the sale of an asset and then is involved in some way in other consultancies furthering the sale or even involved with a company or in some other connection over the purchase of certain public assets. Recommendation 3 deals with that issue and I think it would be well for the Government to take it on notice. It is a very important matter to deal with.

We had some difficulty in relation to dealing with ACTEW's submission to IPARC. This was a sign of some of the frustration that we had with evidence generally. Most public servants responded to the needs of the committee, but there were some glaring examples where senior officers gave either incorrect information or conflicting information to the committee. If this occurred in a few small examples that we happened to uncover, it raises a question in one's mind about what is left uncovered. There is some comment in the report about consideration being given to putting public servants on oath in future to ensure that we have the correct impact on public servants.

They have to take the issue seriously. When they are giving evidence to the committee, they have to make sure that they are frank and forthright in the evidence that they are giving. It is not their job to protect their political masters. If the committee is not sharp enough to ask the right questions, nobody expects public servants to volunteer information that would get their political masters into trouble. At the same time, if the committee asks direct questions, it expects full and frank information. We do not think that we got it. That is why the comments were made in the report. I do not know why Mr Hird is happy with the way the public servants behaved in this regard.

I heard him say that we should have taken it up with Ministers. Ministers are expected to give a political answer to questions in the Assembly on policy matters and so on; but when it comes to the detail, when we are questioning public servants about the operation of various agencies throughout the ACT, we expect full and frank information. We do not expect to have to invite officers back to correct the record, which is what we had to do in this case. We do not expect to discover in a circuitous route wild fluctuations in the evidence that has been given to this house and to committees, and that is what occurred in relation to the education matter.

It was not about a lot of money in the scheme of things. It was said in this house that it was going to cost \$50,000 to conduct police checks if a certain motion had been passed in the past. The department - reluctantly, I must say - in the first round of the Estimates Committee inquiries recounted their position and discovered that it was less than half of that and then when the police were asked to provide evidence as to the cost we discovered it was less than half again. That is a wild fluctuation in anybody's imagination. It is frustrating for members to sit in committee, receive that information and know that if it has happened once it has probably been happening somewhere else and we have not been able to uncover it.

The point I make is that I think the Government needs to remind public servants that when they come along to these places we expect to get full and frank advice when we ask questions of them. We do not expect them to protect their political masters. If they do not want to answer a question, they should say that they do not want to answer it and flick-pass it to their Minister, but do not give us incorrect information. We can deal with the politics with the Ministers, but we cannot deal with the politics with senior officers. It is just not fair to them and it is not fair to the committee.

The committee also looked at Bruce Stadium and a whole range of issues where the Government has performed badly, such as the Feel the Power campaign. Again, only a small amount of money was involved, but that gives you an insight into what is going on behind the scenes in management terms. If the Government can muck up something like that, if public servants are saying, "Can we get out of this?", something is seriously wrong. (*Extension of time granted*)

Moving to education, the Minister for Education gave evidence in relation to Copland College. I must say that I was concerned about the apparent lack of interest in doing something more about the enrolments at Copland College. It is heading for non-viability if something is not done. We all know how this Minister functions when a school reaches what the Government describes as non-viability; he withdraws the funding, tells the school board, the school board is left with no alternative but

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to recommend the closure of it, and the Government says, "We will accept your recommendation", and then blames the school board. That is not good enough. Minister, this is an important issue for the community that I represent, that Mr Hird represents and that you represent, indeed, and you will be letting them down seriously unless you can put up a better performance on increasing the enrolments there. We also made comments about Quamby and Marlow Cottage and on tuition fees for trainees.

On health, we commented on the possible privatisation of the hospital. We have heard in recent times that the Minister has said, "I will not play your rule-out game". Minister, until you do respond to the proposition about ruling it out, everybody is left with the alternative that it is your intention to privatise certain aspects of it and your secrecy about it raises cause for concern. So, we are calling on you again to rule it out. If you continue to refuse to rule it out, then we have no alternative but to come to the conclusion that it is your intention to do something about privatisation, and that is bad for the health system.

I know that Mr Rugendyke and Mr Hird have expressed a different view in relation to privatisation. I also know that an inquiry into waiting lists is being conducted and that both of those members are on the committee. I was not able to convince you not to put in a dissenting report. I hope that once you have had a look at the difficulties with the delivery of private health services and the conflict with the provision of public health services you will come to a better understanding of the issue. Let me just say this: If you look at the American situation, where health is provided predominantly by the private sector, you will find that health care costs are higher. The last time I looked at it, it was something like 13 per cent of GDP. It might be more than that now; it may be even higher. But it is 8 per cent in Australia and steady. That is because of the high public provision.

Unless we maintain that high public provision, we are headed down a path of high health costs and a lack of delivery to a large portion of the community, which happens in the United States. Again, these figures are probably old, but I recall that something like 40 million people in the US are not having access to health care as a result of the difficulties they are having with their health system. It is a health system which cannot provide for the community, but which takes up an excessive amount of the disposable income of American taxpayers and American families. We do not have those high costs here because we are able to contain them within the public sector. You ought to be cautious about your commitment to the private sector.

Labor has no illusions about the provision of private health care in Australia; it is alive and well. The providers will continue to complain as their businesses fluctuate because, as with any other business, they are lobbying for a better slice of the pie. But private health care should not be relied upon to deliver quality public services at a reasonable price. It has a place in the market and it will stay there. Labor and I support the private hospital sector in the ACT and Australia, provided that it does not impact on the

provision of public services for those people who want public services and for those people who cannot afford anything different. But we do not want a situation where the public system is driven down to be the welfare system, and that seems to be the aim that the conservatives amongst us have in relation to their undying commitment to the market providing services.

I think the Minister for Health and Community Care has a bit of work to do on his image in relation to health. I note, Minister, that you did express regret about your comments concerning the lung stapling issue. That was an unfortunate incident which created a lot of disquiet amongst people who were in receipt of those services. It would also create a lot of disquiet amongst older people, who could be forgiven for forming the view that expensive surgery for episodes of illness might well not occur because of the acuity of the particular illness. That is the impression that it gave me. It is the impression that it gave a lot of people who rang my office. It was an unfortunate comment which should not have been made. It was careless, and not the sort of statement that we should expect from a Health Minister because it just frightens people.

We discussed the hepatitis C issue and the committee generally wondered why, given the experience that we had with HIV, a similar turn of events, there is not sufficient corporate memory within the health system to remember the mistakes of the past. My impression is that that has to do with the turnover of senior staff and the loss of corporate memory. If there had been some stability at the senior levels, I am sure that there would have been somebody there who would have remembered the difficulties faced in the past. It is an issue of concern and an appropriate one for this committee to deal with.

My colleagues are also concerned about the future of the ACT Hospice. In our first report we made it clear that we thought that it was a forgotten casualty of the Acton-Kingston land deal, one which is still causing a great deal of pain in the ACT community. I will not go any further in relation to the coroner's inquiry into the matter. The last recommendation of the committee was that we should not move the hospice unless there was full compensation from the Commonwealth. We were all happy with its staying on that site for as long as it wants to stay there, but there is a lack of certainty, it seems, about the Commonwealth Government's position and the contingency plans certainly are not in place. I would hate to see a situation where, at the end of the day, we are forced to put the hospice in a hospital setting because no contingency plans were made. I am rather concerned that that might be where we are headed, unless there can be some accommodation from the Commonwealth. This is a matter of concern which the Government does not seem to be dealing with well.

Mr Speaker, another issue of concern which I will touch on briefly is the issue of legal aid funding, which has been soaked up by the implosion inquiry. We think the Government ought to have made some special provision for that.

MR HIRD (10.57): Mr Speaker, in speaking to the dissenting report and the report in general, I would like to draw the parliament's attention to something I consider to be unparliamentary, that is, the attitude adopted by some members of the committee during the inquiry into the 1997-98 budget reports, as represented in the committee's report. If members want to push their own barrow, Mr Speaker, the place to do it is on the floor of this parliament, not by exceeding their brief as members of a select committee.

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It must be remembered, Mr Speaker, that the Select Committee on Estimates is appointed to examine the annual reports and financial reports of the various agencies. It is not the role of the committee, nor any of its individual members, to hold public servants within government agencies accountable for any of the reports before the committee. The committee has no right to launch an attack on public servants, as happened during its hearings and again in this report. If members of the committee want to attack Ministers, that is their prerogative. Ministers are the ones setting the policies and they are the ones who should be held accountable if committee members deem it necessary to question anyone's accountability. Ministers have an opportunity to answer or rebuff any accusations made against them. Public servants do not have that opportunity, and to attack them in the manner that they have been attacked in the committee's report is, in my opinion, a grossly unparliamentary act and an act that is bordering on cowardice.

As I have said in my dissenting report, Mr Speaker, the committee does not have the right to exceed the bounds of its brief to examine the annual and financial reports. During the hearings there were many instances of the committee exerting its terms of reference, sometimes to the point of hysteria on the part of some members of the committee. That right is infringed again in the committee's report. There are some instances, Mr Speaker, of the report ignoring evidence presented to the committee at its hearings. I suspect that is because the evidence was contrary to the personal view of some members of the committee.

I also make comment, Mr Speaker, on the questions raised in the committee's hearings and again in the committee's report on the role played in the parliament by our colleague the Minister for Health and Community Care, Mr Moore. Mr Moore made it quite clear to the parliament when he was appointed to the fifth ministry that there were certain issues outside his portfolio on which he would continue to maintain an independent stance, irrespective of the Cabinet's or, indeed, the Government's policies on these issues. Rather than questioning Mr Moore's motives, we should be commending him for his determination to represent the wishes of his constituents on the issues he was elected to represent them. Mr Speaker, a lesser Minister might have been prepared to abandon his independence in the interests of the Cabinet line.

Mr Speaker, I close by saying that I would like to thank the other members of the committee. We were set a difficult task and a very short timeframe. I would particularly like to thank Mr Bill Symington, the secretary of the Select Committee on Estimates. I would also like to pay tribute to the secretaries of the various standing committees, who also made quite a contribution. In that regard, Mr Speaker, there was a different approach by the Estimates Committee in involving the standing committees which mirror the portfolios. It is interesting to note that there was some criticism of the Chief Minister when she decided to establish standing committees mirroring the portfolios, but the fact is that the decision has turned out trumps. As the chairman indicated, it has been of great assistance to the Estimates Committee. The record speaks for itself. I think that the secretaries of the various standing committees are to be commended.

I also take the opportunity of thanking other staff, not forgetting the staff members of the various government departments and agencies, for their contributions and the professional way that they gave their all in their attendance at the committee's hearings.

MR CORBELL (11.03): Mr Speaker, my comments today on the Estimates Committee report are specifically to do with recommendation 6, which is the recommendation that has attracted the most interest in the press and from the government side of this place. That recommendation reads:

... that the Government remind departmental officers of the need for care and attention to detail in respect of evidence given to committees of the Assembly and remind officers of the gravity of such discrepancies.

Mr Speaker, I want to say at the outset that the overwhelming majority of public servants who assist Assembly committees, including the Estimates Committee, with their deliberations are professional, straightforward and helpful. I want to put that very clearly on the record. The overwhelming majority of public servants behave in an entirely appropriate and professional manner. I find it outrageous, Mr Speaker, that the Government will come in here and, in an attempt to legitimise its political argument, drag into the debate officers of the ACT government service to suit their political ends. Mr Speaker, that is exactly what they have done in this debate over the past 24 hours, since this report was authorised for publication yesterday afternoon.

Mr Speaker, let me put it very plainly: During the hearings of the Estimates Committee, we took evidence on a number of controversial issues. One of them was in relation to the Hall/Kinlyside development, the failed Hall/Kinlyside development, and the evidence that had previously been given by both Ministers and senior officers of the Office of Financial Management. It became apparent during those hearings that the evidence that had previously been provided by a public servant was incorrect; it was wrong. That information was corrected only when they were caught out. It was corrected only when they were caught out.

Perhaps, Mr Speaker, it would be useful to go into this discussion in a little more detail to highlight the seriousness of the issue that the Estimates Committee is attempting to raise. Initially, Mr Speaker, when the issue of Hall/Kinlyside was raised we received very clear and unambiguous evidence from a Public Service official about what the Government saw which persuaded it to enter into the Hall/Kinlyside arrangement. The very clear and unambiguous evidence we were given was that the Government saw three lease documents and, because the Government saw three lease documents, that was the justification, along with the power of attorney from the relevant landowners, to enter into the Hall/Kinlyside development.

I would just like to put on the record again what was said at that time. It is a very short interchange, but I will read it out because it is very useful and it makes the point, I believe. I asked the following question of Mr Neil Morgan from the Office of Financial Management on 21 July this year:

Mr Morgan, just on that, you have indicated that the proponent provided evidence of the leases, of the titles, what was that?

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Mr Lilley answered for Mr Morgan. Mr Lilley, of course, is the Under Treasurer. He said:

The actual leases were brought in.

I asked:

How many leases?

Mr Lilley said:

Three.

I asked:

He provided you with three lease documents?

Mr Lilley said:

Yes.

I asked again:

He did?

Mr Lilley said:

Yes.

I asked again:

Are you sure?

Mr Lilley said:

Absolutely.

So, there is the first lot of evidence we got.

Moving on from that, we then discover that the Government did not actually see three lease documents, because following that exchange with Mr Lilley, I asked for copies of those documents and, of course, the Government could not substantiate that. The Government knew that it did not have three lease documents. So, we then got the answer back saying, "It wasn't actually three lease documents". There was a bit of argy-bargy in between, Mr Speaker, but let us cut to the chase and look at what happened when we called Mr Lilley back. We called Mr Lilley back in the second round of Estimates Committee hearings and asked Mr Lilley for an explanation of why he provided inaccurate advice at the first Estimates Committee hearing. Mr Lilley said:

I said I was presented with three documents, of which one was a lease for three blocks.

So, that was the Government's explanation. That was Mr Lilley's explanation.

Mr Speaker, it became very apparent to most members of the Estimates Committee that what Mr Lilley said was wrong again. It was, Mr Speaker, misleading. It was, quite clearly, misleading. Why was it misleading? It was misleading because the document Mr Lilley saw, as provided under an FOI request, was for a lease over one block. Not three blocks; one block: Block 318 of the District of Gungahlin. Mr Lilley never saw a lease over three blocks because there never was one. This, Mr Speaker, strikes at the heart of why we have raised this concern and it strikes at the heart of how this Government does business and how this Government politicises the ACT government service, because Mr Lilley was in there defending the political actions of his Minister. That is what he was doing and he was doing it in a highly political way. He was doing it to suit the political ends of this Government and he has been caught out. The Government never saw a document which was for one lease over three blocks. They saw a document for one lease over one block and it was in the FOI request, it was in the material that this Government provided.

Where they may be a little bit confused is with the subsequent attachments to this lease which they discovered later, which were for block withdrawals, withdrawals of land from the original lease. There were two withdrawals at separate periods of time; so, in the end, there were three parcels of land. Of course, in looking at the three parcels of land the Government would have realised again that two of those parcels of land were withdrawals from a lease. They were not extra bits of blocks but were part of the lease; they were withdrawals from the lease.

Again, Mr Speaker, the Estimates Committee has been grievously misled. It is that simple. There was no apology, no straightforward coming out with an explanation. It had to be dragged out of the Government and a senior official of this Government because they knew that they had nothing to back up their claim to enter into the Hall/Kinlyside agreement. They had nothing at all. Mr Speaker, that is quite clear, and that is why this Estimates Committee has made this very serious recommendation. This Government and a number of officials - I have highlighted one - have grievously misled estimates committees.

Members may think that that is not a big deal. Members may think that that is simply a part of the process, that that is what happens in a political debate. But there is something higher at stake here, that is, the ability of a parliament to effectively scrutinise the activities of an executive. What we are having at the moment is public officials being dragged into a political debate by a government. I say that very clearly, because Ministers can say when they will answer a question and when a public servant will answer a question. Quite clearly, Ministers can say, "I will take that question. I will answer it. It is not appropriate for public servants to answer that question". But that is not what the other side of the house does. That is not what they do. They set the public servants up.

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When things get a bit hot, they let them answer the questions. (*Extension of time granted*) They set the public officials up. They set them up to answer the hot political questions when they know they could answer them themselves, but they refuse to do so.

Mr Speaker, that is the politicisation of the Public Service. That is the weakening of the accountability mechanisms over the Executive. That is the responsibility of the Government, not of the Estimates Committee. It is not the Estimates Committee that has politicised the government service in this place; it is the Government, time and again. The move to contracts, the move to those sorts of performance measures on senior public servants, has jeopardised their ability to act impartially as effective officers. It may not always be their fault, but that is what has happened.

Mr Speaker, it is time that the Government took seriously what committees of this Assembly have been saying for some time, that is, that when advice is sought from public officials it is forthright, it is up-front and it is unambiguous. Government officials should have nothing to hide. If Ministers are uncomfortable with the questions asked of their officers, they should answer the questions. Simple, straightforward. That is not what happens. That is not what has happened for some time. Mr Speaker, that is, for me, quite clearly the most important recommendation in this committee's report. Quite clearly, it is the most important recommendation. I think it is sad that an Assembly committee has got to the stage of feeling that it needs to propose the possibility of swearing witnesses to ensure that evidence is accurate and honest. But that is the stage we have got to, Mr Speaker, and the instance I outlined earlier explains why.

I would also like to point out, Mr Speaker, that this is a majority view of the committee; it is not shared by only one member. It is not shared only by Mr Hird. It is shared by all other members of the committee in their support of the majority recommendations. It is shared by me, it is shared by Mr Berry, it is shared by Mr Osborne and it is shared by Mr Rugendyke. They have signed off as supporting the majority report of this committee.

Before members of the Government stand up in this place and try to make a target of a particular individual, they should think twice. They should think about what they are actually saying. They should think about what this committee is actually trying to tell them, because what this committee is trying to tell them is far from a partisan political debate. We are talking about the effectiveness, the viability, of the committee process in this Assembly and the ability of committees to effectively scrutinise the activities of the Executive.

The Government may not like that. The Government might not like to be challenged on that, but that is the job of committees. Before they stand up in this place and launch an attack on Mr Berry, as I am sure the Chief Minister is shortly to do, they should realise that there are four other names alongside that majority committee report. Those other four names are of one Labor member and two crossbench members. The Chief Minister needs to understand, Mr Speaker, that it is not a partisan political report from the Labor Party. It is a majority report which says that you are continuing to threaten the viability and the principles of Executive accountability in this place. It is time that the Government sat up and took notice of that.

MR RUGENDYKE (11.17): I rise briefly to advise the Assembly that, together with Mr Hird, I have dissented from the part of the Estimates Committee report relative to the Canberra Hospital, specifically to the part that indicated that there was some concern amongst members about privatisation. I understood from the evidence that at a time when the intensive care unit was full some patients were looked after - and looked after well, I gather - by the National Capital Private Hospital. I do not know that it is, as some people would say, privatisation by stealth or anything sinister like that. Patients were cared for by a hospital right next door. I certainly did not have a problem with that as the evidence unfolded. I see it as a good thing that there can be that sort of cooperation between the National Capital Private Hospital, which I understand is doing well, and the Canberra Hospital.

I also support the refusal of the Minister for Health and Community Care to rule out the privatisation of the hospital. He has indicated clearly in this place on several occasions that he would not play the loony Left's game of refusing to rule out this or rule out that. Mr Speaker, I have no problem with the way that the Minister for Health has explained and defended his position in refusing to rule out the privatisation of the hospital.

Finally, I too applaud the work that the secretaries of the various committees have done to assist in the assembling of this Estimates Committee report. This is my first Estimates Committee experience. I understand from other experienced members that utilisation of all the secretaries of the committees has been particularly successful. I presume that it will be looked at in the future as an appropriate way of compiling such a comprehensive and difficult report.

MR OSBORNE (11.20): I have been called a lot of things in my time here, Mr Speaker, but I have never been accused of being from the loony Left. It is very hard for Mr Rugendyke to hide his true colours and occasionally the Liberal blood does come out. I will be brief, Mr Speaker. I have to say that I cannot for the life of me understand the indignation and outrage on the part of the Government in relation to this one recommendation. I have had another read through it. Recommendation 6 states:

The committee recommends that the Government remind departmental officers of the need for care and attention to detail in respect of evidence given to committees of the Assembly and remind officers of the gravity of such discrepancies.

I hardly think that that is a scathing recommendation, Mr Speaker. Obviously the issue of the leases and the blocks was a major mistake on the part of the Government. It created a fair amount of debate in this Assembly. I feel for the officer involved because I was as confused as most other people on that. But, as I said, the recommendation hardly is a scathing attack on that person, for whom I have a lot of time and respect. So, I am a little bit confused and a little bit amused at some of the things that have been said today.

I will say, Mr Speaker, that I think that we have a tremendous opportunity in the select committee I chair, which is looking at the Assembly, to have a good look at the estimates process and the process of reviewing the annual reports. I tend to think that, perhaps, we would be better served if the different portfolio committees actually reviewed the

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individual budgets and the individual annual reports. I think that it would take a fair amount of the angst out of it and I think it would be a very positive step to move towards that, but I would not like to pre-empt what the committee would recommend.

I have to say that the whole of this year's estimates process was different from the past. Although I had not been a member of an estimates committee, I had been down and got involved in the process. I think I prefer this year's model, where we did not go line by line but did look at different issues. It was certainly different. There was some criticism, but it was most enlightening and enjoyable at times. But I do question whether the current process of having a select committee to look at the budget and the annual reports is the preferred model. I think that, perhaps, we would be better served by having the different portfolio committees looking at their respective budgets, because that is how we do go through the estimates process.

As I said, Mr Speaker, I do not think there is anything overly objectionable in the recommendations. If the Government knew what members wanted to have in some of those recommendations, perhaps they would have some grounds to complain. I think that it is quite funny, given that I am about to present a report of the scrutiny of Bills committee where we have a shot at our legal adviser, the Attorney-General, albeit a minor one. I find the Government's attitude in this regard, given that we really had only a minor glance at the public servants involved, quite intriguing. I supported all the recommendations in the report, Mr Speaker, because I do not think there is anything in there that is too outrageous. I am a little surprised at the dissenting report of Mr Hird, given what he said in the committee. I understand that he had not had his riding orders by the time we looked at the report; but, reading his dissenting report, there must be two Harold Hirds running around, Mr Speaker.

Mr Hargreaves: Oh, no!

MR OSBORNE: "Oh, no", somebody says. My understanding from the committee deliberations was that Mr Hird had problems with only a couple of things. I see that his dissenting report is three pages in length. I am not surprised at this Liberal's dissenting report, Mr Speaker. Having been involved in the process and with the recommendations, I have no problem with the report.

MS CARNELL (Chief Minister and Treasurer) (11.26): Mr Speaker, I would like to make a comment from the perspective of the Executive on the fact that the members of the Executive did not get a copy of the report prior to its being released to the media. That is not in line with normal Assembly procedure. I think it is, at the very least, inappropriate. It certainly is at odds with the approach that we usually take. As to the recommendation - - -

Mr Berry: I don't believe you. I'll bet you had a copy somewhere.

MS CARNELL: Mr Speaker, how could we have a copy if Mr Berry did not give us one? It simply is not acceptable behaviour. I think it is important to read into *Hansard* what the select committee is supposed to do. The Legislative Assembly resolved - remember that this is what all members of the Assembly resolved - that:

... a Select Committee on Estimates 1998-99 be appointed to examine the expenditure proposals contained in the Appropriation Bill 1998-99 and any revenue estimates proposed by the Government in the 1998 Budget and the Annual and Financial Reports for the financial year 1997-98;

After that it talks about reporting dates, who will be on the committee and when it will report. It also suggests that "the foregoing procedures for this resolution have effect notwithstanding anything contained in the standing orders". So, it contains all the normal things. But up-front, Mr Speaker, it is quite clear what was the Estimates Committee's role and job. It was very much to do with looking at issues that directly affect the Executive; yet the Executive did not get copies. In fact, the first copy, I have to say, I saw of the Estimates Committee report was the one that was dropped on the table when Mr Berry stood up to speak. That is totally out of line with the approach that has been taken in the past. I would suggest to the committee, particularly to the committee chair, that it is an approach that is at odds with normal Assembly practice.

Having had a look at the recommendations during the speeches, I cannot find one - mind you, there might be one or two - that actually addresses the terms of reference of the committee, and I would suggest to the committee that that might be a bit of a problem. It might not be a bit of a problem; it might be a very serious problem. Estimates committees are a very important part of the style of government that we have in the ACT, one that those opposite have supported totally, as I understand it, and we now have an estimates committee procedure that does not actually address the terms of reference of the committee.

I would like to quickly run through the recommendations in respect of the terms of reference: To look at the revenue and expenditure spelt out in the budget that we brought down for this year and the financial reports spelt out in the annual reports and financial statements. Mr Speaker, how could recommendation 1 be in line in any way with those terms of reference? It is a suggestion that Mr Moore should not bring down private members Bills. Members of the committee certainly can have an opinion on that, but I have to say that it was the view of this Assembly that Mr Moore be allowed to do it. I would suggest, if anything, that it is actually a reflection on the decision of this Assembly to allow Mr Moore to table his Bills, but it certainly has nothing to do with the terms of reference set down for the select committee.

I turn to recommendation 2. Yes, we made it very clear that ACTBIS was being reviewed and made it very clear that when the review was completed we would be very happy to make the report available. The old ACTBIS manual has been made available already. The new one will be made available. But how does that relate to the terms of reference? Where is the expenditure or revenue? There is not any, Mr Speaker. I could go on and on. There are certainly a number of recommendations to the Government with regard to policy direction. Members of the Assembly can always make recommendations to the Executive on the policy direction that they think we should be taking, but is the estimates process the place to do it? Certainly not if you look at the terms of reference of the Estimates Committee.

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Recommendation 5 at least has something to do with money - \$15,000, Mr Speaker, out of a budget of \$1.4 billion. At least there is something to do with expenditure in it, even if the issue has been well traversed and it did not bring up any new information whatsoever.

Recommendation 6 has been spoken about at length. I have to say, Mr Speaker, that all I could do was smile at Mr Corbell, because he certainly is learning from Mr Berry inasmuch as he has learnt to have no shame whatsoever when he gets up and speaks. His remarks that it is this side of the house that has made comments of a negative nature about public servants are obviously wrong, Mr Speaker, and I would suggest to Mr Corbell that he have a look at *Hansard* to ensure that he was not making comments that were not based upon fact. Mr Speaker, recommendation 6 is serious. It is serious because we have been seeing more and more of this of recent days. You made a comment just last week in this Assembly about members having a look at a particular resolution of this Assembly with regard to negative comments about public servants, yet we have a report the following week doing exactly that and we see both Mr Berry and Mr Corbell getting up and reinforcing those comments. I do not believe that that is appropriate; nor does the Government. In fact, Mr Speaker, we believe - - -

Mr Corbell: Hypocrite.

MS CARNELL: Mr Speaker, I ask for that to be withdrawn.

Mr Berry: No, "hypocrite" is okay.

MS CARNELL: No, it is not.

MR SPEAKER: Just a moment; I will make that decision. I think you will find that it is not. No, I cannot allow "hypocrite". Please withdraw it.

MS CARNELL: Thank you very much, Mr Speaker.

Mr Berry: Is it listed? I thought "hypocrite" was okay. I think he could do much better than that.

MR SPEAKER: I am sure that one could; nevertheless, I do not want to allow "hypocrite". Please withdraw it, Mr Berry.

MS CARNELL: No, it was Mr Corbell.

Mr Berry: I would be happy to withdraw it if I said it.

Mr Corbell: In deference to you, Mr Speaker, I withdraw the word.

MR SPEAKER: I apologise. It is just that you suddenly took up the debate, Mr Berry. Thank you, Mr Corbell.

Mr Berry: I apologise, Mr Speaker.

MR SPEAKER: Please continue, Chief Minister.

MS CARNELL: Thank you very much, Mr Speaker. Attacks on public servants are never acceptable. The fascinating bit about what Mr Corbell said - - -

Mr Berry: Think back a few years.

Mr Wood: Go back in time a little bit.

MR SPEAKER: Order!

MS CARNELL: Mr Speaker, I was very quiet. The interesting thing about Mr Corbell's statement is that it was totally at odds with Mr Berry's. Mr Corbell - - -

Mr Corbell: Two-faced Kate.

MS CARNELL: Thank you, Mr Corbell. You are going to be quiet now. Great! Mr Corbell made a comment in his statement that what this side of the house did or what Executive members did, Mr Speaker, was make our public servants answer questions when "the heat was a bit high for us". Mr Berry, in estimates, said categorically that he had the right to ask public servants questions directly and that it was not up to me as the Minister to get in the way of that approach.

Mr Berry: That is right.

MS CARNELL: Yes, he is saying that is true. Mr Speaker, it is not acceptable, and must be ruled out now, for estimates committees to ask questions directly of public servants and to stop Ministers from answering them. That is what Mr Berry did. There was none of the approach that Mr Corbell talked about. Mr Berry went down the path of saying, "No, I will ask the question directly of the public servant. You stay out of it, Minister". Mr Speaker, unless that is ruled out right now, it is unacceptable in the future for an estimates committee. That is why I am suggesting that we have to have a review of the whole estimates committee process. We have a whole report here that does not address the actual terms of reference.

Mr Berry: That is not true.

MS CARNELL: I am sorry; it is true.

Mr Berry: No, it is not true.

MR SPEAKER: Order! Most members were heard in silence. Allow the same opportunity for the Chief Minister, please.

MS CARNELL: Thank you, Mr Speaker. (*Extension of time granted*) Mr Berry says that that is not true. I come back to the terms of reference. They are:

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... to examine the expenditure proposals contained in the Appropriation Bill 1998-99 and any revenue estimates proposed by the Government in the 1998 Budget, and the Annual and Financial Reports for the financial year 1997-98;

They are very clear, very specific. Mr Speaker, this report does not address them. It is absolutely - - -

Mr Corbell: Yes, anything the Government has done in the last financial year.

MS CARNELL: Sorry, that is not - - -

Mr Corbell: Anything the Government has done in the last financial year.

MR SPEAKER: Order!

Mr Corbell: That is what it means.

MS CARNELL: That is not right.

Mr Corbell: It is what it means and you know that that is what it means.

MR SPEAKER: Order! Please allow the Chief Minister to continue speaking.

Mr Humphries: What does that have to do with a private members Bill?

Mr Corbell: It is about how he spends his time as a Minister.

MS CARNELL: Mr Speaker, this is ridiculous.

MR SPEAKER: Order! Mr Corbell, if you want to have a discussion with Mr Humphries, Mr Moore or anybody else, I suggest you go outside and do it. Allow the Chief Minister to address the Assembly in the silence that was extended to other members.

MS CARNELL: Thank you very much, Mr Speaker. The reality is that the terms of reference are quite clear and they are important. It is important for the process of government to have an estimates committee that does look at expenditure and revenue, that does look at financial reports, that does look seriously at annual reports. But we have here things way outside any of those documents that were the basis of the terms of reference.

Mr Berry: That is not right.

MS CARNELL: I am sorry; it is absolutely true. Where, anywhere in the budget or the annual reports, are comments - - -

Mr Berry: And you never did?

MR SPEAKER: Order! Please, Mr Berry!

MS CARNELL: Yes, I know that he cannot cope, Mr Speaker, that he has stuffed it up, but anyway!

MR SPEAKER: He is going to have to try very hard because I am beginning to lose patience.

MS CARNELL: Thank you, Mr Speaker. For our form of government to work estimates committees need to do the job that they were set up to do; not just to see estimates committees as a long, obtuse question time for asking anything that hits your mind today, but to look at exactly the things that they are supposed to look at. The Estimates Committee has not done that, Mr Speaker. It has attacked public servants. It has, as Mr Berry said, adopted the very dangerous new approach, which Mr Berry has reaffirmed today, that estimates committees can ask questions of public servants directly without Ministers being able to take those questions on their behalf. Mr Berry reaffirmed that today. That is an absolutely unacceptable approach, Mr Speaker.

I think that this Estimates Committee report is an absolute farce. I think that it shows that we need a review of our estimates committee approach to bring us back to the core issues - the issues about accountability of government, the issues about making sure that expenditure and revenue are appropriate and that the directions that governments spell out in their annual reports are in line with reality, what is actually happening. It is not up to the Estimates Committee to decide what policy direction the Government should be taking; that is the role of the Executive in our system of government. Whether those opposite like it or not, it is the reality. We have even got a situation here - - -

Mr Corbell: You do not understand the separation of powers.

MS CARNELL: I am very pleased that Mr Corbell brought up the separation of powers. In terms of the separation of powers, Mr Speaker, I would like every member to turn to recommendation 17, where the committee actually suggests that departmental annual reports include an explanation of cases before the Magistrates Court that have been - - -

Mr Corbell: Nonsense.

MS CARNELL: Sorry; that is exactly what it says, "explanations for cases mentioned 10 times or more". Mr Speaker, that is an actual recommendation; I just read it. There is no way that departmental annual reports can explain cases. The separation of powers is quite clear. So, not only have we got - - -

Mr Corbell: It is a reporting measure; that is all it is.

MR SPEAKER: Order!

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Mr Corbell: That is a stupid comment, Kate, and you know it.

MR SPEAKER: I am beginning to lose patience and would warn members to cease interjecting.

MS CARNELL: So, not only do we have an Estimates Committee that has not reported on its terms of reference; we have an Estimates Committee report that obviously does not understand the role of various arms of government.

MR CORBELL: Mr Speaker, I seek leave to speak again.

Leave granted.

MR CORBELL: Thank you, Mr Speaker. What an absurd range of comments we have just heard from the Chief Minister! It seems to me that the Government's response to the Estimates Committee report because it is unhappy with it is to say, "Let's abolish the process and put in something that we like". That is the Government's response to the Estimates Committee report and that is a gutless response, Mr Speaker; that is a weak-kneed response. It is the response of a government that is unwilling to cop criticism; that is what that response is. Can you imagine any other government around Australia, when it gets criticised by a parliamentary committee, saying, "We are unhappy with that. We haven't done anything wrong. We are going to abolish you and we will set up something else instead."? That is exactly what this Chief Minister is proposing.

Mr Berry: That is what Joh Bjelke-Petersen did, too.

MR CORBELL: That is the Joh Bjelke-Petersen style of government. If you do not like what they say, you get rid of them. That is exactly what the Chief Minister has proposed. That, in essence, is the Chief Minister's response to the Estimates Committee. No detail, no attempt to address each of the issues on its merits, simply saying, "We do not like these. We are going to abolish the committee". That is a gutless approach and it is an approach that shows that this Government and this Chief Minister are so susceptible to criticism that any dissent must be wiped out immediately.

Mr Speaker, I want to respond to two other comments that the Chief Minister made. The first is in relation to whether the recommendations of the Select Committee on Estimates are in accordance with the terms of reference. Let us look at the terms of reference. I specifically direct members to the annual and financial reports for the financial year 1997-98. Those are reports on the operation of each and every agency of the ACT Government and what they have done over the past financial year. In essence, they are a report on what this Government has done over the last financial year. So, any comment in relation to any activity of the Government in the last financial year is entirely within the terms of reference; it is entirely within the terms of reference. We can see that by going through the various recommendations.

Let us look at them: Joint venture audits; that is entirely within the terms of reference, is it not? Tracking agency performances; that is entirely within the terms of reference. That occurred last financial year. Consultancy advice on the proposed sale of ACTEW and how ACTEW prepared its IPARC submission, which was, I understand, prepared in

the last financial year; that is entirely appropriate for consideration. Bruce Stadium and the Old Weetangera Road access; the Bruce Stadium redevelopment is mentioned in some detail in an annual report and it is entirely appropriate to investigate that. Bruce Stadium purchase; the same again. The Feel the Power of Canberra campaign; that was certainly in the last financial year. ACTEW; again, that was in the last financial year. Hall/Kinlyside; the Chief Minister might like to forget that, but that was in the last financial year, too. Copland College. Let me think, Copland College has been around for more than 12 months; that must have been in the last financial year. The Official Visitor's report; these are very important recommendations. They were certainly in relation to the last financial year. Tuition fees for trainees and apprentices; that, of course, was a budget decision which was initiated during the last financial year. For police checks it is the same.

Need I go on, Mr Speaker? Contrary to the Chief Minister's fatuous and pathetic argument, this committee has focused entirely on the activities of the Government in the last financial year, and that is exactly what it is here for. Instead of the Chief Minister saying, "I disagree with your comments; therefore, I am going to abolish you", she might engage a little more constructively in dealing with each and every one of these recommendations.

Mr Speaker, there is one final point I want to make, and that is in relation to the comment, the silly comment, that the Chief Minister made in relation to recommendation 17, when she said that this recommendation, because it referred to the courts, was a breach of the separation of powers principle. What a stupid comment! This recommendation says, "When you report, is it possible for you to divide up the way you report on your activities?". It is not an attempt to interfere in the decisions of a court; it is not an attempt to influence a judgment of a court, which is what the separation of powers principle is all about. It is not even about threatening the independence of the court. All it is doing is saying, "When you report on your performance measures, can you create a new category so that we can see what you are doing?". If that is a breach of the separation of powers principle, Kate Carnell should join the Labor Party, because it is just as bizarre. Until members of the Government come up with some more credible arguments, they should sit tight and read the report in detail, instead of coming along with the silly comment - indeed, the highly defensive comment - that the only thing they can say in response to this report is: "If it criticises us, get rid of it". I think Canberrans have had enough of Kate Carnell's attitude on that.

MS CARNELL (Chief Minister and Treasurer): Mr Speaker, I seek leave to make an explanation under standing order 47 about a misunderstanding of comments that I made.

MR SPEAKER: Proceed.

MS CARNELL: Mr Speaker, in my comments earlier I made the point that I think there should be a review of the estimates procedure and that I thought the estimates process was a very important part of government. Nowhere did I suggest that the Estimates Committee should be abolished.

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MR KAINE (11.48): Mr Speaker, I am not going to say a great deal, but I do think that the Government's response to this report is, to use Mr Hird's words, rather precious. I refer you to page 2 of his comments. I thought that the Chief Minister's response that a lot of the recommendations of the report had nothing to do with money was an interesting one because there is nothing that requires the Estimates Committee, in the form that it was established for this year, to confine itself to financial matters. The Chief Minister referred to the terms of reference. The second part of the terms of reference in paragraph (1) is about looking at the annual and financial reports. The financial reports are certainly financial, but the annual reports are not. So, the committee was free to look at anything that is referred to in the annual reports of the agencies of government. For the Chief Minister to say, "All these recommendations are irrelevant because they are not to do with financial matters" is totally out of order. An interesting thing, of course, is that the terms of reference adopted by the Assembly for the Estimates Committee report this year were those put forward by the Chief Minister herself. If she does not like the terms of reference, perhaps next year she can come up with terms of reference that suit her better; that is, if this Assembly permits her to do so. I think that the Chief Minister's response on that matter was rather out of order.

The big issue, however, is the Chief Minister's contention, and the response from Mr Hird in his dissenting report, that somehow or other this report attacks public servants. If the Chief Minister is saying that the public servants who appear and give evidence before the committee can never be commented upon adversely, if that is an attack, then I do not understand the terminology. Ministers bring public servants to estimates committees. Certainly it is the Minister who is responsible and accountable at the end of the day. But Ministers frequently - in fact, some Ministers almost always - refer the questions asked of them to their public servants and the public servants respond. If the public servants in making their responses misrepresent the facts, make errors with facts, then it is appropriate for the committee to comment upon that. It is not an attack. I do not see it as an attack at all. I think that to say to any committee of the Assembly that, no matter how a public servant performs when giving evidence, you may never make an adverse comment about them is ridiculous.

I did not sit in on most of the Estimates Committee meetings this year; I left it to others. But it was pretty clear to me in reading the Estimates Committee report that there were times when public servants gave conflicting evidence. One or other of those public servants must have been wrong if they gave conflicting evidence. It is quite appropriate, in my view, for the Estimates Committee to comment on that fact, that public servants perhaps need to verify their facts before they give evidence to the committee and, if they make errors or inadvertently mislead the committee, then they should appropriately come back and inform the committee of that.

It is not reasonable to say, as Mr Hird seems to say, and I heard him on public radio this morning reiterating it over and over again, that if the Estimates Committee had a problem it should bring it to the attention of the Minister. The Minister is sitting there during the whole process and he must be able to make an assessment about the accuracy of what his public servants are saying to the Estimates Committee, because he or she knows that, at the end of the day, they are responsible. If public servants were giving inaccurate or just plain wrong information to the Estimates Committee, it is the responsibility of the Minister to correct it. If the Minister does not do so, the Estimates Committee is entitled

to assume that the Minister supports what the public servant has said. If there are errors or discrepancies in it, then they are accountable; but the public servants themselves are accountable also for what they say to committees. They cannot go in there and say anything they please and not be criticised for it if they are inadvertently or advertently misleading the committee.

The Chief Minister may not have said anything about abolishing the Estimates Committee, but she certainly did say that, because she did not like the way this one worked, she thought it ought to be reviewed and perhaps restructured in some way. That is an interesting response. I suppose any Chief Minister at any time over the last 10 years could have disagreed with the way the estimates committees worked and taken a similar viewpoint to what the Chief Minister has this year.

Mr Moore: You loved it. You loved being questioned hard when you were Chief Minister.

MR KAINE: Absolutely. I enjoyed every minute of it. If you cannot stand the heat, stay out of the kitchen. If you do not want to be questioned by committees, do not get on the ministry. I have maintained the view right from the inception of this place - and I have not had anybody yet agree with me, strangely enough - that what the Estimates Committee just completed doing, that is, stage 2 of the process defined for the Estimates Committee this year, is not the function of an estimates committee; it is the function of the public accounts committee. I have made that point time and again, but people do not seem to be impressed with that. The Public Accounts Committee has terms of reference which require it, obligate it, to review the accounts of the Government; in other words, to review the past performance of the Government. Somehow or other we have two committees now that are supposed to do that. I am not too sure what the responsibilities of the public accounts committee now are in connection with this matter. But I do not think it is a fair response for a government which takes a bit of criticism in an estimates committee report to say, "We do not like that, so we are going to propose a review", which may end up with a completely different set of arrangements. I would have to remind the Chief Minister that, whether an estimates committee exists in the future or not and in what form it exists, is not within the prerogative of the Chief Minister or the Executive to determine. Committees of this place are established by the Assembly, not by the Executive. I would have thought that the Chief Minister would have learnt the lesson in that when she proposed her executive committee structure earlier in the year, which was very smartly withdrawn when, after some learned advice from our Clerk, she discovered that what she was proposing was, in fact, not constitutional.

The Chief Minister needs to understand that there is a constitutional difference between the powers of the Executive and the powers of the Assembly. The constitution of committees of this place is not the prerogative of the Chief Minister or the Executive. So, I think we need to get our thinking straight on some of these issues. I think that the Government is being a little bit precious in its response, to repeat Mr Hird's word. We have a couple of dissenting reports. We have one from Mr Hird - I wonder who wrote it; I very much doubt that Mr Hird did - and one from Mr Rugendyke. They are entitled to put in a dissenting report if they wish, but it remains the case that the report is predominantly a majority report and I think that the Assembly and the Government have to take note of the matters raised in it.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.57): Mr Speaker, I am, like other members of the Government, disappointed in the quality of this report and I was disappointed in the quality of the process by which the Estimates Committee went about its business. I had the overwhelming impression, sitting through sessions of the Estimates Committee this year, of being in a question time without structure, where anything and everything was being discussed with little or no relationship to the 1997-98 outcome or annual reports that were before the committee. It was an extremely disappointing process because the estimates process is important in assessing the performance of government departments and agencies in the course of the preceding year. I defy any member of this place to go back and read the *Hansard* of those committee hearings carefully and discover any particular focus on the performance of departments. There were some occasions where we emerged into that area, but for the most part it was simply a chance for members to pursue their pet topics before the committee.

Mr Speaker, the committee did not focus on the matters in the terms of reference. That is perfectly clear. I focus on one particular recommendation to prove that point, recommendation 10, which reads:

The committee recommends that the Government immediately rule out the privatisation of the Canberra Hospital or any part thereof.

What has that to do with the terms of reference? The terms of reference state:

That:

- (1) a Select Committee ... be appointed to examine the expenditure proposals contained in the Appropriation Bill 1998-99 ...

Was there any mention of privatisation there? No.

and any revenue estimates proposed by the Government in the 1998 Budget
...

Was there any relationship to that? No. I continue:

and the Annual and Financial Reports for the financial year 1997-98;

Was there any relationship to that? No. So, what has this got to do with the Estimates Committee? Absolutely nothing. Mr Berry has indulged in his usual penchant for attacking members of the Government, particularly Mr Moore and Mrs Carnell. That is his usual form and I suppose we should not expect any surprises. Old dogs cannot learn new tricks, I suppose, but I think it is disappointing. From what we have seen, it certainly has been an abuse of the Assembly's processes.

Mr Wood: I remember Mrs Carnell doing something to Helen Szuty in an estimates report. Do you remember that?

MR HUMPHRIES: Members opposite are obviously concerned about consistency, Mr Speaker. I would like to raise the matter of consistency as well. We have had criticism today from Mr Corbell and Mr Berry about the idea of the Government stopping members of the Estimates Committee from examining public servants who appeared before it. Mr Berry needs to cast his mind back to the time when he was a Minister - quite some years ago now - and appeared before estimates committees and had questions posed directly to public servants who were sitting alongside him. Mr Berry may recall that he also refused to allow members of the committee to ask questions directly of public servants.

I can recall a number of occasions asking public servants questions and Mr Berry intervening, saying, "If I see fit, I will answer the question. I will not be allowing a public servant to answer a question if I do not think that is appropriate". Mr Corbell would be forgiven for not knowing about that because he was not around at the time Mr Berry was a Minister, but Mr Berry certainly knows about it and should have been aware of it before he told this house how heinous it was that there should ever be a case of Ministers refusing to let the members of the Estimates Committee ask those questions.

Mr Berry: Who said that? I never said that.

MR HUMPHRIES: I think you did, Mr Berry.

Mr Berry: When did I say that? You might have misled the Assembly.

MR HUMPHRIES: I understand that the quote is on its way down at the moment. If it comes down in time, I will read it to the Assembly and you can see where you made reference to your view that you, as a Minister, are entitled to screen questions and have them asked of yourself rather than of public servants. So, again we see the usual tactic. What is okay for the Opposition when it is the Labor Party is fine, but when it is the other side it is another set of rules altogether. That is the kind of game we have seen played.

To respond to Mr Kaine's comment, the Chief Minister has not suggested that the Executive would make any decisions about the structure of estimates committees. Mr Speaker, she never suggested that she would; nor has she said anything in her remarks today which would, I think, lead members to any other belief. Mr Speaker, I think we need to be very clear about what sorts of things are being said in this place. They are not what is being represented in some cases.

I have not read it yet, but my attention has been drawn to the *Hansard* of the Estimates Committee of 25 September 1992 where - - -

Mr Berry: So, I did not say it in this house.

MR HUMPHRIES: You said it in public.

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Mr Berry: I did not say it in this house. Recant, Gary.

MR HUMPHRIES: You said it in the *Canberra Times* this morning, Mr Berry.

Mr Berry: Said what?

MR HUMPHRIES: You talked about public servants being unable to answer questions because the Government was blocking them from doing so. Here is the quote. The chair at the time, I think, was Ms Szuty:

THE CHAIR: I think the Minister has indicated that he will consider it. Perhaps it would be pertinent to ask him what sort of time frame, Minister, a matter of weeks or months?

MR BERRY: Again, it is an issue that is up for consideration and may involve the cabinet process and I am not in a position to tell you a time frame. That is the difficulty.

MR HUMPHRIES: Could I ask you when the legal advice was obtained?

MR BERRY: No. You can but you will not get an answer.

MR HUMPHRIES: Is there any reason why I cannot get an answer?

MR BERRY: Because it is advice in confidence as things are.

We have heard that tune recently, have we not? That was not much of an argument when we used it, was it? The quote continues:

MR HUMPHRIES: I am not asking to see the advice, I just want to know when the advice was obtained.

MR BERRY: I do not know right now.

MR HUMPHRIES: Does Dr Scott know?

For the information of members, Dr Scott was sitting beside Mr Berry at the time these questions were being asked. The quote continues:

MR BERRY: Well, I - - -

MR HUMPHRIES: Could I ask Dr Scott?

MR BERRY: No, you can ask me.

MR HUMPHRIES: Well, can you ask Dr Scott?

MR BERRY: I do not know at this point.

MR HUMPHRIES: Minister, with respect, you are being evasive. I am asking a simple question.

MR BERRY: No, I am telling you that I do not know. I am not being evasive.

And then the chair intervened to break off this particular incident. So, Mr Speaker, as you can see, when it comes to being consistent - - -

Mr Berry: That was groundbreaking stuff, Gary.

MR HUMPHRIES: It does go on; I beg your pardon:

MR HUMPHRIES: I am not asking you whether you know. I want to know whether your advisers can tell you. I am certain Dr Scott knows the answer to this question.

MR BERRY: I shall ask them in due course.

MR HUMPHRIES: All right, would you ask them now.

MR BERRY: No.

MR HUMPHRIES: So that we, the Estimates Committee, can have an answer.

MR BERRY: Next question please?

So, do not come into this place, Mr Berry, and pretend that we were all born yesterday and that this supposedly outrageous behaviour about Ministers not letting members of the Public Service answer questions is some newfangled, terrible invasion of the rights of the committee invented by the Carnell Government. It is the principle that you used when you were in government and it is hypocrisy on your part to argue that what is sauce for the goose is not going to be sauce for the gander.

Mr Speaker, this whole committee report reeks of political opportunism, of "let us get the Government no matter which way we can". It is a very poor use of Assembly resources. It is a very poor use and waste of Assembly time and money. I think we should change this approach in the future.

MR MOORE (Minister for Health and Community Care) (12.05): Mr Speaker, the Chief Minister in her comments suggested that one way of dealing with the Estimates Committee would be to have a review of the Estimates Committee and the Estimates Committee process. It seems to me, Mr Speaker, that that is indeed a sensible thing for this Assembly to do. The reason I think it is a sensible thing to do, Mr Speaker, is that there has always been contention about the way the Estimates Committee operates.

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As far as I am concerned, that is fine. But exactly how the committee operates and what it is attempting to achieve, how it deals with the issues of finance and annual reports, how it deals with the divided system that we now use, which is quite different from before, are all issues that raise questions.

It seems to me that having somebody independent of the Government and the Assembly to look at the process from the outside and say, "Look, there might be a more efficient way of going about the process", and to look at the process that Mr Berry used to involve the community, something that I thought was a very innovative and good idea to obtain a better involvement of the community in our processes, and say that the system could be improved in this way or that would be a very useful exercise, because our Estimates Committee process is a very important part of how this Assembly functions and the accountability of this Assembly. I do not think it is something that we should be frightened of; nor do I think it is something that we should attempt to make political mileage out of. It is just something that I think is due, and it is something that I ask members to consider quite seriously. That is the broad general comment that I have to make. Mr Speaker, I have a series of comments to make about the report as it is, starting with the first recommendation of the committee, which reads:

The committee recommends that the diversion of ministers from their portfolio responsibilities to promote and deal with their insignificant executive private member's business be avoided.

Mr Speaker, I think that it would be appropriate, if we are to follow down that path, to ask members whether it is appropriate for them to be involved in the activities of the Commonwealth Parliamentary Association. I think most members would say that it is important for them to be involved in it because, as well as their duties as a member and how they deal with their constituency issues, there is a range of other issues that they deal with. It would be appropriate to ask members whether it is appropriate for the Ministers to deal just with their portfolio areas and not deal with constituency inquiries. Should I now stop dealing with my individual constituents? That is the logic here. For some reason, Mr Speaker, this concerns particularly Mr Berry. There is an interesting comment, a bit of doublespeak, in paragraph 3.2 of the report, Mr Speaker.

Mr Berry: Mr Speaker, I do not think "doublespeak" is allowed.

MR MOORE: Mr Speaker, in the interests of moving along, I will withdraw "doublespeak", but on the understanding that it is not necessarily setting a precedent. Mr Speaker, for the committee's report to say that there was no precedent for this but the Assembly suspended standing orders to allow the Chief Minister to introduce a Bill is silly, because that does indicate that there was a precedent for it. Besides, it reflected on the vote of the Assembly.

Mr Speaker, I must say that the issue of silliness in this report also worries me somewhat. There is a reference to "Setting the Agenda". Money had been spent, work had been going ahead and, in an attempt to provide as much information as we could in the annual report, there was a series of references, and then the committee says, "Don't give us so much information. Wait until the following year". That is just silly, Mr Speaker. I note paragraph 3.70, which reads:

During the 21 October 1998 committee hearing, the Minister advised that while he did not intend to seek tenders for either the management or the sale of The Canberra Hospital at this stage he would not rule out any option.

What I said was that I do not intend to do it, but I am not going to rule it out; in other words, I am not going to play your rule-out games. Mr Speaker, I have to tell the Assembly that I still do not intend to play the rule-out game. I do not intend to do it because I think it is silly. Mr Speaker, we could continue the rule-out game, but the end point of that is that we would wind up just giving away a full range of policies of the Government by not ruling things out. Of course, that is what Mr Berry wants to achieve.

Mr Speaker, I have to say that there are some issues in this report that the department will deal with and I will deal with. Like all committee reports, I take this one seriously. But I must say, Mr Speaker, when it gets down to having in the first recommendation something that is as pathetic as that, the committee ought to look at itself and ask itself whether it is going to undermine the committee process itself. That is something that you are going to do, especially when it is clear that it is the sort of comment that is really a personal attack and is probably more about personalities and personality differences than it is about the issue.

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

That the debate be adjourned until a later hour this day and that the order for the resumption of the debate have precedence of Executive business notices and orders of the day.

MISS SYLVIA CURLEY Motion of Thanks

MS CARNELL (Chief Minister and Treasurer) (12.13): I move:

That the Assembly places on record its appreciation of the work conducted in health care by Miss Sylvia Curley and records its thanks for the outstanding contribution she has made to the Canberra community and the Territory.

Mr Speaker, it is with great pleasure that I rise today to make some comments with regard to Miss Sylvia Curley, OAM, who on 8 November 1998 celebrated her 100th birthday. Over 400 people attended a celebratory mass at St Christopher's Cathedral at Manuka to mark this very special occasion.

Miss Curley's life has been inspirational in many ways but, in particular, in her total dedication to achieving any set goal, however daunting. In her recently published book, *A long journey*, Miss Curley paints a vivid picture of life in this region before the formation of the national capital. Miss Curley was born at Duntroon where she spent

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her early childhood before she and her parents and two sisters moved across the plains to Mugga Mugga, the property which she has most generously bequeathed to the people of Canberra for use as a museum and an educational resource.

While achievement in one career is enough for most people, Miss Curley has been extremely successful in three. The first was in the nursing profession. She fought tirelessly for better training conditions and opportunities for nurses and for excellence in patient care. The second was in the establishment of a highly efficient employment agency where her organisational and educational skills resulted in satisfaction for prospective employees and employers alike. The third career, which is in cultural heritage management, is ongoing, as many people here would know. Miss Curley has been the guiding hand behind the conservation of her parents' cottage. She has made the original furnishings and archival material available and has arranged for the construction of the purpose-built Evelyn Curley Memorial Environmental Education Centre. Sylvia Curley's contribution to Canberra has been outstanding, and her generosity in giving her farm to the community is really a remarkable gesture. Although she can look back now over an entire century, she prefers to look forward, and her vision focuses on what she believes to be the key to a sustainable future, and that is environmental education. Mr Speaker, I think that Sylvia Curley's capacity to put everything that she has into very important and very real community tasks is something that we all admire and respect in her character.

In acknowledging Sylvia Curley's impact on the city, I want to flag the Government's intention to name the bridge that crosses the Molonglo River at Dairy Flat the Sylvia Curley Bridge. I think that there is no more fitting tribute to a living treasure in our midst. I am sure, Mr Speaker, that we all want to make sure that the name "Sylvia Curley" lives on, as I am sure it will in Canberra in the future. I am sure that Sylvia has a lot more to contribute over the coming years. We also know, of course, as members of the Assembly, that we can be sure that Sylvia Curley will continue to make her ambitions and her beliefs well known.

Mr Speaker, it has been both a privilege and, I suppose, a responsibility for all of us to work with her and to keep those visions, and to help her make those visions become a reality.

MR STANHOPE (Leader of the Opposition) (12.17): Mr Speaker, along with the Chief Minister, I take pleasure today in congratulating Miss Sylvia Curley on her 100th celebration of a rich and rewarding life, which, as the Chief Minister said, Miss Curley celebrated earlier this month.

Miss Curley's contributions to the ACT and the wider Australian community are many and varied. Her interest in and devotion towards her fellow human beings, particularly the young, has been selfless and tireless, as is evidenced by the 40 years she spent as a nurse, almost 30 of them in Canberra. By way of a personal digression, I am happy to be able to say that I met my wife, Robyn, at Sylvia Curley House, the then nurses home at Royal Canberra Hospital in 1969. I can say that the name "Sylvia Curley" has, as a consequence, a continuing and tender place in my heart. I do regret, of course, that Sylvia Curley House is no longer there, but the memories remain.

Canberra has benefited from Miss Curley's charitable nature and the donation by her of her 17-hectare family farm at Mugga Mugga, including one of Canberra's oldest houses, which is now a new environmental education centre. This contribution is not simply a donation to the Territory but to all Australians, and, in particular, to students with a keen interest in Australian heritage.

Over recent years Miss Curley has devoted herself to the creation and promotion of the educational centre in order to preserve a fragment of the past for our young people. She has committed herself to ensuring that a small piece of history remains so that our youth may experience the wealth of this pioneering memorial.

Miss Curley's interest in and commitment to youth has been a perpetual thread throughout her various life pursuits. Following her nursing career, Miss Curley established a business as an employment consultant where she assisted many young unemployed people to find work, emphasising the importance of job satisfaction.

Miss Curley has left an outstanding legacy to the youth of Australia in her Mugga Mugga donation. It is with great pleasure that I join the Chief Minister and thank Miss Curley on behalf of future generations and wish her a very happy 100th birthday.

MR HIRD (12.19): Mr Speaker, I first met Miss Sylvia Curley in the early 1960s when I was courting a young lady who was in the casualty department of Royal Canberra Hospital. That young lady turned out to be my wife. Sylvia Curley turned 100 on 8 November this year. She is a Canberra icon in the true sense of the word. Her family's name has been closely linked to Canberra's history from the time her grandparents arrived at Duntroon in 1857.

Miss Curley's legacy to Canberra is the old family home at Mugga Mugga which she handed over to the ACT Government to be preserved as a museum that would be a tangible reminder of Canberra's rural past. Mugga Mugga cottage was built in 1838 to house farm workers on Duntroon estate. Sylvia Curley's father worked on the cottage from 1865 and it was the family home from 1913 to 1985.

Sylvia Curley's father, Patrick Curley, was born at Cotta Walla, near Crookwell, New South Wales, in 1853 and arrived at Duntroon with his Irish-born father as a four-year-old in 1857. Her mother was born Annie Elizabeth Tong at Cuppacumbalong in 1869. They lived in a cottage at Duntroon and then in a cottage on the banks of the Molonglo River.

Sylvia attended school at Duntroon and trained as a nurse at Goulburn Base Hospital. She later nursed at Leeton and Narrandera in the Riverina before being appointed matron at Gundagai Hospital at the early age of 33. She became a senior sister at Canberra Community Hospital in 1938 and retired in 1966 as acting matron of Royal Canberra Hospital. She is a wonderful Canberran and a true Australian who has made a significant contribution, not only to our community but also the community throughout New South Wales and this region. I congratulate her on her 100th birthday. I would also like to say to the Chief Minister that it is very fitting that she has chosen to name a bridge after that great lady.

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MR WOOD (12.22): Mr Speaker, Sylvia Curley is a woman of many achievements and, at the age of 100, the achievements continue. It is a rare achievement to live to 100 and we congratulate her today for that; but her achievements are very much more. Miss Curley, in her long life, has not simply occupied a space on this globe. She has filled her life with positive activity, activity of great benefit to this and other communities.

For a start, dedication to the life of a nurse means she is committed to others. She was devoted to patient care and was a leader in nurses' education. Quite properly, the former nurses block at the Canberra Hospital proudly carried her name. Sylvia Curley fought for her nurses, worked for them and their education, but that is her nature. All of us who come in contact with her well know those qualities. She is a strong advocate but with that she has always been a person of vision. The mark of a great person is the ability to convert that vision into reality.

We see that now with the wonderful gift to the people of Canberra of her family property Mugga Mugga. The 17 hectares, the old homestead and outbuildings, and the new education centre will be a monument to Miss Curley. Canberrans who visit there, particularly the young children in whom she is most interested, will gain some insight into Canberra's heritage. They will gain some understanding of the lifespan of Sylvia Curley; how a child born in the last century, into a totally different world, grew as the world of Mugga Mugga, indeed, the whole world, was transformed over that 100 years. She was born before Federation, before Canberra. As the whole twentieth century passed Sylvia Curley was not just a passive witness; she continued her work for others. Mugga Mugga will tell us of the past. It will also tell us of Sylvia Curley. That is not her intention, but it will be the case nevertheless, and I quote from the foreword of her book:

It is not for me that you will be doing this; there is nothing personal in it; it is for the future students and adults of Australia.

Let me conclude with another small quote from her book:

People frequently state that Canberra is a city without a soul. I do not agree. Canberra has a soul but without our heritage we have nothing to build a city on. All the great cities of the world have built their cities on heritage.

Sylvia Curley has done a wonderful job in nurturing for the ACT that soul and that heritage. I join in the well-deserved congratulations, and our thanks.

MR STEFANIAK (Minister for Education) (12.26): I also rise to congratulate Miss Sylvia Curley on attaining 100 years, to wish her many more happy birthdays and also to thank her for her services to Canberra and to Australia.

The name "Sylvia Curley" is intricately intertwined with the history of the Canberra region, as other members have mentioned. Unlike Mr Hird and Mr Stanhope, I cannot claim to have met my wife at Sylvia Curley House, but I did attend a number of functions there when I was a young fellow. Several of my wife's family had the pleasure of nursing under Miss Sylvia Curley when she was assistant matron and during her long time at the Royal Canberra Hospital.

Miss Curley is truly a most remarkable Canberran and a most remarkable Australian. Other members have already mentioned the great value and the great generosity of Miss Curley in donating Mugga Mugga to future generations as a heritage site in terms of the cottage there, and also her constant pressure on the local government to do something in relation to the Education and Environment Centre, which I am pleased that this Government actioned in the last Assembly. I think the environment centre and the cottage will be a magnificent resource for future generations. As the Education Minister I would like to thank Miss Curley very much for her generosity and all she has done, over a magnificent life spanning 100 years, for the people of this region.

MR SMYTH (Minister for Urban Services) (12.27): Mr Speaker, I will quickly wrap up by saying that as Minister responsible for the environment and for heritage it is tremendous to have the example of a lady like Sylvia Curley and her magnificent donation of Mugga Mugga. Recently Mr Hird brought to my attention that in the old House of Assembly Miss Curley had raised the issue that the bridge across the Molonglo at Dairy Flat was inappropriately named in that that area was initially known as Mill Flat. She had always pushed for it to be renamed appropriately.

I think the acknowledgment that we give her in renaming a gateway to Canberra the Sylvia Curley Bridge is significant. Bridges provide links. Sylvia Curley provides an amazing link to the past because of her knowledge of life here with her family at Duntroon and then on the Mugga Mugga out-station. Her life throughout Canberra's early history, firstly as a matron and then as a businesswoman in this city, is a tremendous example to us all. In that concept of a bridge linking both sides of a river, Sylvia Curley links the early history of Canberra with the present. That becomes a foundation that allows us as a city to have a great future because she has put before us reminders of the past and issued challenges for the future. I join all here to acknowledge her as a great Canberran, a great Australian, and to wish her well on her 100th birthday.

Question resolved in the affirmative.

MILK AUTHORITY (AMENDMENT) BILL (NO. 2) 1998

MR SMYTH (Minister for Urban Services) (12.29): Mr Speaker, I seek leave to present the Milk Authority (Amendment) Bill (No. 2) 1998.

Leave granted.

MR SMYTH: Mr Speaker, I present the Milk Authority (Amendment) Bill (No. 2) 1998, together with its explanatory memorandum.

Title read by Clerk.

MR SMYTH: I move:

That this Bill be agreed to in principle.

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Mr Speaker, earlier this year the Government initiated a review of the Milk Authority Act 1971 and the Public Health (Dairy) Regulations. This review was undertaken as part of the ACT's national competition policy obligations. The purpose of the review was to report on the regulatory arrangements for the supply of milk in the ACT, the structure of the Milk Authority with regard to its role as regulator and marketing body, and to identify areas for reform and restrictions on competition.

This comprehensive review of the ACT milk market and the various sectors within that market recommended a phased reform to address restrictions on competition and encourage business efficiencies within the market. During the review the Government became aware that there were potential breaches of the Commonwealth's Trade Practices Act related to a number of arrangements. This Assembly passed the Milk Authority (Amendment) Act 1998 which authorised an exemption for this conduct with cover sunseting on 31 December 1998. As part of the review process there was considerable consultation with market participants and other interested groups on the possible reforms and restrictions to competition.

After the review report was presented to the Government I called for public responses in July this year. Sixteen formal responses were submitted and I, like many other members of the Assembly, received many letters from Canberra consumers.

As members of this Assembly will be well aware, at around the time the review was being conducted changes were occurring within the national milk market. The entry of new milk suppliers into the ACT market was a clear indication of the directions arising from the national reform of the milk industry. New South Wales and Victoria have already deregulated much of their milk markets, with regulation over the dairy industry still remaining.

Under the cross-border provisions of the self-government Act, milk processors have always been allowed to supply to the ACT market, as can the local ACT-based processor supply in New South Wales. Despite the competition from the new milk suppliers, we have seen a strong response by the Canberra community in support of the Canberra Milk brand and the local processor.

Mr Speaker, in reaching a position on reform of the market, the Government has taken account of the views of market participants and consumers and has decided on arrangements that best suit Canberra consumers and which protect local jobs for Canberrans and protects the Canberra Milk brand. The Milk Authority (Amendment) Bill (No. 2) 1998 presented to this Assembly therefore proposes amendments that extend Trade Practices Act authorisation and makes the necessary changes to transfer regulatory functions away from the Milk Authority.

The first necessary amendment is to extend the section 51 authorisation for the Milk Authority Act as the existing authorisation expires on 31 December 1998. This is required only for the current contracts between the Milk Authority and the local processor and distributor of the Canberra Milk brands. The amendment provides an

extension until 31 December 1999, during which time the contracts will be renegotiated to remove the potential breaches of the Trade Practices Act. The other areas currently exempted will be resolved by the Milk Authority withdrawing the obligation on home vendors to only distribute the Canberra Milk brands of milk and by transferring the regulatory functions away from the Milk Authority.

The amendments also propose the transfer of price control regulation to the Treasurer. This includes the review and setting of the various maximum prices for retailed milk and the margins for the processor, distributor and home vendors. These, appropriately, should be set by reference to the Independent Pricing and Regulatory Commissioner for the ACT. The Government proposes to make such a reference early in 1999.

Home vendors are licensed in the ACT and are supported by the regulation of exclusive zones. The amendments in this Bill do not change these regulations but transfer this responsibility to ministerial administration. This will be administered by my department, the Department of Urban Services. The transfer of the regulatory responsibilities away from the Milk Authority is necessary as it is not appropriate that the authority have a commercial relationship with market participants and then also have the power to regulate their operations and profits. Mr Speaker, in addition to the amendments to the Milk Authority Act, the Government is reviewing the Public Health (Dairy) Regulations to remove those regulations which are no longer necessary and to ensure that there are no impediments to allowing home vendors to broaden their product base.

The Government has decided to retain ownership of the Canberra Milk brand trademark for the ACT community. The Government will enter into licensing arrangements to protect the value of this community asset. Thus we will support the continuation of local jobs for Canberrans through the processing of milk at the ACT-based plant. Retaining the existing price control arrangements will benefit dairy producers, including Goldenholm, home vendors and Canberra milk consumers. Retaining the current licensing and exclusive zoning arrangements for home vendors will allow this sector time to adjust to new circumstances. We will, by amending the regulations, give them time to build expanded business opportunities and to undertake any necessary restructuring.

In conclusion, Mr Speaker, the Government is taking the action that is necessary to provide orderly transition in the market which will meet our competition policy obligations and, most importantly, at the same time protect the interests of all Canberrans.

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

Sitting suspended from 12.36 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Hospital Waiting Lists

MR STANHOPE: Mr Speaker, my question is to the Minister for Health and Community Care. According to the ACT Department of Health and Community Care performance report for the September quarter 1998-99, one-third of elective surgery patients are waiting beyond the clinically desirable times in all three categories. The report notes that "the focus will now be to improve this situation by purchasing additional throughput of elective surgery procedures for those patients currently waiting longer than the clinically acceptable timeframes". Can the Minister confirm that the \$16.6m the Government received for the early signing of the Medicare agreement was ostensibly for just this purpose? Can the Minister say what he is spending that money on and how much of it will go towards shortening these unacceptable waiting times?

MR MOORE: Mr Speaker, I thank Mr Stanhope for the question. I just need to correct the premise upon which his question was based. I believe he said that a third of each category of elective surgery was beyond the clinically desirable waiting times. That is certainly not the case. At the end of September 1998 across the public hospital system, 4,859 people were listed as waiting for elective surgery. This result actually represents a decline of 75 from the previous month. However, it is unacceptably long. The current waiting lists reflect deterioration due, of course, to the VMO dispute, which we are still dealing with, and the presentation of stockpiled request for admissions forms as VMOs signed their contracts with the hospitals.

Let me say first of all that emergency patients, which are the critical ones, are dealt with straightaway. There are no waiting times; there is no problem there - nor has there been, as I recall, under any Minister since self-government. Category 1 patients, for whom the clinician decides that admission within 30 days is desirable for a condition that has the potential to deteriorate quickly to the point that it may become an emergency, comprised approximately 2.5 per cent of the total waiting list as at 30 September 1998.

Category 2 patients, for whom the clinician decides that admission within 90 days is desirable for a condition causing some pain, dysfunction or disability but which is not likely to deteriorate quickly or become an emergency, comprised about 39.8 per cent of the total waiting list. Category 3 patients, for whom the clinician decides that admission within 12 months is desirable for a condition causing minimal or no pain, dysfunction or disability, which is unlikely to deteriorate quickly and which does not have the potential to become an emergency, accounted for close enough to 60 per cent - 57.7 per cent - of the waiting list.

Members would be aware that the waiting lists alone are not a particularly good measure of the effectiveness of the hospital system in meeting patient needs; rather, the focus ought to be on the length of time patients have waited before being admitted for the awaited procedure. This is a matter that will be considered by the Standing Committee on

Health and Community Care. Together, the number of patients on elective surgery waiting lists and the waiting times provide a useful tool to monitor timeliness and access to elective care. The emphasis, therefore, should be on waiting times, as assessed in terms of the patient's clinical need.

Mr Berry: You have not mentioned beds.

MR MOORE: Mr Speaker, let me refer, in response, to the expenditure of the critical and urgent treatment, or CUT, funding money. This Government has taken the following steps: Eight hundred and ten cost-weighted separations over and above Calvary Public Hospital's base have been purchased specifically to address overdue patients, particularly those waiting for elective surgery procedures in the orthopaedics specialty. That accounts for \$1.5m from the CUT funding. This is in addition, of course, to \$1.7m allocated from the additional throughput pool for elective surgery, mainly in orthopaedics, incorporated in Calvary's base contract. Also, an offer of \$3m - \$1.3m additional throughput and \$1.7m CUT funding - has been made to the Canberra Hospital for the purchase of additional elective surgery throughput in 1998-99, specifically to target long waiting lists. At this stage, that offer has not been taken up.

A contract with Lidia Perin Memorial Hospital has been successfully executed, which will ensure the provision of elective plastic surgery to 158 public patients from the Canberra Hospital who are already overdue for surgery. I must say that that contract is at competitive prices, about \$170,000. The department has also written to other ACT private hospitals to determine whether they would be in a position to undertake elective surgery in those specialties where there are long waiting lists. We have also started setting up a waiting times management system, which is aimed at better managing waiting times for elective surgery. As part of this system, we are intending to trial a number of selected procedures so that we can more effectively take care of existing backlogs and provide treatment to patients within an agreed timeframe of six months.

Mr Speaker, I began by saying that I believe that Mr Stanhope's suggestion that a third of the elective surgery in each of the categories is overdue is incorrect. Mr Stanhope, I will check that and make sure that I am accurate in that statement, and I will give you the very specifics on it.

MR STANHOPE: Mr Speaker, I have a supplementary question. Noting that the VMO dispute ended almost five months ago, noting the initiatives which the Minister has just announced and noting that the waiting lists have shown very little downward movement, I ask: Can the Minister tell us how long he thinks it will be before we see some genuine improvement in waiting lists and waiting times?

MR MOORE: I have to say that I do not think there are any magic solutions to waiting lists. That is one of the reasons why I welcomed the examination by the Health and Community Care Committee, so that they can assess what we are doing and the plans we have to improve waiting times. I think it is amply illustrated by the fact that we are prepared to use \$1.7m from the critical and urgent treatment money for the Canberra Hospital and the Canberra Hospital has difficulty working out how they are going to deal with that in terms of their theatres, bed numbers and so on. Remember that it is one-off funding and it is difficult to set up a system to employ people and then, effectively,

to have to fire them. So there is a range of issues like that. Also, when I was told that there would be difficulties there, I requested the department to write to the private hospitals to ask whether they would be prepared to take some of the patients from our public waiting lists.

Mr Speaker, I think there is a huge challenge here. I have not suggested that I have all the answers. I am going to do my best. We have a series of proposals. We will make sure that the Health and Community Care Committee is aware of exactly what we are trying to do. Also, of course, it is possible for us to say, "What we will do with that CUT money is treat it as though it is permanent money, spread it over three years, get you to employ the extra people, and so on".

That would reduce the waiting lists and, I must say, politically, it would look terrific at the end of the three years. But it would do nothing to deal with the long-term systemic problems. I want to make sure that we use at least a significant proportion of that money to deal with the long-term systemic problems rather than take the politically convenient way of just getting a short-term solution, saying, "Ha, ha! Look, I have done well", this particular time. It is important for us to work together to make sure that we get the best possible outcome in this area.

ACTEW - Privatisation

MR QUINLAN: Mr Speaker, my question is to the Chief Minister. Chief Minister, does the Government have an estimate of the setting up costs that the purchaser of ACTEW might bear for putting together the financial package for \$1 billion? Will these costs not become a factor in utility prices beyond privatisation?

MS CARNELL: Mr Speaker, the costs of a buyer of ACTEW, obviously, are a matter for the buyer of ACTEW. We believe very strongly that buyers of ACTEW will more than likely be existing utility operators in Australia, that will obviously have some level of infrastructure. But, of course, one of the things that we will be requiring will be for some of that infrastructure to be here in the ACT, to ensure ACT-based jobs. Mr Quinlan is very well aware that the price path for both electricity and water will continue to be handled by IPARC, and the basis of that price path is very clear on what can and cannot be added to the price path for the future.

MR QUINLAN: I have a supplementary question, Mr Speaker. Could the Chief Minister give us the estimate of the costs of the consulting support to the ACT Government for any proposed privatisation? I may have missed it, but has that contract been let yet?

MS CARNELL: That is a supplementary question, I take it. Mr Speaker, that contract has not been let. It certainly has been advertised at this stage. So, Mr Speaker, I certainly cannot make a comment at this stage on what the final whole price will be to the ACT Government. Of course, that contract was not just for the sale of ACTEW, but

also for the work that is being done on the regulatory reform. Mr Speaker, I am fairly confident that the contract for regulatory reform has either been signed or is in the process of being signed. But, of course, that will happen whether ACTEW is sold or not.

Estimates Committee - Report

MR CORBELL: Mr Speaker, my question is to Mr Berry, who chaired the Estimates Committee. I ask Mr Berry: When was the Estimates Committee report on annual and financial reports distributed, and to whom? Are claims that the Government did not receive the report until it was tabled this morning correct?

MR BERRY: I would like to thank Mr Corbell for the question. Mr Speaker, I was as surprised as anybody this morning when the Chief Minister made the claim that the Estimates Committee report had not been distributed to the Government before it was tabled this morning, because I know from my involvement in committees in this place that committees' support staff very quickly distribute documents following committee inquiries, as those of you who have been involved in committee proceedings would appreciate. So I was as surprised as anybody. But, after Mrs Carnell made that claim, I was even more surprised at the way she was able to address the report, because she had a very good and well-briefed speech ready to deal with the report. I must say that I was impressed at her response to the report, given that she had not had it for very long.

What I would also say, Mr Speaker, is that the hard copy of the report was circulated to members at about 4 o'clock yesterday afternoon, just after I received it. Mr Hird would have received his copy at about 4 o'clock. So I am surprised that Mrs Carnell was not given a copy by Mr Hird. In any event, because I was so horrified at this claim, I thought that I would ask a question or two as to the usual practice of distributing reports. So I went to the office of the secretariat and asked a question of them. My advice was along the following lines: The report was distributed electronically to three addresses in the Chief Minister's Department.

Ms Carnell: The department. Is my address there?

MR BERRY: Hang on. No, no, no; just settle down, Chief Minister. It was distributed to another address in the Department of Public Administration and another address in the Chief Minister's office. It was distributed at 4.52 pm. Do you know that it was accessed at 6.13 pm? So Mrs Carnell's office had it - - -

Ms Carnell: But I didn't.

MR BERRY: The Chief Minister is now suggesting to us that her expert staff do not tell her anything. Well, I don't believe that, and who else would? I was most concerned at the slight on committee staff, given the emphasis that the Chief Minister has put on the performance of public servants in the ACT. I was a little concerned about that. The Chief Minister's claims that this was not distributed to the Government were completely inaccurate.

Ms Carnell: I said it wasn't distributed to me.

MR BERRY: The fact that people do not distribute it to you, if what you claim is true, is extraordinary and difficult to believe. It is even more extraordinary that expert staff - they are expert staff, excellent staff, who apparently serve you well - would not advise you of a report of the magnitude that you have given it in your response. So, Chief Minister, I was disappointed at your claims. I thank Mr Corbell again for the question. Yes, it was distributed electronically as well as in hard copy, and your staff and departments were advised that it was available from the secretariat's office in hard copy form from the beginning of business hours this morning. So there was plenty of time. Whether you bothered about it or not is your problem. Do not blame anybody else.

MR CORBELL: I am pleased that Mr Berry has been able to correct that false allegation the Chief Minister made. My supplementary question, Mr Speaker, is to Mr Berry again. Mr Berry, what further action will you take to seek an apology from the Chief Minister now that she has been proved wrong yet again?

MR BERRY: I will take long steps and often. The first one is to call on the Chief Minister to apologise to those loyal staff who serve us well in this Assembly for the slight on them that she has made. So that is the first step. If the Chief Minister is not prepared to apologise - I think she should, although it would be out of character for her to do that, I know. That is the very first step. I think it is an important one, and one that I am proud to take in the interests of the defence of the good staff in this place. I trust that the Chief Minister will apologise at the earliest moment.

Greenhouse Gas Reduction Target

MS TUCKER: My question is to the Minister for Urban Services. Minister, next Saturday will be the first anniversary of the Government's announcement of a greenhouse gas reduction target for the ACT. In that announcement the Government stated that it would implement 10 new measures to assist in reducing greenhouse gas emissions, which would eventually become part of a bigger ACT greenhouse strategy. Some of these measures have been implemented, such as the mandatory disclosure of house energy ratings at time of sale and the establishment of an energy advisory service. However, most of these measures have not been implemented. For example, whatever happened to the Greenfleet program, where motorists could pay a contribution with their registration to pay for tree planting, or the cash-back program for the installation of low-flow showerheads, or the investigation into energy efficiency in government buildings? Minister, could you tell us why you have not implemented the greenhouse measures that your Government stated a year ago it would?

MR SMYTH: Mr Speaker, I thank Ms Tucker for her question. As the Assembly would be aware, the Government has released for comment its draft greenhouse strategy. There are many initiatives in this strategy, which is currently out for public comment. As to the specifics of those three programs that Ms Tucker has mentioned, I will inquire of the department as to their progress and get back to her on them.

MS TUCKER: I ask a supplementary question. There are more than three, actually, that have not been implemented. I would like to remind you that the media statement on these measures by your predecessor, Mr Humphries, implied that they would be implemented in addition to further measures in the ACT greenhouse strategy. So when did your Government decide that these measures would not be implemented immediately, and why did you not let the community know?

MR SMYTH: These are statements that Mr Humphries put out when he was Minister for the Environment. I will get hold of his press release and find out which of the initiatives have not been undertaken yet. As I have said, the draft greenhouse strategy is out there for comment. We are looking forward to the participation of the public in this. There have been some public meetings that have had input to the strategy. When that strategy is finalised, this Territory will continue to lead the way, as Mr Humphries heralded last year when he announced the targets that this Government has set. It is the only government, whether national, State or Territory, that has set its greenhouse targets. We would certainly compliment Mr Humphries and the previous Government for setting those targets. We will endeavour to reach those targets, as set out, in Mr Humphries' timeline.

Legislative Assembly - Members' Entitlements

MR KAINE: Mr Speaker, I have a question for the Chief Minister. Chief Minister, I am sure you are familiar with Remuneration Tribunal Determination No. 30 of 12 June this year, which relates to members' entitlements. At paragraphs 3.1 and 3.2 of that document it refers to the provision of motor vehicles, and it says that members shall be entitled to "an Australian-made, private-plated vehicle". Then it goes on:

Except in special circumstances, through arrangements agreed by the Chief Minister, this entitlement shall not extend to vehicles other than those vehicles normally available through the Government's leasing arrangements.

Chief Minister, have you exercised the discretionary power that is granted to you under that determination in respect of any member of this place? If so, who were the beneficiaries, and what were the special circumstances in each case that justified this generosity?

MS CARNELL: Yes, I have done that on two occasions. I think they related to Mr Osborne and Mr Moore.

Mr Moore: Three - and Mr Rugendyke.

MS CARNELL: And Mr Rugendyke; that is right. I am very happy for other members to put a case to me. I do not think it is appropriate to put on the record what personal cases were put forward. They were different in each circumstance. I think that we could probably say that, from Mr Osborne's perspective it is because he keeps having babies -

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not personally - and he cannot fit them in. Mr Speaker, each member is quite capable under that determination of putting forward to me a reason why they may need a car that is somewhat different from the usual one, and I will look at those cases on their merits.

MR KAINE: I got half an answer, Mr Speaker. I would like to ask a supplementary question. Chief Minister, can you tell us in each case what was the additional cost of providing those special vehicles, and what were the special budgetary arrangements that were set in place to cover the additional cost in each case?

MS CARNELL: Mr Moore's special car, obviously, has to be found out of the Executive budget. So there is no extra money made available. Mr Moore has to find any extra staff, any extra car, any extra anything that he wants to do from within his own budget. I actually do not know what the extra costs were for Mr Rugendyke and Mr Osborne, but I am very happy to find out what those particular issues were. Remember that what we are talking about here is leasing costs, Mr Speaker; but, of course, I am more than happy to find out from the perspective of the two members.

Mr Kaine: On a point of order, Mr Speaker: I am talking about extra costs, additional costs. It does not matter whether it is leasing or any other kind of cost.

MR SPEAKER: I am sorry; there is no point of order.

Mental Illness

MR RUGENDYKE: My question, Mr Speaker, through you, is to the Minister for Health and Community Care. Mr Moore, last week in question time you advised us that an agency by the name of Annabelle's is providing care, on behalf of the Work Resources Centre, for between four and 13 Canberra residents with mental illness. Could you please advise the Assembly whether this is the same Annabelle's which is listed in the *Yellow Pages* as Annabelle's Pet and Home Care, which describes its work as feeding and exercising pets; collecting mail; watering gardens and plants; placing wheelie bins in and out seven days a week, while people are away on leave? How much of the grants to the Work Resources Centre last financial year and so far this financial year has been paid to Annabelle's? Could you detail how those amounts were acquitted back to government?

MR MOORE: Mr Speaker, there are actually two separate questions there. The first one is about the *Yellow Pages*. I do not know the answer to that question. I do know that a range of firms have a wide range of different capacities to do different work. I must say that, whenever we are dealing with contracts that are let within the Department of Health and Community Care, we ensure that the appropriate qualifications for the job are there. As I told the Assembly last week, when the contract was let, the department was aware of the relationship between the Work Resources Centre and Annabelle's.

It would not surprise me at all if it was the same group, Mr Rugendyke, because different businesses run a range of different services. I do not see anything particularly wrong with that. It is quite interesting and, of course, there is some humour associated with the way we could picture the work being done. I am sure that, in these circumstances, Annabelle's could provide a very wide range of assistance for people.

The second question was a detailed financial question. I do not have the answer here. I will take that on notice. I say again, Mr Rugendyke, that if you want me to be able to answer specifically a question like that at short notice, if you can give it to me half an hour before question time, I will always be delighted to give the answer to you at the time you ask the question.

MR RUGENDYKE: I have a supplementary question. It is simply this, Mr Speaker: Minister, is it appropriate that an organisation which walks your dog and puts your wheelie bin out while you are on leave should be charged with the responsibility of caring for mentally ill patients in the ACT?

MR MOORE: I imagine that many mentally ill patients have dogs, too, Mr Rugendyke, and they may well be fortunate enough to have such a wide-ranging service. But, quite seriously, the Department of Health and Community Care, in response to your question last week, said that they had looked at Annabelle's and they had looked at the Work Resources Centre, and the tendering process had been followed in the normal way, as I identified in my answer to you. I do not have any particular problem with that, as it would appear on the surface. I certainly do not have a problem - nor do I think that any member should have a problem - with a business that has a series of different arms to it. That having been said, I will take the issues on notice and come back to you with more detail.

Aboriginal and Torres Strait Islander Consultative Council

MR BERRY: Mr Speaker, my question is to the Chief Minister. Chief Minister, reading through the Government's response to the *Bringing them home* report, it becomes clear that the implementation of many of the recommendations is contingent upon advice from the Aboriginal and Torres Strait Islander Consultative Council. Given the fact that this council is no longer in operation, can the Chief Minister guarantee that recommendations dependent upon the council's advice do not adversely suffer because of the Government's failure to appoint a council?

MS CARNELL: Actually, I think I answered that question last week, in terms of the Government's approach to appointing a new Aboriginal and Torres Strait Islander Consultative Council. I think it would be wasting the Assembly's time for me to run through that procedure again, although I have still got the briefing paper. Members will be aware that, in that particular answer to that question, I made it clear that the Government is committed to appointing a new consultative council; that we have had a review; that that review is due to be completed about now; and that, as a result of that review, we will be looking at appointing a new consultative council. The existence of a council, I suppose, does not in any way take away from our commitment to the *Bringing them home* report, Mr Speaker.

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MR BERRY: Even though, Chief Minister, government action is dependent on their recommendations. I find your response strange. I ask as a supplementary question: Could you tell us the timetable that you intend to follow to deal with the appointment of the council?

MS CARNELL: Mr Speaker, I actually did do that bit last week.

Mr Quinlan: "I really did that bit. I really didn't do the other bit".

MS CARNELL: I did both. I cannot help it if Mr Berry was not paying attention last week. Mr Speaker, as I said, a review has been put in place. First and foremost, the term of the last consultative council expired on 31 March this year. The Government did advertise in various places for expressions of interest in the new consultative council. Unfortunately, the level of interest was somewhat less than I think any of us would have hoped for. It was decided to have a review process, to review the role and, I suppose, the procedures to put in place the council and also the approaches that we are taking to nominating new members of the council.

We have sought advice from various members of the indigenous community to ensure that that occurs, Mr Speaker. As I said, the review is due to report at about this time, in November. Once we have that review, we will put in place procedures based upon that review to appoint a new consultative council. Mr Speaker, we could go ahead right now and just pick some people.

Mr Berry: What is the timetable?

MS CARNELL: I have just given it to you. In November we are going to get the report of the review, and then we are going to go ahead and put in place a new council, based upon the outcomes of the review, based upon the input that has been put in place by members of the indigenous community generally. That does not mean, by the way, Mr Speaker, that the Government is not in constant contact with members of the indigenous community on a wide range of issues. I would like a consultative council to be in place sooner rather than later. But I have to say that I think it would be high-handed and heavy-handed in the extreme for the Government just to go ahead and appoint the people we think should be on the consultative council. The whole basis of the Aboriginal and Torres Strait Islander Consultative Council is that it is made up of representatives of the community. In other words, the community puts forward the people that they think should be on the council. It is not for government to come in over the top. I am actually very surprised that Mr Berry would recommend an approach that was really, I suppose, government driven rather than community driven.

Quamby - Detention Rates of Aboriginals and Torres Strait Islanders

MR WOOD: Mr Speaker, my question is to the Chief Minister. Chief Minister, I refer to the annual report of the Community Advocate, which comments on the considerable overrepresentation of Aboriginal and Torres Strait Islander young people detained in Quamby. What actions are being taken to improve those circumstances in the ACT which bring about such high rates of detention?

MS CARNELL: Mr Speaker, that would be Mr Stefaniak's area, if it is about Quamby.

Mr Wood: No, it is not about Quamby; it is about the circumstances in our community that bring about those high rates of detention. It is Aboriginal policy and it is in the Community Advocate's report.

MS CARNELL: The Community Advocate is Gary's area.

Mr Wood: No; it is Aboriginal policy, Chief Minister.

MR SPEAKER: Chief Minister, do you wish to transfer it to somebody?

Mr Wood: No, I do not want - - -

MR SPEAKER: I am sorry; it is perfectly in order if the Chief Minister wishes to ask somebody else to answer the question.

MR HUMPHRIES: It seems to me that Mr Wood is asking about policies relating to both arrest and detention.

Ms Carnell: At Quamby.

Mr Wood: No, not at all, Mr Humphries.

MR HUMPHRIES: Well, people cannot go to Quamby unless they have been dealt with by a court, and generally, I think in almost all cases, they have been arrested or otherwise dealt with by the police as well. If Mr Wood repeats his question, perhaps I will be clear about what the question is about.

Mr Kaine: On a point of order, Mr Speaker: When a member asks a Minister a question, are members of the ministry allowed to decide amongst themselves who will answer it and then not answer the question that was asked? Is this the way that question time works?

MR SPEAKER: There is no point of order, Mr Kaine. You know that a Minister may transfer a question to another Minister. Whether the question is being answered or not to the satisfaction of other members is entirely up to them. I call Mr Humphries.

MR HUMPHRIES: Mr Speaker, I confess that when Mr Wood asked the question of the Chief Minister I did not listen properly, and I would appreciate it if Mr Wood could repeat his question.

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Mr Wood: Mr Speaker, I am happy to repeat the question, and Mr Humphries might pass it back to the Chief Minister.

MR SPEAKER: Never mind that. Just get on with asking the question again, please.

MR WOOD: I refer to the annual report of the Community Advocate, which draws attention to the considerable overrepresentation of Aboriginal and Torres Strait Islander young people detained in Quamby. The question specifically is: What actions are being taken to improve those circumstances in the ACT - so this is a social issue, a policy issue - which bring about such high rates of detention? That is the question.

MR HUMPHRIES: Mr Speaker, having listened to the question, I have to say that I do think it is a question that is properly directed to me, both because - - -

Mr Wood: No, it is not. I want to know what policies are in place.

MR SPEAKER: Order! Mr Humphries has decided that he wishes to answer the question.

MR HUMPHRIES: Mr Speaker, I am responsible for the Community Advocate's work, at least in respect of such matters.

Mr Wood: That has nothing to do with it. I was using that as evidence of what was happening.

MR SPEAKER: Mr Humphries is going to answer your question.

Mr Wood: No, he is not going to answer the question, because it is not related to what I am asking.

MR SPEAKER: He is going to get to his feet and give an answer to your question.

Mr Wood: No.

Mr Kaine: Why doesn't he pass it down to Bill Stefaniak? He would answer it.

Mr Wood: That might be a better idea.

MR SPEAKER: Let him proceed. Otherwise, I will sit Mr Humphries down and you will not get an answer at all.

Mr Wood: He might as well sit down, Mr Speaker.

MR SPEAKER: Very well. Thank you.

ACTEW - Sale

MR HIRD: Mr Speaker, my question is to the Chief Minister, Mrs Carnell. I refer to the now famous pamphlet, which I see over there on Mr Berry's desk, distributed to thousands of Canberra households by Mr Berry - look at them, handfuls of them - and the ACT Labor Party, which is headed: "ACTEW is ours. Don't sell it". In that brochure it states:

According to the government documents;

- . Over the last 5 years ACTEW has made payments to the ACT Government of over \$450 million.
- . In the Next 4 years ACTEW is projected to make payments to the ACT Government and profits totalling around \$500 million.

Chief Minister, given that Mr Berry states that the source of this information is supposedly "government documents", can you, as head of the Government, advise whether these statements are, in fact, true and whether the brochure is, in fact, accurate?

MR SPEAKER: Chief Minister, hopefully without the theatricals.

MS CARNELL: I am very happy to answer without the theatricals, Mr Speaker. Last month Mr Berry began distributing a brochure to Canberra households, which he was obviously very proud of, which urged people to contact Mr Osborne and Mr Rugendyke about the sale of ACTEW. I think they were also using this brochure to encourage people to sign a petition. In this document, Mr Berry and the Labor Party - and obviously Mr Quinlan as well, because he now seems to be involved - made a number of quite specific claims. The first of these was that over the last five years ACTEW had made payments to the Territory of over \$450m. The second was that over the next four years ACTEW was projected to make payments totalling about half a billion dollars. In other words, Mr Speaker, \$950m would have been flowing from ACTEW to the ACT Government over a nine-year period.

You can understand, Mr Speaker, that when people read that they would say, "Why would the Government want to sell it for \$1 billion? We had better get in touch with Mr Osborne and Mr Rugendyke. We had better sign this petition, because those figures seem really high". Well, Mr Speaker, what do we find? The figures are wrong. This morning we heard Mr Quinlan admit that they were wrong.

But in this document Mr Berry states that the figures were sourced from government documents - not his documents, not Mr Quinlan's spreadsheets, but government documents. On this basis, as the Government, we decided that we needed to have a bit of a closer look at these figures, as they were supposed to be ours, Mr Speaker. We found that over the last five years ACTEW actually returned only \$285m and it is forecast to make payments to the Government over the next four years of \$215m. That makes a total of \$500m over nine years and it leaves Mr Berry \$450m short of the mark.

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So last week I came into the chamber and, during question time last Thursday, indicated that Mr Berry's figures appeared to be wrong, Mr Speaker. I urged him to check his figures and withdraw the pamphlet because he was misleading the people of Canberra about the true state of ACTEW's finances - an obviously very reasonable statement, Mr Speaker, in light of what has happened since.

Mr Corbell: One hundred and seventy-five major sites, if I remember correctly.

MR SPEAKER: Order! Mr Corbell, the Chief Minister is answering the question.

Mr Hird: I am trying to listen, sir.

MR SPEAKER: And Mr Hird wants to hear the answer.

MS CARNELL: I asked Mr Berry to withdraw the pamphlet and to look at the figures. But what did he do last week? What I got instead that afternoon was a media release from Mr Berry headed: "Why Kate Carnell can't be trusted on ACTEW". Rather than check his figures, he put out a press release. Mr Speaker, I think it is important to quote a few of the things he put in this press release. I think it is important, too, to remember that this press release was put out 12 months to the day since the Labor Party issued the "Working Capital" plan - the economic bible of those opposite and the document that their own reviewers said was the "cornerstone of the lack of financial credibility of those opposite". Mr Speaker, it must be a bad day of the year, this day.

Members interjected.

MS CARNELL: Mr Speaker, I did not interject.

MR SPEAKER: Order, please! There is far too much conversation.

MS CARNELL: I would like to quote some of Mr Berry's press release. Remember that this is after question time, after I have asked him to go and have a look at his figures. He said:

In her increasingly feverish attempts to justify the proposed sale of ACTEW Kate Carnell has started to use arguments which defy logic and bear no resemblance to reality.

Mr Speaker, we now know what had no resemblance to reality and defied logic. What defied logic was in the same press release.

Members interjected.

MS CARNELL: Mr Speaker, I am not going to yell.

MR SPEAKER: Order! If there is another interjection, the member will be warned.

MS CARNELL: Thank you, Mr Speaker. What defied logic and showed no economic credibility was the fact that Mr Berry, in this press release, had a table explaining to everybody how he worked out his figures. When this came into my office, one of my staff - who, I have to say, is very competent but does not have an economic background - looked at it and said, "You can't add up dividends and income, can you?". I looked at her and said, "No, you can't". So there was not only an economic credibility problem, but a logic problem. One of my staff, who honestly does not have an economic background, looked at it once and said, "This is garbage". Anybody would have known it was garbage if they knew anything - not about economics, not about accountancy - about basic financial information.

Mr Corbell: One hundred and seventy-five major contracts - - -

MR SPEAKER: I warn you, Mr Corbell.

MS CARNELL: Mr Speaker, it seems that Mr Berry and maybe Mr Quinlan added together ACTEW's dividends and profits and were quite happy to put those out in a media release last Thursday. What it shows is absolutely no financial credibility, no capacity, even when it is so obvious, to work out what the problem was. But even worse, Mr Berry added the cash dividends out of the cash flow statement to profits from the operating statement. It is like adding apples and oranges. I do not know what you would end up with.

Mr Berry also added the streetlights, and I suspect that in his new brochure he is still doing it. It would not be surprising. Mr Speaker, he added the sale of the streetlights. But this cannot be done, because ACTEW receives an asset and an income stream in return for a cash payment. It is not just a dividend to the ACT Government. So he is wrong again. Mr Berry's pamphlet, I think, destroys once and for all the credibility of those opposite.

Then, of course, we saw on Saturday the "Don't blame me, it was Ted Quinlan's fault" approach in the *Canberra Times*. I have to say, whether that is the case or not, I do not think it is the approach that this side of the house would have taken. But what we saw this morning from Mr Quinlan was an approach of saying: "Yes. Hey, one of my staff got the spreadsheet wrong. Oops, it is a bit of a problem; but, look, don't worry about it. It's not a big issue". Well, I have to say that it is a big issue. The big issue, Mr Speaker, is that thousands of Canberrans, according to those opposite, have got a brochure which is wrong.

Mr Berry: Thousands more are going to get them, too.

MS CARNELL: Mr Berry makes the comment again. I think Mr Wood said tens of thousands. They have got a brochure that is wrong. And members opposite think it is funny, Mr Speaker. Well, we do not think it is funny, and we would like to see from Mr Berry, or Mr Quinlan - we do not mind which - a press release saying: "Kate Carnell got it right". The financial credibility lies with this side of the house. In other words,

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Mr Speaker, they have to undo or start to undo the mess they have made, to withdraw the old brochure and do that publicly, and once and for all realise that the petition that they got signatures on as a result of this brochure totally lacks credibility, because the basis upon which they got those signatures is now shown to be absolutely wrong. Mr Speaker, yes, this is an embarrassing - - -

Mr Corbell: Thousands and thousands and thousands of Canberrans, and you know that they do not want it sold.

MR SPEAKER: You have been warned already, Mr Corbell. Watch it.

MS CARNELL: Mr Speaker, this is an embarrassing stuff-up for those opposite. I think it is appropriate to finish today by quoting Mr Berry. On WIN Television on Friday night Mr Berry said:

Obviously there are people's jobs at stake here and there has to be more care taken with statistics.

Mr Speaker, that is too true.

MR HIRD: Mr Speaker, I am shocked, to say the least. I am shocked.

MR SPEAKER: And I am waiting for your supplementary question.

MR HIRD: I am put right back in my seat, sir. My supplementary question is this, Mr Speaker: Does the Chief Minister agree with Mr Berry's comment in his media release last Thursday that she should stick to the facts when she answers questions in this place?

MS CARNELL: Mr Speaker, I do agree with that statement by Mr Berry, and I did stick to the facts. I think we have shown that in the chamber last week and again this week. I accept the apology made by Mr Quinlan this morning, but it does not go anywhere near making up for the fact that Mr Berry has refused to accept any responsibility for his actions. He is still being quite glib about the fact that all of these brochures have gone out. If this was an honest mistake, as claimed by Mr Quinlan, then why did Mr Berry issue a media release, after I pointed out the error, which not only accused me of lying but which then went on to argue why Labor's calculations were actually right. Mr Speaker, let me repeat what Mr Berry said in his press release:

But the Chief Minister has been caught out by the figures provided by ACTEW itself.

Mr Speaker, we now know who provided them. Mr Quinlan provided them - not ACTEW itself and not the Government. Again I call on Mr Berry to withdraw publicly the pamphlet, to apologise in the same way that Mr Quinlan has done - let us be fair, it is Mr Berry's brochure - and accept that the petition that the Labor Party has been touting around has lost every bit of credibility it may have ever had.

Needle Exchange Program

MR OSBORNE: Mr Speaker, I am interested in why Mr Kaine's name is not on this brochure, given that he has not made up his mind yet either. Perhaps it is another mistake on your part, Mr Berry. I doubt it, though.

Mr Berry: What?

MR OSBORNE: Mr Kaine's name is not in the brochure - in version three, perhaps.

MR SPEAKER: Order! Do you have a question, Mr Osborne?

MR OSBORNE: It is a very nice photo of Mr Berry, too. Mr Speaker, my question is to the Minister for Health, Mr Moore. I always get nervous asking Mr Moore questions on this matter, but it is a serious question. I am sure that he will waffle on about his pet subject, but it is an important question.

Mr Moore: I will be as concise as I can.

MR OSBORNE: As concise as you can; that would be right. Over the past couple of weeks you have made several public statements about the Territory's needle exchange program - take that smile off your face, Mr Moore - and its relationship to the Government's harm minimisation approach to intravenous drug use. On Monday of this week one media report stated that there were 100,000 needles handed out in 1991-92, rising up to half a million for 1997-98. Could you inform the Assembly how many of those half a million needles were actually handed back and exchanged? That is a serious question.

MR MOORE: Thank you for the question, Mr Osborne. Of course, I will be consistent with the standing orders, which require that I be concise and confined to the subject matter of the question. Mr Osborne, Assisting Drug Dependents runs 20 needle and syringe exchange program outlets across the ACT. Needle and syringe distribution through those outlets for 1997-98 did exceed half a million, and approximately two-thirds, 66 per cent, of this number were returned to the distribution outlets. We know from the figures that Mr Smyth presented in the Assembly last week that city rangers pick up about 5,300 and CityScape about 2,100 needles. That is a reduction, by the way, in the number that were picked up in previous times.

We calculated last week that that was about 1.5 per cent. About 1.5 per cent of the needles seem to be discarded. We would presume that the other approximately 30 per cent of needles go into landfill. What it indicates to me is that we do have a problem with about 1.5 per cent of the needles that are distributed. In other words, it says that more than 98 per cent of needles that are being used are being responsibly disposed of. I think that it is an incredible credit, considering the very difficult issue we are dealing with.

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One of the other things that I think are very important to understand is that, although we must always treat the needles themselves with great care and we have to be aware of the transmission of hepatitis C and the transmission of HIV/AIDS, because we have had that needle exchange program, when we do comparisons between Australia and the rest of the world we find that the way we tackle the epidemic by taking this harm minimisation approach has been incredibly successful.

MR SPEAKER: Mr Osborne, do you want to ask a supplementary question?

MR OSBORNE: I was caught short there, Mr Speaker. Mr Moore was speaking on drugs. I expected it to go a lot longer. My supplementary question, Minister, is this: Is what you are saying - because I did miss the figures - that you are hoping that 30 per cent are going into landfill; that potentially they could be lying around somewhere out there in the community, but you do not think they are? Can you just clarify that for me? I tend not to listen, Mr Speaker, when he is talking about this subject. My natural instinct is just to shut off.

MR SPEAKER: I think you just have to answer it verbally, not in any physical sense.

MR MOORE: Thank you for that question, Mr Osborne. You will understand if it takes me quite some time to answer this part of the question. What I was saying in the conclusion to my last comment, and I would like to carry on from there, was that the reduction in the epidemic of HIV in Australia compared to almost anywhere else in the world has been quite extraordinary and it is a fantastic success story for harm minimisation. With regard to the particular 30 per cent that we are talking of, it is a presumption on my part that they go to landfill. They do not tend to turn up in other places. I think it is a reasonable presumption to make; but it is just that, a presumption. I understand that some needles are returned through pharmacies, and they in turn are distributed to the disposal facility which is part of the Totalcare facility in Mitchell.

In order to further enhance needle and syringe distribution and disposal, the Health Department has undertaken to conduct an evaluation of the ACT needle and syringe exchange program. A consultant will be employed to investigate the processes of needle and syringe distribution, disposal and collection in the ACT. Consultants will map current disposal bin size and location, as well as investigating mechanisms for improving after-hours access to needle and syringe service provision. In fact, applications for that consultancy closed on 6 November.

So, although there has been something like a 43 per cent increase in the number of sharps being appropriately disposed of in terms of what comes through from Mr Smyth's department and a 15 per cent decrease in the number that are left in public places, it does appear that we are getting a significant improvement in the way they are being dealt with. Mr Osborne, if you go, as Mr Rugendyke did, to the Drug Referral and Information Centre upstairs in East Row you will see part of the reason why. The advertising that the peers themselves are doing is saying, "It is our credibility at stake here". I think you understand that there has been a recent impact, but we are beginning an evaluation of it to make sure that, whatever we do, we continue to improve the collection rate and we also reduce the number of needles that are being left around.

Tuggeranong Town Centre - Car Park

MR HARGREAVES: Mr Speaker, my question, through you, is to the Minister for Urban Services. Some time ago, Minister, we raised the issue - and we had an exchange of letters and articles in the press - of the provision of lighting in car park areas in Tuggeranong Town Centre, notably in the car park areas on the side of the lake. I recall that responses to newspaper articles from a spokeswoman of yours - and indeed the letter that you sent to me, for which I was grateful - indicated that those areas would not be looked at for the moment because they had low priority. Given that there has been a spate of vehicle damage over the period - and, I might say, not in the last couple of weeks; so, if you want to check with Alan Castle, that will not reveal that - I have had renewed representations from businesses, clubs and people who frequent the area. It is regarded as dangerous. The point that you made in your responses was that it was a low priority area. Do you still agree with that tag, and could you tell me what is the difference between an area of low priority attention and a high priority one?

MR SMYTH: Mr Speaker, I thank Mr Hargreaves for his question. We take the issue of streetlighting very seriously. Streetlighting is something that contributes to the safety of the public at night. In this regard, my department often liaises with the Federal Police to look for hot spots that seem to be causing us trouble. When Mr Hargreaves raised the issue of this specific car park in Tuggeranong, we checked with the police to ascertain whether or not it was an area that was prone to crime. My memory of it is that we were told that it was not. Certainly, the police had concerns with different areas from this one. In that regard, further assessment by the department, taken in conjunction with our limited budgets that we all must live within on this side of the house, determined that specific car park to be a low priority car park. If Mr Hargreaves has evidence of an increase in crime in that area, we would be most happy to reassess that car park, and we would certainly liaise with the police to ensure that, if there is something untoward going on there, we do our best to stop it.

MR HARGREAVES: I have a supplementary question, Mr Speaker. Can the Minister advise what is the difference between a low priority and a high priority car park?

MR SMYTH: Mr Speaker, quite clearly, it is based on things like usage, the size of the car park, the sort of area that the car park services, whether it is a car park used by day or by night, whether it is a car park used at all hours. They will always contribute to the assessment of whether a car park is a high priority or a low priority one. I am advised by the department that, based on the usage and the area that this car park services, there are other suitable car parks in the area that are fully lit and that, with that in mind, it is assessed at this stage as a low priority car park in terms of the provision of lighting.

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

ACTEW - Privatisation

MS CARNELL: Mr Speaker, I seek leave to make a short statement to correct an impression I may have created in an answer in question time.

Leave granted.

MS CARNELL: Thank you very much, Mr Speaker. In question time I may have inadvertently suggested to the Assembly that Mr Berry had corrected his new brochure. Unfortunately, Mr Speaker, his brochure is still wrong. He only corrected the middle bit, and he left the wrong figures on the back. So it seems that Mr Berry might have to withdraw the second brochure. I am sorry if I indicated to the Assembly that the second brochure might not have been wrong. So, if he has not withdrawn the first brochure, Mr Speaker, it would be a good idea if he now withdrew the second brochure and accepted that financial credibility is something that really you cannot aspire to if you do not have it. You should probably give up.

Independent Living Centre

MR MOORE: Mr Speaker, I took a question on notice from Mr Hargreaves last week. Mr Hargreaves asked me whether I could confirm that the Government has imposed an entry charge to the Independent Living Centre and whether I could check when the charge was imposed and that it is \$5 and \$2 for pensioners; who decided on this; and what was the rationale. He also asked me to advise whether a disabled person must make an appointment before visiting the centre.

My answer is as follows, Mr Speaker: The Independent Living Centre provides advice, assessment and information on aids and equipment. The centre undertook a review of its fees and charges and introduced new fees for some of its services, including a \$5 entry fee for the general public and a \$2 fee for pension or health care card holders and students. Mr Speaker, I signed off on the determination for these fees and charges on 13 August 1998 and they were gazetted on 9 September 1998 in *Gazette* No. 36. As you are aware, all determinations of fees and charges are provided to the Assembly by the Gazette Office.

The rationale was based on the need to offset some of the costs associated with providing service. This is the critical part, Mr Speaker: The Independent Living Centre is partially funded by the home and community care program, the HACC program. It is part of the requirements of the funding arrangements for that program that service providers are expected to charge fees to partially offset the service provision.

I understand the people with disabilities are required to make an appointment before visiting the centre if their needs are of a complex nature. This allows the centre to provide adequate time and support to these clients. The centre also has a drop-in service every day, and clients and/or their carers can access the centre and receive information and view equipment. Appointments are required for more detailed advice and assessment.

Legislative Assembly - Members' Staff Allowances

MS CARNELL: Mr Speaker, last week I took on notice a question from Mr Kaine with regard to staff salary allocations for crossbench members. I seek leave to incorporate the answer in *Hansard*.

Leave granted.

Document incorporated at Appendix 1.

**JUSTICE AND COMMUNITY SAFETY - STANDING COMMITTEE
Scrutiny Report No. 12 of 1998 and Statements**

MR OSBORNE: I present Scrutiny Report No. 12 of 1998 of the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of Bills and subordinate legislation committee and I ask for leave to make a brief statement on the report.

Leave granted.

MR OSBORNE: Scrutiny Report No. 12 of 1998 contains the committee's comments on 11 Bills, four pieces of subordinate legislation and eight government responses. In light of the debate this morning, I must take issue with some of the comments of the Attorney-General in relation to our legal adviser. I have a copy of *Hansard* here. The comments certainly were not too harsh but I do hope that in future the Minister will afford our public servants the same courtesy he would like afforded to his. I remind the Minister that it is not the legal adviser who presents the report; it is actually the committee through me as chair. The legal adviser offers us legal advice in relation to the Bills and we present the report to the Assembly for members to take on board. Members of the committee were unanimous that we should convey our displeasure at your attitude, Minister. I can see you shaking in your boots, but I do think it is an important point.

In relation to domestic violence, I took on board the advice of the legal adviser and we tabled his report. It is then a matter of whether members in this place wish to take that on board in relation to that piece of legislation. It is a unique situation. I do not know whether the advice of the legal adviser is something that would sway me to vote against the legislation but it is certainly very helpful in deliberations.

The report the committee has tabled today contains a number of government responses which we have not been through completely. We will report back at a later date if there are any major problems. In the report tabled today there are a number of minor issues that I would encourage members to look at. Some were in relation to the health Bill we will be debating tomorrow. I certainly will be taking them on board and addressing them in the debate tomorrow. I commend the report to the Assembly.

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MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): I seek leave to make a short statement in respect of the matters that Mr Osborne has just raised.

Leave granted.

MR HUMPHRIES: Mr Speaker, I have heard Mr Osborne's comments, and I want to indicate that I think the comments are fair comments. In my remarks in the Assembly last Tuesday, I did specifically make reference to the adviser to the Justice and Community Safety Committee rather than the committee itself. I realise that, even though advisers may prepare documents for committees, it is the committees themselves which bring reports to the Assembly. I will certainly not make such comments again and make sure in future that, if I criticise what appears in writing from a committee, I criticise the committee rather than its advisers.

PINOCHET REGIME - CONDEMNATION

MR SPEAKER: For the information of members, I present a copy of the letters from the Chief Minister to the Prime Minister dated 10 November 1998 and to the Minister for Foreign Affairs of the same date, conveying the Assembly's resolution of 28 October 1998 relating to the atrocities of the Pinochet regime.

AUDITOR-GENERAL - REPORT NO. 6 OF 1998 Assembly Members' Superannuation and Severance Payments to Former Members' Staffers

MR SPEAKER: For the information of members, I present Auditor-General's Report No. 6 of 1998, "Assembly Members' Superannuation and Severance Payments to Former Members' Staffers".

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (3.39): Mr Speaker, I ask for leave to move a motion to authorise publication of the Auditor-General's report.

Leave granted.

MR HUMPHRIES: Mr Speaker, I move:

That the Assembly authorises the publication of the Auditor-General's Report No. 6 of 1998.

Question resolved in the affirmative.

**LAND (PLANNING AND ENVIRONMENT) ACT - VARIATIONS TO THE
TERRITORY PLAN - HOME BUSINESSES AND HOME OCCUPATIONS :
MUGGA MUGGA**

Papers and Ministerial Statement

MR SMYTH (Minister for Urban Services): Mr Speaker, for the information of members, I present approvals of variations Nos 63 and 105 to the Territory Plan, these being for home businesses and home occupations and for Symonston section 103, block 6, Mugga Mugga, respectively, pursuant to section 29 of the Land (Planning and Environment) Act 1991. In accordance with the provisions of the Act, these variations are tabled with the background papers, a copy of the summaries and reports, and a copy of any direction or report required. I ask for leave to make a short statement.

Leave granted.

MR SMYTH: Mr Speaker, variation No. 63 to the Territory Plan relates to policies for home businesses and home occupations. The purpose of the variation was to amend some of the current provisions relating to the control and definition of home businesses and home occupation use under the Territory Plan, better define the meaning and scope of home occupation use, strengthen controls and correct existing inconsistencies. The changes are required to ensure that unintended anomalies between home occupation and home business activities are corrected; the impact of any home occupation/home business is kept aligned with normal residential use and activity levels; the use does not disrupt surrounding residents or adversely impact on the environment; provision is made for small business enterprises to develop; people choosing to work from home are not precluded from operating low-level retail activities; the consistent and effective operation of the original policy intentions can be implemented; and legislative references are corrected.

This variation was revised in response to issues raised during consultation. The Standing Committee on Urban Services considered the draft variation and, in Report No. 13 of October 1998, endorsed the draft variation. Mr Speaker, I would thank the committee for their work. The Urban Services Committee gets through an extraordinary number of reports, and I think they are to be congratulated. The committee also recommended that, where policies refer to the need to comply with "any relevant Territory legislation", mention should also be made of "any relevant code of practice". This was agreed by officials at the committee hearing, and the changes have been made in the document. Mr Speaker, I would also like to highlight a comment in the committee's report:

On 30 October 1998 the committee was briefed on the draft Variation by government officials from PALM. The committee expresses its appreciation to these officials, and in particular Ms Graham, for the high standard of this briefing.

I think Mr Hargreaves made reference to this when the report was tabled. This confirms my view that PALM officials operate to high standards, and I commend the officials, in particular Ms Graham, for their work.

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Mr Speaker, following the particularly nice words that were said about Sylvia Curley this morning, it is quite timely that we table variation No. 105 to the Territory Plan. It relates to Mugga Mugga, a property at Symonston section 103, block 6. The purpose of the variation is to reserve the land occupied by the historic Mugga Mugga property as a public land special purpose reserve. The variation also makes some minor changes to policies in the Territory Plan which apply to the property.

Mugga Mugga is a 17-hectare rural property containing a small cottage and associated buildings. It is a significant example of an early rural worker's home and has longstanding associations with the Duntroon estate and the Curley family. The public land overlays on the Territory Plan map identify the areas reserved as public land in accordance with the provisions of the Land (Planning and Environment) Act 1991. The management objectives for various categories of public land are outlined in Schedule 1 of the Land Act. The schedule specifies that special purpose reserves are intended to provide for public and community use for recreation and education purposes. The variation amends the Territory Plan by adding the public land special purpose reserve overlay to the Mugga Mugga site.

The designation of the Mugga Mugga property as public land triggers a requirement for the Conservator of Flora and Fauna to prepare a plan of management for the area. This plan of management would address land management matters essential for conservation of the grassland values, and maintenance of the property's rural heritage and educational values. These include issues such as stocking rates and management, weed control, erosion control, indigenous plantings and fencing of grassland areas. The plan of management will also reflect any relevant requirements of the heritage citation.

The variation also expands the list of permitted uses to include a cultural facility and an educational establishment, to allow for the museum and education centre currently located within the Mugga Mugga property. The entry for Mugga Mugga in the Heritage Places Register at Appendix V of the Territory Plan Written Statement includes "specific requirements" which specify the requirements for conserving the heritage significance of each identified place. The specific requirements for Mugga Mugga are amended to respond to more recent developments in the conservation policy and program.

The Standing Committee on Urban Services considered the draft variation and, in Report No. 14 of October 1998, endorsed the draft variation. I would again thank the committee for their work.

EDUCATION - STANDING COMMITTEE Report on Preschool Education - Government Response

MR STEFANIAK (Minister for Education) (3.45): For the information of members, I present the Government's response to the Standing Committee on Education Report No. 1, entitled "The Future Provision of Preschool Education", which was presented to the Assembly on 22 September this year. I move:

That the Assembly takes note of the paper.

Mr Speaker, I welcome the opportunity this inquiry has presented for a broad-based review of future provision of preschool services. The committee's deliberations and the recommendations that have been made provide valuable reinforcement of the work the Government is committed to pursuing in preschool and early childhood education. I thank the committee for the obvious time and effort that they have put into their recommendations.

I welcome in particular the committee's recommendation that a statement of purpose on the delivery of preschool services be developed. Indeed, this need was also identified by the Auditor-General in his report and was further acknowledged in the Government's submission to the standing committee's inquiry. It is important to note that the need for a more cohesive provision of early childhood services is already a priority. Action has started on this with, for instance, the formation of the Children's Services Branch and the inclusion of the Child Health and Development Service, CHADS, within the Department of Education and Community Services. The development of a statement of purpose for early childhood services, with a particular focus on preschool services, will further this initiative and will also involve key stakeholders in early childhood services in a broad consultative process. A long-term plan for the provision of government-funded preschools within the context of early childhood provision is a natural extension of initiatives already taken by the Government in streamlining and integrating preschool and early childhood services.

The committee also recommended, as part of its report, that the usual process of adjustments to preschool operational decisions be followed for 1999. This accepts and reinforces the use of factors which resulted from the extensive consultation in the 1997 review of preschool enrolment policy and procedures. There were 21 adjustments in this sector for 1999, and after making those changes some 97 per cent of eligible four-year-olds registered at the 2 September census will be offered a year of preschool at the preschool of their first choice. Responsible management and the effective utilisation of resources will continue to include the agreed factors in making operational decisions for preschools, and staffing decisions will continue to be made on a district basis to allow for the best use of preschool places.

The committee's final two recommendations cover the issues of professional support for preschool teachers and assistants, and the adequacy of support for children with special needs. The Government agrees with the need to examine both these issues. We will conduct two projects concurrently to investigate both the future provision of professional support to teachers and assistants, and the adequacy of support for children with special needs in accessing government preschools. Both projects will actively involve both parents and staff and will benchmark across Australian States and Territories where applicable. The results of these projects will be completed by June 1999 and will inform the provision of support in both these important areas.

The Government agrees with the committee's recommendations, which have highlighted and extended the Government's existing priorities for early childhood service provision in the ACT.

Question resolved in the affirmative.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 6 of 1997 -
Government Response

MR MOORE (Minister for Health and Community Care) (3.48): Mr Speaker, for the information of members, I present the Government's response to the Standing Committee for the Chief Minister's Portfolio Public Accounts Committee Report No. 4, entitled "Review of Auditor-General's Report No. 6, 1997 - The Canberra Hospital Management - Control of Salaried Specialists' Private Practice", which was presented to the Assembly on 27 August 1998. I move:

That the Assembly takes note of the paper.

The committee's report made two specific recommendations. The first recommendation sought information on the efficacy of measures to guarantee that salaried specialists comply with the terms and conditions of their private practice agreements, and the extent of compliance by specialists; a strategy to address inadequate management controls; the effectiveness of the coordinator of private practice arrangements in monitoring specialists' leave entitlements, the current leave profile and the extent to which, if at all, the practice of some specialists in taking leave to supplement their time in outside private practice continues; and the present position with regard to the review of charging for the use of hospital facilities and resources for private practice, including whether a strategy on fees was included in the enterprise agreement.

The committee's final recommendation sought an assurance from me to this Assembly that the lack of control over leave arrangements identified by the Auditor-General has been addressed.

Mr Speaker, the Government has now considered the standing committee's report, together with its recommendations. I am therefore now pleased to be able to table the government response. The government response addresses each of the recommendations made by the standing committee. Mr Speaker, I will briefly summarise some of these points.

In relation to the standing committee's second recommendation, I wish to point out that the approval for specialists to utilise leave entitlements for outside private practice is not supported or approved by the Government. All specialists with excess leave accumulations have been advised that wherever possible leave should be taken annually. An annual review of leave accumulations will be undertaken and appropriate action taken if unexplained excesses continue. Mr Speaker, the strict adherence to the completion of leave applications and the monitoring of these applications have, in my opinion, resolved the issue of specialists taking leave to supplement their time in outside private practice.

The signing of the medical officers agreement for 1997 to 1999 on 19 September 1998 further addresses some of the concerns raised by the committee, particularly in relation to compliance with the terms and conditions of specialists' private practice agreements.

Mr Speaker, the Government takes seriously the recommendations of the standing committee and has therefore considered its response carefully. I would like to thank the standing committee for their report on this issue. I now commend the Government's response to the Assembly.

Question resolved in the affirmative.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 8 of 1997 -
Government Response

MR MOORE (Minister for Health and Community Care) (3.52): Mr Speaker, for the information of members, I present the Government's response to the Standing Committee for the Chief Minister's Portfolio Public Accounts Committee Report No. 5, entitled "Review of Auditor-General's Report No. 8, 1997 - Salaried Specialists' Use of Private Practice Privileges", which was presented to the Assembly on 27 August 1998. I move:

That the Assembly takes note of the paper.

The committee's report made two specific recommendations, the first of which sought information on various matters, including the outcome of the enterprise bargaining agreement with salaried medical officers; measures to ensure full compliance with the acquittal of travel and research funds provided by the Private Practice Fund; arrangements to ensure that the equipment and books, et cetera, purchased by the Private Practice Fund are accounted for; and the effectiveness of the review of referral and practising arrangements of salaried specialists.

The committee's second recommendation related to the resolution of any differences between concepts of accountability within the public health system, especially in relation to matters concerning the salaried specialists. The committee requested that these differences be resolved to the satisfaction of the Auditor-General and that the Assembly be advised of this accordingly.

Mr Speaker, the Government has now had the opportunity to consider the committee's report and its recommendations. Against this background, I am pleased to be able to table the Government's response today. Members will note that the Government's response addresses each of the committee's recommendations and provides information on issues such as the outcome of the medical officers agreement for 1997 to 1999, which was signed on 19 September 1998 (the medical officers agreement includes various conditions which will improve productivity and efficiency, particularly in relation to the

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use of performance agreements); the introduction of a new measure to ensure compliance with the acquittal of travel and research funds provided by the Private Practice Fund (this measure is in line with the relevant Public Service financial guidelines); and the implementation of the Caresys computerised booking system (this system will identify attendance and activities of salaried specialists and improve hospital management and accountability of those specialists' activities).

Finally, Mr Speaker, I would like to thank the standing committee for its considered report on this matter, and I commend the Government's response to the Assembly.

Question resolved in the affirmative.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 13 of 1997 -
Government Response

MR MOORE (Minister for Health and Community Care) (3.54): Mr Speaker, for the information of members, I present the Government's response to the Standing Committee for the Chief Minister's Portfolio Public Accounts Committee Report No. 6, entitled "Review of Auditor-General's Report No. 13, 1997 - Management of Nursing Services", which was presented to the Assembly on 27 August 1998. I move:

That the Assembly takes note of the paper.

Mr Speaker, I am pleased to table the Government's response to Report No. 6 of the Standing Committee for the Chief Minister's Portfolio. The effectiveness of our strategy to improve the management of nursing services in our public hospitals is something this Government takes very seriously. As well as pursuing efficiency in the management of nursing services in our public hospitals, we are seeking to focus attention on improving the effectiveness of service delivery and resource management.

As part of this response, I am also pleased to provide a copy of the recent Commonwealth national cost data collection results. Copies of this are limited, Mr Speaker, so if members require a copy of the report they can ask me and I will obtain one for them. Because of their portfolio responsibility and other responsibilities and interests, I have taken the liberty of asking my staff to provide one to Mr Stanhope, one to Mr Wood and one to Ms Tucker. If anybody else indicates now that they want a copy, I will make sure they get one. Alternatively, members can contact my office.

Question resolved in the affirmative.

ESTIMATES 1998-99 - SELECT COMMITTEE
Report on the Annual and Financial Reports for 1997-98

Debate resumed.

MR STEFANIAK (Minister for Education) (3.57): I would certainly agree with comments made on this side of the house in relation to points already raised. Addressing the three recommendations regarding education, I would certainly agree with Mr Hird's dissenting comment in relation to recommendation No. 7. I think it was quite obvious to those of us who were at that particular hearing that Mr Hird is quite right. Measures to improve and assist enrolments at Copland College were well and truly canvassed. The wide range of measures that this Government and the department have taken were mentioned and brought to the committee's attention. It was also brought to the committee's attention that if other things could be done to assist that particular college the Government would be keen in looking at doing them as well, as would the department.

I think the recommendation is a little bit strange, to say the least, because the Government has been very mindful of doing all it can. This goes back to the very early days of the Government in 1995, when the question of declining enrolments, certainly in senior secondary colleges and high schools, was the subject of a very intensive review by the Ministerial Advisory Council on Government Schooling. That was mentioned at the committee hearing. Relevant issues looked at included even capping, which was rejected by the community who participated in that review. A number of issues were looked at. A number of steps were taken to assist that particular college and indeed the issue generally right across the Territory. I think there is much merit in what Mr Hird states.

Naturally, I will have a close look at the other two recommendations, and if we can improve upon any of the matters the committee comments on we will certainly do that. I have not checked everything in the report on those two yet. If there are any discrepancies as far as the department or the Government are concerned, we will be keen to act on those.

There is always a lot of politics in reports such as this. There certainly is in this one. During the time I have been in this Assembly I have detected that in virtually all committee reports there are at least one or two factors which indicate a way in which certain things can be improved. Accordingly, if that is the case in relation to particular items in this report, we will certainly be keen to look at them.

Mr Speaker, might I make one final comment in relation to this particular process and the estimates process generally? It relates to something I have observed not just this year but indeed in the last three or four years at least. I think many members of the Estimates Committee fail to do what I understand occurs in estimates committees in other parliaments and look at where governments could be more efficient in spending moneys and where moneys could be saved. I have seen the Estimates Committee in this place over the last few years show great concern about policy and its members express the feeling that the Government could be doing more or spending more money. I have not seen much emphasis on identifying where money could be saved or where wastage might be occurring. I point that out for the benefit of the Estimates Committee in future.

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I think one of the most important roles the Estimates Committee can play is to closely scrutinise how the Government spends its money and identify whether efficiencies and savings can be made in certain areas of government expenditure. I do not think that enough attention has been paid to that in recent years.

MR BERRY (4.00), in reply: I said earlier in my contribution to the Assembly debate in relation to this matter that you can always tell when you are getting close to the mark by the grizzles from the other side. They were loud and clear to us on this side of the chamber. In a Bjelke-Petersenish response, the Chief Minister started screeching that there has to be a review of the Estimates Committee process. This is because the Chief Minister feels burnt by the process. Eighteen of the 19 recommendations were endorsed by all members of the committee. It was not as if they were endorsed lightly. Nobody was hypnotised or otherwise excluded from the decision-making process. I think it is fair enough. The Government ought to just cop it and go away and prepare its response.

I think the Chief Minister's response has been rather pathetic. If you read her press release at lunchtime, you would think I was a one-person committee. I would like to be able to take the credit all by myself - that would be fine - but I am unable to because some of my colleagues would wish to share in the limelight as well. Many of the questions raised were raised by my colleagues, not necessarily by me.

Nevertheless, personalities aside, I am quite happy to have been involved in the process. The Estimates Committee, since they began in this place, have always had as their modus operandi to put the pressure on individual governments. That is their role. That is the role of scrutiny. That is why people like Joh Bjelke-Petersen did not like it. That is why they never let it happen in Queensland and we ended up with the Fitzgerald inquiry because of absolute power and the absence of scrutiny.

Bleating from the government benches about the issue is rather expected when there is some criticism, mild or harsh, but we have in this place a scrutiny process which has been developed around the minority government position which has existed since self-government, and it is a strong one. There were efforts at the beginning of this Assembly to water down the scrutiny process. Regrettably, the public accounts committee has been locked away with another portfolio committee. I think that was a negative step. I think I have been proven to be correct in respect of that. The scrutiny of Bills committee has been locked away with the legal affairs committee. These other committees are policy committees that are busy doing other things. I think it is fair to say that to lock away scrutiny committees in a mixed policy and scrutiny environment is not healthy if we are to have a proper scrutiny process. The howls of the Chief Minister about this report and earlier reports have to be taken in context. Yes, there were some strong criticisms of government processes in both of these reports, and in my view they stand. I will not be frightened off because the Government is upset by the process which has given rise to the recommendations.

Mr Speaker, I turn to comments of individual Ministers. Mr Humphries made a point about public servants being pressed too far in the process of scrutiny. If Mr Humphries was not tough enough or smart enough to be able to elicit an answer in relation to a matter, that is his problem. So far as I am concerned, members are entitled to press

public servants for answers until the point when the public servant flick-passes to the Minister or says that they are not prepared to answer because of the nature of the question. It is up to the committee to decide what they do with the matter if they have a refusal to answer on an important matter or whether they are prepared to accept an answer from the Minister concerned. I do not think it is right to expect that public servants not be pressed on matters. Of course we have to be able to press them on matters.

Let us not forget that the people putting together budget papers and annual reports are going to put the best gloss on their individual department's performance. They are certainly not going to report the negative events which have occurred throughout the year. They are only humans. Ministers are not going to be real happy with their departments if they put a litany of negative events in annual reports. Every department has them. They have them hidden away. It is up to the scrutiny process to discover them. Sometimes you have to be a bit brisk with the approach you take in pursuing these matters.

We did not uncover a lot in the time that we had to deal with these issues, but I think the matters that we did discover pointed to some general problems in the way that public servants and the Government deal with the performance of departments and their willingness to respond to the questions of committees. If this is the reaction we get on the Estimates Committee, which once a year scrutinises the budget, it is going to be just as difficult or even more difficult for those continuing committees that have to scrutinise public servants and call them to book in relation to other matters which occur throughout the year. For Mr Humphries and Ms Carnell to wail about the pressure being put on public servants to get responses that the committee is after is just a little bit precious. They ought to grow up a bit in relation to that.

Mr Stefaniak responded in relation to Copland College. Minister, yes, you did give evidence to the committee that you were doing things. What we are saying is that you are not doing enough, and what you have done has been unsuccessful, because enrolments are still falling. You had better have another look at yourself, because if you do not do something soon the school will close, and you know it. It will become non-viable unless you can get enrolments up. Yes, we asked the questions; yes, we were told what you were doing. We are telling you that it is not enough and that you have to revise it; otherwise, you are heading nowhere. It is your responsibility, not the department's, to initiate the process. As you say, this is a political environment. As one politician to another involved in a scrutiny process, I recommend that you pursue the course recommended by the scrutiny committee. Otherwise, Mr Rugendyke and I will be very unhappy with you.

Mr Stefaniak: You, of course, have absolutely no idea yourself, have you, Mr Berry?

MR BERRY: Mr Hird will not be unhappy with you, because he seems to think it is okay.

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Mr Stefaniak: You have no concrete, sensible suggestions, none whatsoever. I think Mr Hird is quite right.

MR BERRY: Mr Stefaniak bleats across the chamber, "You have no idea". Minister, I am not the Minister. I am quite happy to take over the levers and give a few ideas, but there is no point in you sitting there calling on other people to give you the ideas. You are the person who has the responsibility. You are the person who is accountable. You are the person who has to deliver. If you do not want to deliver, get out.

Mr Stefaniak: You have the evidence of everything we have done and you make a recommendation like that. Mr Hird is quite right.

MR BERRY: You are not doing enough. Enrolments have fallen and the college is in danger. Mr Speaker, there was also some comment about addressing the Estimates Committee terms of reference. What a lot of twaddle that was to try to distract attention from the real issues. Is Mrs Carnell trying to tell me that when she was examining these sorts of things in her period on Estimates Committee she stuck to her version of the Estimates Committee terms of reference? No, of course she did not, and neither should she have. What Mrs Carnell seems to be suggesting is that when the Estimates Committee gets the annual reports it should look at the pictures, check the arithmetic and give them back. That is just not good enough.

Mr Rugendyke: Check the arithmetic? That is dangerous.

MR BERRY: It goes a little bit further than that. You have to look at the operation of government and what the Government is doing. It goes beyond just looking at the pictures and checking the numbers. It goes to all of the issues which have been secreted away in those reports. Do not ever tell me that they have not been secreted away - little things. (*Extension of time granted*) Mrs Carnell made the point that the aeroplane and the Feel the Power campaign cost only a small amount, only \$15,000. Yes, but it was not something that was volunteered by the department; it had to be dug out. The point that we were making in dealing with that issue was that this was sloppy management, and if it exists in one place it exists in others. The same applies in relation to the supply of information to the committee. The point was well made that there was a sloppy approach to the provision of quality information and there needed to be improvements. That is the job of the Estimates Committee. The job of the Estimates Committee is not to prop up Ministers who are not prepared to live up to their responsibilities.

Somebody said that the first recommendation in relation to this matter was about the diversion of Ministers from their portfolio responsibilities to Executive private members business. Somebody said that we have a precedent here. We have a precedent in the ACT but nowhere else in Australia. We have created some odd precedents here that you really would not hang your hat on. The point that was well made in the Estimates Committee report is that Ministers having difficulty with their own portfolio responsibilities ought not to be diverted to deal with silly things like litter Bills directed at litter under windscreen-wipers. Mr Moore did climb to his feet and say a few things about that.

As I have said before in this place, somebody who is hanging out for heroin and wants to get on the methadone program is not going to be that happy when they go out to their car and discover, "Wowee, I do not have a leaflet under my windscreen-wiper". That is the very point we make. There are more important things to do. Indeed, we made the point in the committee report that the Executive agreed with Mr Moore's approach. That is why it is so silly for the Health Minister to be dealing with something which the Executive agreed with and which should have been in the hands of the appropriate portfolio Minister. That could have easily been done, leaving Mr Moore to do other, more important things.

In the scheme of things this is not much. Ministers may think that they can be diverted from their portfolio responsibilities to muck around with insignificant issues for the sake of a few cheap publicity points, but I do not think it should happen. The fifth Minister was appointed on the basis of workload. It is pretty hard to argue that you have a heavy workload if you can muck around with that sort of legislation on the side. That is the point we made, and we think we made it well. It undermines the basis for the establishment of a fifth Minister if Ministers have spare time to muck around with stuff that can just as well be looked after by the relevant portfolio Minister in the Executive, particularly when the Executive agrees with it. If there was a clash of ideology within the Executive - I do not see signs of too many clashes - there may well be a point to a Minister dealing with something under the changes to the standing orders. I have expressed my view about that and need not say any more about it.

I think we have made the case well. The Government should take note of all of the recommendations and report back to the Assembly in due course. We can say a thing or two about it then. Let us not forget that this is a report of the Assembly, not a report of Wayne Berry, as some people would like to picture it. This is a report of the Assembly which has been prepared conscientiously by staff of the Assembly. It has also been attended to by members of this Assembly conscientiously. We disagree on many angles, but even Mr Hird agrees with 14 or 15 of the recommendations. Mr Rugendyke agrees with 18 of the 19 recommendations and the majority agree with all of them. It was a properly prepared report with significant and positive contributions to make to the development of better government for the taxpayers of the ACT. It should be seen as nothing else.

Question resolved in the affirmative.

DEBITS TAX (AMENDMENT) BILL 1998

Debate resumed from 17 November 1998, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

MR QUINLAN (4.16): Mr Speaker, the ALP will support this Bill. It is procedural, and we support it as far as it goes. Certainly we would like to see within this Bill a widening of exemption provisions, but we support it and we trust that the amended legislation has a long life, because that will mean that this tax has not been repealed and we will not be having a GST or, if we do have a GST, it will have been modified.

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MS CARNELL (Chief Minister and Treasurer) (4.16), in reply: I thank members for their support on this very sensible piece of legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

WATER RESOURCES BILL 1998

Debate resumed from 21 May 1998, on motion by **Mr Smyth**:

That this Bill be agreed to in principle.

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

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

Debate resumed from 29 October 1998, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

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

AGENTS (AMENDMENT) BILL (NO. 2) 1998

Debate resumed from 29 October 1998, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR STANHOPE (Leader of the Opposition) (4.18): This is a very straightforward Bill that provides for a national cooperative scheme for the licensing of travel agents and compensation of consumers if an agency business collapses. The Bill proposes that effect will be given to the scheme through a travel compensation fund trust deed which provides for the establishment and administration of a national travel compensation fund and a compensation scheme in relation to business carried on by travel agents. To hold a licence, a travel agent will be required to contribute to the travel compensation fund. The Bill amends the Agents Act 1968 to reflect amendments to the travel compensation fund trust deed and, to avoid similar future amendments, the Bill removes specific references to clauses of the trust deed from the principal Act.

Mr Speaker, this Bill is a very sensible piece of legislation. It is legislation designed to protect members of the public who put their faith in particular agents, and it is legislation which the Labor Party is accordingly very happy to support. Indeed, we commend the Minister for bringing it forward. It is very sensible. It protects the community from predatory or not particularly sound agents, and it is worthy of our support.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.20), in reply: Mr Speaker, I want to thank the Opposition for its support for the amendments. This Bill is part of a national scheme, the national travel compensation scheme. The travel compensation fund is a fairly significant part of the process of protecting those who use the services of travel agents. I suppose the question that crosses my mind is: What would we do if the Assembly was not inclined to support such amendments one day? The result would be that we would be at odds with other States on the provision of the travel compensation fund and its operation. That, I suggest, would be a rather unfortunate state of affairs to find ourselves in, but it is not the case today, I am pleased to say. I thank members again for their support for this legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

DRUGS OF DEPENDENCE (AMENDMENT) BILL 1998

Debate resumed from 29 October 1998, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

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

ELECTORAL (AMENDMENT) BILL 1998

Debate resumed from 19 November 1998, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR STANHOPE (Leader of the Opposition) (4.21): I first heard of this proposal when the Electoral Commissioner indicated to the Select Committee on the Report of the Review of Governance that he would be making this proposal to government. As everybody knows, that committee is looking at a range of proposals some of which potentially impact on the number of members of the Assembly and the size of electorates. We received some very interesting submissions, including one from Mr Hird that the ACT move to seven electorates of three members.

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Mr Hird: You would support that, would you not, Jon?

MR STANHOPE: That is a very interesting proposal, Mr Hird.

Mr Hird: Would you support it?

MR STANHOPE: It has some real attractions, Mr Hird. Mr Speaker, as you know, the committee took very seriously suggestions from Mr Hird and others in relation to potential electorate boundaries and the size of electorates. Section 37 of the Electoral Act requires an electoral redistribution as soon as practicable after the third Saturday in February. That date was included in the legislation to reflect the fact that elections for the ACT were held in February. Because the select committee is looking at issues such as electorate sizes and the number of members, it makes good sense to delay the next redistribution. Because the next election of the Assembly will be in October 2001, it also makes good sense to amend section 37 to reflect that fact and to retain a relationship between the election date and the redistribution date.

This is a sensible proposal. It simply delays the next redistribution from next February to next October. The Labor Party is quite happy to support this proposal.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.24), in reply: Mr Stanhope has summed up the arguments in favour of this Bill. I have nothing further to add except my thanks to the Opposition for its support for the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

HEALTH CARE - HARM MINIMISATION Ministerial Statement and Paper

Debate resumed from 25 June 1998, on motion by **Mr Moore:**

That the Assembly takes note of the paper.

MR WOOD (4.25): Mr Speaker, in the week that Mr Moore tabled the strategy, one of the big items of news was the proposal by Ansett Airlines to put receptacles for sharps in aeroplane toilets. There was a surprising amount of fuss about that proposal, with some people in the community resisting quite fiercely. That fuss demonstrates the difficulties for administrators, for parliaments, to develop policy towards drugs. The same sort of response was revealed as the heroin trial wound its course.

I would have thought by now that it was well accepted that there should be means of collecting sharps, and not merely of collecting sharps but of exchanging them. I thought that debate was long over. The reason for the debate being over was the point made in Mr Moore's document, and I quote from page 5 where it is said that low infection rates were due to "needle and syringe exchange programs and related policies". The results of needle exchange are well established and well known, so it is difficult to understand the response to that Ansett proposal.

Mr Moore's document focuses on sexual help and blood-borne diseases, mainly HIV/AIDS and the hepatitis C virus. Mr Moore made a recent announcement about the hep C virus. The Minister used the opportunity in presenting his paper to promote the model of harm minimisation over that of proscriptive legislation. In general in this Assembly there appears to be support for the harm minimisation model; that is that we should take actions to reduce the harm to society and to the individual from the undesirable consequences of illicit drug use. This strategy well sets out the processes to expand that harm minimisation activity, and rightly so in view of the success I have indicated in containing the spread of HIV/AIDS. The paper is quite detailed and should build on that success.

Mr Moore argues that proscriptive law has failed. Well, it clearly has. Four hundred kilograms of heroin was captured on one of our beaches at about the same time as the strategy came down and illicit drug-related problems continue to grow. The capture of all that heroin appears not to have had much impact, if any, on the supply of heroin. I think it is fair to point out that, given the state of policing recently revealed in New South Wales, a strong prohibition campaign may not have been given a fair trial in New South Wales. That, of course, affects us.

I am not sure where Mr Moore wants to take us in the future. Do we have, on the one hand, just harm minimisation, and on the other proscriptive law? Do we have, in Mr Moore's mind, just one and not the other of those? It seems to me that law enforcement, enlightened law enforcement, remains a necessary factor in control of illicit drug use. If jurisdictions were to seek to move from the current system of prohibition of certain drugs, it surely could not be in any single-step legislative process. Present considerations require a law enforcement role.

In defining a whole-of-government approach Mr Moore refers to, among other factors, law reform efforts, but he does not refer to law enforcement. Perhaps that is the task of another document. In debating the undoubted merit of harm minimisation we need to discuss further the legalities of containing illicit drug use and of law enforcement. We do not have one or the other today. After the HIV/AIDS scare we adopted certain harm minimisation approaches, such as the needle exchange. So it is not to say that we have total proscriptive law at the moment. I repeat that, in the general debate that occurs, I am not sure of the future as Mr Moore may seek to move towards a stronger harm minimisation model and move away from proscriptive legislation. This is not the occasion for a debate on that matter but at some other stage we may need a longer debate on how we might move from one to the other and the relativity of one to the other.

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Mr Moore correctly sets out an approach which is coordinated across government. He refers to education, to urban services and to law reform, as I said. That is important and it is essential to success, as we seek to win support for appropriate models of control, of management. The heroin trial, I thought, was close to being accepted in the community and by most, or many, senior politicians in Australia today. It was only Mr Howard's late veto, I think, that killed it off. In seeking to gain the strong community support that we need for such approaches we need to be sure to bring people with us. We need that education. We need counselling. We need policing of supply, I would think. We need law reform. We need a wide range of harm minimisation measures.

If there was any problem that I see in retrospect about the heroin trial it is that it was wrongly taken by the media and it was sometimes seen as the only program we were going to do when, in effect, I believe it was intended to be seen as one means of considering the problem. It was certainly unfortunate that the tabloid media, in Sydney in particular, simply sensationalised it and acted, I think, quite disgracefully.

A range of strategies, a range of treatments, is necessary, as we attempt to overcome the problem of illicit drugs. I think further debates in this Assembly will focus on that broad-based approach, and that also needs to be the debate in the broader community. But the heroin trial is not any part of the strategy we are discussing today. I have deviated, Mr Temporary Deputy Speaker, from the paper we are discussing. Safe injecting rooms do feature. As Mr Moore indicates, there will be investigation of a pilot safe injecting place. He was quite clear on that during estimates. I am sure all members of this Assembly will be interested in looking at that proposal.

Recently in Sydney, along with members of the Health and Community Care Committee of the Assembly, I saw a place that was not a place with a safe injecting room. It was, I suppose, a good establishment, if you are attacking the drugs problem, with a wide range of approaches, including medical staff for routine medical problems as well as problems specific to illicit drug uses, with counselling, with a needle exchange and with a drop-in centre. It was really a place that works well for what it is intended to do. It was pointed out to us that it could easily have one addition to it, namely a safe injecting room, but that is not the policy of the New South Wales Government, so it is not going to proceed, certainly not at this time. But it was interesting to see that place in operation. There are some places in the ACT, or one at least, that are not too different from that, and we should bear that in mind.

Mr Temporary Deputy Speaker, this is a comprehensive document. It has a range of useful and necessary measures. It does not detail all the measures that may be taken, but we will certainly participate in that debate which will expand the topics raised in this important policy.

MR STANHOPE (Leader of the Opposition) (4.35): I rise to speak briefly to the harm minimisation paper which the Minister has tabled. I simply wish in the main to endorse the comments of my colleague Mr Wood. I read this document with great interest. This is a current debate, a very important debate. It is a debate which I think is very important that the ACT community be engaged in.

As I think everybody in the ACT is probably aware, Mr Moore has been a very strong advocate within the ACT community for a long time for harm minimisation in relation to the treatment of drug abuse. He is quite rightly recognised for the strength of his commitment to that model. The harm minimisation model is also a model which the Labor Party, in its consideration of the issue, has adopted and endorses. I have indicated to Mr Moore that the Labor Party is prepared to work with the Government in a cooperative way to advance the harm minimisation model as an appropriate model for the ACT.

We have a number of questions about it. We believe, as Mr Wood has said, that it is very important in developing a harm minimisation model that we look in detail at what it means. Indications of that are the extent to which we should take the model and the very real need for the people of the ACT to be accepting of each aspect of a broad-ranging health minimisation approach to the problem of drug abuse within Canberra and the Canberra community.

Having said that, the Labor Party accepts that the policies based on prohibition have not worked. The ministerial statement which the Minister has made makes the case very strongly, so far as he is concerned, as to why prohibition has not worked. Perhaps that is not a debate we need to have at this stage.

The paper that we are discussing covers three main areas. It initially is concerned with issues of sexual health and a blood-borne diseases strategic plan. It deals in some detail with HIV/AIDS and particularly about the issue which I think the Canberra and Australian community is facing in terms of infection with the hepatitis C virus.

As is noted, in Canberra there have been 1,554 hep C notifications since 1989. We are averaging about 300 new cases of hep C being notified in the ACT each year. It is quite easily the most common infectious disease that we have. As people know, there is no vaccine currently available for hepatitis C. I read in the last week or so in the *Sydney Morning Herald*, I think, that it is now estimated that there are probably 200,000 people in Australia infected with the hepatitis C virus. That is an infection of epidemic proportions. The extent to which the Minister focuses in this paper on sexual health and a blood-borne diseases strategic plan I think reflects the fact that we as a community really do need to take this issue of hepatitis C infection extremely seriously. It is a major health problem for the Canberra community and it is a major health problem for Australia. It is one that I am not quite sure that we have yet come to appropriate grips with.

I think there is a debate that we do need to have. Mr Moore has dealt very openly with the issue of hepatitis C infection, but it seems to me that there are almost certainly some gaps in response to that. I think the paper recognises that there are significant gaps in service provision in relation to hepatitis C. It seems to me, having regard to the rate at which hepatitis C infection is spreading throughout the community, that there really does need to be an intensified effort in relation to the spread of hepatitis C and education about the risk factors relating to hepatitis C. That in itself, I think, justifies the commitment in all Australian jurisdictions, and particularly here in Canberra, to the needle exchange program that we have. Hepatitis C is, I understand, very simply transmitted through blood.

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I noticed that Mr Osborne was asking questions today about the needle exchange program. If for no other reason, the needle exchange program can be justified just in terms of hepatitis C, let alone any other blood-borne disease. As the Minister has conceded in this place, I think during estimates at least, there is no reason for us to be sanguine about the potential for other blood-borne diseases to be lurking there, blood-borne diseases of which we are not yet aware.

An issue that is also raised by the Minister in his paper in relation to blood-borne diseases and sexual health is particular to the indigenous population of the ACT. I understand that in a whole range of indicia, HIV infections, hep C infections and heroin abuse, the indigenous population of the ACT is a population in relation to which these issues have become a much more pressing problem and in relation to which there is an exponential explosion of infection and use.

The Minister, in the paper, does touch on some other very important and significant issues which, in the context of the debate which is with us, will intensify within this community in relation to some of the harm minimisation proposals, such as a safe injecting place. There is a range of other issues that need to be considered and debated in that context, issues which I think the community must become familiar with and accepting of, such as the potential repeal of the offence of self-administration of a prohibited substance. Issues such as that will have to be dealt with and articulated by the Minister when he seeks to engage the community in relation to the establishment of a safe injecting place. People will be concerned about issues of legality and responsibility, and that goes for issues such as the offence of self-administration.

I think the stage will probably arise when the Minister progresses his proposals in relation to some of the issues around harm minimisation. We will have to debate the problems which are presented by an abstinence-based approach to illicit drugs and the fact that the Prime Minister seems intent on maintaining an ideological position in relation to that. There is an issue here for us in the ACT which I will touch on, and one which I will continue to bring up. It seems to me that the ACT has missed out sorely in relation to the Prime Minister's so-called tough on drugs funding.

There is an aspect of the paper which the Minister, if he is joining in the debate today, might respond to. I refer to page 8 of his report. This might be something that I have missed in the debate. Mr Moore advises us that the Commonwealth announced that the ACT has been allocated \$125,000 over four years to meet gaps in service delivery. He then listed the priorities - the need for a residential rehabilitation service for young people, a women's detoxification service, a residential rehabilitation service for Aboriginal people, and services for people with mental illnesses. (*Extension of time granted*) The paper notes that the Commonwealth has indicated that the ACT Government's funding will be \$125,000, or \$500,000 in total. The Minister, in his paper, notes that that amount of money would barely cover operational costs, let alone establishment costs. I understand and agree with the point.

Since the paper was issued we had the debate in the election period and it was revealed that the Commonwealth, in fact, had not provided any funding to the ACT. It is not clear to me - perhaps the Minister could clarify this point for me - whether we have received that \$125,000 that has been promised or whether that was what we were anticipating in that first round and now are hoping for or praying for in the second round. I take the point that if that is all we are going to get then these prioritised gaps that have been recognised in the paper seem to me to be unobtainable. There are issues for me around that in terms of what we can afford, and why the Commonwealth, I think, has discriminated against us in this way. I would be grateful if the Minister at some stage, if not today, could explain that to me.

I will close my contribution now. There are other issues raised in the paper going to the methadone treatment program. These are issues that we need to remain vigilant about. I do understand that these are issues which I think we in the ACT must get right if we are genuinely serious about meeting the terrible cost of drug abuse in this community. I understand that the waiting list for methadone did blow out to seven weeks, but it is now back to four weeks or thereabouts. It seems to me that, as a community accepting the terrible scourge of illicit drugs and the terrible pain and damage and cost in lives, suffering and unhappiness, we must get into place our basic programs for treating those people seeking rehabilitation, looking for some assistance from the community for relief from their addiction. We must get the basics right in order to be able to move on through the suite of possibilities available to us as we explore the range of proposals that can be utilised to attack the drug problem.

There is a lot of food for thought in the report. I think it is a good report, Mr Temporary Deputy Speaker. There are things that I would be very happy to argue and debate with the Minister, but I think it is a useful contribution to a debate which this community must have on these issues. I look forward to continuing to engage with the Minister in a constructive way to further the issues.

MR MOORE (Minister for Health and Community Care) (4.49), in reply: I would like to thank members for their contribution. I think Mr Stanhope summed it up when he said that these are difficult issues that plague our society in this era. It seems to me that the opportunity to work with all members of the Assembly to try to take the politics out of this issue as much as we can will mean that we should be able to get much better outcomes. I certainly appreciate the invitation of Mr Stanhope to do that.

Mr Temporary Deputy Speaker, I would like to inform the Assembly that it is not just words because the Labor Party invited me to speak to their policy conference a matter of weeks ago, which I was delighted to do. I thought it was a very fruitful afternoon. It just shows that it is more than just words; that there is a genuine commitment to try to get the best possible outcome for the people of the ACT in dealing with the particularly complex problems associated with illicit drugs.

Both speakers raised the range of issues with which we must deal, and I think that is fundamental to what we are seeking to achieve. Mr Wood identified a gap in what I presented in regard to law enforcement issues, and rightly so. Indeed, I presented this report very much from a health context. But I will say that it was very interesting to

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me last Sunday when I attended the first International Conference on Drugs and Young People in Melbourne to listen to a police officer from Victoria interpreting harm minimisation from the law enforcement perspective and how Victorian police had managed that. It gave me hope, Mr Temporary Deputy Speaker, that we would be able to move on in a cooperative way. There will always be a role, an important role, for law enforcement in trafficking, no matter what the system might be. Even the people I have heard who have been advocates of a completely regulated system, some of whom I agree with, would still insist that we have to have an appropriate role for law enforcement.

A good comparison is alcohol. If somebody tried to bring a shipload of alcohol into Australia we would expect our customs and law enforcement officers to carry out a raid and make an arrest, or make sure that that alcohol was taxed. The alcohol may be impure and could damage large numbers of people. It seems to me that there will always be an important law enforcement role. It will be interesting for us to look at how our law enforcement officers handle harm minimisation within the ACT. The Australian Federal Police in the ACT already have an officer whose job is to work with community groups and others to understand harm minimisation and to help the police understand it. I think that is an important part of what we need to achieve.

It is also important, as Mr Stanhope said, to bring people with us in the way we are dealing with this. Bringing people with us is all about taking a step out front and then taking time for people to understand what the thinking is and where we are going. I think all members here would recognise the difference in thinking in the ACT community over the last 10 years, and, in fact, our own thinking.

Somebody said to me recently what a turnaround it was by a Federal member who had just said, "Well, I think it's time I changed". An even better example occurred in Adelaide a couple of weeks ago when a Labor member, I think it was, who had crossed the floor to vote against the cannabis legislation, the expiation notice legislation, when it was introduced in the late 1980s, signed the charter for drug law reform of the Australian Parliamentary Group for Drug Law Reform and said, "Well, I have to say that I have changed my mind". I changed my mind since the time that he crossed the floor. When he crossed the floor I had exactly the same attitude as he did. It is really a matter of looking at the evidence and being presented with the evidence on how we are going to deal with this.

Mr Wood also raised the issue of the heroin trial and said that, in retrospect, perhaps part of the problem with the heroin trial was that we did not present it in the context of the range of issues that we should have been dealing with; that it was just one end of the spectrum. That is probably correct. I have to say to Mr Wood that we put in a huge amount of effort to try to present it in that way, but I agree with him. We failed. We tried to do it but, of course, the media will take up the interesting thing that is at the hard end and work with that.

It is interesting that the alternative presented at the time was naltrexone. The tabloids to which Mr Wood referred at the time were saying, "Look, you don't need to give heroin treatment. All you need is naltrexone". They gave example after example of somebody who walked in and 24 hours later they were off the drugs and there was no problem anymore. We are about to start a trial on naltrexone in the ACT within the next

couple of weeks, or an even shorter time, I think. The trials we have seen in other parts of Australia indicate very good results. About a third of the people who are using naltrexone are able to come off heroin for a reasonable while. It is not a miracle cure but it is an interesting and important part of an armoury of the range of things that we can do for people.

That leads me on to the issues raised by Mr Stanhope. He said we have to be careful that we do maintain that full range and asked what we were doing about services to youth for rehabilitation and so on, and how we were dealing with the tough on drugs money. I think it is worth remembering that the tough on drugs money that the Federal Government has offered does not come to the ACT Government. It is money that goes directly to community groups who apply for it. What the Government has done is try to facilitate as much as we can, and to assist people in getting their applications in. We have supported applications and done what we can to try to get that money for people.

The amount of money involved, which Mr Stanhope referred to, was originally \$500,000 over four years, and that clearly was not enough to meet our gaps in service delivery. The Commonwealth Minister responded, after I wrote to him in late June, that he was prepared to combine the first and second instalments of funding for the non-government organisation treatment branch program for new services and improvements to existing services respectively, to combine those two, which would amount to a total of \$844,000 over four years for the ACT. It still amounted to just over \$210,000 a year. The application for a youth rehabilitation centre was for over \$1m. In fact, it was close enough to \$1.2m, leaving about a \$1m gap. Having looked through the list of applications that were successful right across Australia - I am happy to show Mr Stanhope that list - there were quite a number of similar programs that were funded for the \$250,000 or \$300,000. I would be happy to encourage people to apply for it, but we have to remember that the ACT Government has very little to do with it other than encouraging it. We hope that people will be able to access that money, and that will help us deal with some of these services.

Mr Stanhope also raised the issue of hepatitis C, drawing attention, in fact, to a newspaper article which stated that 200,000 people were recorded as being hepatitis C positive. We have had over 1,500 notifications in the ACT and we can project from that. I would imagine that double that number of people are hepatitis C positive but have not recorded it. It is indeed at epidemic levels, and it is something that we have to continue working as hard as we possibly can to deal with.

Mr Temporary Deputy Speaker, I would also like to comment to members on a follow-up on the issue that I raised about Major Brian Watters in that particular program. It ties in also with the issue Mr Wood raised originally about safe injecting disposal units in Ansett aircraft. *(Extension of time granted)*

Debate interrupted.

ADJOURNMENT

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Order! It being 5.00 pm, I propose the question:

That the Assembly do now adjourn.

Mr Moore: I require the question to be put forthwith without debate.

Question resolved in the negative.

HEALTH CARE - HARM MINIMISATION Ministerial Statement and Paper

Debate resumed.

MR MOORE: Mr Temporary Deputy Speaker, Major Watters had raised the issue of safe injecting disposal units in Ansett aircraft and criticised them, along with his previous comment criticising the methadone program at the time I launched it. At the Ministerial Council on Drug Strategy, after he reported on behalf of the National Council on Drugs, I expressed to him my concern that his statements were not consistent with the policy that had been adopted only minutes before by all Ministers of police and health from around Australia, that they were not consistent with his own secretariat, and they were not consistent with the previous drug strategy. I requested that he take more care in the future - I did not want to dwell on the past - to make sure that his statements were consistent with the policies that all Ministers in Australia had just adopted. He replied something to the effect that he had made these particular comments not as head of the tough on drugs committee but on a personal basis. The Federal Police Commissioner, Mick Palmer, reinforced that he had been at a press conference when Major Watters had separated what he was saying personally and what he was saying as head of that committee.

I have to say, Mr Temporary Deputy Speaker, that I think Major Watters is in a position where he is going to have to make a decision that he is one thing or the other on that issue. I drew attention some time ago to the fact that I have exactly the same issue to face. As a Minister for Health I cannot have a personal opinion on health matters. I have to present it from the Government's point of view. For me to say, "On this health matter I have this view but the Government's view is something else", would be impossible. It was one of the trade-offs I made in accepting this Health ministry. It seems to me that Major Watters, with whom, by the way, I have had quite a number of discussions and for whom I have quite a bit of respect, really does need to resolve that issue. Mr Wood will be pleased to know that his committee had a different view from Major Watters on that. Indeed, I believe that the Ministerial Council on Drug Strategy, as a whole, saw that as a sensible harm minimisation measure.

We need to pursue down this path of harm minimisation. We need to do it actively because so many of our young people are vulnerable and are at risk. I am very pleased to be able to work with other members in the Assembly. I will continue to work with other members in the Assembly, even when I understand they have a different view from me on this issue, so that we can, as far as possible, take any of the politicking out of it and so that we can get the best possible outcome for the children and young people of this Territory and for the adults who unfortunately are involved.

Question resolved in the affirmative.

LITERACY

Ministerial Statement and Papers

Debate resumed from 26 May 1998, on motion by **Mr Stefaniak**:

That the Assembly takes note of the papers.

MR BERRY (5.03): I rise to respond briefly to this ministerial statement on literacy. Literacy is a popular cause in the community and one that governments have to take note of. Indeed, the Opposition takes note of it as well. There is nothing more important than producing students well versed in the skills of literacy and numeracy. I do recall with some concern the old three Rs rhetoric that we heard from conservative sources. I trust that we have gone a little bit further than that in dealing with the issue. From the words in the paper, it is clear that people within the education system at least are keen, as you would expect them to be, to improve literacy and numeracy amongst our young students.

There are areas where problems of literacy development are occurring. I do not need to focus on any of them in particular, but there are areas that need a particular and specialist focus to make sure that young people are not left behind. It is very easy to assist the talented, but it is more difficult to deal with those who are having difficulty with their education. I know that teachers are aware of that and are very careful about it, but at the same time there is always a possibility that people will fall through the cracks, as they say. The job of a good education system is to deal with them.

I am surprised that the Minister would mention Charnwood High School. That was a sorry saga for the Government. The Minister said that a literacy and numeracy fund was established following the sale of Charnwood High School. I am not sure that the people of Charnwood would be very happy about that or would see that as a proper trade-off for the closure of their school, but at the same time nobody would oppose the establishment of a literacy and numeracy fund, provided it produced results. The closure of Charnwood High School, in itself, would probably cause difficulties for some students in that area. There may be issues that the education system has to deal with as a result of the dislocation caused by that unfortunate closure in unfortunate circumstances. Again I say that I am surprised to find Charnwood High School mentioned in the Government's vocabulary, given the circumstances. It is unfortunate that this attempt at trade-off has been tried on. People expect education budgets to contain reasonable funding for these sorts of programs where they are found to be necessary.

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Another interesting thing that I find in the Minister's statement is this sentence:

Primary schools will receive an additional \$400,000 to meet the learning needs of students through targeted early intervention programs.

This sounds like new money but we know it is not. It is money that will have to come out of the education budget. It will have to be found somewhere else. The \$400,000 for early intervention programs comes from within the education budget and creates a strain somewhere else.

Nobody would oppose directing funding to these sorts of needs, but when it comes out of, and creates other pressures within, the budget the sum of the outcomes might not be as good as the impression the dollar figure might give. We all now know that the Government broke its promise about maintaining funding within the education system and that there will be pressures within education as a result of that. I am sure that we will discover those pressures as time passes. They will visit themselves upon the Government. You cannot cut those sorts of funds from the education budget without affecting some aspect of it.

I suppose this goes back to the Estimates Committee process. All sorts of attempts will be made to put a gloss on it, and it will be up to those who are involved in the next Estimates Committee process to use their skill, care and attention to get to the bottom of it. I expect Mr Stefaniak still to be the Education Minister. He will shriek at them for being too tough and he will say, "Why do you not come up with some new ideas of your own?". At the end of the day those education cuts do impact on - - -

Mr Stefaniak: Are you going to talk about literacy?

MR BERRY: No, we are talking about the cuts to education. Will they impact on education? They do impact on education.

Mr Stefaniak: It is not numeracy; that is for sure.

MR BERRY: Education is about literacy and numeracy, Bill. I am surprised that Charnwood and the other matter are mentioned in the Minister's speech. If I were him, I would stay quiet about those, though I suppose the cat is out of the bag and there is not much he can do about it now.

It is absolutely necessary for us to stay focused on quality education for upcoming generations. Without a proper education, our children, their children and so on will never be able to create the sort of society that we hope for them. It is also extremely important that we do not let ideology get in the way of this issue. I mentioned earlier my concerns about the three Rs and the ideology surrounding that old saying which was peddled around by conservatives in the past. I trust that the language in this statement results in

better outcomes for students, though when I look at the Government's performance in the last budget I worry about the future of our education system. I worry about the worth of government promises. I also worry about the worth of other members in this place when they make promises about education and the eventual impact when they break those promises.

MR STEFANIAK (Minister for Education) (5.11), in reply: I thank Mr Berry for his comments, most of which, for him, were reasonably positive, although I will start by correcting a couple of comments he made. He is starting to sound like a broken record on Charnwood High. Perhaps I should reiterate what was said in the debate three years ago and reiterated a few times since. There was a six-year decline in numbers at Charnwood, and guess who was in government for most of that time? That lot opposite were.

Mr Berry also sounds like a broken record in relation to the extra \$400,000 for literacy. I do not know how many times I have to say it. From the budget figures for schools, there was an extra \$4.2m, consistent with the 1.8 per cent increase in CPI, and indeed \$400,000 extra for literacy. As I think I said in my statement, that is on top of the additional \$300,000 before then. Mr Berry has at least recognised the importance of literacy and numeracy. As he himself says - and I wish he would take note of it - you have to be very careful with figures. That is certainly something he should take note of himself.

I welcome the debate on the importance of literacy in the education of our young people. Mr Berry is certainly correct in saying how important this is. He is also correct in saying that it is important to make sure that people do not fall between the cracks. That is quite clearly something we are trying to prevent with our literacy statement. We have had two years of testing for literacy and numeracy in the primary schools, and that will be extended to high schools next year. This will enable us to pick for the first time where each and every student is at, so that we can assist students who may otherwise fall through the cracks.

There have been considerable advances in literacy and numeracy in Australia over recent decades. As I recall, figures indicate that for young people under the age of 24 about only 9 per cent now could be classed as effectively functionally illiterate and not numerate. That is a considerable improvement on probably what the situation was some decades ago. There are still young people, quite obviously, who need extra assistance, and that is why it is so terribly important that we have a strategy.

I think it is clear that no-one in this Assembly does not believe that literacy skills are absolutely fundamental and overwhelmingly important in giving students the foundation that they need to fulfil their potential in society and in the world of work that awaits them on completion of their school years. I am proud of the work this Government has done and what it has achieved towards ensuring that ACT students leave school with the very best literacy skills we can help them achieve. I am proud too of the effective and very productive partnerships that teachers in our schools have formed with parents and carers in working on improved literacy skills for students.

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The Government has gone beyond keeping up with, and participating in, the national agenda on literacy skill development. I think we are leading the nation in implementing successful literacy strategies. Our success in that respect is measurable. We are up front and accountable to parents and to the broader community on what is happening with literacy in ACT government schools.

We have now presented detailed, understandable and relevant information to parents and carers on their children's progress in literacy for the past two years. In both of those years the overall pattern of achievement of ACT students is indeed very pleasing, but we have not and we will not, indeed we cannot, rest on our laurels. The literacy assessment instruments that are being used in schools provide valuable diagnostic data. That data enables teachers to target areas that most need improvement and to address the particular literacy development needs of individual students accurately.

The literacy strategy, school literacy teams and classroom teachers will continue the terrific work already under way on further improving literacy standards in our ACT schools. The feedback I am getting is that schools and the literacy teams are working very productively in the development of individual school literacy plans. The successes we have achieved in literacy in primary school will be extended to government high schools from the start of next year.

I would like to take this opportunity to commend the commitment and professionalism of ACT teachers who have entered into enhanced literacy strategies in schools with enthusiastic willingness. I am also very happy to see parents being involved in this process through the P&C. That is also absolutely essential. I thank Mr Berry for his comments and I commend the papers.

Question resolved in the affirmative.

ADJOURNMENT

Lost Money

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.16): I move:

That the Assembly do now adjourn.

I received an email today. Members will probably find it on their own computers when they go upstairs. It says, "A sum of money was found on the first floor of South Building today. Please contact the Principal Attendant if you have a claim". I think I can throw some light on that matter. I understand the amount lost was \$400m. If Mr Berry would like to come to the attendant's office, he can claim that amount of money.

Rural Residential Development

MR CORBELL (5.17): Earlier in the Assembly today I made some comments in relation to Hall/Kinlyside and I quoted from a document relating to block 318, District of Gungahlin. I inadvertently led the house to believe that the document came from an FOI request. Instead, it was provided by the Chief Minister directly to members. I simply wanted to clarify the record.

Question resolved in the affirmative.

Assembly adjourned at 5.18 pm