



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

13 February 1991

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MR SPEAKER (Mr Prowse) took the chair at 10.30 am and read the prayer.

SUBORDINATE LAWS (AMENDMENT) BILL 1991

MR CONNOLLY (10.31): I present the Subordinate Laws (Amendment) Bill 1991. Mr Speaker, I move:

That this Bill be agreed to in principle.

This is, again, an exercise of the Labor Opposition's commitment to use private members' business in this Assembly to constructively bring forward reforms to the law that will benefit the community of the Australian Capital Territory. We are committed to that course of action and, although on a number of occasions the standing orders and section 65 of the self-government Act have been used against us to prevent debate on issues of importance, we will continue to produce legislation of benefit to the community and to present it to this house. If the Government chooses to rule that those Bills are not fit for debate and throws them out, we will accept that; but we will not be deterred from our course of legislating for the public good.

Mr Speaker, this is a Bill that I think the Opposition may find is supported by the Government. The purpose of this Bill is fairly minor in terms of the number of lines that it adds to the statute book, but it is important in its implications for the role of this Assembly. It is fundamental, and accepted as fundamental in all parliaments, that the parliament is superior over delegated legislation and that, where regulations are made under an enactment, the public good is protected because the parliament has control over that delegated legislation by way of disallowance.

Delegated legislation has been widely criticised. The very famous work of Lord Hewart in 1929, *The New Despotism*, was a trenchant critique of the use of delegated legislation by the British Parliament, in place of active legislation that has been subject to full debate and passage through the parliament. It is notorious that, in State parliaments and in the Federal Parliament, the volume of delegated legislation that is passed into law each year often exceeds the volume of legislation that has been put through the parliament.

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It is a matter of pleasure for people in the ACT that we have tended to avoid that and, both in the legislation that was implemented by the Labor Party when in power and in the legislation that is being introduced by the Alliance in power, there is a tendency to put important provisions that affect the community in the Bill which gets passed through into the Act of parliament, rather than rely extensively on regulation. The volume of regulations in force in the ACT is, by comparison to other jurisdictions, comparatively light.

Delegated legislation, Mr Speaker, has, of course, a long history. British studies take it back to 1385, the most outstanding piece of delegated legislation being in 1539 in the Statute of Proclamations - a very useful piece of legislation that no doubt many governments would like to see still on the books. It said:

The King for the Time being, with the Advice of his Council, or the more Part of them, may set forth Proclamations under such Penalties and Pains as to him and them shall seem necessary, which shall be observed as though they were made by Act of Parliament.

This was a totally broad-ranging provision, which allowed regulations, which may include criminal penalties, on any subject.

Mr Speaker, we have gone a long way from that, and delegated legislation now is usually restricted to minor matters. In this parliament, as in all parliaments, there is a Scrutiny of Bills and Subordinate Legislation Committee which looks at delegated legislation. It takes the advice of highly competent outside counsel who are engaged to look at the delegated legislation, not from a policy perspective, but with a view as to whether it offends certain principles; whether it imposes penalties; whether it deals with matters which ought otherwise to be dealt with in the Act. Ms Maher is chair of that committee and is well familiar with the work that is done by the legal adviser, Professor Whalan, in this committee in this Assembly.

Mr Speaker, the whole purpose of that committee inquiry is premised on the ability of the parliament to have final control over that legislation by way of disallowance. The position that anyone who has worked in the public service or in the law in Canberra has been very familiar with is, of course, the disallowance position that applies in the Federal Parliament. That is not only that a member may move disallowance and that the Parliament may vote for disallowance, but also that, if a member moves disallowance and that resolution is not dealt with within 15 sitting days, the matter is deemed to be disallowed. The important difference between that latter provision, the deemed disallowance provision, and the more simple allowance, the affirmative vote of an assembly to disallow, is that with a

deemed disallowance provision it is not possible for the executive government of the day, controlling the numbers in a chamber, to prevent debate on a piece of subordinate legislation.

The provision that is currently in force in the ACT is the Subordinate Laws Act 1989. I must advise the chamber that there is a typographical error which I had not picked up, in that the principal Act cited in this Bill is the Subordinate Laws Act 1989, of course, not 1984. I will seek to amend that at a later stage.

Dr Kinloch: That is both times, is it?

MR CONNOLLY: That is right. The title should read, "An Act to amend the Subordinate Laws Act 1989", not 1984; and clause 3 should read, "'Principal Act' means the Subordinate Laws Act 1989", not 1984.

In section 6 of the principal Act, this Assembly has a power to actively disallow a regulation, but the deemed disallowance provision is not present. As the Attorney, of course, acknowledges, that is correct. That means that - and this could happen at any time in the future; it could be a member of any party or an independent - should a member feel particularly strongly about a regulation, and should that be a regulation that the government of the day, of whatever party and for whatever reason, does not want to have debated, it is possible that the member would never have the opportunity to get that issue debated in the Assembly.

If we take as a premise that the Assembly is superior to the Executive in relation to delegated legislation and that all delegated legislation must depend upon its being subordinate to this Assembly, that is a very undemocratic principle. This critique of the lack of a deemed disallowance provision was pointed out very clearly by Professor Dennis Pearce in his standard authority on delegated legislation, *Delegated Legislation in Australia and New Zealand*, published in 1977. He noted that the Commonwealth provision - the deemed disallowance provision, which I am seeking to introduce by this amendment - is not present in the States and that the States have only a positive disallowance provision similar to the provision presently in force in the Territory in section 6 of the Subordinate Laws Act. I would like to read into *Hansard* Professor Pearce's critique of this position. He says:

There is one significant difference between the State and Commonwealth parliamentary approach. In the case of the federal parliament, if a motion for disallowance is moved and not called on within the time specified for disallowance, the regulations to which the motion relates are to be deemed to have been disallowed. This is not the position in the States or the Northern Territory ... In the States and the Northern Territory the

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motion for disallowance simply remains on the notice paper until parliamentary time is provided for it to be dealt with.

That, of course, is the position in the ACT. He continues:

If not called on before the parliament is prorogued or the lower house dissolved, the motion lapses. All the while the delegated legislation to which it relates continues in force. As can be seen, the distinction is of considerable importance. The difficulty of finding parliamentary time for general, as distinct from government, business is a problem that besets most parliaments.

This parliament can be seen to be in that same position. He goes on:

There is a strong temptation for a government simply not to make time available for a disallowance motion on the basis that there is more pressing government business. The federal parliamentary provision has the effect of obliging the government to deal with the motion if it wishes its delegated legislation to be saved. Such a provision clearly strengthens the hand of the parliament in checking any excess in the use of delegated legislation. It is a provision that should be adopted in the States and in the Northern Territory.

But, regrettably, that has not happened in other States. The important point that Professor Pearce makes there is that this provision that I am seeking to introduce in this private member's Bill strengthens the hand of the parliament. It does not strengthen the hand of any party; it strengthens the hand of the parliament as a whole. Therefore I would commend this to the attention of government members, and I would hope that the Government could support this Bill. I would be prepared - as the Opposition always is - to discuss any drafting details with the Government. As we have repeatedly said when we are introducing private members' business, we are not in a position to be working with the full resources of the Law Office, and it may well be that the Law Office advice is that there should be some amendment to detail. We would be perfectly happy to discuss that with the Government. It is the principle that we are concerned about; and the principle is about strengthening the hand of the parliament for all future parliaments, of whatever political persuasion, as against the Executive.

I would also add that it enormously strengthens the hand of the parliamentary scrutiny committee. The position in the Federal Parliament, effectively, is that because of this provision, because the Executive Government knows that the deemed disallowance provision operates, whenever a

suggestion is made by the parliamentary scrutiny committee on the hill, it is almost invariably acted upon by the Executive Government because it knows that, should it choose to disregard the advice of the scrutiny committee and proceed with a piece of delegated legislation, its hand will be forced and it will have to come into the parliament and make time available and argue in favour of that piece of delegated legislation.

In this parliament, at the moment, if a criticism is made of a piece of delegated legislation and the Executive chooses not to accept that criticism, it is at the whim of the Assembly whether time should be made available to allow a full debate.

If a government party, again, I say, of whatever political persuasion - and this has not occurred so far; this is not a political criticism of the Government presently in office - wanted to retain the delegated legislation that had been criticised, it could avoid the matter coming to a debate either by not making time available or by filibustering in the debate. The 15 days in which, under the current law, the motion must be passed would lapse; time would be up and the piece of delegated legislation would remain in force.

This provision ensures that, if any member, any single member, has a concern with a piece of delegated legislation and moves a motion, the matter must be dealt with. It must be dealt with, as would happen on the hill, usually by the Government bringing on debate itself and either amending the delegated legislation or forcing a vote on the issue and passing it. This is a provision, Mr Speaker, which, as I say, strengthens the hand of the parliament against the Executive - absent any partisan political issue - and that is a situation which all members should be concerned to support. Even members who are presently members of the Executive ought always to be aware of the great constitutional importance in preserving the parliament's ultimate control over delegated legislation.

This Bill, Mr Speaker, would introduce into this Assembly the very commendable provision that has been in force for many years now at the Federal level. As a State or Territory parliament we would be showing the way in being prepared to adopt that position, and the consequence would be that the citizens of the ACT would be confident that their elected Assembly representatives could effectively put the delegated legislation of the Executive to scrutiny. I would commend the principle of the Bill to the Assembly.

I would commend the Bill as it stands to the Assembly; but, as I say, I would be happy to discuss with the Attorney or his Law Office any technical or drafting amendments that would allow, if not this precise provision that I have drafted - which is, of course, taken directly from the Commonwealth Acts Interpretation Act, as the Attorney would

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be aware - then any other form that would have the same effect. We would be happy to see that. But I would commend the idea behind this to the Government.

At the moment this cannot be said to be an issue of political controversy; but, of course, in the context of the planning legislation - the planning package that is coming before the Assembly - this point has been stressed repeatedly by community critics of the Bill because there is a similar disallowance provision for aspects of the plan. A number of persons in the community have said that they think that those disallowance provisions in the planning Act should be strengthened to have this deemed disallowance provision. Indeed, the Opposition supported that. I think the Government is considering its position.

But it would be strange indeed if we had a deemed disallowance provision for particular forms of delegated legislation arising from the Territory Plan, and yet not for the great bulk of delegated legislation under enactments. So, passing this amendment would be a good indication that perhaps the planning Bills could be equally amended and would, as I say, place the Territory in the same admirable position as the Commonwealth Parliament, where the Parliament acknowledges that it has the final say over the Executive in matters of delegated legislation. I commend the Bill to the house.

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

PUBLICATIONS CONTROL (AMENDMENT) BILL 1991

MR STEVENSON (10.46): I present the Publications Control (Amendment) Bill 1991.

Mr Berry: You have done this before, haven't you?

MR STEVENSON: No, that was 1990. Time marches on.

I move:

That this Bill be agreed to in principle.

Mr Speaker, those that profit from pornography demand a right. They demand the right to show genitalia in a lewd way. They demand the right to show women and men being chained. They demand the right to show people being whipped - granted, it is non-violent whipping. They demand the right to show multiple sex. They demand the right to degrade women participants in X-rated videos. They demand the right to have women defecated and urinated upon in these videos. They demand the right to show the actions of perverts in voyeurism and other activities. They demand the right to promote and portray sex between adults and children, having young-looking women dressed as schoolgirls. They demand the right to show homosexual

activities. They demand the right to show sex devoid of any individualism, any affection or any caring. They demand the right to use and portray women being used as "meat" objects. They demand the right to debase all individuals.

I talk of rights. I looked at my pocket Webster's 1943 dictionary under "right" and, it is a different definition for "right", but I thought it worthy of note:

In conformity with the rules which ought to regulate human action; in accordance with duty; agreeably to the standard of truth and justice or the will of God; not wrong; just; equitable. In social and political affairs, that is right which is consonant to the laws and customs of a country, provided these laws and customs are not repugnant to the laws of God.

It is an interesting definition. The actions of pornographers are repugnant, certainly to the laws of God, but also to our laws which stem from the *Bible*, as it were. What I would ask is that members in this Assembly do not think they understand the porn case, but look at this in a new light and do so with more than one aspect of it. Literally, if they have not yet done so, look at some of these videos. Look at the material that is contained on these videos. If you have not done so, you do not have an idea of what they contain and you will not understand the effects they can have.

Ms Maher: Have you got some you can lend us, Dennis?

MR STEVENSON: The ones that were sent to me have gone to the police to be tracked down. I simply ask that members of this Assembly understand exactly what we are voting on when it comes to the vote. Women are used in these videos as material things, to be used for degrading for the pleasure of men. Once they have outlived their usefulness - in other words, when they are no longer attractive - they will be cast aside like any object that is no longer attractive.

We have been told that the reason that rape is increasing - and it is increasing all over the world, wherever pornography is increasing - is that more people are reporting rape. I do not believe that that is true. If you contact the Rape Crisis Centre in Canberra you will find that it does not recommend that people who contact it report rape the police. I can understand that viewpoint. Some people believe that there is a trauma - and, indeed, there could be - in reporting the matter to the police, though it should be reported as a crime; but the suggestion that the reason why rape is increasing is that more people are reporting rape does not necessarily accord with the facts.

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When we look at rape we think of victims of crime. As we well know, in Canberra, as in other States of Australia, there are associations concerned with the victims of crime. In Canberra we have the Victims of Crime Assistance League - VOCAL. They are vocal in speaking out for those people who, through no fault of their own, have become the victims of crime. And many people in Australia and Canberra will become the victims of pornography, of X-rated videos, unless we do something about it.

In Queensland, a social worker presented information to the crime authority showing that there is terrible rape, murder and other sexual abuse going on in Aboriginal communities. She gave the reason for that appalling situation in Aboriginal communities as being the availability of X-rated videos. We have the responsibility to correct that wrong. We in Canberra have the responsibility to protect people in Canberra, and in Australia as a whole, from the violent effects of X-rated videos.

The *Encyclopaedia of Feminism* by Lisa Tuttle talks about pornography, and I will read what is said:

The modern debate on pornography grew out of concern with RAPE and other obvious instances of male VIOLENCE against women. Robin MORGAN coined the phrase "Theory and Practice: Pornography and Rape" in 1974, and Susan BROWNMILLER made the same link, calling pornography "anti-female propaganda" in her important book about rape, *AGAINST OUR WILL* (1975). Among the first active antipornography groups were WOMEN AGAINST VIOLENCE AGAINST WOMEN (from 1976) and the London Revolutionary Feminist Group (1977).

Some women oppose official censorship but believe in taking direct action. Angry Women in England, and the Preying Mantis Women's Brigade in California have vandalized and burned down pornographic bookshops. Other individuals and groups have expressed their objections by picketing, public demonstrations, and spray-painting over offensive advertising, as well as organising on a local level to stop the sale of pornographic books, films and videotapes.

In 1985 Andrea DWORKIN and Catharine MacKinnon drafted a model antipornography law which departed from the usual tradition of relying on public standards to decide what was offensive, and instead confronted pornography as a violation of women's civil rights.

The first section contains a statement of policy which describes pornography as sex discrimination: "Pornography is a systematic practice of exploitation and subordination based on sex that differentially harms women. The harm of

pornography includes dehumanization, sexual exploitation, forced sex, forced prostitution, physical injury, and social and sexual terrorism and inferiority presented as entertainment. The bigotry and contempt it promotes, with the acts of aggression it fosters, diminish opportunities for equality of rights in employment, education, property, public accommodations and public services; create public and private harassment, persecution and denigration; promote injury and degradation such as rape, battery, child sexual abuse, and prostitution and inhibit just enforcement of laws against these acts; contribute significantly to restricting women in particular from full exercise of citizenship and participation in public life, including in neighbourhoods; damage relations between the sexes; and undermine women's equal exercise of rights to speech and action, guaranteed to all citizens under the Constitution ... of the United States."

So, we need to look at what we are banning, when we look at X-rated videos. We are banning the earlier so-called rights of porn pushers to degrade all of us. We are banning their rights to make money, to profit, to gain "loot from lust", as the Chief Minister put it so well, from this activity. But let me make a point that few people understand. If you go to any State in Australia, and go to a video shop, in many of them you will be surprised, perhaps, to find videos on shelves with the same titles as you find in the porn shops in Canberra, and the same pictures are on the front.

You say, "Well, how could that be if they are banned in every State in Australia?". Indeed, they are banned in every State in Australia, but the difference is the rating. The rating on those videos that you would recognise if you have looked at any is an R rating. So, what is the difference? The difference is that they have cut out the defecation; they have cut out the urination; they have cut out the whipping; they have cut out the voyeurism; they have cut out the genitalia; and they have cut out the schoolgirl activities and other activities.

So, are we preventing people from looking at that which they want in the broader scope? No. Are we preventing the degradation? Are we preventing the promotion of activities that do no individuals any good whatsoever? Yes, we are. I would ask members in this house to understand that we have the responsibility, have the opportunity and have the obligation to ban X-rated videos in the ACT, because it is not just the ACT, as we well know. The wider problem is that they are distributed throughout Australia.

The will of the people requires that we ban X-rated videos. We have surveyed in Canberra, and the majority of people want their sale, hire and distribution banned. We well

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know that thousands of people all over Australia have contacted this Assembly - members in this Assembly - asking that the X-rated videos be banned, and we accept our responsibility on behalf of a wider Australia. We also know that every Attorney-General in each State in Australia has called for a ban and has banned X-rated pornographic videos. We understand, if we have done the research, that X-rated videos cause violence.

Mr Speaker, I commend the Bill to the house. I ask that members take the time to study the issue seriously, and then do what commonsense, the law and our responsibility demand.

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

LANDLORD AND TENANT (RENTAL BONDS) BILL 1990 Amendment of Resolution

MR BERRY (11.02), by leave, I move:

That the resolution of the Assembly of 21 November 1990, postponing those orders of the day, private Members' business concerning standing order 200 and the Standing Committee on Administration and Procedures inquiry, be amended by omitting ",4".

Mr Speaker, the motion is a simple one. It arises in the light of your report to the Assembly yesterday on legal advice on matters which are affected by standing orders 200 and 201 of the Assembly's standing and temporary orders. It seeks to have placed on the list of private members' business the item which appears in orders of the day.

Question resolved in the affirmative.

EDUCATION SYSTEM

MR WOOD (11.04): Mr Speaker, I move:

That the Alliance Government has demonstrated its inability to administer the education system in the ACT.

The Minister for Education, Mr Humphries, has based his whole style and his whole administration on three fundamental principles - fundamentally wrong principles. They are confrontation, ignorance, and a lack of direction.

Let me examine the first of those, the confrontation. I suppose it was not surprising that, soon after he returned from his seven weeks' holiday overseas, the attacks that he mounted on schools increased, with more vigour. A brief period of some settlement changed to one of further

confrontation - not perhaps the same level of confrontation that we had seen earlier, but nevertheless, unnecessary, undesirable and debilitating confrontation. In this case it was a matter reflecting on the good, continued operation of the education of children at Maribyrnong Primary School. There was no major problem behind this, but the Minister was able to turn it into a - hopefully short-term - confrontation and problem.

The regional office of education in Belconnen had been negotiating with the board of Maribyrnong Primary School to relocate itself in that school. I understand, from information that the board gave to me, that this went back to some time towards the end of last year. There was clear evidence of planning on the part of the regional office in that they knew that they needed to talk to the school, because that is what our system is very heavily based on. They needed to talk to the school and get their agreement to the way it should proceed and what should happen in the end.

The school was not enthusiastic about it. It did not particularly welcome the proposal, but would agree to it. The school was talking to the regional office about the way it should be done. When Mr Humphries came back from overseas, suddenly, at a moment's notice, the kindergarten class was told to get out and the regional office was moving in. I do not know why on earth it had to be done so hurriedly at the last minute. There was no need for haste. Cook Primary School, where the regional office is presently located, is still there. The office is still capable of operating out of there.

Mr Kaine: Yes, with your mates stopping them getting in and out.

MR WOOD: They were still capable of operating. You want to check that. They were still capable of operating and suddenly there was this move, disrupting children. That is not the worst that has happened in this Territory in the last year, but it shows Mr Humphries' confrontationist style.

The same style was evident at Curtin. I regret that there was some conflict between parents at that school as a result of closure movements. Some of the parents at North Curtin were negotiating the eminently sensible viewpoint that if the amalgamation of Curtin and Lyons was to proceed it would be sensible that the two schools be joined at the same time and in a building that was fully operational and of a suitably high standard for those children. They were trying to negotiate the view that the two schools should be joined, if that was going to happen, at the end of first term. They had planned meetings, they had thought that they were going to be talking to relevant people; but, again, in this confrontationist style that the Minister has imposed, discussions were cancelled abruptly, negotiations were off and the participative system which is so important in Canberra once again broke down.

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That is the style of confrontation. Of course, there also is internal confrontation within the Government. We had the unedifying experience of Mr Collaery and Mr Duby at blows with each other; verbal blows, at least. I do not know what happened up on the fifth floor.

Mr Duby: A verbal tongue-lashing.

MR WOOD: A verbal tongue-lashing. Mr Duby gave Mr Collaery a tongue-lashing. Mr Collaery, I heard on the radio, was quite stunned about that. It shows that the conflict is not just between Government and community but also between the members of the Government. Then we had the occasion when Mr Collaery instructed the police to arrest a blind lady and a dog at South Curtin Primary School. This is the level of confrontation that this Government has carried on in this Territory.

This is a participatory system here, a point I have made before. Since 1974 that has been heavily emphasised; it has been required and encouraged. Mr Humphries and his colleagues should not be surprised when the community demands that participation will occur, demands that the Government live up to the principles that have been long established in this system.

The second principle that Mr Humphries operates on - I have mentioned this before in the Assembly - is a lack of knowledge. Yesterday we had the perfect example. I should not, perhaps, use that word "perfect"; it was the imperfect example. When a question was asked about the fate of the behavioural unit at Curtin, he did not know the answer.

Now, that is the level of detail that the Minister should have. It is not fine detail; it is very important detail, reflecting on the need to care for every child. It is an important issue in our society and, indeed, a standing committee of this Assembly is looking at that problem. But the Minister did not know what had happened to that unit; and that says it all.

In another question that was posed yesterday we asked about the cost of the refurbishment, if that is the word, at Curtin Primary School. There is no more important task on the financial side that this Government faces than curtailing its costs, and yet the Minister had not caught up with how things were going. We keep hearing from the Government how important it is to watch the costs of the system. That was the rationale behind the school closures, and yet the Minister had no knowledge. These are matters that ought to be known and they were not. But, of course, we have heard this for over a year now, as Mr Humphries has employed the tactic, in question time and elsewhere, of responding to questions by saying, "Well, you do not need to know that now; when I am ready, I will tell you". He

has never been able to answer reasonable questions about the administration of his department. What sort of administration is that? What sort of administrator is Mr Humphries when he has no grasp of what is happening?

The refurbishment of South Curtin is a prime example. At the last possible moment, rushed efforts were made. I disagree with the principle of that; but I would have thought that, if the Government was determined to go ahead with that, it would not leave it to the last minute and have to pay, as we believe, bonuses and overtime. It incurred additional expenses as a result of a last minute rush. But that is the way that this Minister takes it. It is the only way, it seems, that he can conduct his department. In the end we finish up with inferior accommodation in Curtin.

Mr Humphries: Have you been out there?

MR WOOD: No, I have not; I am relying on reports of parents.

Mr Humphries: Well, go out there and look before you say that.

MR WOOD: Well, thank you; I will go and have a look.

MR SPEAKER: Order, Mr Wood! Address your comments through the Chair, please.

MR WOOD: I am quite happy with the interjecting, Mr Speaker.

MR SPEAKER: Well, I am not, Mr Wood. Please address your comments through the Chair.

MR WOOD: Well, thank you. I will go out and take the parents with me as well, or I will consult with those parents again. But, through you, Mr Speaker, are you satisfied with the accommodation?

MR SPEAKER: Thank you, Mr Wood.

Mr Humphries: Yes, I am.

MR WOOD: Mr Humphries, when he replies, may tell me whether he is satisfied that the accommodation at Curtin, as we must call that school now, is up to the standard that we expect in this Territory.

The third point I raised about Mr Humphries' administrative style is his clear lack of direction. Mr Humphries has not displayed an educational vision; a vision and a leadership that we would expect from the Minister for Education. Where have we got to in the last 15 months of Mr Humphries' administration? Can Mr Humphries look back and see what progress we have made? Where are the educational advances?

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Where have we gone in education? What has happened to education? Can he say or put out a report saying, "We have done these wonderful things"?

Mr Humphries: Yes.

MR WOOD: Well, I would like to hear it. I do not see evidence of it. All I can see is the negative sides - the confrontation, the disruption; all those negative aspects.

The Minister, I know, has followed my comment, from time to time, that we need to attend very closely to what is happening in high schools. Maybe he can come into this chamber one day and make a ministerial statement - let me encourage him to do so - and tell us about progress in high schools, progress based on the various reports, various sensible reports, that have looked at the problems facing our high schools.

There is a great deal in respect of which he could show leadership in the sense of promoting curriculum changes - progress across a whole range of options. Where is that? We have not seen it because we have been bogged down on other matters. What about student alienation? There may be less here than in other systems, because of the system we have constructed; nevertheless, that is a problem that our schools constantly face and with which our teachers struggle in many instances.

There has been a great focus recently on the teaching service, a focus that needs greater attention. But what has the Minister had to say about that? What has he had to say about the morale of teachers, the stress faced by teachers, and their professional development? We need to do a great deal in this area, but nowhere have we seen any leadership from this Minister.

On other matters too, can I suggest to you that we need to do more to develop further the literary talents of our young people. They are so capable. We could do a great deal without any great amount of money. It is not a money matter. Let us see some encouragement given to our system. Let us encourage their creative abilities. The whole field of education is there, Mr Humphries, for you to promote, to encourage. But none of that has happened in the last 15 months since you first became Minister. It has only been a time of disputation and confrontation. This is why I say that I regret the mark that he has put on this system. It is entirely negative. Let us get a change. Let us make 1991 a better year for education. If we can look to the positive, I will certainly be playing my part in this chamber.

MR CONNOLLY (11.17): Mr Speaker, I find it extraordinary that the Government does not see fit to try to defend its education policy. It is of particular interest that the Residents Rally does not even see fit to be in the chamber when education policy is being debated. Given the Residents Rally's appalling retreat and reversal from its own stated education policy, perhaps it is not surprising that they scuttle away. I wonder whether we are seeing today the start of the inevitable disintegration of this lot opposite when members of the Rally try to make themselves absent while unpalatable issues like education are being discussed. There is a range of other issues that they may well want to make themselves absent for and leave the defence of these indefensible policies to the Liberal Party and the no-party party. I notice that Mr Jensen is returning to his seat. I hope that he will learn something in the debate today and take a wiser course in future debates.

Mr Speaker, the issue before the Assembly is the administration of the education system, and Mr Wood has demonstrated the litany of failure there. At the State and Territory government level the two issues of real concern, the two really important responsibility issues that are placed upon government, are running the health system and running the education system, and on both of these issues that crucially affect all citizens this lot have made a botch of it. Rather than taking the administration of education as the highest responsibility of government and the future of the young people of the Territory as an important trust that is reposed in the Government for the short period that they are in office, this Government has chosen to attack the education system constantly, to administer the education system by way of trench warfare between the administration and the citizens.

All we seem to have seen over the past 12 months of Rally government is constant abuse of the citizens and constant attacks on the citizens, such as the extraordinary statement from Minister DUBY, while he was acting in the education portfolio, dismissing the Lyons parents group as a bunch of ratbags. What an extraordinary proposition; a Minister simply heaping abuse on the constituency. Does this Government approach the administration of education in a cooperative manner, wanting to talk to the community, wanting to debate the issues? Not a bit of it. It has this sort of hairy-chested macho attack: Pour rubbish on anyone who opposes you; constantly attack the community; long-term confrontation.

The Government seems to think that there is some pride to be taken from this confrontationalist approach. We have often heard rhetoric from Ministers opposite that the Government must govern and these community ratbags should go away. "We have a mandate to govern" is the approach that is being made. The Leader of the Opposition well laughs at that proposition because, of course, this Government, as we have repeatedly pointed out, has no

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mandate at all for its attack on the education system. By the way, it has no mandate at all to be there, but today we will look particularly at the education system. This concept of the mandate is an important one.

Mr Collaery: Were you elected?

Mr Humphries: Yes, who voted you into this position?

Ms Follett: You did, actually.

Mr Kaine: When were you elected, Mr Connolly?

MR SPEAKER: Order!

Ms Follett: By the Assembly. It was a unanimous vote.

MR SPEAKER: Order!

MR CONNOLLY: Indeed, as Ms Follett pointed out, it was a unanimous vote. I am pleased that Mr Kaine, Mr Collaery and Mr Jensen also voted for me. I am sure that many people who are members of their parties will also be voting for me and the other members of the Labor ticket at the next election.

Mr Speaker, the concept of a mandate is an important one. I notice that Dr Kinloch is not present at the moment. The concept is one that he well understands because it is probably one that he has taught in his period while teaching history and politics at the Australian National University. I will quote from Sir Ivor Jennings' *The Law and the Constitution*, third edition. This is an old book. This book was published originally in the 1930s and the edition I am quoting from came out in 1943. This is no new concept. I say that it is no new concept because, of course, in Australian politics it was Gough Whitlam who really stressed the importance of the mandate. But Sir Ivor Jennings says, in relation to parliamentary conventions:

There is, too, a convention which limits the power of Parliament in respect of internal matters. Apart altogether from political expediency -

that perhaps explains this lot -

it is now recognised that fundamental changes of policy must not be effected unless they have been in issue at a general election.

The reason for this, he says, is clear:

There is, too, a reason for it. It establishes that in major issues the policy of the country shall be changed only after a definite expression of the opinion of the electorate at a general election.

Applied to the Territory, it means that major changes in policy ought not to be announced unless the opinion of the Territory electorate in an election has been made clear.

Mr Jensen: Therefore Bob Hawke did not have a mandate to send the troops to the Gulf?

MR CONNOLLY: I hear an interjection from Mr Jensen relating to issues of foreign policy. That principle of a mandate obviously cannot account for unforeseen statements, but it certainly applies to a policy of a party that goes to the community as a community-based party and says:

The Rally remains committed to the idea of neighbourhood schools. The Rally believes that no school in the ACT should close until all alternatives have been considered and the school community, students, parents and teachers -

that group, I presume, falls within the category of ratbags referred to by the Acting Minister for Education -

have had an opportunity to discuss the proposal and make recommendations on future ramifications.

Well, I suppose, as that policy is applied, it means that we will not close schools until that group, the ratbags, have had the opportunity to express their views at a picket line; then we will arrest a few of them and close the school anyway. Mr Speaker, that was the policy on which the Residents Rally went to this Territory and they were successful in having four members elected. One member still maintains that policy and has left the Rally. The policy of the Labor Party, of course, was clear - not to close schools.

Mr Collaery: Nonsense! You had the same policy as us. I will read it out in a minute.

MR CONNOLLY: We were successful in obtaining Follett policy.

MR SPEAKER: Order! Mr Collaery, you will have your turn.

MR CONNOLLY: Mr Collaery suggested that Labor had the same policy as the Rally. As I have said, and we have said it repeatedly on this side, it is not the Rally policy that we are concerned about; it is quite a good policy. It is the abandonment of the policy when in government that we are concerned about. It is not only we who are concerned about it. We have made a commitment to reopen the schools you have closed should the community want it and we will not close a school in the period of a parliament. That is the position that has been made clear by Ms Follett; it has been made clear by Mr Wood.

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As we say, this policy is fine. It is the abandonment of the policy by the Residents Rally parliamentary members that is of concern. We are not quite sure how many of the Residents Rally membership are still left, but that dwindling band of sadly disillusioned, by and large good members of the community are very disillusioned at what their parliamentary representatives have done. They too still subscribe to this policy and have been very critical, repeatedly, of the way this Government has administered education policy. Mr Speaker, this Government, as we are demonstrating, not only has no mandate to close schools, but also is going directly contrary to the policy that it went to the people on, and for that it of course deserves the community's condemnation.

Mr Speaker, we have gone through 12 months of this divisive debate on education and sadly it looks as though we will be going through another 12 months of it. The schools community, the community in the ACT, was horrified by that ambit claim that was made by the Minister early last year and that, so far as we can see, has not yet been retreated from - that 25 schools was a goal. We went through the agony of trying to justify that decision. Every school in Canberra, Mr Speaker, was disrupted during that period, and every public school in Canberra remains concerned as to what its future might be under this Government that so clearly is dedicated to ripping into the public education system.

Community views have been ignored and it is this vain policy, this macho policy of "We have to be seen to be tough", that seems to be dominating the Government's thinking on this issue. The financial implications of school closure, on all the evidence available to the community, are most likely to result in net loss. The Government has been woefully unable to demonstrate any financial benefit. They think they were put through the hoops a bit at last year's Estimates Committee; it is undoubtedly clear that they will be put through the hoops well and truly this year because, unless they can justify the substantial savings that they have been promising, they will be shown in the community to be the hollow men of politics. Again, of course, we come back to the debate yesterday afternoon. I have said that this is the sort of pointless macho display of toughness that is being displayed by this Cabinet, again a Cabinet containing not a single woman. What an extraordinary position in Australia in 1991.

Mr Speaker, Labor's position on this issue remains clear. We often hear groans of despair from members on the Government benches who are suggesting that yet again Labor is wanting to debate the education issue. Well, we are quite proud of that. We will continue to debate the education issue. Mr Berry referred in the Assembly yesterday to this excellent publication on education, and I thought I heard an interjection inviting him to have it read into *Hansard*. Perhaps it would not have been a bad idea

to have it read into *Hansard* so that even more members of the ACT community can read it. It was extraordinary to see the reception that we got out in the community with this publication. It was extraordinary to see how many commuters on their buses early on Wednesday morning last were pleased to take this; were concerned about this issue; were pleased to read it and were to be seen reading and studying this position. This clearly is a matter that broadly affects the Canberra community and the Canberra community is sadly unimpressed by the display that the Government has put on in the handling of the education issue.

I think that the Canberra community is at one with Labor in its view that education is one of the first priorities of government; that the education of the young citizens of Canberra is a trust that the Government holds and that it should live up to, not an exercise for this madly ideological attack on the public school system, this confrontationist approach, this describing the community as ratbags, this glorification of conflict that we are seeing on a vital community issue. Mr Speaker, the Government stands condemned for its attack on the education system, for its failure to administer the education system as it should be administered, and that is as a trust for the citizens of Canberra and the future citizens of Canberra. It is the highest priority of government.

MR MOORE (11.30): It is hard to believe, Mr Speaker, that on such an important issue members of the Government sit there hoping that they will not have to speak. On the other hand, I see Mr Humphries rapidly making notes, so I presume that he will make some attempt to respond in due time, which, of course, is entirely appropriate. Quite clearly the difficulty with our education system starts with the attitude of the Government. It is most appropriate, as they see it, to cut the finances of the education system altogether. This, of course, is a totally inappropriate approach.

It is quite clear that the people of Canberra value their public education system, and value it highly. They expect the Government to set their priorities in such a way as to protect, enhance and improve the education system that we have in the ACT. That education system was a parental system. Under the Schools Authority parental system that we had, we would have seen a very different approach from the approach that has been taken by the Alliance Government and its education administration. Not only have they taken an impossible approach; it is also in many ways a hypocritical approach. Today for this speech I am going to draw from a supplement to the Schools Bulletin produced on 27 April 1989 which was the start of the notion of a culture of service. That supplement contained a paper that was written by Mr Max Sawatzki and called "A Vision of Service". Had they taken that vision of service and tried to apply some of their own ideas we would not have had such a divisive system as we have now. Had the Education

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Ministry and the Alliance Government looked even at that paper before they started on this landslide course that they took we might well not have run into the divisiveness that we have.

That divisiveness is most aptly demonstrated by the reaction of the people out at Maribyrnong Primary School. Just think; a year ago, if a department had decided to move one of their regional offices into a primary school, and had even done it quickly, what would have happened? By and large there would have been a little bit of a complaint, and people would have written, perhaps, to the Minister and to members, and we could have expected to see some reaction. But instead, within two hours, they have a picket on the school. That reaction quite clearly puts the picture of the nervousness of the community in their relationship with the Education Ministry. It is an absolute disaster. It has gone downhill, and it has gone downhill under the Alliance Government and under this Minister. This Minister must wear the responsibility for the divisiveness that he has created in the Canberra community with this ridiculous school closures business that he has run through.

The school closures notion was originally started as a method of saving money and of using money to the best possible advantage; but it became very clear, after quite a short while, that there were better ways to save money in the education system if you were prepared to do it. In fact, Mr Humphries said time and time again, "Show me a better way and I will leave your schools open". The schools did show a better way. The schools, for example, that are still picketing, the Cook Primary School - I note that there are some people from Cook here today reflecting their interests - and the Lyons Primary School, not only made it quite clear that they were prepared to accept that some of their land could be taken for development but also were prepared to take tenants into their building, and had arranged commercial tenants. They had provided, in writing, a system of saving money.

But you had forgotten and you went into the battle. Now it had to be a case of, "Well, we can show a victory"; so that the Minister could come back from his tour of France, et cetera, and say, "Well, I am glad to see that we have a victory over the community". It is, at the best, a Pyrrhic victory, because you have lost far more than you have gained, as I am sure you have realised by now. It has been an absolute disaster. What you have lost is so much more important than the minimal budgetary savings, if indeed you make any. What we have is a community that is divided from its Education Department, only two or three years after Canberra stood out worldwide as having a united community education system run under a parental body. We had that system. It was a leading light in worldwide education. Now, instead, we have a bureaucratic system;

and a bureaucratic system that is probably more bureaucratic than the traditional systems in other States which have been trying to move more and more towards a parental system.

What did this paper, "A Vision of Service", suggest? In the initial paragraphs it talked about being one of the best public school systems, but it went on to say:

Why then is this reality not always reflected in what is said about us? Why is it that our protestations in defence of what we do are not always heard by parents and politicians?

Well, part of the reason why they have not been heard since this was written is the bloody-minded attitude of the Alliance Government, the bloody-minded attitude of the people quietly sitting there opposite me. The author of the paper asks, "What are we on about?". He continues:

... what we're on about is optimising the educational experiences of our students and keeping our system the best public education system in Australia at a time of decreasing resources and increasing criticism of the public education sector in general.

That is what we are trying to do. He pre-empts that statement by asking:

Why should we do better?

You have not done better; you have failed. You have failed miserably on the standards set by your own ministry. That Ministry of Education has failed miserably, and the responsibility for that lies fairly and squarely on the shoulders of the Minister, who failed to pull it into line.

A great deal of the change in attitude is illustrated on page 2 of that paper where it says:

So who are our customers? In essence we have four levels of customers, some of whom are also partners in the educative process. Whilst freely acknowledging that parents and students are active partners, and that in a sense this makes them different kinds of customers ...

What sort of gobbledegook and doubletalk is that? That is an attempt to move away from our partners to a position of power in dealing with our customers. We provide them with service, but it is a patronising attitude. It is an attitude that says, "We are dealing with our customers". We had an education system where people worked together to get the best possible result; now we have an absolute disaster where people are reluctant even to talk about basic issues in education. At Maribyrnong Primary School, where there is a start at some consultation process, a week

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into what appeared to the community to be a discussion on terms - a community who wanted to take it back to their parents association - we get a rapid move by the department who feel that they have to hurry up and get into Maribyrnong in case they get some trouble or something.

Who knows what their motivation was; but, whatever it was, their modus operandi was a disaster, and that is the problem. Nobody trusts the Education Department; nobody trusts that ministry; nobody trusts that Minister; and nobody trusts that Alliance Government. That is why you got a very rapid response and a strong response to have that picket established immediately - because nobody trusts you.

On page 3 of this paper these words appear:

The whole idea of a service culture, of a client-driven education system, has enormous ramifications for all of us concerned with public education.

Of course it has enormous ramifications. It has enormous ramifications because it is a move away from a cooperative system to a system where the Education Department is the boss and the parents are going to have to fall into line with the students, as the customer, as those who do basically what they are told. If you go back through this paper - remembering that it was distributed in April 1989, nearly two years ago - and look at how you have performed in accordance with that vision of service, even in terms of your own vision, you have failed miserably.

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

That the question be now put.

Mr Kaine: I think that Mr Berry has gone right off his trolley, frankly.

Mr Connolly: I take a point of order, Mr Temporary Deputy Speaker. A statement from the Chief Minister that "I think Mr Berry has gone right off his trolley" is hardly parliamentary.

MR TEMPORARY DEPUTY SPEAKER (Mr Jensen): I do not accept that, Mr Connolly. The motion before the Chair is: "That the question be now put".

Question resolved in the negative.

Mr Moore: Mr Temporary Deputy Speaker, on a point of order: The normal procedure in this house, and the Speaker has made this comment on a number of occasions, is to take a speaker from one side of the floor and then a speaker from another side of the floor, rather than allowing a full side and then the other.

MR TEMPORARY DEPUTY SPEAKER: Mr Moore, I think the comment that needs to be made is that it is up to members to rise when they wish to speak. Do I have a speaker?

Ms Follett: Oh, come on! You idiots!

Mr Berry: What a bunch of loons. I don't believe this.

Mr Connolly: They are off their trolleys.

Mr Kaine: Mr Temporary Deputy Speaker, talking about unparliamentary language, I would call attention to the Leader of the Opposition.

MR TEMPORARY DEPUTY SPEAKER: Yes, Ms Follett. I request that you withdraw that remark.

Mr Moore: I take a point of order, Mr Temporary Deputy Speaker. The Chief Minister, in drawing it to your attention, has not raised a point of order. He did not stand up; he just interjected.

MR TEMPORARY DEPUTY SPEAKER: Order! Mr Moore, the Chief Minister does not have to raise a point of order.

Mr Connolly: I take a point of order. You have ruled that "off their trolleys" or "off his trolley" is parliamentary, instantly, with no reference. You just ruled that way because we raised it. The Chief Minister, while sitting down, simply purports to direct you to object to the word "loon", I presume. Well, if "off your trolley" is parliamentary, how is "loon" unparliamentary?

Mr Kaine: That was not the word that was used. You should listen, Mr Connolly.

Mr Connolly: I do not think it was Ms Follett who said that. I think somebody else who interjected said that. I would suggest, Mr Temporary Deputy Speaker, that we have to have some consistency here. If you expect the Opposition to be restrained in its language you also have to upbraid the Government when they interject in such fashion, in particular when it is the Chief Minister. For the Chief Minister, while sitting, not even seeing fit to stand up and take a point of order, to have you act on it is extraordinary.

MR TEMPORARY DEPUTY SPEAKER: Mr Connolly, it was my view that the term "off the trolley" was entirely different from the term used by Ms Follett. Therefore I rule accordingly.

Mr Berry: Mr Temporary Deputy Speaker, now that there are no speakers from the opposite side, can I encourage you to put it to the vote?

Mr Wood: I am entitled to my right of reply.

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MR HUMPHRIES (Minister for Health, Education and the Arts) (11.43): Mr Temporary Deputy Speaker, I am happy to speak if those opposite are really concerned about hearing from the Government. I must say that the Government has been listening and waiting for some new arguments in this debate. People will recall that the same arguments have been trotted out endlessly, ad nauseam, over the last few months; without any conviction, I might say, and, because of the paltriness of those arguments, without any capacity to change anyone's opinion on this side, and that remains the case. However, once more unto the breach - for the sake of those people opposite, I am happy to go through the Government's position on these matters once again.

Mr Berry: Are you going to read that excellent publication into the transcript?

MR HUMPHRIES: I am certainly going to read from this publication, and I certainly will not be describing it as excellent.

Mr Berry: I will bet that you will tell us that you were not in France all that time, you were somewhere else as well.

MR HUMPHRIES: I will certainly be telling you that, amongst other things, because that is true.

Mr Speaker, those opposite have accused the Government, and continue to accuse the Government, of being the henchmen - the engineers - of conflict in education. They unequivocally and without hesitation blame the Government for all the conflict which has occurred in the education system.

Let me say at once that I very much regret the conflict that has occurred in education over the last few months. I very much regret that, and I would much rather that it had not occurred; but I would remind those opposite that this is not the first government to encounter conflict in education. This is not the first government to witness massive demonstrations out the front of this Assembly as a result of its policies in education. Ms Follett's Government was in exactly the same position during 1989 - need I remind her. This is not the first government which will be accused of taking hard decisions when hard decisions are necessary, because, Mr Speaker, anybody who doubts that hard decisions are necessary in education, in health, in every other part of this Government's and this Territory's financial position, is deceiving himself or herself.

I think the charge that we have a confrontationist style, that we are unwilling to consult and unwilling to discuss issues, needs to be addressed very clearly. Can I remind people in this place of the unprecedented level of discussion and consultation that went on over this issue over the last few months, since May of last year in

particular? The initial announcement about school closures was made in May of last year. Criteria were released for public discussion in about June. As a result of extensive public discussion, of extensive submissions received from the public, of extensive discussions between myself and school communities, both at the school sites and with delegations from those communities, the criteria were amended and released in about July for a further round of public discussion.

Now, contrast all of those stages, Mr Speaker, with the processes of discussion and consultation which occurred with previous Labor Party closures of schools. Those amended criteria were released in July. A list of schools to be closed was released in August. Throughout this period there were extensive public meetings, almost all of which I was able to attend. There were meetings with parents during this time. Following the announcement of particular schools to be closed, the Government acquiesced to an inquiry headed by Mr Hugh Hudson, and there was a further extensive round of public consultation and debate over that decision.

Mr Hudson himself undertook extensive discussions with the community. The Government also undertook similar discussions. There was a revision of the Government's decision following his report, and further meetings and discussions with teachers, parents and others, including the trade union movement. There were more meetings. More meetings are being held this year. Mr DUBY has held meetings and discussions. I have had more meetings and discussions since returning from overseas. Mr Speaker, how any government could engineer more consultation and more discussion on this issue is a mystery to me. I cannot conceive how any government could have been more open and prepared to discuss this issue than this Government has been. And I challenge anybody on that side of the house to explain what else we could have discussed that was not discussed in the course of those last eight to 12 months.

I want to contrast that approach, the approach of this Alliance Government, with the approach of the Australian Labor Party in 1987 and 1988 when it closed six of Canberra's schools. At that time there was virtually no consultation with the community. No criteria were released for public discussions. There were no organised public meetings, of which I was aware, on the subject. There were no discussions in which Ms Follett and her Labor Party machinery were involved, because Ms Follett and the Labor Party that she led at that time went to ground on the issue. They went completely and utterly to ground.

Ms Follett: We did not; that is ridiculous.

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MR HUMPHRIES: They went completely and utterly to ground. I have challenged those opposite to come into this house and produce a single piece of paper evidencing their role in 1987 or 1988 on the position of the Federal Government to close schools - a single piece of evidence of their role in trying to stop those closures - and to date they have not produced a single thing because they cannot, because they did nothing when the schools were closed in 1987 and 1988. For them to come into this place with the hypocrisy that they possess and say, "How dare you close schools", is the height of arrogance and hypocrisy. And, of course, people will not forget that when the next elections come about. It is also often forgotten that they proposed to close preschools during the time of the Follett Government; they proposed to close preschools with very little consultation at the time. And yet they accuse us of treating that area with abandon and without due regard to people's interests in this matter. Nothing could be further from the truth. I will come back to the area of preschools in a moment.

Mr Speaker, I also think it is worth reminding this place that there are other ways in which cuts can be made to education, and that they were made in a fashion wholly damaging to education during the term of the Follett Government. There were proposals to cut the reading recovery program; there were cuts to relief teacher hours; there were proposals to close preschools, and the Follett Government cut 57 teaching positions out of the system. This Government has not cut a single one. I stand proud of that fact, proud of the fact that this Government has not cut teachers because we consider them an important part of the educational process. We are prepared to defend teacher numbers - - -

Mr Kaine: They have all got their heads buried in their papers now, I notice.

MR HUMPHRIES: That is right, Chief Minister, they have their heads buried in their papers because the fact is we have not cut teaching numbers because we think it is important to maintain educational quality. This mob opposite obviously did not care about that; they were prepared to cut teacher numbers and were prepared to defend buildings - bricks and mortar - over teacher numbers. That is as ridiculous a position to have taken then as now. I stand proud of the priorities that we have developed in education. We thought - as I think any reasonable government would have to agree, and other governments in this country, Labor and Liberal alike, have taken the same path - that bricks and mortar were not the most important part of education. It is the quality of what goes on in schools that is important.

I think it has to be said that this broadsheet put out by the Labor Party is full of inaccuracies and lies. In 10 minutes I am not able to go through all of those, but I am sure I will have other opportunities to explain the perpetual falsehoods that have been brought forward in this document.

Mr Berry: I was not in France all that time.

MR HUMPHRIES: Quite apart from exaggerating my one night in a French chateau to six weeks in a French chateau, quite apart from small things like that, the allegation that the Government would increase class sizes is grossly inaccurate and false. It is not the case that the Government would allow that to occur. The Government has deliberately embarked on its present program to avoid having to increase class sizes. Mr Berry should realise that class sizes are a function of the student-teacher ratio. By maintaining constant teacher numbers - pursuant to the formula for the number of students in the ACT school system - we do not need to cut class sizes. It will not happen because of our maintenance of teacher numbers. That is just one of the lies in this document, and unfortunately I cannot go through those in enough detail. I want to answer Mr Moore's point - - -

Mr Berry: I think you ought to. Go through them all.

MR HUMPHRIES: I will ask for an extension if you keep going on, Mr Berry; so watch out.

Mr Speaker, let us just address two things that have been alleged by Mr Wood and Mr Moore. Mr Moore was very quick to say that the Ministry for Education has failed miserably. He said, "Nobody trusts that department". I would like to quote and table a letter from a Mr Chris Philbrick, the secretary of the Curtin Primary School Parents and Citizens Association. He writes to me:

I am writing on behalf of the Curtin Primary School Parents and Citizens Association to express our appreciation of Dr Willmot, Mr M Sawatzki and Mr B Dooley for the time and energy they expended on our behalf during the recent school "relocation" negotiations.

In reality, words cannot express the appreciation that we feel for their unstinting support in the face of severe professional and personal criticism. Mr Dooley also had to suffer - - -

MR SPEAKER: Your time is up, Mr Humphries.

MR HUMPHRIES: I seek leave for an extension of time, Mr Speaker.

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Mr Berry: No. It is private members' business. Other government members might wish to speak. They complained about the question being put earlier.

Leave not granted.

MR HUMPHRIES: Mr Speaker, if that is the way that Mr Berry wants it, that is fine.

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

That so much of standing orders be suspended as would prevent Mr Humphries from having an extension of time.

MR HUMPHRIES: Obviously, Mr Speaker, the claims by those opposite that they really wanted to hear from the Government were rather hollow claims, were they not? I will continue. I was quoting Mr Chris Philbrick, of the Curtin Primary School Parents and Citizens Association:

Mr Dooley also had to suffer physical and verbal abuse in implementing government policy.
... this community is extremely grateful for the high level of communication they -

that is the officers concerned -

provided.

Mr Speaker, I table the following letter:

School closures - Copy of letter from the Secretary, Curtin Primary School Parents and Citizens Association, to Mr Humphries (Minister for Health, Education and the Arts).

Mr Speaker, I think it is also worth just briefly running through some of the progress we have made in government, some of the things that Mr Wood claims are not evident but which, in fact, are indications of our success in education. A school review process is presently under way. That process involves polling parents about their level of satisfaction with the school system. From the sound of those opposite, you would think that primary school education was in a state of utter and complete turmoil. I want to draw to the house's attention the fact that the polling done already on primary school education in the ACT indicates a level of satisfaction; that is, parents' agreement that they are satisfied or highly satisfied with the primary education of their children stands at over 90 per cent. In other words, over 90 per cent of parents in this Territory who have children at primary school are either satisfied or highly satisfied with the progress and quality of education provided to their children. So much for the system - - -

Mr Wood: What was the date on that?

MR HUMPHRIES: That was from polling done throughout the course of last year, 1990, when the school closures debates were going on.

Mr Speaker, I think that speaks volumes. I think Mr Wood had better go out and speak to some of the people in the system himself, to see what they really think about what is going on. He also ought to speak to some teachers, because there are some teachers in the system who are, in fact, very well aware of the objectives of the Government in getting manageable school sizes and who support the concept of school sizes being larger than in some cases they are. If Mr Wood is not aware of that kind of sentiment in some teachers, he ought to go out and speak to some teachers about it.

Mr Wood claims that the whole situation in education is in crisis and he cannot name any area where the Government has achieved any success; yet he himself has been prepared to acknowledge on numerous occasions that our progress with preschools through the preschool task force, and the process embarked on in that exercise, has been highly successful, as indeed it has. That task force report clearly demonstrated a high level of parental support for preschool education. It indicated a range of options for restructuring preschool education. The Government, of course, closed two preschools at the end of last year as part of the process of restructuring and experimenting with new options. I have to say that I had extensive discussions with those preschools before those closures occurred, and at this stage I understand that the new preschools opened as a result of those closures are operating very well and parents are satisfied to a large degree with what has occurred at those preschools.

Mr Speaker, the Government has also taken initiatives in the area of teacher quality. Mr Wood, I think, asked the question, "What has the Minister done about professional development and teacher quality?". Mr Wood conveniently ignores and overlooks, for the sake of his argument, the fact that the Government announced, in the last budget, a program to enhance teacher quality. It is a very important program which is presently getting under way. That will assist in optimising classroom experiences for children. But, of course, he ignores that in the course of this debate.

Finally, Mr Speaker, I want to quote from the secretary of the ACT Teachers Federation, from a letter in the *Canberra Times* on the 2nd of this month. She asked the question, "Will a Labor Government reopen schools its Federal counterparts closed in 1988?". We know the answer to that one, Mr Speaker. We know what they did in 1989 when they were in government, when the schools were barely closed. They did nothing. And, of course, they will do nothing this time around.

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The next question is:

Will the teachers cut from schools by the previous Follett Labor Government in 1989 be returned to schools?

We know what the answer to that is, too, do we not? No. Bill Wood assured us that only support staff were cut in 1989. That is incorrect. This is the secretary of the Teachers Federation talking about the claims Mr Wood has made in this house and elsewhere. Teacher numbers were cut at high schools. The very sector of the system that he says needs greatest attention is suffering right now with bigger classes and reduced subject offerings. That, Mr Speaker, is a legacy of Labor, not of the Alliance Government.

MR WOOD (11.59), in reply: There is a wish that I close the debate, Mr Speaker. I think Mr Humphries made my point for me when at one stage he was talking about public discussion, and he went on at great length to talk about how much he had consulted with the community. I acknowledge that; I always have. When the big debate was raging earlier on, he was out amongst the schools, and he listened to everything that was said. He did not have too many answers, but he was certainly listening, and there was certainly plenty of debate.

But the point is this: Mr Humphries, in this Assembly, and publicly, announced a set of criteria to determine which schools should close. He said, and he said it more than once in those first weeks, that they would listen to the community's views on the criteria, and after that there would be no debate. We told him in here that he was wrong, that the community would demand that there should be a debate. He had his debate, but it was forced on him.

Mr Jensen: The criteria were changed.

MR WOOD: Yes, but the point I am trying to make, Mr Jensen, is that Mr Humphries is not on top of the administrative arrangements that he operates. He had a plan to do things; but, of course, there was no way that that plan could be implemented. He had to change.

Mr Humphries: What about your plan to close preschools? That had to change as well, didn't it?

MR WOOD: Mr Humphries makes my point for me. And it is still the case today. I make the point with respect to Maribyrnong school. It is not the greatest problem that has faced the Minister, and I do not want to inflate that beyond a level that it needs; but the debate that is now going to happen there has had to be forced on the Minister, and that is not the way it should go.

So, Mr Humphries, you make my point for me. You come back, as you have before, to the schools that were closed by the Federal Government in 1988. Since you say it again, I will say it again: The ALP, in the Territory, bitterly resisted those closures. You certainly were not with us when we trekked up to Parliament House to see the Minister; you were not with us at our conferences, when we bitterly opposed it, and our policy stated that we were opposed to those school closures. Since you are a member of the Liberal Party, you may recognise that there are times, not infrequently in the history of this nation, when State parties are at odds with their Federal counterparts; whether it is Labor against Labor or Liberal against Liberal. There is nothing unusual about that.

So, we bitterly resisted those proposals, because the established policy of the ALP in this Territory has been for a long time that we are opposed to school closures. There is no question about that.

Mr Collaery: That is not your policy. That is not your written policy.

MR WOOD: I have heard you read our policy, but then you do not read the entire policy. We have been down this track often enough before.

Mr Collaery: Well, table your entire policy.

MR WOOD: We have. Mr Berry has had it out before. Our policy was never anything but absolutely clear that we would not close schools. We have had this debate before; but I do not mind saying that I was substantially responsible for drafting that policy, so I well know what I am talking about. I well know what Mr Jensen and Mr Collaery have quoted in this chamber before. I will quote to you the policy that we launched our campaign with: "Schools will not close during the life of this parliament". We came down with that, and you have been told that a dozen times; but you do not want to accept that.

We have consistently, and over a long period, opposed the closures of schools. We opposed them when the Federal Minister proposed them - our Federal Minister, and I regret that it was our Federal Minister. We opposed them, and we will continue to oppose them. We are consistent. We do not do the Rally stunt of promising one day to give more money to education - what was it, Mr Collaery, \$7m? - and then - - -

Mr Collaery: Mr Moore made that promise.

MR WOOD: Mr Moore, on behalf of you as leader of the Residents Rally, may have made that statement. We did not embark on the course of saying one thing, of promising one thing in an election campaign, and then turning around and doing something entirely different. So long as Mr

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Humphries continues to repeat that nonsense about where the ALP in the ACT stands on school closures, I will continue to refute it.

Once again, we see that in large measure the arguments that we raise here are winning by default, because once again we have failed to get members on the other side of the house up to speak on education. It is not the first time; it has happened over and over again. There is no support for Mr Humphries from his backbench. Someone said a minute ago that the ALP heads were down. We will have a look across at the other side. There is no support from the government back bench for Mr Humphries, nor is there any support from the front bench for Mr Humphries.

Mr Duby: That is not true.

MR WOOD: I was waiting. Remember that when I stood up a moment ago I did not rush, because I am closing this debate. I did not rush; I was waiting for Mr Collaery.

Mr Collaery: You looked at me.

MR WOOD: Yes, I was waiting for you to jump to your feet because I thought you might - - -

Mr Collaery: I have stated my position endless times.

MR WOOD: But you did not jump to your feet. I thought you might get up, and I wondered whether you would give the outline of the argument you had with Mr Duby. I wondered whether you would want to go down the path of repeating the reasons, which you never made public, for gagging the chief education officer. I wondered whether that would be an interesting part of this debate. You can raise it in the adjournment debate tonight, or we will give you leave after my closing the debate to make some comment about that, if you wish, because I think it says a lot about the administration of Mr Humphries that I have been talking about that Mr Collaery came in and overrode the Acting Minister for Education on the question of what the chief education officer was allowed, or not allowed, to say.

Mr Duby: He did no such thing.

MR WOOD: You were not very happy at the time, Mr Duby, as I remember it. You had some harsh words to say. I thought you might get up, along with Mr Collaery. Obviously you are more inclined to defend Mr Humphries, because when he came back from his extended holiday he was fulsome in his praise for your administration.

Mr Duby: And rightfully so, too.

MR WOOD: Surprisingly so. I suggest that when you run your election campaign in a year's time you should write those comments on your election brochure. I do not know whether that will help you or hinder you, but I have no doubt that it will hinder Mr Humphries in the future.

I was waiting for Mr Collaery or Mr Duby to get up and join in this debate - the one maybe to support Mr Humphries, the other perhaps to criticise him. That is the reason why I suspect Mr Collaery is still in his seat, because he decided that it would be better not to stand up. He would prefer perhaps not to help the Opposition on this motion.

Mr Humphries quoted a letter from Mr Philbrick, who was very active - and he is entitled to be so - in his campaign to get North Curtin Primary School children into South Curtin Primary School. It may be only coincidental that Mr Philbrick lives directly across the road from the South Curtin school. I think it is also worthy of note that quite a number of Curtin children have moved across to Lyons, where they find the environment a little more to their liking, although I have no - - -

Mr Duby: When?

MR WOOD: When they enrolled, at the beginning of this year.

Mr Duby: People went from North Curtin Primary School to Lyons?

MR WOOD: Yes; not a great number, but a few people. I have been talking to those parents. I have no criticism of what happens at the new Curtin Primary School, and I certainly agree with Mr Humphries that it is a school that is running and operating well, given the difficulty of its beginnings. But I believe that the Opposition has sustained its arguments today. Our arguments remain valid. The evidence of the history of the last year speaks for itself and, if we need any more confirmation of that, it comes in the silence of the people who sit on the same side of this house as Mr Humphries.

MR COLLAERY (Attorney-General) (12.09): I table the following extract from ALP policy:

School closures - Copy of ALP education policy on school closures.

MR SPEAKER: The question is: That the motion be agreed to.

Mr Berry: On a point of order, Mr Speaker: I seek leave to table a document. It is a motion which was dealt with at the last annual conference of the ACT branch of the Labor Party.

Leave granted.

MR BERRY: I table the following paper:

School closures - ACT Branch of the Australian Labor Party - Education motion for conference.

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Question put:

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

The Assembly voted -

AYES, 6

Mr Berry
Mr Connolly
Ms Follett
Mrs Grassby
Mr Moore
Mr Wood

NOES, 10

Mr Collaery
Mr Duby
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Ms Maher
Mrs Nolan
Mr Prowse
Mr Stefaniak

Question so resolved in the negative.

INDUSTRIAL RELATIONS MANAGEMENT

MR BERRY (12.15): It is with some regret that I rise to move:

That the Alliance Government has demonstrated its inability to provide competent industrial relations management in the ACT.

That is surely true. The first thing that I should do is to extend congratulations to the trade union movement for the exercise of restraint that we have seen from the unions in the face of the activities of this Government. The trade unions have worked out - they worked it out very early - that this Government is an aberration, and that it will not be something that it will have to put up with for all time. They have decided that it is not worth entering into a war with this Government when there will be relief at some time in the future. There are plenty of targets for the trade union movement to have a look at in respect of this Government's performance. They are waiting for a change in government, and they will surely get one.

I want to talk about the first dispute that we saw mishandled by this Government. The prize-fighter in this case was Mr Humphries, although some people might say that he was a prize-something-or-other. However, in this case I think Mr Humphries at least saw himself as the prize-fighter. We had three weeks of confrontation and disruption in the hospital system. That basically showed the intentions of this Government, as the Minister moved on the union to enter into an extended battle to attack the working conditions of nurses. One of the headlines which clearly shows what the dispute was all about reads as follows:

Nurses' strike just an excuse for a union/management showdown.

That is what this was all about; it was about Mr Humphries demonstrating to his constituency that he was capable of taking on the unions. I will show, as I work through this issue, that it was a stupid action for the Government to be involved in and that it led to an end that was available at the outset. It was about the Government's decision to reduce the 10-hour shift at the Royal Canberra Hospital. The Government decided very early that it was going to do that without regard to custom and practice in industrial relations and all those matters; without regard to the workers; without regard to proper consultation processes; and, in particular, without regard to the wage-fixing principles which were in place at the time - in other words, in complete ignorance of the facts of life. All that the Government was interested in was a philosophical position where it could take on a section of the trade union movement.

Of course, as has been shown by the passage of time, the Government failed. In terms of industrial relations, the Government was shown to be absolutely useless. One of the most important things which demonstrated the weakness of the Government's approach on this issue was a headline in the *Canberra Times* of 13 January, well into the dispute when this Government was arguing about cutting the wages and conditions of nurses. The article reads:

Administrative positions with annual salaries totalling almost \$750,000 have been advertised for the ACT Department of Community Services and Health since mid-December, at a time when the ACT Government is pledged to trim the health bureaucracy in line with the ACT Budget and the Kearney Report on health services in the Territory.

What a ridiculous thing to do in the middle of an industrial dispute when the Government is trying to rip wages and conditions from workers in the hospital system. The Minister said, "I will take that 10-hour shift off these nurses; you had better believe it". Of course, the industrial disquiet that developed as time went on can be shown to be very serious and leading to very serious disruption in our hospitals. On Wednesday, 10 January, there was a stop-work meeting to demonstrate support for the campaign; on 12 January there was a walk-out of a director of nursing's roster options meeting, as they moved on the nurses; on 19 January there were bans on rotating night duty to day duty, and so on; on Monday, 22 January, there was a stop-work meeting which resolved to escalate bans, all because of this Minister's handling of the issue - - -

Mr DUBY: For the record, put which year.

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MR BERRY: 1990.

Mr Duby: Thank you. This is now February 1991.

MR BERRY: He has worked it out; I am glad. It is a year of mishandling of industrial issues. There is more to come. There was more action on 25 January; on 27 January - and we will talk about the chief architect of the Hunt dispute over there, who is chuckling - Sunday, 28 January; Monday, 29 January, a stop-work meeting.

Mr Duby: 1990?

MR BERRY: 1990. Also, on 30 January 1990; 31 January 1990 and so on, right up to February 1990. What happened? After all that, it went to the Arbitration Commission, and guess what? Justice Cohen of the Industrial Relations Commission was critical of this Government - and that was placed on the record - because it was this Government that attacked the nurses' conditions. It was Minister Humphries who said that he would take their conditions off them. It was the Industrial Relations Commission which criticised the present Government for the way that it handled the industrial dispute. Justice Cohen asked why the Government was attacking the 10-hour night shift when massive savings could be made under the structural efficiency principle without industrial action.

What was the outcome? After all this - without negotiating with the nurses; having rushed in headlong and taken them on - the consultants scrutinised and endorsed the 10-hour shift. The nurses are still working it. The whole hospital system was disrupted while the Minister for Health took on the trade union movement. What a joke. He got done like a dinner, and he deserved to get done like a dinner.

We then had the Priorities Review Board. The Government's real agenda was revealed in the report of the Priorities Review Board, which was to sell off the ACT's assets and force people out of jobs. There is no question about this. Thousands of people rallied against the Government.

Mr Collaery: Yes, atrocities. That is your word. I was just reminding you.

MR BERRY: Mr Collaery admits that atrocities were being committed in the industrial field. That is why they were concerned about the way the Government was handling issues. It looked as though the Government was backing away from the implementation of the report, but time will tell. I think it will tell us that they have been working behind the scenes to implement sections of that report. Thankfully, they will not have enough time to implement all of it, and some of it will be reversible.

Another issue that was raised in the course of this morning's debate was the South Curtin school. The community took on the Government, and rightly so. They had good cause to do so. The Residents Rally members, who had promised that they would support a better education system, had ratted on them and the community was forced to take on the Government - something that was quite foreign to those parents and friends of the education system. The Government knew that it could not beat the community, so it decided to try to divert attention to an ideological dispute between the Government and the trade union movement.

That proved futile because the Industrial Relations Commission would not help them out. They do not own the Commonwealth Industrial Relations Commission as they own other things around the Territory. The Government cannot influence that body the way they influence other people around the Territory. For example, they cannot threaten the Industrial Relations Commission as they can threaten business leaders in the Territory when it comes to contracts.

One of the interesting things that developed out of that dispute was the agreement with the National Union of Workers which took place during the course of that dispute. During the course of that dispute there were also threats by ministry officials. I suspect that one such threat was that the stores section of the ministry might be dismantled if they kept supporting the trade union position on the retention and preservation of the education system in the ACT.

Later on the ministry had to apologise to the union. The ministry had said that, as part of the agreement reached in the Industrial Relations Commission, the department had indicated that the vacated premises would not be used for any purposes connected with school closures. Of course, they breached that agreement. Mr DUBY knows that they breached it. They then had to write to the unions and apologise - "Once again, I regret the misunderstanding". What it basically boiled down to is that they ratted on that agreement. That is the way they handle their industrial relations. The unfortunate thing about it is that the level of distrust that has been generated between government and trade unions in the Territory will carry on for some time; but it will be repaired, I assure you, by a Labor Government. The facts are on the record. This Government is hopeless on industrial relations issues. The unions do not trust this Government. I do not think they believe anything they get from the Ministry for Health, Education and the Arts. They have proved that they cannot be trusted. Let us not forget the indication that was given to the Industrial Relations Commission that the Hindmarsh Group was the contractor at the school in question where the alleged industrial dispute was in place. But, all of a sudden - out of the blue - Pendon Construction Pty Ltd was moved into the school. It was an overnight appointment.

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One wonders how much they were paid by the Government. We will find out how much they were paid to move in and sort out the industrial part. Of course, we then have the activities of the leader of the Residents Rally party who promised the education people, the people who support our education system - unlike the Residents Rally party - that he would not support using police on the people in those schools.

Mr Collaery: Not so. It is a deliberate untruth.

MR BERRY: You do support the using of police? He was the one who would not. Ask the schools people. They are the ones who understood. Of course, we have also heard Mr Jensen before on schools. We have heard about his support for education and, in particular, so have the people from Lyons. He is keeping his head down now.

Anyway, at the end of the day, it was Minister Collaery who advertised the fact that he was comfortable with the arrest of those residents, including the blind woman and her dog. He is the person who suggests that he supports the education system. There is no doubt that they set out to attack the community and not worry about the casualties. I am afraid the casualties are out there. I can tell you that the word is spreading that you will not be back to do it again. You will soon have the opportunity at the next election to guarantee us that you will not be closing any schools.

You will be given the opportunity, I can assure you. Will you give us that guarantee, or have you too much blood on your hands now from the way that you handled the industrial relations issue in the education system? The problem is that the damage that you have done in industrial relations will be with us for some time. It will damage the Territory, like so many of the things that you have already done while you have been in government.

The fact of the matter is that this Government has been over the top in the way that it has handled industrial relations. The hairy-chested Minister for Health has taken on the nurses and been done like a dinner.

MR SPEAKER: Order! It being 12.30 pm, the debate is interrupted in accordance with standing order 77.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Share Transactions Stamp Duty

MS FOLLETT: My question is to Mr Kaine as the Treasurer. I ask Mr Kaine: What would be the cost to the ACT budget of the decision of his Liberal colleague in New South Wales, Mr Greiner, to give, in effect, a gift to share speculators and stockbrokers by abolishing stamp duty on share transactions?

MR KAINE: I cannot imagine that any decision put into place by the Premier of New South Wales will have an effect on what happens in the Australian Capital Territory. I am not certain of the details; but, in any case, revenue matters - and I guess that you are directing your question to the matter of revenue - are properly the province of the Minister for Finance. Perhaps you might like to direct that question to him.

MS FOLLETT: I have a supplementary question. It relates to Budget Paper No. 4 presented by Mr Trevor Kaine, MLA, Chief Minister and Treasurer. It contains an item under Summary of Consolidated Fund Receipts - Transfers of Shares and Marketable Securities. The estimate of receipts for the year 1990-91 is \$11,100,000.

Mr Collaery: What page?

MS FOLLETT: Page 16. I ask Mr Kaine again: Will there be a cost to that estimate as a result of Mr Greiner's announcement? Surely, if people can transact shares free of stamp duty in New South Wales they will hardly choose to pay \$11,100,000 to do so in the ACT.

MR KAINE: I think that the Leader of the Opposition has answered her own question. Of course, there may well be a consequence for the ACT; but, how is it possible for anybody, on the basis of such a decision in New South Wales, to predict what the result is for the ACT? I repeat: Since revenue is a matter for the Minister for Finance, if Ms Follett really wants the answer to the question, then perhaps she should direct the question to the Minister whose responsibility it is.

Autistic Children's Unit

MR STEVENSON: My question is to Gary Humphries as Minister for Education and concerns the needs of the handicapped, particularly those young children attending the autistic children's unit at Hughes Primary School. I am informed that there is little or no air-conditioning or cooling, and that the unit is not insulated in either ceilings or walls. I am also informed that there appears to be a lack of funds to operate the unit. The questions are: Is there inadequate cooling? Would the situation also exist in

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winter that there would be inadequate heating? What operating funds have been allocated for the operation of that autistic children's unit? Finally, if these situations are correct, what can be done?

MR HUMPHRIES: I am grateful to Mr Stevenson for raising this matter. I certainly was not aware of any problems experienced by that unit at Hughes. To my knowledge it has not been raised with me or with my department by any of the parents there. Clearly, there is some concern and I assume that that has been conveyed to Mr Stevenson. That is why he asked this question. I am very happy to investigate that matter and report back to Mr Stevenson and the Assembly as soon as possible.

School Closures

MR STEFANIAK: My question is to the Chief Minister. Following some concerns expressed in recent days about the schools situation, I wonder whether the Chief Minister could tell us what the current situation is regarding the surplus schools that were closed by the Commonwealth Labor Government back in 1988.

MR KAINE: The disposal of those schools is proceeding satisfactorily. Perhaps I should take them one by one. The approved planning policy for the Fisher Primary School, for example, and the grounds there provides for medium density housing and open space retention in that area. We did receive expressions of interest for that area to be developed as an aged persons retirement village. There is a proposal under consideration and the Government expects a lease to be awarded for that very shortly. Fisher Primary School has proved to be an area that has attracted some interest for that purpose.

The buildings of the Pearce Primary School are to be used for unsubsidised community use, and the grounds are to be developed for medium density housing. I do not think there has been any secret of that. Public open space and tree planting will be provided along the south-eastern boundary of the school ground to preserve the essential current amenity of residents whose dwellings adjoin those grounds. There was concern expressed that developing that area would cause some difficulty for the residents already there. We have taken care of that matter.

Page Primary School will be developed for medium density housing. There will be some open space there. There is an approved policy plan for that which is available if anybody wants to see it. It may be of interest to know that both the Pearce and Page primary school sites were sold recently; in fact, on 6 December. The Pearce site brought \$1.02m and the Page site, \$1.1m.

I think that all of this carping about closing schools is interesting, particularly when part of the objective is to obtain this return of capital so that it can be used for such things as providing facilities for aged people and for the disabled and disadvantaged in our community. The people opposite seem to have totally lost sight of the fact that there are people in this city, other than school children, who need things and people other than those who make a fuss about closing the odd school.

The Watson High School buildings are currently being used to assist the TAFE campus rationalisation; and the Woden Valley High School buildings are intended to be used for the same purpose. Consideration is currently being given to the options available in relation to the use of the grounds of those two schools and we expect to make decisions in the very near future as to what the grounds of those schools should be used for.

The Government has really faced up to the matter that the previous Government never attempted to deal with, and that is to find useful purposes for those schools in this community.

Macquarie Primary School

MR WOOD: I direct a question to the Minister for Education. Could the Minister inform the Assembly what is the class size of year five at the newly consolidated Macquarie Primary School?

MR HUMPHRIES: No, I cannot inform the Assembly as to the class size in year five.

Mr DUBY: Can you inform the house of the total enrolment in Lyons?

MR HUMPHRIES: Yes, I can actually.

Mr Wood: Well, that is interesting. It says something, doesn't it?

MR HUMPHRIES: It says nothing at all, Mr Speaker. To expect me to come to this place and know - - -

Mr Collaery: How many members are there in Ellnor Grassby's branch?

MR SPEAKER: Order!

Mr Collaery: Do you know the number today?

MR SPEAKER: Order, members!

Mr Collaery: Do their names all end in vowels?

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MR SPEAKER: Order, Mr Collaery!

MR HUMPHRIES: To expect me to know how many children are enrolled in a particular class in a particular school, and their phone numbers, is just ridiculous. If Mr Wood is going to argue later on that I am ill-informed about education because I cannot say how many people are enrolled in a particular class, that does not constitute any kind of evidence at all of any lack of knowledge or understanding about the education system. While stupid questions like that are asked, the Opposition will come under more criticism and denigration than will this Government.

MR WOOD: I have a supplementary question. Mr Humphries was very quick to point out that he knew data about Lyons Primary School. It just shows where his interest is directed. This is a sensitive area. In view of the nature of the amalgamation now centred at Macquarie - and I want to expand this question - I believe that he should have interested himself in the way the consolidation is proceeding. Will the Minister check the size of that class? I have reports that indicate that it is quite large. Also, I believe that it is being accommodated in a fairly remote location. Will the Minister check to ensure that the class is not unduly isolated, especially since it has children from Cook Primary School in its numbers?

MR HUMPHRIES: Yes, I will look into that matter. If Mr Wood wishes to really know what is going on in those classes, he might be better advised to ask me to find out for him, and I will investigate those matters and bring the information into the Assembly. Frankly, while Mr Wood asks questions like that, and then comes into this chamber and bleats about the need for a more constructive approach to education in 1991, I have to treat those sorts of questions with a little bit of suspicion and disdain.

Tuggeranong Parkway Telephone System

MR JENSEN: My question is directed to Mr Duby in his capacity as Minister for Finance and Urban Services. The Minister will no doubt recall that the emergency telephone system on the Tuggeranong Parkway was opened last year. Can the Minister tell the Assembly the extent to which this system has been used since its installation?

MR DUBY: I thank Mr Jensen for the question. I do recall the day that those emergency telephones were opened on the Tuggeranong Parkway. It was Friday, 9 October. It was a very wet and windy day, if I remember correctly.

Mr Collaery: You made the first call.

MR DUBY: That is right; I made the first call on those phones. A total of 14 telephones were placed along the Tuggeranong Parkway between the Glenloch Interchange and

Sulwood Drive. They were located at intervals of 1.5 kilometres and paired to avoid a road crossing by users. That is a very important matter on that busy stretch of road. The Australian Federal Police Operations Centre is the first contact for the phone calls, which are then redirected, as appropriate, through to the area of particular concern; whether that be, for example, the ambulance, the fire brigade, the police rescue unit or the NRMA for breakdowns. A total of 277 calls have been received since 23 October 1990. I was quite surprised at the - - -

Ms Follett: That is why we funded it.

Mr Collaery: How many of them were to the ALP?

MR DUBY: The answer is zero.

MR SPEAKER: Order!

MR DUBY: That indicates the amount of usage and the need for these particular facilities on places like the Tuggeranong Parkway. Of those 277 calls, four reported accidents; one reported a fire on Mount Taylor; one reported a fire in a vehicle; and the remainder were vehicle breakdown calls for the NRMA, which indicates that there are a lot of vehicles that break down on the Tuggeranong Parkway.

In this year's capital works program the emergency roadside network will be expanded to cover part of the Monaro Highway. From the usage figures that we have seen in only a short time on the Tuggeranong Parkway, it is clear that there is a definite need for facilities like this on the major parkways and freeways throughout the ACT.

House Building Approvals

MR CONNOLLY: My question is to the Chief Minister. Is the Chief Minister aware of recent events in Calwell, where people's views are potentially going to be built out as a result of variations to a plan involving several exercises of discretion? What action will the Chief Minister be taking to ensure that this sort of event does not happen again and that people's investments are not adversely affected?

MR KAINE: I am aware that there is some difficulty in connection with three houses that are proposed to be built in Calwell and that there is some dispute between the builder of those three houses and the neighbours. I would have to point out that the construction of the three houses has been approved by the ITPA under the provisions of the ACT Buildings (Design and Siting) Act 1964.

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There is nothing illegal about the construction of those houses. The proposals were assessed against the relevant NCDC policy. That is the current policy, which is in the design and siting policies issued in 1973 and gazetted as recently as January 1989. The proposals were assessed by an authorised officer of the ITPA and he concluded that there was no basis for refusing to grant approval under the Act.

I am advised that the decision taken by the ITPA is entirely in accordance with the provisions of the Act and the relevant policies, including the exercise of allowable discretion in relation to a minor encroachment on the quantitative standard for minimum rear boundary setbacks. On being advised of objections by neighbours to the proposal, the ITPA has given assistance in negotiations between the builder of the three houses and the neighbours. I think that is the most that the Government can do.

My Executive Deputy, Norm Jensen, has met with those people. The negotiations have resulted in the builder agreeing to consider reducing the height and varying the design of the house on block 2, which is not yet under construction, and to vary the external colourings of the other two houses for which the footings are already in place. In summary, the Government has no standing to refuse approval of the houses in question. It is a matter for resolution between the builder and the neighbours. The Government has done everything in its power to get the parties into negotiation to resolve the issue. I believe that we have done everything that can be done.

O'Connor Creative Playgroup

MR MOORE: My question is directed to Mr Humphries as Minister for Health. Mr Humphries, on 28 November 1990 I asked you a question about the closure of the O'Connor Baby Health Centre and the concerns of the members of the Creative Playgroup that operates within those premises. I would like to quote your reply from volume 16, page 4727 of *Hansard*:

I can assure Mr Moore that the group will not be asked to vacate the building until alternative accommodation has been found.

That is a quite categorical statement. Can you then explain how it is that the Creative Playgroup has, in fact, been ejected from the premises without alternative accommodation having been found for them, in spite of your words? Again, I quote:

It would be desirable for the Government to continue such services.

Those members of the playgroup trying to negotiate with officials of the Health Department have found those officials to be unhelpful, derisive and contemptuous of your words and promises made in this Assembly, instead of being as helpful as possible.

MR HUMPHRIES: The officers that Mr Moore describes do not sound like any officers that I have had to deal with in the course of my time as Minister for Health. I would be surprised if even Mr Berry was prepared to describe in that fashion any of the officers who served him. I have to say that I am prepared to take Mr Moore's question on notice. Obviously I am concerned if anything I said in this place has not been carried through by my ministry. However, if I had to do so, I would operate on the assumption that the ministry was prepared to carry out the views of the Government and to accept instructions given by me in this place, or elsewhere, and that that is the case and will always be the case. I will certainly look into the matter that Mr Moore has raised and report back to him.

Passive Smoking

MS MAHER: My question is directed to the Minister for Health. Can the Minister advise the Assembly as to what the Government's plans are to respond to the recent court ruling on the dangers of passive smoking?

MR HUMPHRIES: I thank Ms Maher for this question. Ms Maher and other members will be aware that we have already taken a major step forward in the fight against the adverse health effects caused by tobacco use over the course of the last 12 months. The Tobacco (Amendment) Act which we passed late last year, and which is currently being implemented in this Territory, has given the ACT the toughest anti-smoking legislation in Australia through restrictions on tobacco advertising, promotion, sales and marketing.

In addition, the Government has boosted funding to non-Government organisations providing education, prevention and quitting services. It is too early to say what impact the court ruling to which Ms Maher referred may have on issues such as smoking in public places and in the workplace. I have certainly sought copies of the judgment. The ministry will be looking with some interest at the ruling of the court in that case.

However, smoking is already banned in Commonwealth and ACT Government offices, and in many private sector workplaces as well. The Government, both directly and in conjunction with organisations such as the National Heart Foundation, will continue to encourage employers to move towards smoke-free workplaces - no doubt encouraged by the recent court judgment. The Government is also working with industry groups on addressing the issue of smoking in restaurants.

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It is likely, therefore, that the court's decision will not be of as much significance in the ACT as it might be in other jurisdictions. In that sense, we are already well down the track of protecting our workers and others against the effects of passive smoking.

Maribyrnong Primary School

MRS GRASSBY: I would like to inform Mr Collaery that the branch I belong to is the most multicultural branch in Canberra. It is 20 times larger than the Residents Rally. Mr Wood knows it very well because he visits it a lot as a visiting MLA and he knows how many members there are. My question is to Mr Humphries - - -

Mr Kaine: Do I get to answer that question?

MR SPEAKER: Nobody asked a question of Mr Collaery, "Do you know?".

MRS GRASSBY: Now he knows it. Maybe he is a bit brighter than he was this morning. Maybe he will not be so easily done as he was this morning by Mr - - -

MR SPEAKER: Who was the question to, Mrs Grassby?

MRS GRASSBY: My question is to Mr Humphries. Have discussions resumed between Maribyrnong Primary School and the Education Department about the location of the Belconnen regional office, and what stage has been reached? Is the regional office currently operating from a truck?

MR HUMPHRIES: I thank the member from the multicultural branch for her question. I can say, first of all, that the regional office is not operating from a truck; although, it is true that many members of the regional office spend much of their time on the road, moving around schools in the district, looking at problems and dealing with issues. In a sense, many of them would continue to operate from their cars, or at the particular schools they happen to visit.

The particular officers who would normally be spending time in the regional office are obviously not at Cook at the moment or at Maribyrnong. They are operating from other places; wherever it might be convenient for them to base themselves while the issue of the regional office is being sorted out. Negotiations are continuing with Maribyrnong. In fact, I expect there to be some imminent breakthrough in that matter. In fact, I was discussing that matter with officers of my department only last night. I would expect there to be some developments in that matter quite shortly.

MRS GRASSBY: I have a supplementary question. What disturbance will there be to the children and teachers as a result of the move?

MR HUMPHRIES: Hopefully, very little disturbance. I would hope that the disturbance occasioned so far is the most disturbance that will be experienced and, in fact, that the regional office can locate into Maribyrnong, or whichever school it might go to. I emphasise that I am not going to force a square peg into a round hole. If Maribyrnong really does not want the regional office, it does not have to have it. I have to emphasise that there are a number of schools in the Belconnen region that would be very keen to be the home for the regional office. I make no secret of that fact. I have already indicated quite clearly that, if the school does not want it, the school does not have to have it.

Mr Duby: Spence primary will take it.

MR HUMPHRIES: I have just been told that Spence primary will volunteer. I am sure there are many other schools that would line up for it. The point is that Mrs Grassby need not fear that the Government will force an unwilling school to accept the regional office. It is our intention to ensure that the school that takes the regional office actually wants it. That was certainly the indication that the Government had when it had negotiations with Maribyrnong school on the subject over the last few weeks. As I indicated, if the school is unwilling to accept it we can make other arrangements.

West Belconnen Development

MRS NOLAN: My question is to the Chief Minister in his capacity as Minister responsible for planning. Why was so little time given for public comment on the development proposals for west Belconnen, and will the Government extend this time?

Ms Follett: That was my question. They have already done it. You must have been on holidays too.

Mr Berry: Mr Duby agreed.

Ms Follett: He agreed.

MR SPEAKER: Order!

MR KAINE: I agreed to what?

Ms Follett: Mr Duby did it. You were away too.

MR KAINE: I do not know what Mr Duby did while the Assembly was not in session but - - -

Mr Duby: I do not know what they are talking about.

MR SPEAKER: Order!

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MR KAINE: I do not know what Mr Duby said; but I am going to answer the question despite the Opposition, because it is a matter of considerable concern to a lot of people in Belconnen who are interested to know what the Government is doing. I would - - -

Ms Follett: It is, and that is why we took it up while you were on holidays.

MR KAINE: Gee, we have a mean-minded lot opposite, have we not, Mr Speaker? The fact is that this is a matter of considerable concern. I do not believe that there was any problem with the time given. What some of the complainants do not seem to appreciate is that the document that was put out by the Government was a preliminary assessment report - - -

Mr Berry: This is a different answer, Craig.

MR KAINE: A preliminary assessment report - - -

Mr Duby: Don't you worry about that.

Mr Berry: It is easy to see that you come from Queensland - rubbery figures.

MR KAINE: That preliminary assessment report requested some public comment by 31 December 1990. Mr Speaker, I wonder whether I could be given the courtesy of being allowed to answer this question instead of having to deal with the cross-talk.

MR SPEAKER: Certainly you could. Would you please desist, Mr Berry and Mr Duby.

MR KAINE: Mr Berry talks incessantly during question time and everything else as well. I think he should be called to order.

Mr Connolly: He was answering Mr Duby.

MR SPEAKER: Order!

MR KAINE: The preliminary assessment report contained only a very general description of possible developments in that area. It canvassed a range of issues of interest to the public - if not to the Opposition - that would need to be dealt with in planning and environmental assessment work in that area. The purpose of the report was, first of all, to inform the public that the area was being considered for possible urban development and, secondly, to invite public comment at an early stage as an input to the planning and environmental process, consistent with provisions of the draft ACT Environmental Assessments and Inquiries Bill. That was a reasonable thing for the Government to do.

On the question of whether the time was inadequate, 68 submissions were received by the deadline. There are 68 people who live in Belconnen who did not think the time was too short and they thought it was important enough to make their input at that stage. So, there is great public interest. I would remind the Assembly that none of the input in response to that came from any member of the Opposition. Now they become very concerned about this issue, but not one of them made any comment on that preliminary assessment report and the information contained in it.

Mr Duby: They were on holidays.

MR Kaine: They were all out of town. I expect that specific development proposals and a draft environmental impact assessment on west Belconnen will be released for public comment in March 1991. That specific development proposal will take account of the comment that has now been received from 68 interested people. Indeed, there were a number of proposals that were received late and are also being considered. It is only after receipt of submissions on these proposals that the ITPA will assess them and they will make recommendations to me as to whether the land use policy for the area should be varied or whether further assessment work should be undertaken which may involve further public inquiries.

The Government will not be proceeding with development in the area without full assessment and without full opportunity for public comment in the circumstances. As I said before, I do not consider that the period for commenting on the preliminary assessment was unacceptably short. The fact that so many people responded in the time would indicate that they do not think so either.

Royal Canberra Hospital South

MR BERRY: My question is to the Minister for Health, Education and the Arts. Will the Minister deny that the Royal Canberra Hospital South hydrotherapy pool is to close?

MR HUMPHRIES: Once again it sounds as though we are getting into that old trick that we had last year, "Will you deny that this is going to close? Will you deny that that is going to close?", et cetera, et cetera, et cetera. I am going to give the same answer that I have given in the past to all those kinds of questions.

Mr Kaine: Another furphy. When are you going to stop beating your wife, Wayne?

MR SPEAKER: Order! Chief Minister, I know that it was meant in a frivolous manner, but the record will be misread by somebody. Please withdraw.

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Mr Kaine: I withdraw, Mr Speaker; but it is indicative of the kind of questioning that we get.

MR HUMPHRIES: Mr Speaker, I know that my answer will enable Mr Berry to rush out in his usual petty fashion and issue a press release saying, "Royal Canberra Hospital South hydrotherapy pool to close", blah, blah, blah, "under threat, Government has eye on pool" blah, blah, blah. But I am not going to give any - - -

Mr Berry: It does not say that.

MR HUMPHRIES: Well, I am sure it says something very similar; very similar indeed.

Mr Berry: It does not say that.

MR HUMPHRIES: Obviously, he has it ready. I have to indicate that I am not going to give any of those assurances. However, I might say that it is very hard to imagine how the Royal Canberra Hospital South could do without its hydrotherapy pool.

MR BERRY: I have a supplementary question. I heard the Minister say that it is hard to imagine how the hospital would do without its hydrotherapy pool. He has not, therefore, denied that the pool will close. If the answer to the question is yes, that he does deny it, what action has the Minister taken to allay the concerns of people with disabilities who first heard these rumours at the pool itself? We do not know whether the answer is no, because we cannot get an answer out of him. If the answer is no, where will the patients of the hospital system receive the valuable treatment currently provided at the hydrotherapy pool? All I want is a little less equivocation and an answer on what is really an important and meaningful question.

MR SPEAKER: The manner in which you ask that question makes it a hypothetical question, Mr Berry, and I disallow it.

Year 12 Graduates

DR KINLOCH: My question is to Mr Humphries in his role as Minister for Education, especially that part of his role concerning tertiary education. Could we consider the year 12 ACT graduates from last year? To what extent have they been able to qualify to enter tertiary education at university level in 1991?

MR HUMPHRIES: Despite the claims of some people, there are certainly some very good signs concerning education in the ACT. I thank Dr Kinloch for the opportunity to indicate some of those signs. In 1990, nearly 4,000 students

finished year 12 studies in the ACT and received a year 12 certificate. Of these, some 72 per cent received a tertiary entrance score. Of the students receiving a tertiary entrance score, 59 per cent were above the lowest cut-off for a faculty at the ANU; 75 per cent were above the lowest cut-off for the University of Canberra, and 99 per cent of those students - almost all of them - received a score above the lowest cut-off for a faculty in a university in New South Wales or the ACT.

We can say, in effect, that every one of the students receiving a tertiary entrance score from ACT schools was able to gain admission to a university somewhere in this country. That is a quite remarkable achievement for our educational system, and not the sign, I would have thought, of a system in crisis. It indicates, very clearly, that the ACT system is continuing with its very high retention rates into year 12 and that a very large proportion of those students are able, if they wish, to go on to university. That is a sign of a quite healthy education system.

Tourism Commission Shopfront

MS FOLLETT: My question is to Mr Kaine. Is it true that, as a result of underfunding, the ACT Tourism Commission may have to close its shopfront at the Jolimont Centre?

MR KAINE: I repeat that I am not responsible for tourism. For the third time, I would suggest that Ms Follett address the question to the responsible Minister.

Water Wastage

MR STEVENSON: My question is to Mr Duby as being responsible for water, waste and works. It concerns the watering of parks and gardens around Canberra. A letter to the editor of the *Canberra Chronicle* on 5 February indicated that the sprinklers in the nature strip in Benjamin Way, Belconnen, were being operated in such a way as to cause the wastage of large amounts of water. Apparently some sprinklers were being misdirected and also overflowing was occurring onto the road. I have actually seen similar situations with the sprinklers in Northbourne Avenue on a number of occasions during the last year. In view of the recent increases in excess water rates to residents of Canberra can we expect the Government to tighten its belt regarding this important issue of water conservation, and what action can be taken to prevent this wastage of water?

MR DUBY: I thank Mr Stevenson for the question. Indeed, the issue of water conservation is a very important one and one that cannot be underestimated. The number of complaints I receive from people who are complaining about

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the level of free water - if that is the word - that can be allocated to their property indicates that there is large community concern about this issue throughout the town. It also should be pointed out that the Parks and Conservation Bureau does pay the ACT Electricity and Water Authority for the water that it uses. As a result, of course, it is not just this free water, as such, that people might imagine is government water just going down the drain.

On the issue of the direction of water that may be being sprinkled on particular parkways or roadways at any one time, I think it is fair to say, given the enormous number of sprinkling systems that are in place throughout the city, that occasionally there may be lapses within the system. For whatever reason, a sprinkler may be misdirected from going onto the area required to be watered and onto the road. Generally speaking, the bureau does very well in terms of ensuring that the water that is used is not wasted.

Many, many water sprinkling systems throughout the city are automated. As a matter of fact, one of the regular complaints that I get at my office is, "Please explain why the sprinklers were on while it was raining.". People do not realise, of course, that one of the money saving efforts that the Government has undertaken is the continued automation of sprinkling systems throughout the city. However, in relation to those two particular areas that Mr Stevenson has identified, I must admit that I am not aware of any problems which have occurred there, or any series of complaints which have been made about that issue. I shall investigate and get back to Mr Stevenson, but it would appear to me that an off the top of the head answer is that there has been some malfunction in the automatic sprinkling system. Invariably these things are picked up and fixed by the regular maintenance people who work within the bureau. I shall investigate and get back to Mr Stevenson.

Mr Kaine: Mr Speaker, I request that any further questions be placed on the notice paper.

Commercial Tenancies

MR Kaine: Mr Speaker, yesterday the Leader of the Opposition asked me a question in connection with commercial tenancy arrangements and the self-regulation relating thereto, and I undertook to give her a comprehensive reply today.

In June last year, in my statement on the Government's response to the report of the Select Committee on Tenancy of Commercial Premises, I said that the Government recognised the need to regulate tenancies in the retail area for the benefit of both tenants and landlords. That is the Government's view. Obviously, the need for regulation assumed that tenants and landlords encountered

difficulties with their tenancy arrangements. However, whether or to what extent these may be a factor in the increase in bankruptcy in the ACT is by no means clear, and the Leader of the Opposition would acknowledge, I think, that the primary cause of bankruptcy is the overall economic situation in Australia.

I also advised that the Government proposed to regulate such tenancies through the introduction of a code of practice, backed by fair trading legislation, and that I would be asking the principal industry associations to enter into negotiations to formulate a code of practice based on the New South Wales code. A series of meetings with industry representatives on a code of practice has taken place since August of last year, but they were temporarily suspended so that the Government could consider some issues of principle which arose from those discussions. These matters will be considered by the Government in the next few days with the intention that the industry groups can quickly finalise their recommendations on the code of practice itself and what should be included in supporting legislation. I would expect that both the fair trading legislation itself and the code of practice can be introduced before the end of this autumn sitting.

Behavioural Management Unit - Relocation

MR HUMPHRIES: Mr Speaker, yesterday Mr Moore asked me what was happening to the Behavioural Management Unit, formerly at South Curtin school, Theodore Street. I can answer Mr Moore's question. The Behavioural Management Unit will be relocated to the Holder Primary School building. Students have been attending their home schools for the past two weeks, but they are expected to commence at the Holder Primary School this week. I table that answer, Mr Speaker.

Assembly Vehicles

MR SPEAKER: Members, yesterday Mr Humphries asked me a question concerning the possible misuse of a vehicle allocated to the Assembly. I have investigated this occurrence, which highlights the desirability of having private number plates affixed to those Assembly vehicles allocated for use by members.

This action will prevent unwarranted public reaction to perceived misuse of Government vehicles, as opposed to Assembly vehicles which are being used by MLAs in conducting valid representative duties. This was the case as reported in the question posed by Mr Humphries.

With regard to authorisation for use of Assembly vehicles, I can advise that the rules governing their use have now been rewritten and will be issued to members as soon as possible.

PAPERS

MR COLLAERY (Deputy Chief Minister): For the information of members, I table the following papers:

Legal Aid Act - Legal Aid Commission - Report and financial statements for 1989-90.

Vocational Training Act - Vocational Training Authority - Report for 1989-90.

Audit Act - Milk Authority - Financial statements for 1989-90.

Interpretation Act - Milk Authority - Report for the period 11 May 1989 - 30 June 1990.

Drugs of Dependence Act - Operation of - Report for 1989-90.

Interpretation Act - Transport Trust Account - Report and financial statements for 1989-90 - Request for extension of time.

Interpretation Act - Housing Trust Account - Report and financial statements for 1989-90 - Request for extension of time.

MR KAINE (Chief Minister) (3.10): I would like to move that those documents that have been tabled be noted, because it is the practice in other places to allow these documents to be debated and, of course, they cannot be debated unless a motion is moved that allows them to be brought up by other members who have an interest in them. I think we should adopt the practice that, when such documents are tabled in the future, a motion is moved that they be noted, to enable any member of the house to raise matters arising from them if they so wish.

MR SPEAKER: I just raise the issue that, if these papers are all listed under the one motion to take note of the papers, they will all be able to be debated as a cognate debate. With respect, I think therefore that each one should be listed separately, if that is what you desire. So the motion would be that each one be noted separately.

MR KAINE: If that is the form of the motion that is required, then I move, in respect of each of the papers:

That the Assembly takes note of the paper.

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

AMBULANCE SYSTEM
Discussion of Matter of Public Importance

MR SPEAKER: I have received a letter from Mr Berry proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The inability of the Government to address the problems in the ACT Ambulance System.

MR BERRY (3.12): It is with some reluctance that I rise to speak on this matter, because it is not good to be questioning the ability of emergency services to respond to the needs of members of the community when they are most in need of help. But that is a responsibility that the Government must wear, and it must, of course, live up to that responsibility in a way which ensures that proper services are delivered to the community. This Government has a record of not being able to do that in many respects; but, as far as this debate is concerned, I refer particularly to the area of health, specifically in relation to ambulance services.

I became concerned about the provision of ambulance services in the latter half of last year, and, in the light of the Government's failure to deliver a proper service, I raised those concerns publicly. But it was not easy for me to get information on the performance of the Ambulance Service. In fact, the Government and the health department were quite secretive about the performance of the Ambulance Service, and time after time requests were put in the Estimates Committee hearings for the provision of figures on ambulance services - and, of course, they were not provided in time for the Estimates Committee to consider and comment on them in its final report.

I suspect that that was done quite deliberately to try to hose the issue down, because the Minister and his department knew that things were not well in the Ambulance Service. In that sense, it smelt of a cover-up. I will just give you some examples which were exposed then. In the 26 days from 26 September to 22 October 1990, there were 112 requirements for overtime shifts - 25 per cent of the total shifts needed - and those overtime shifts were needed because of staff shortages. Fifty-seven of those shifts were not covered, and that means that on 57 occasions ambulance crews were short. At least one of the four ACT stations was closed on 32 occasions. Staffing levels had been down to as low as 1.5 crews. In fact, only one ambulance could be staffed properly. On 32 occasions there were three or fewer ambulances in service - and the minimum requirement, of course, in the ACT is for four ambulances to operate 24 hours a day, seven days a week, and so on.

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On 32 occasions or more, there were, for 10 hours up to 14 hours, fewer than three ambulances. Ambulance availability was often below that which applied in 1973, when the requirements were set. There were three occasions when one person was required to go out on a job alone. Sick leave amongst ambulance officers was at the highest in the service's history, and this sickness, I submit, was due to working so many overtime shifts and being under so much pressure. And of course critical incident stress was on the increase.

In October I indicated that the Australian Labor Party would take whatever action was necessary, in concert with the Government, to rectify the crisis. That was a genuine offer, and we have not been consulted since we made that offer. What we have now found out is that, regrettably, the crisis is still there. I raise this matter of public importance with some concern because, whilst I firmly believe that the community deserves to know exactly what is going on, I am concerned that raising it might create some extra stress.

Nevertheless, it has to be raised, in the public interest, to ensure that the public is aware of the performance of the Government on this issue; but, most importantly, it has to be raised to prick the Government's conscience so that some action is forthcoming.

When I raised it last year the indications were that the Government had been stung so much - in particular, the Minister responsible had been stung and found out - that there would be quick action to ensure that the matter was rectified. Mr Humphries had the perfect opportunity, with the agreement of the Australian Labor Party in opposition, to address the problem. But over three months later we find that this serious crisis in the Ambulance Service still exists.

I preface my next remarks with some comment on my concern about what happens to employees of the health department when they speak about what happens at their workplace.

Mr Connolly: A few threats get made, eh?

MR BERRY: Yes. We know that employees are heavied. Their jobs are threatened if they speak out on the deficiencies in the health area. The heavies lean on employees. But we have been able to come by some information which indicates that in January there were 12 occasions when ambulance stations were closed. I have to say that it is disappointing that Norm Jensen is not here, because he comes from the Tuggeranong Valley. I see that Mrs Nolan is here. She will be interested in this information as well. On many occasions the Calwell ambulance station has been closed.

I will just run down through the list. Calwell station was closed on 2 January, 26 January, 28 January, 29 January and 4 February. Belconnen was closed on 8 January; it was also closed on 21 January. Woden was closed on 18 January and 22 January. Dickson was closed on 30 January, 1 February and 3 February. On 18 January, when the Woden station was closed, it was closed for 24 hours. That is unbelievable - especially when the Minister has consistently maintained that although the Ambulance Service was operating under pressure it could cope. That simply is not true. It cannot cope unless it has four fully staffed stations, and even then it is under pressure; because we know that on at least one occasion in January the service could not respond immediately to a priority one case. There was a significant delay before the Ambulance Service was able to respond to that case. Who knows how often that has occurred since the Minister gave an indication that things would improve?

The Minister has agreed to put on an extra seven staff. "Why?", I ask, if there were already enough in the first place and everything was hunky-dory. The need was clear; the service was not up to speed. I ask this question of the Minister: If there are enough staff, why are they still doing so much overtime? And why has there been significant long-term sick leave amongst those officers as a result of that overtime and the heavy pressures which are being imposed on workers in the Ambulance Service?

We know that there are about seven officers on long-term sick leave. I am told that the majority of them are off on stress related leave. If that is so - and there is no reason to believe that it is not - the indications are that the pressure that has been imposed on Ambulance Service workers has been so much as to reduce them to a stage where they can no longer work under it. That is understandable, because it is a difficult job; but it is made more difficult by a Minister who will not provide them with the back-up staff to ensure that they can do their job efficiently and without the risk of injury to themselves.

Where are these seven new staff that were promised? Nowhere have the advertisements been placed for the new positions; they have not been placed yet - over three months later. What about the agreement with the Transport Workers Union? Where are the staff arising from that agreement?

Mr Humphries: They have not arisen yet.

MR BERRY: Of course they have not arisen. Sufficient staff have not been placed, and that is what needs to be done, because you cannot staff ambulance stations without staff. That is what this Minister is trying to do by sleight of hand - pretend that everything is all right. But you cannot do it if you have not got the staff. The evidence is there; stations are closed and people are missing out on the service.

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Mr Humphries: They were when you were Minister too, Wayne.

MR BERRY: If, as the Minister keeps claiming, there are enough staff, why have these stations been closed on 12 occasions over the last month? I heard him bleating that things were not up to scratch when I was Minister. He knows that when I was Minister I implemented an inquiry into the matter. The result of that inquiry fell into his hands and he did nothing. He has been Minister now for well over a year. He promised to fix the problem and has not. That is the truth of the matter. This Minister has sat on his hands for over a year and done nothing about the problems of the Ambulance Service except utter platitudes.

The unfortunate thing about this issue is that it has taken the public release of information to prompt the Minister even to say anything, let alone do anything. I am happy that it has been the Labor Party that has brought this matter to public attention and has caused the Minister to say that he is moving - but we have yet to see the results of that. At least last October we got a promise that it was only a temporary problem. I do not know how long "temporary" is, but those people who have had to wait for ambulance service on the occasions when the service has not been up to scratch would not agree that it was a temporary problem and they would not believe this Minister. How does a person who has had a heart attack feel when the ambulance officer arrives late and says, "Sorry, old son, we are a bit late this time, but it is only a temporary problem"? How would the relatives and friends of somebody who is ill respond to the tune, "This is only a temporary problem; do not worry about it"?

Mr Humphries: When has that happened, Wayne? It has never happened, has it?

MR BERRY: Mr Humphries just said, "It has never happened". I will tell him that in January there was a priority one call that had to wait - and if he searches through the records he will find it. This Minister's hollow promises will not help at all. Ambulance workers are suffering because of the stress caused by overwork. The community is suffering because the service is not up to scratch. They are concerned about it.

It is about time this Government faced up to this fact; but I do not expect that it will, because in the past we have heard this Minister bleating about education and how things are hunky-dory there, but we know that they are not and so does the community. It is about time that this Government faced up to the fact that it is responsible to the people of Canberra, and it is responsible for providing services to them.

The people of the ACT need, deserve and, most importantly, pay for an ambulance service. Some of them are forced to pay for an ambulance service. Those of us who privately

insure are forced to pay for an ambulance service - an ambulance service which should have four ambulance stations open 24 hours a day. We are not getting what we pay for; neither is the rest of the community. They have the right to expect that their money is spent on the fulfilment of the promises that have been made by this Government, and they have a right to a proper ambulance service.

MR HUMPHRIES (Minister for Health, Education and the Arts) (3.27): Mr Speaker, a person wandering into this chamber and hearing what Mr Berry has said and what Mr Wood was saying this morning, might well imagine that he or she had somehow fallen into a time warp and had wandered back through to November 1990.

Mr Berry: Get to the facts; drop the personal attacks.

MR HUMPHRIES: This is a new tactic by the Opposition; they are using facts now. This will be a change. I was sitting in the lavatory on the ground floor here, and I often enjoy doing that when Mr Berry is speaking because it somehow makes it easier to move the bowels.

Mr Berry: That would probably fall into the category of unparliamentary, would it not?

MR SPEAKER: I think it probably is, Mr Berry.

MR HUMPHRIES: I will withdraw any connection between my bowels and Mr Berry, Mr Speaker.

MR SPEAKER: Thank you, Mr Humphries.

MR HUMPHRIES: Anybody who had been sitting listening to any of these debates would imagine, without any hesitation, that they had somehow slipped back in time and were listening to debates that were happening here six, four or three months ago; because we have heard all of this before ad nauseam and I really wonder why it is that we have to go through the charade of again going through all this kind of business.

I think it is extremely regrettable that Mr Berry again seeks to make political capital out of this matter by distortions and statements which mislead people about the effectiveness of our Ambulance Service. I have to repeat the concern I expressed last year that Mr Berry's making claims of that kind, repeatedly and in many cases - not invariably, but in many cases - without foundation, does alarm people about the effectiveness of the ambulance system to deal - - -

Mr Berry: Which occasions were without foundation?

MR HUMPHRIES: Mr Speaker, I think I heard Mr Berry in relative silence. I would ask for a little bit of protection in this case against his interventions.

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Mr Berry: I like the word "relative"; it was relative.

MR HUMPHRIES: It is all relative, Mr Berry. It is obvious that anybody who might be concerned about their own ability to use the Ambulance Service would be a little bit alarmed by the statements they hear coming from the Opposition and would be alarmed about their capacity to receive prompt treatment from the ACT Ambulance Service. That is a matter that we have to take with some concern. It is a matter that has to be dealt with by this Assembly in a very responsible fashion, and I have to say that I cannot see that Mr Berry's comments contribute to a clear understanding by people in the ACT of the state of affairs in the ACT Ambulance Service.

I maintain, as I maintained last year, that the Government is providing the ACT community with adequate ambulance cover. I made clear then, and I make clear now, that I consider there to be substantial room for improvement, just as there has been substantial improvement in the last 12 months under this Government. I do not wish to let anybody labour under the misapprehension that in some fashion the ACT Government is complacent about the situation in the Ambulance Service, and in a moment I will go through and detail the steps that we as a government have taken to improve the quality of ambulance services in the ACT.

The ACT Ambulance Service operates an agreed minimum crewing level adequate to provide four on-duty ambulances 24 hours a day, seven days a week. It may not be that on all occasions there are sufficient crews to operate those four on-duty ambulances sitting in an ambulance station. It may in some cases be that those people are in training or otherwise available to man those ambulances. If one defines our capacity in terms of having four on-duty ambulances - that is, people sitting in the stations waiting to answer calls - one naturally will find the service stretched. But I think that is an unrealistic expectation, and in fact the ACT can do very well with the resources as set at the present level. Of course, we have to pay attention to emerging needs, and if those emerging needs require further ambulances we have to identify those and act on them. I do not believe at this stage that we can prove that there is a requirement for additional ambulance crews beyond the processes already embarked on by the Government, and I will go on to detail those in a moment.

The service is staffed at a level of 69 officers. That figure is significant because, if we compare it with the staffing level in existence at this time last year, we will see that the level then was only 62 staff. In other words, this Government has been able to increase the staffing level in the ACT Ambulance Service by seven. It might not seem like a lot of people, but it is in the order of 12 per cent of the ACT Ambulance Service. It is a very welcome increase, I think, and it is disturbing, but not

unexpected, to find the Opposition refusing to give the Government any credit for having increased ambulance staff numbers over that time. But the fact is that it has.

Overall the service has an adequate staff resource base and I have received no requests from the service to provide staff in excess of the current 69 officers. I should emphasise that point very clearly. The service, however, is still experiencing some staff deployment difficulties due to factors which I will go through in a moment and which are not related to the Government's level of support - and that level of support is committed by the Government time and again. Those factors I refer to are as follows: First of all, the Government is currently funding 48 ambulance officer positions, while the service requires the following numbers: Obviously one requires 32 ambulance officer rostered positions on duty for any given period of time; 12 relief ambulance officers to cover leave and training commitments; and four further officers available for temporary sick leave and other leave absences - making a total of 48, and that is, as I said, the current capacity of the service.

Currently the service has the following level of absences: there are 11 officers absent on sick or workers compensation leave; two officers are absent on maternity leave; and there are two vacancies due to resignations received in the last two weeks. It is amazing how Mr Berry is happy to pounce the moment that a vacancy arises because of resignations and decry the Government for not acting quickly enough to place an advertisement to fill those vacancies. I can indicate that those vacancies will be advertised very shortly.

Mr Berry talks about stress problems associated with the service and makes out that to be the cause of the 11 officers being absent or sick. I emphasise that I would not pretend that nobody ever gets stress leave in the Ambulance Service; of course people do. In any position as challenging as that, of course that is quite possible. But, in fact, many of the present leave entitlements that are being used are associated as much with upgrading training and professional changes in the service as they are with stress. That is an important part of the evolution of the service that I think we ought to bear in mind. While the current absence factor that I referred to is a problem for the day to day deployment of staff, the service still has the capacity to meet its obligations to the community.

Mr Berry: Rubbish!

MR HUMPHRIES: Mr Berry ridicules that fact. I can only emphasise that that is the situation, and when Mr Berry purports to bring forward cases that prove that there is some deficiency in the service he uses a measure which he himself was not able to live up to while he was Minister and which I think he would be very foolish to adopt on a

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permanent basis, because he would find that any service, no matter how good, would experience problems of that kind, unless it were funded at a level which is quite unrealistic for the ACT.

To give an example of what I am saying, today and for the next few days there will be a one-officer deficiency in the ambulance crews that are actually sitting at stations. But the service has, at the same time, nine officers attending a training course. The director of the service has advised me that the service is quite confident with this arrangement, and that it can redeploy those available resources as needed.

Longer term interventions in place include: redeployment of officers who are on long-term absences to other less critical areas of the health service, or termination; internal reorganisation which has been agreed with the union - that is the Transport Workers Union - in the SEP negotiations will result in less senior off-road management positions; the next staff intake will be in July of this year to cover vacancies; and new senior operational managers have been selected and will be in place in the next few weeks. Again, Mr Berry's timing in this matter is not coincidental. The director of the service, again, is confident, and I too am confident, that the deployment of staff will be significantly enhanced as a consequence of these measures.

Members will recall from my statements in the previous debate on this matter that I had convened a number of meetings with representatives of the Transport Workers Union and the Ambulance Service in late last year, addressing the union's perception that additional ambulance staff resources were needed. Those discussions produced an ambulance staffing paper, which was jointly prepared and agreed on by both the union and the ACT Board of Health. This paper presented the following recommendations for consideration by the Government:

- (i) That recruitment for additional fully qualified "Ambulance Officers" commence forthwith, with all such new positions filled, being dedicated to the resourcing of rostering of the accumulated leave within the Ambulance Service, and ensure minimum crew availability at all times.
- (ii) That without prejudice to the actual number finally needed -

I think Mr Berry and others should listen to this -

(depending on availability of appropriate applicants and rostering of applications for leave received from staff), it is agreed that the leave accumulation and staff shortages (as outlined) will need a staff resource of five Officers for a period of five years.

(iii) That this proposal is put forward by both parties on the following assumptions -

I will not go through those assumptions, but they indicate that the basis on which those figures are calculated should be stable and not subject to factors that might change from day to day. The fourth recommendation was that I:

... note that the current four on-duty ambulances, at all times, is still an agreed minimum crewing level for the Service, with the condition that, depending on the impact of health transportation associated with the principal hospital campus, the Service may have the need to introduce a fifth day period ambulance, the commencement period to be negotiated between the Service and Staff.

It was a very important and significant breakthrough to have that joint paper prepared. I was very grateful for the level of agreement reached between the service and the union, at that level at least. No doubt Mr Berry was very disappointed that the union happened to come to the party to that degree, because he would rather have had turmoil and disputation. However, that, of course, was not the end of the matter and, subsequent to consideration of that staffing paper, the following things have occurred: Ambulance officer vacancies will be advertised during next week, with a strong preference for qualified ambulance officers from interstate. However, whilst the service is now able to offer salary and conditions equal to those applicable in the Australian States, the director is still finding it difficult to attract interstate applicants.

I see that Mr Berry criticises the Government because it cannot instantly attract fully qualified people from other States. I would like to know what magic wand he suggests is at our disposal to make that happen. The fact is that that is not the case; it cannot be done, and we sometimes have to accept people who are only partially qualified and who need to be trained in the course of their duties in the Ambulance Service.

I am still in correspondence with the union in respect of their understanding of the stated intention in the ambulance staffing paper regarding the taking of long service leave by staff. The most recent advice from the union is that long service leave should be staffed only as staff want to take it. Accordingly, this latter input from the union means that the actual number of additional staff required will be - if any - significantly less than the proposed five positions suggested in the staffing paper.

The service has developed a separate roster to manage the accumulated leave which had been built up prior to the establishment of ACT self-government. The ambulance staff were all individually surveyed quite recently - in fact, on

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14 December - as to their intentions and preferred periods of leave. Of the 69 staff, the service received only 15 responses and the director of the service advised me that this is a real indication of the level of staff desire for a major change in the existing staff deployment processes in place within the service.

Mr Jensen will be making other remarks on this matter to explain the situation. I can, however, assure members, as I have assured them on previous occasions, that many of the claims made by Mr Berry in this matter are without foundation.

MR CONNOLLY (3.42): The Opposition's matter of public importance this afternoon has clearly not been answered by the Government. Mr Berry has made an allegation that can only fairly be described as a matter of extreme public importance. Mr Berry is saying that the ACT Ambulance Service is not available at all times when it is required as Government policy states it should be. Mr Berry is saying that a service that most Canberrans probably take for granted - hoping that they will never have to use it, but confidently believing that it is there when they need it - is not available at all times.

What is the response from the Government? We start off with a sort of sixth form debating point about the Minister's bowel movements and Mr Berry's speech, which added enormously to the prestige and standard of debate in this chamber, I am sure. Then we get to the Government's attempt at a substantive response. The substantive response is: The Government policy is clear; there will be four ambulances available 24 hours a day. To that we say, "Terrific; that is the way it should be". So, says the Minister, there will be four ambulances available 24 hours a day, followed by a choice piece of doublespeak, which I hope I have got down accurately, "but current absence factors are relevant to day to day deployment of staff". I think that means that ambulances are not available.

It is no good having a policy that ambulances will be available from four stations, 24 hours a day, if they are not.

Mr Berry: It is an agreement.

MR CONNOLLY: It is an agreement, as Mr Berry reminds me. The substance of this Opposition MPI is this simple list that Mr Berry referred to. I want to read this into *Hansard* again - and I want a response from the Government. Is this allegation true? We say that on 2 January the Calwell station was closed for a shift. On 8 January the Belconnen station was closed for a shift. On 18 January the Woden station was closed for 24 hours. On 21 January the Belconnen station closed for a shift. On 22 January the Woden station closed for a shift. On 26 January Calwell station closed for a shift. On 28 January Calwell, again, closed for a shift. On 29 January Calwell again - pity

people in Calwell - closed for a shift. Then it was 30 January, Dickson; 1 February, Dickson; 3 February, Dickson; 4 February, Calwell.

Those are very serious matters to bring before this Assembly. The Opposition quite rightly introduces them as a matter of public importance, and what is the response from the Government? "Current absence factors are relevant to day to day deployment of staff". I am sure it is very comforting to be told that if you ring up for an ambulance! It is just not satisfactory to have stations not opening. We have, as a result of the agreement, this clear goal of four stations available 24 hours a day, and yet the Government seems unable to meet that. I am told that it is fair to compare the staff and rostering arrangements of the Ambulance Service with another emergency service - the Fire Brigade. Yet, of the eight fire stations in Canberra that operate, again, 24 hours a day, I am told that it is unheard of for a station to be closed because of rostering arrangements. How is that so? Why is there this difference? Why is it possible for one emergency service to constantly provide a coverage and another emergency service to so regularly be closed and unavailable?

It is just not good enough for the Government to give these waffly statements and assure us that they have a good policy. It is a bit like the Residents Rally education policy - the policy is fine; it is the implementation that has a bit of a problem. It is a bit like King Canute's policy that the tide should not come in - it was a fine policy, but it did not bear any relationship to reality. That seems to be the situation with this policy on ambulance stations that the Minister keeps coming into the house and telling us about.

The people of Canberra are simply not satisfied. They hear these allegations from the Opposition - allegations which remain unanswered. We have not had a denial from the Minister that those stations were closed on those dates. I wonder whether we will get a denial from Mr Jensen - or are they acknowledging that that is indeed the case? As Mr Berry said, Mr Jensen should be particularly concerned because the Calwell station figures five times on this list of closed stations.

Clearly the people of the southern area of Canberra are particularly concerned to learn that on five occasions in a month the ambulance station that they assume is there - they see it as they drive past, they assume that it is serviced 24 hours a day and they regard it as a piece of security should it be needed - was inoperative. On this issue rhetoric and junior debating points are not enough of a response from the Government; it is simply not adequate. What we need is action to ensure that this service is available, as is set out in the Government policy in that agreement, and as is assumed by the people of Canberra.

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When a Government cannot provide this type of basic service, it is most proper for the Opposition to raise it as a matter of public importance because it is, for those residents, of vital importance. As Mr Berry says, it is not much good ringing up the Ambulance Service and being told that staffing arrangements or other unforeseen circumstances have led to the station being closed. You are not concerned about why the station is closed; you want the ambulance there. I wonder whether people requiring an ambulance will be told, in the terms of the Minister's fine piece of rhetoric, which I refer to again, "The current absence factors are relevant to day to day deployment of staff". They do not want excuses, Mr Speaker; they want an ambulance.

DR KINLOCH (3.49): Mr Speaker, I have only a very small contribution to make here. Indeed, it is only one instance, but you will appreciate how very conscious I was of it. I was in this building on a Saturday afternoon - Mr Wood and Mr Stevenson were here, and perhaps others - and I had one of my fibrillation attacks. My wife came down; I was slumped on the pavement outside. I was aided to the car by Mr Sawatzki from the Education Department with my wife. They took me home and my wife called an ambulance. There was an ambulance there within minutes, two young men and a young woman. I wish, through the Minister, to thank him for the efficiency not only of Mr Sawatzki on that particular occasion but also of the Ambulance Service.

MR JENSEN (3.50): Mr Speaker, in relation to the provision of ambulance services within the ACT, it is important to remember that - and I am sure Mr Berry would have acknowledged this when he was the Minister responsible for provision of ambulances within the ACT - an ambulance station being closed for a particular period of time does not necessarily mean that an ambulance was not available.

As we know, and as the Minister has already indicated, it is proposed that there will be four on-duty ambulances at all times. Provided they are spread out over the city of Canberra, with a population of some 250,000 plus, it must be acknowledged that at various stages during the process there will be a number of call-outs for an ambulance. Murphy's law being what it is, there are often going to be occasions when a number of people require an ambulance at the same time, and it may even be possible that the number required exceeds the four available. Clearly, if we accept the fact that four provides a service - and it is a figure agreed to by the Government and the unions as appropriate to provide that service - there are going to be occasions, as Mr Berry I am sure will acknowledge, when it is quite possible that two or three of those services will be tied up at the one time.

Where do we stop? Do we provide eight or 10 ambulance services on the off-chance that we are going to have a problem requiring eight services all at once? At the times referred to by my colleague across the chamber Mr Connolly

when one of those stations was closed, particularly for a shift, it is quite possible that the staff were involved in other services. In fact they may have been operating on a number of occasions before they were able to return to their station because of a call that was received while they were en route or on the way back to the station.

It is quite clearly important that that ambulance be dispatched quickly before it goes to the station. What is the point of sending that ambulance back to the Calwell station so that they can check in before they go out to provide a service for the patient that has called for the ambulance services? Quite clearly, that is a nonsense. That is why we have a very expensive two-way system fitted to our ambulances so that they can respond while travelling after they have completed an emergency service delivery.

Members will recall that back in October last year, in fact, Mr Berry was censured by this Assembly for his actions in relation to the provision of ambulance services to race meetings. At that time it was quite clear that Mr Berry was fully aware of the issues related to the provision of services by ambulances within the ACT. It is very churlish of Mr Berry to seek once again to take cheap political points. If he was genuinely concerned with the welfare of the Ambulance Service, he would, in fact, be supporting the Government's program of development for the service and not, as it appears from this matter of public importance today, taking every opportunity to unnecessarily question the capacity and competence of what is in fact a very fine ambulance service for the ACT.

Mr Connolly: Mr Speaker, I raise a point of order. Mr Berry at no time questioned the competence of the ACT Ambulance Service.

MR SPEAKER: If Mr Berry wishes to claim to have been misrepresented he can do that at the end of the speech. Please proceed, Mr Jensen.

MR JENSEN: Thank you, Mr Speaker. By continually bringing up this matter when he knows that the ACT Ambulance Service is a competent service which is operating professionally, I suggest he is possibly seeking to make it difficult for these people to operate and provide this service.

Our dedicated ambulance officers deserve much better support from all members of this Assembly and it is unfortunate that Mr Berry continues this carping attitude to the provision of medical services within the ACT. Once again, one would have thought that, if he was genuinely concerned for the provision of services of this type to the people of the ACT, he would be cooperating with the Minister responsible to ensure that these services are provided and supported on a bipartisan basis. Unfortunately, Mr Berry seems to have a bit of a problem with that.

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Let me now turn to the ambulance fleet of 11 vehicles, which has been depleted as a result of three major accidents over the later months of 1990. Two replacement ambulances have been funded and will be available for operations within the next three weeks. The third will not be available until June due to funding and manufacturing schedules. Of course, these ambulance vehicles are very specialised items of equipment and they are not able to be provided off the shelf. You cannot slip down to the local car yard, as it were, and buy an ambulance of this type off the shelf. They are expensive vehicles and they are required to be properly, effectively and efficiently fitted out.

Therefore, the Government has honoured, I would suggest, its commitment to the service by maintaining the ambulance fleet to the best of its ability and the ability of the vehicle industry to provide equipment for that service. The service currently enjoys a modern and young fleet which is the envy of many other ambulance services throughout the country. From what I have seen in travelling around Australia over the years, the ambulance vehicles that I have seen on the road in Canberra certainly bear that out. It is a professional service, supported by modern, very excellent equipment.

Staff morale is a very important aspect of any service, particularly an emergency service. It is a very stressful occupation. I would suggest that the sight of the damaged bodies, particularly those of young people, that these ambulance officers are required to take care of at various stages of their careers must be quite horrendous and quite horrific. Mr Berry knows that from his activities as a member of the fire service in the ACT back in the dim past. It is a very stressful service. The provision of any emergency service is stressful, and I think it is important that a number of activities and actions have been taken by management to assist in the improvement and development of staff morale in this area.

There has been a move to transform the service from its previous transport orientation to that of a modern emergency ambulance service. This is being achieved and the service now conducts its affairs in a thoroughly professional and accountable manner. We in this place must all support that activity - a view which my colleague Dr Kinloch has attested to from a first hand point of view.

The components of this strategic plan in relation to the improvement of staff morale include the appointment of a professional director and the establishment of this position at an appropriate level; the updating of the methods of operating the service; the upgrading of officers' training and qualifications; and the provision of adequate and appropriate human resources to ambulance education centres. All these things have been achieved.

I have already mentioned the supply and maintenance of a modern ambulance vehicle fleet and equipment. There is nothing more important for people involved in these emergency services, particularly when they are required to drive at high speeds on our road system, than that they have the utmost confidence in the equipment that they are being provided with, and that has been achieved, within the limitations of the comments that I made earlier in my remarks. A review has been in progress and there has been an implementation of contemporary management practices within the services. I think it is important that this take place over a period of time. No management practices within any organisation can be static. They must be improved on as our knowledge in this area improves.

Also, there has been a level of patient care and ambulance response performance equivalent to the Australian metropolitan standard. In fact, I seem to recall that the figures for this have been discussed in this place, and they are in accordance with the current Australian metropolitan standard. (*Extension of time granted*)

Clearly, from what I have outlined, and in recognition of this level of activity over a period of some three years, some staff who were very comfortable with the old way things were done have found the change difficult, and in some cases have even reacted strongly against it. However, it is important to remember that we must go on in this particular area of developing and continuing to maintain a very professionally run and organised ambulance service, and I trust that, rather than seeking to score cheap political points on this matter, the so-called shadow Minister for this area, if that is what he wants to call himself, will participate in a more bipartisan manner in respect of providing this very important service to the people of the ACT.

MS FOLLETT (Leader of the Opposition) (4.01): I will speak only very briefly on this issue because I believe that, yet again, the Government has really given the Opposition nothing to respond to. I would like in particular to address Mr Jensen's remarks because, as usual, Mr Jensen has adopted the tactic of shooting the messenger. Mr Jensen believes that if Mr Berry draws attention to problems in the Ambulance Service it is Mr Berry's fault and that he should not be carping on about it. Mr Jensen, of course, totally overlooks the fact that Mr Berry, and indeed all members on this side of the house, believe that the ambulance officers concerned do provide a very professional service, are dedicated to their jobs and deserve our total support. It is not, and it never was, the ambulance officers' or the ambulance staff's fault that there is a problem in the Ambulance Service; it is the Minister's fault. It is the Minister's fault for having broken his promises to address this problem. It is the Minister's continuing inadequacy in the provision for an

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adequate ambulance service in the ACT that Mr Berry refers to. Mr Berry at no time has called into question the professionalism or the dedication of ambulance officers, and he certainly would not do that.

It is a fact, of course, that, owing to Mr Humphries' ineptitude in relation to management matters and administration of the ambulance system, the ambulance officers and ambulance staff are under enormous stress, from having to work a far larger amount of overtime than they may perhaps wish to or than may be good for them. I believe that one of the biggest problems in the Ambulance Service is that those dedicated and professional people are being put under that stress. It is that fact, amongst many others, to which Mr Berry has rightly drawn the Government's attention, quite fruitlessly as usual.

I believe that the Government stands condemned by its own actions and words in relation to this matter. They have repeatedly made promises that this matter will be rectified, that additional staff will be provided, that reviews will be conducted, and so on. Yet still we see the promised level of ambulance service in the ACT not achieved - time after time, day after day, shift after shift, as Mr Berry has made quite clear. But the Government seems quite unable to take this in.

Mr Jensen further pointed out, in his mean-minded way, that he believes that Mr Berry has sought to make cheap political points on this matter. The provision of a vital community service to the ACT is not a matter for cheap political points. It is a matter on which Mr Berry has quite rightly drawn attention to the Government's total inadequacy. On the other hand, Mr Jensen thinks nothing of scoring cheap political points on a matter over which this Assembly has no control, namely, the Gulf war. His cheap political point scoring exercise on that subject really exceeded - - -

Mr Jensen: I raise a point of order, Mr Speaker - relevance.

MR SPEAKER: Order! Yes, thank you, Mr Jensen. I am sure that was just a passing comment. Please proceed, Ms Follett.

MS FOLLETT: I think I have made my point, and anybody who wishes to read the Chief Minister's so-called media statement on the subject, which none of the media have commented upon, will see that my point is proved.

So Mr Jensen, as I say, seeks to shoot the messenger. He does not like to hear what Mr Berry has to say; so he seeks merely to denigrate Mr Berry and to misrepresent him in relation to his attitude to ambulance staff and ambulance officers. That is indeed a cheap political stunt and, if that is the best that Government members can do, then I do not believe that they have any hope whatsoever of managing an appropriate ambulance service for the ACT.

MR STEFANIAK (4.06): I have a number of points. I refer firstly to the question of the comparison between ambulance and fire stations. In relation to that, fire engines need to be on location for strategic response to buildings, unlike ambulances. Ambulance operations no longer operate from stations as they are deployed on a mobile basis, and ambulances will be where the patient demand is occurring. Calwell station has been talked about a lot in this debate. Calwell station, in fact, is often closed as there is no demand upon it, and the ambulance there is often working in the Woden area.

Mr Connolly: Mrs Nolan does not look reassured by that statement, Bill.

MR STEFANIAK: Do not worry about that. On-station is not relevant to ambulance response times. That comes from the chief ambulance officer, a person who should know what he is talking about.

Mr Berry: But I will bet he says that there should be four crews.

MR STEFANIAK: I will come to that in a minute, because I have a little bit of personal knowledge about how the ambulances operated when you were the Minister, Wayne, which we have not really come to yet. I think you are probably in a rather fragile glass house throwing a few stones which might well boomerang back on you. Indeed, speaking of Mr Berry's propensity to perhaps exaggerate a situation, I refer members to a question he asked on 25 October 1990, which was taken on notice by the current Minister, Mr Humphries. Mr Berry asked:

Is the Minister aware of the case of a 15-year-old boy with a paraspinal abscess and a risk of paraplegia who required an ambulance to take him to Sydney for an evaluation of his condition, who could not get an ambulance and whose parents, who have ambulance cover ... had to borrow a station wagon and put a mattress in it? His doctor had to modify his intravenous drip and provide antibiotics and extra pain-killing drugs so that he could make the trip in an unsatisfactory vehicle, with increased risks and pain from his condition, and in breach of road safety rules.

Mr Humphries responded on Wednesday, 12 December; it is in *Hansard*. He stated:

The answer to Mr Berry's question is:

I understand the ACT Ambulance Service received a call from the boy's doctor at 7.30 pm on Wednesday 24 October 1990, requesting an ambulance to transport a patient by road to Sydney, for an appointment at 9.00 am on Thursday 25 October 1990.

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The on-duty Supervising Officer advised the doctor that the service's procedure was not to transport patients to Sydney by road but the preferred mode of transport was the NSW Air Ambulance Service. The Supervising Officer offered to arrange co-ordination of the NSW Air Ambulance Service. The ACT Ambulance Service has reciprocal arrangements with the NSW Ambulance Service which includes the New South Wales Air Ambulance Service.

The doctor rejected the advice and indicated he would advise the patient's parents to arrange transport to Sydney in a private vehicle.

That is a very different sort of situation from what Mr Berry was alluding to. As Mr Humphries has said, this Government has made a number of improvements to the Ambulance Service, one in fact being to increase the staff by seven - up to 69 from 62. That is about a 12 per cent increase. Mr Humphries has also explained the situation in relation to four ambulances being available. Mr Berry, a couple of constituents saw me when you were Minister, complaining about waiting a long period of time on two respective occasions - because there were two different constituents - in relation to ambulances that were then under your control.

One of those constituents raised the problem of sometimes there not being even four ambulances in service. He suggested that perhaps another ambulance should be bought as a reserve, but went on to say that - he had done a bit of homework - quite often he had heard that there were not even four ambulances in service then. In his case - he was a pensioner, and his wife also was a pensioner, and she needed an ambulance - she would have to wait a considerable period of time for an ambulance. Another constituent had a similar problem, so it appears - - -

Mr Berry: Priority one?

MR STEFANIAK: I cannot recall what priority they were, Wayne, but both patients certainly needed an ambulance. I think they were both ladies involved, and they in fact had to go to hospital. So there were problems there. As it turned out, although the ambulances were late, no serious damage was done; but they were bringing it to my attention and I have certainly brought that to your attention. But it is indicative to note that some of these problems that you are now throwing at our Minister, Mr Humphries, were well and truly there during your administration. In fact, I have certainly had no complaints from any constituents about the Ambulance Service under the tutelage and directorship of Mr Humphries, whereas I had two complaints in the seven months that you were the Minister.

So, really, you are in a glass house and you are throwing stones. I think you should not be so churlish as to refuse to acknowledge the improvements this Government has made, apart from any valid criticisms you may well have. The fact of the matter is that the current Minister, Mr Humphries - - -

Mr Berry: You are a bit short on facts, Bill.

MR STEFANIAK: I am almost paraphrasing you there, Wayne, actually. That is one of your phrases, is it not - "the fact of the matter is"? I think it is quite correct to say that the current Minister is doing a very good job with the ambulance services and deserves praise where praise is due, not the denigration that you are giving him. He certainly has my confidence and I will be interested to see whether in the next 12 months anyone complains to me about anything being wrong in the Ambulance Service, because certainly no-one has over the last 14 months - quite unlike the time when you were Minister.

MR SPEAKER: The time for this discussion has now expired.

PERSONAL EXPLANATION

MR BERRY: Mr Speaker, I would like to make a personal explanation.

MR SPEAKER: Do you claim to have been misrepresented?

MR BERRY: Yes, Mr Speaker.

MR SPEAKER: Please proceed.

MR BERRY: It has been alleged that in some way I was attacking the credibility and professionalism of ambulance officers. I want to make it clear that, as I mentioned during my speech, one of the reasons that I raised this matter of public importance was my concern about the conditions under which ambulance officers are forced to work, because of the staffing shortages. To say that I would attack the ambulance officers in the course of this debate is an outrageous, cruel and uncalled-for statement. It is the product of a small mind and it reflects no credit at any level on those who make those sorts of allegations.

One of the things that I have learnt from my experience over many years of working professionally with ambulance officers is that they are a dedicated group - - -

Mr Kaine: On a point of order, Mr Speaker: Is this a statement or a personal explanation?

MR SPEAKER: Yes, I think you have adequately made your point, Mr Berry.

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MR BERRY: Well, I have not. It is my personal statement, Mr Speaker, and I - - -

MR SPEAKER: There is some repetition coming in. Please conclude your statement.

MR BERRY: I want it made clear, Mr Speaker, that there can be no representation that I in any way question the ability of ambulance officers or would in any way interfere in the performance of their duties at a professional level. And anybody that does so is doing not only me but also ambulance officers a great disservice.

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

MS MAHER: I present reports Nos 1 and 2 of 1991 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement.

Leave granted.

MS MAHER: Report No. 1, which I have just tabled, details the committee's comments on the Drugs of Dependence (Amendment) Bill 1990, Poisons and Drugs (Amendment) Bill 1990, Royal Commissions Bill 1990, Royal Commissions and Inquiries (Consequential Provisions) Bill 1990, Inquiries Bill 1990 and Trade Measurement Bill 1990. The report was tabled out of session pursuant to the committee's resolution of appointment. Report No. 2 details the committee's comments on 19 pieces of subordinate legislation. I commend the report to the Assembly.

PAPER

MR CONNOLLY: Mr Speaker, I seek leave to present a petition which does not conform with standing orders, as the signatures are not written on the petition or request and documents are attached to the document.

Leave granted.

MR CONNOLLY: I present an out-of-order petition from 800 residents of Canberra requesting that the proposed development of west Belconnen not take place.

JUVENILE JUSTICE AND ADULT CORRECTIVE SERVICES - REVIEW
Ministerial Statement

Debate resumed from 13 December 1990, on motion by **Mr Collaery**:

That the Assembly takes note of the paper.

MR CONNOLLY (4.16): Mr Speaker, the Opposition rises in this debate again, not because the Opposition view was not clearly put on the day this paper was originally tabled - because it was indeed very clearly put by Mr Berry at the time - but because there have been some subsequent events that ought to be brought before the house. In the paper the Minister assured the house that he was happy to report that an overwhelming majority of ACT prisoners interviewed in the survey of New South Wales prisons said that they felt that there was no discrimination against them.

Mr Berry made the point very forcefully then: The point is not whether ACT prisoners feel they are being discriminated against as opposed to New South Wales prisoners. If I as an ACT prisoner am being bashed and my colleague as a New South Wales prisoner is also being bashed or I am in overcrowded and insanitary conditions and so is my New South Wales colleague, I cannot claim to be being discriminated against; but I can claim that I am being subjected to cruel and inhuman conditions. That was the point made by Mr Berry when this matter was debated in December.

Since then, a person of no less authority than Mr Brian Burdekin, the Federal Human Rights Commissioner, has made a statement over the last weekend, on 10 February, that the condition of New South Wales gaols is inhumane and that the New South Wales prison system falls below the accepted international standards that Australia is required to implement. The most extraordinary statement that Mr Burdekin made - and the statement most shameful for any Australian - was when he said, "I believe a number of conditions in NSW prisons breach article 16 of the United Nations Convention Against Torture, which Australia ratified in 1989". I am sure that no member of this Assembly, and certainly no member who takes an interest in international humanitarian law - and a number of us in the Opposition do and we are aware that Mr Collaery has taken an interest in this matter over many years - would ever have thought when Australia ratified the torture convention that it would be alleged by a Federal Human Rights Commissioner that an Australian prison system fell below those minimum international standards.

We assumed that Australia was ratifying that torture convention in order to set the standards for other countries with less enlightened prison or judicial systems. We assumed that Australia, as is usually the case with international human rights conventions, was joining up as a standard bearer and a torch bearer for other parts of the

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world. How appalling it is that it is now being said by a person whose views command the utmost respect that the New South Wales prison system is falling below those minimum international standards. Those comments, reported in the *Sun-Herald* on 10 February, were indeed endorsed by officers of the Prison Officers Association, who were reported in the *Sydney Morning Herald* of 11 February as having said:

Overcrowding has forced too many prisoners into cells and under this Government -

referring, of course, to the Greiner Government and Minister Yabsley -

education, welfare and medical services for prisoners have been reduced ... Overcrowding is wrong and it does cause us major problems.

It appears that, in New South Wales, staffing has been cut by 10 per cent in the past two years, but gaol populations have risen in that same time from 4,300 inmates to 5,700, and it is expected that, as an impact principally of the so-called truth in sentencing legislation, there may be something like 8,500 to 9,000 prisoners in New South Wales gaols.

The position in New South Wales prisons is of extreme concern. When the Human Rights Commissioner suggests that conditions in an Australian prison system fall below the minimum international standards in the torture convention, it is a matter of shame for all Australians. It is a matter of particular concern for us because, of course, 200 years after settlement of Australia, we continue to transport prisoners to New South Wales - what an extraordinary proposition that is - and our prisoners are subject to these appalling conditions.

The principal rationale of the Nagle royal commission into prisons, which seemed to turn the New South Wales prison system back in the right direction until the Yabsley administration, was that people are sent to gaol as punishment, not for punishment. It appears increasingly that that goal has been rejected in New South Wales, and that the purpose of prison is seen as being for punishment, not as punishment. The recent concerns by the Federal Human Rights Commissioner are reflected fully by this Opposition and they compel us to make these additional comments today.

MR COLLAERY (Attorney-General) (4.21), in reply: I thank Mr Connolly for his comments. I do not want to make any cheap shots in this debate and I am grateful that Mr Connolly did not seek to make any either. I am sure he appreciates the difficult position that we are in, but I will allude to that in a moment. The fact is that Brian Burdekin has quite properly drawn attention to issues that

concern him. I would have thought, of course, that the Federal Labor Government should have commented earlier on those matters, particularly because there are a number of Federal prisoners in that gaol system.

That is not a cheap shot. It is just an observation that I believe should have been made, and it should not have been left entirely to our Government alone to have to take up this issue with the New South Wales Government. Members are well aware that if we press this issue too much we could face the very difficult situation of the New South Wales Government making the point that our prisoners constitute a minute proportion of those incarcerated and asking us to take them back overnight. I am not suggesting that the Minister in New South Wales would contemplate doing that, but one can understand what provocation can sometimes produce.

Having spoken to the corrective services review committee the other day, I am more concerned that inflammatory comments - and I am pleased that Mr Connolly did not indulge in any - made about the treatment of prisoners might well result, in some circumstances, not so much in reprisals but in a culture in the New South Wales system that might lead to, in the interim stage we are at, our prisoners - I will use that term - not receiving disinterested and objective treatment in some of the more distant installations that the New South Wales Government runs.

Coming to the points that the department has asked me to make to the house, we have now in fact interviewed 76 of our 93 known ACT prisoners. This advice to me is probably a few weeks old in terms of the program of actually visiting and speaking to our prisoners. I am advised that hours out of cells are now increasing. That might be some solace, but the norm is still not the acceptable one that we would seek. On my advice, access to education programs, which was one of the great deprivations, has been restored. We are still working through a great deal of information relating to our prisoner classifications, entitlements under laws and present regulations, practical difficulties over warrants for various unpaid fine issues, and so on.

About two-thirds of those 76 surveyed intended to return to the ACT, and the majority to family living situations. Many will require work preparation and skill courses before they can re-enter the work force, and that is another challenge facing us in the Territory - the long-neglected post-gaol programs to ensure that we are not returning to the community people who are more brutalised than when they originally went to gaol. At the time of the survey, just after Christmas, all mentally ill ACT prisoners were being well cared for by the standards that the ACT would expect - this is on my advice, again.

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I have been advised of one unfortunate incident involving the early transfer of a mentally ill prisoner, at his own request, back into the normal prison system. This was authorised by relief psychiatric staff and was in fact contrary to agreed views exchanged between my department staff and the prison psychiatrist. A few days after the transfer, the prisoner was allegedly sexually assaulted. As the result of this incident, and intervention by our Corrective Services staff, the prisoner has been transferred back into the prison hospital - a more appropriate facility for this particular person.

The ministerial advisory committee looking at these issues has already met twice. It is receiving submissions and it is taking a broad purview on the issue. I wish to stress that the terms of reference for that committee enable it to make the fullest recommendations for us in this area. The terms of reference have been deliberately drafted so as to not antagonise the New South Wales Government.

On the subject of care for those with mental illness - and I know interest has been expressed in this issue recently - 20 of our ACT Corrective Services staff have now completed the in-service training course designed here in the ACT, and all custodial and most other professional correction staff will have completed the course by 4 March 1991. I am pleased to advise the house that a senior psychologist with extensive prior forensic experience, both in Victoria and overseas, commenced duty with our Adult Corrective Services section early in January this year. The detailed design for the six new special psychiatric care cells at the Belconnen Remand Centre is now complete and tenders will be sought this month. The cells are expected to be ready by early September.

As members are aware, legislative amendments are imminent to enable us temporarily to hold in custody persons who, although they are sentenced offenders and cannot currently be put into a remand centre, should properly be held in the Belconnen Remand Centre and in particular in the psychiatric care cells. Members will recall a recent tragedy affecting a person in that category.

We have also instituted interim procedures to ensure that there are better procedures for the transfer of court recommendations and medical documents regarding our prisoners as they go under warrant under escort either to Goulburn or to Malabar.

I believe that those comments should be made. I appreciate the fact that Mr Connolly has not sought to whip this Government along. I think it is legitimate for the Opposition to keep cracking the whip, if they like, on this issue. But there is a broad and representative committee sitting. I met with them again recently. They have indicated to me that they intend to meet with the Opposition at an early date and to brief the Opposition on the same issues they briefed me on and to seek views and so

on. I do not believe that we can put aside so many years of neglect of this area by rushing impulsively into a program of prison construction, as it were, and all the rest. Those issues have to be faced very carefully. I thank any other members who have made comments in this debate since the matter was raised, and I undertake to keep the house informed of the progress of this review.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Westpac Bank

MR MOORE (4.29): Mr Speaker, already revealed in this morning's paper were the fraudulent bank loans of Westpac and its wholly owned subsidiary, Partnership Pacific Ltd. I am aware of the sub judice aspect of this matter, Mr Speaker, and I shall be careful. Yesterday in the upper house of the Federal Parliament Senator Paul McLean argued that public revelation of the documents was critical, as they revealed the potential to destroy the backbone of small business and farming while serving banking greed.

The documents I tried to table last night admit in themselves that the attached information, which is referred to as "bundle 2", was "devastating", and later, "most clients would not expect PPL's documents to provide them with a 'treasure trove' which they in fact present".

The documents are a clear indication of the guilt of Westpac, not only to their clients but to the Australian population in general.

MR SPEAKER: Order! Mr Moore, I am trying to follow this to ensure that we do not go against the ruling I gave yesterday, and unfortunately I cannot understand what you are saying.

MR MOORE: I am sorry, Mr Speaker. I am aware that I have only five minutes and I am trying to make sure that I fit my speech into that.

It is clear that PPL was involved in point taking. By this process Westpac simply stole money from its clients. It was a blatant act of theft and they used a suspense account to "park" transactions that "would have caused difficulties" with the Reserve Bank limitations - hardly the appropriate response for a responsible corporate citizen. Even more damning is the admission that the

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suspense account books have disappeared and an extremely diligent search has failed to find them - books in a bank recording millions upon millions of dollars just disappearing and, further, that it is therefore difficult to "quantify the profits" which PPL made from point taking! Do not be misled; "point taking" is a euphemism for theft.

It does not stop there. The loss of these books makes it impossible to form a firm view on deal switching. It did go on. When one of Westpac's clients made a profitable deal on forex while Westpac actually made an unprofitable one, the accounts were switched. The client's account did not make a profit and Westpac's account did - more straight theft.

Following the revelation of such matters to the general manager, one would expect immediate action to look after the customer. Instead, the reaction is a conspiracy to cover up - put pressure on anyone who might reveal what is in these documents. The snowball effect of the revelation of documents like these, which are of such vital public interest, has already started. Further documents reveal that the Westpac Banking Corporation has been involved in a tax evasion scam which cost Australian taxpayers over \$200m in one year.

MR SPEAKER: Order, Mr Moore! I am not legally trained and I would ask the Attorney-General to give me some advice.

Mr Moore: Perhaps I can clarify the point, Mr Speaker. What I am about to say does not refer at all to the documents to which the sub judice ruling was applied. I will explain. The particular documents refer to a senior managers legal conference in September 1982. That is what I will be referring to from now on. It is not part of what was referred to in the court order.

Mr Collaery: Mr Speaker, could I speak to that point of order. None of the documents available to me and none of the advice I have received from Westpac's lawyers refer to any taxation evasion issues. On that issue I am unable to disagree with Mr Moore.

MR MOORE: This represents one of the biggest tax evasion schemes since the bottom-of-the-harbour scandal. It is being engaged in by Westpac, which is seeking to cover up in Federal Parliament and the courts in fear of the massive amounts of money involved - amounts so great that, if Westpac were audited by the Commissioner of Taxation for tax fraud, I believe it could even face collapse.

I will shortly read a quotation extracted from the proceedings of a Westpac senior managers legal conference in September 1982, attended by tax lawyers from the firm Allen, Allen and Hemsley. The latter firm was raided by the Tax Office in 1988 for involvement in tax evasion. Allens appealed against this, claiming legal privilege and sub judice, to the High Court where its case was thrown

out. The last 24 hours has seen Allens show that history repeats itself - on this occasion with the stakes higher, and documents showing Westpac involved in a conspiracy to pervert the course of justice. Hundreds of thousands of dollars have been spent trying to suppress the truth, even to the extent of placing a muzzle on the Senate by using political influence.

Westpac has destroyed hundreds of families and cheated the Australian people out of tax, leaving the average wage earner to shoulder the burden whilst Westpac directors are earning in excess of \$1m a year. I will now quote from the document I referred to earlier:

The type of lending we have in mind is that arranged through the bank's off-shore branches - particularly Singapore and London offices and through the bank's Hong Kong subsidiary ... This type of lending is heavily influenced by the bank's own taxation position.

The package has been developed so that the bank's income from these loans will be deemed to have a Singapore source and taxation is payable only in Singapore -

the difference being that Singapore tax under those circumstances is 10 per cent rather than Australia's 46 per cent at the time. Allens' tax advice showed that, to achieve its concession in Singapore, it had to carry on the blatant charade of the Singapore branch being independent. The conference noted in this respect that, with reference to the place of execution of the contract, "Not all borrowers want a holiday in Singapore - various stamp duty provisions affect a borrower's decision". (*Extension of time granted*)

Westpac's Singapore branch files also prove the charade, noting:

Whilst the credit assessment, and decision on whether or not to provide an off-shore loan to a particular borrower, rests entirely with the lending officer concerned (ie the branch manager on-shore in Australia) it is essential that Singapore's 'approval' be sought before advising borrowers. This is necessary for several reasons ... Control of the loan must appear to be in the hands of Singapore branch for taxation reasons.

Meanwhile, the managing director of Westpac, Stuart Fowler, and Allens - the latter no doubt only too pleased at the present situation and the exorbitant fee it is making out of it - are abusing the legal system and manipulating - - -

Mr Collaery: I raise a point of order, Mr Speaker.

MR MOORE: I withdraw that statement, Mr Speaker.

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Mr Collaery: I ask Mr Moore to assure the house that he is not going to go further and refer to any current legal proceedings.

MR SPEAKER: Thank you, Mr Collaery, for that advice.

MR MOORE: Yes, I assure the house that I shall not do that.

Mr Collaery: You will be stopped if you do.

MR MOORE: Yes. In the interests of overriding public interest, I urge the Speaker to table the papers that I presented last night. Westpac's claims of sub judice - no, I will withdraw that. I would say that any right of Westpac ought be forfeited in the public interest, and I believe that this situation will really be resolved only after a major inquiry in the nature of a royal commission or something along those lines. Obviously that is not the responsibility of this house, but I think it could well be a response that we would expect from the Federal Parliament and certainly it is a response that seems appropriate to me.

Chinese New Year : Valentine's Day

MRS GRASSBY (4.35): I rise to speak about a group of people in this city as well as all over Australia. I hope that Mr Collaery will take note, seeing that he made some rude remarks about my branch. I refer to people of Chinese background who have become Australian citizens. Today is a very important day to them, because it is known to us as Chinese New Year. I would like to mention to the house that in Chinese it is - - -

Mr Jensen: Kung hei fatt choy.

MRS GRASSBY: Kung hei fatt choy. Isn't Mr Jensen so clever! He is like the river - the biggest part of him is his mouth. Mr Speaker, I wish all the Chinese in this city of Canberra, whether of Australian nationality these days or born in this country of Chinese parents, a very happy new year. I welcome them as citizens in this country. I think the thing that makes this country great is that it is a multicultural country. Australia is one of the most multicultural countries, next to Israel. I do hope that tomorrow they have a wonderful day.

Of course, tomorrow is also Valentine's Day, and I hope the members of the Government remember that. Instead of having their nasty little cracks at us, they might think of being little valentines for a change and being pleasant to my leader, Rosemary, who is always pleasant and smiling; to me; to Mr Berry, who has a wonderful nature and whom everybody likes; to my co-partner, Mr Terry Connolly, who

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is one of the best speakers in this house, and I am very proud to be partner with him; and to Bill down at the other end there, who is a very gentle man, with many gentle ways. I hope they will think of him on Valentine's Day too.

Tomorrow will be Mr Terry Connolly's birthday, so I am sure everybody will wish him their best. He was given to his mother on a Valentine's Day, so there we are.

Question resolved in the affirmative.

Assembly adjourned at 4.38 pm