



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

12 March 1991

**Tuesday, 12 March 1991**

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**Tuesday, 12 March 1991**

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**MR SPEAKER** (Mr Prowse) took the chair at 2.30 pm and read the prayer.

**PETITION**

**The Clerk:** The following petition has been lodged for presentation, and a copy will be referred to the appropriate Minister:

**Tuggeranong Swimming Pool**

To the Speaker and members of the Legislative Assembly for the Australian Capital Territory

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: that the residents of Tuggeranong are without adequate public swimming facilities.

Your petitioners therefore request the Assembly to: urgently establish a public, all weather, Olympic standard swimming pool at the Tuggeranong Town Centre.

By **Mr Jensen** (from 354 residents).

Petition received.

**QUESTIONS WITHOUT NOTICE**

**Petrol Tax**

**MS FOLLETT:** My question is to Mr Kaine in his role as Treasurer. I refer him to his statement last year that the extra 3c a litre tax on petrol would be used mostly to pay for hospital restructuring. Can the Treasurer tell the Assembly whether he intends to increase the petrol tax in light of the hospital budget blow-out?

**MR Kaine:** The Leader of the Opposition continues to flog this dead horse about a budget blow-out. Since there is no budget blow-out, the question is based on a totally wrong premise. The answer to the first part of the question is no.

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**MS FOLLETT:** I have a supplementary question. Will the Treasurer repeat the assurance that he gave at the time of imposing that petrol tax that the tax will be imposed only for two years?

**MR KAINE:** Yes.

### **Retail Trading Hours**

**MR STEVENSON:** My question, I believe, is to the Chief Minister. If not, would he be good enough to pass it on. It is about retail trading hours. Are some major retail stores in Canberra in contravention of the Sunday trading law by opening? If so, what action has been taken? If not, what is the reason for that inaction?

**MR KAINE:** Mr Speaker, I know of no contravention, but I will take the question on notice and get a comprehensive answer to Mr Stevenson's question.

### **Office Space**

**MS MAHER:** My question is also to the Chief Minister. Can the Chief Minister inform the Assembly as to how Canberra compares with other capital cities around Australia in terms of the current office space vacancy rate?

**MR KAINE:** Yes, I can, Mr Speaker. In fact we compare very favourably, almost incredibly, with the rest of Australia in this matter. On the basis of figures released only today by the Business Owners and Managers Association, the vacancy rate in office accommodation in Canberra is at an incredibly low 1.8 per cent. I would have thought that that would have been an incredible figure even in good financial times. In today's world I find it quite astonishing. But that in fact is the case. That compares, Mr Speaker, with something like an 8 per cent vacancy rate in Sydney and something of the order of 13 per cent in Melbourne. In Hobart, which comes pretty close to us, the vacancy rate is, I understand, around 6 per cent.

While Opposition members constantly prattle on about the dreadful state of the economy in Canberra and blow-outs in budgets and the like, the facts belie that. Our economy is still holding up. Our budget in general is one of the few budgets in Australia that have not fallen apart in recent months. We are still very much on track with our total budget, and I want to put that in the record. We are on track with our budget. This is simply another statistic that shows the strength of our economy.

**Mrs Grassby:** It is incredible. He can tell lies barefaced.

**MR KAINÉ:** The Government's approach to business in this city is holding the economy up quite well.

**MR SPEAKER:** Order! Mrs Grassby, I would ask you to withdraw that aside.

**Mrs Grassby:** What was that?

**MR SPEAKER:** I overheard you saying that it was a lie. Would you please withdraw?

**Mrs Grassby:** Well, the budget is blown out.

**MR SPEAKER:** Would you please withdraw it?

**Mrs Grassby:** I withdraw it.

**MR SPEAKER:** Thank you.

#### **Alliance Government**

**MR CONNOLLY:** My question is to the Chief Minister. I refer the Chief Minister to the accord signed by all members of the Alliance Government and which states, "The Alliance will continue until the date of the next election". I also refer him to recent statements by Mr Humphries that speculate that the Residents Rally will pull out of the Alliance before the next election, and comments by Mr Collaery that he would not commit himself to staying in the Alliance. What action, Chief Minister, are you intending to take to discipline your Ministers over their statements which clearly breach that accord document?

**MR KAINÉ:** The Opposition is squirming to find something that they can drive between the members of this Government.

**Mr Connolly:** Well, it is not hard.

**MR KAINÉ:** It is not hard to try to find accusations to make, but it is very hard to make them stick. I have nine other members of the Alliance here who will confirm that the Alliance is as strong today as it was the day we signed that document. The Alliance Government will stay in place, despite the squirming and writhing of the Opposition. It will stay in place until the third Saturday in February 1992 when there will be another election.

**Mrs Grassby:** That is not what Dr Kinloch said. That is not what Bernard said.

**MR KAINÉ:** You asked the question. I am giving you the answer. I know that you do not like it. I know that you would like me to get up here and say that it is going to fall apart the day after tomorrow, but it simply is not. I will still be Chief Minister, with a firm Alliance behind me, when we go to the election in February next year.

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What has been said by certain individuals is perfectly correct and perfectly legitimate. I have acknowledged publicly that later in the year, when the major business of this term of government has been completed, we will get into election mode. Labor is in election mode already. They think they are going to have to fight for a whole year to get themselves re-elected. They will have run out of steam by the end of March this year, I predict. We are not going to fall for that. We will fight an election campaign over our time and at a time of our choosing. When we do that the Rally and the Independents Group will naturally and logically want to go into the election campaign in their own right as political parties. I respect their right to do so. We will trounce the hide off the Labor Party come next February, and don't you forget it.

### **Casino Project**

**MR MOORE:** My question is also to the Chief Minister, Mr Kaine. Can the Chief Minister tell this Assembly whether the Government has stayed at arm's length from the tendering process associated with the casino project? Further, can the Chief Minister tell us how he would react if he was aware that one of his Ministers was not maintaining that arm's length involvement?

**MR Kaine:** I can certainly speak for the Government in this matter, Mr Speaker. Yes, the Government has kept at arm's length from the matter. Until a submission was put to the Cabinet within the last 36 hours I had no knowledge of what was going on inside that process. It was a process set up by the present Opposition when they were in government. It has been my firm resolve ever since not to interfere with that process, not to be seen to be becoming politically involved in it. The Government has honoured that resolve meticulously. The Government now has a submission which it has under consideration, and as quickly as we can we will announce the results of that and our intentions. All I can suggest is that Mr Moore must be mistaken.

**MR MOORE:** I have a supplementary question, Mr Speaker. Are you aware, Chief Minister, that towards the end of 1990 and during the week commencing 24 February at least one of your Ministers met with the principals of firms involved in the tendering for the casino and that the Chief Law Officer has found it necessary to advise one of your Ministers that he, the Chief Law Officer, does not wish to be informed of such clandestine meetings since such information jeopardises your commitment, Chief Minister, to the tendering process remaining at arm's length from the Executive?

**MR Kaine:** I have no knowledge of the matters that Mr Moore alleges. If he likes to give me the details privately, I will have a look at it. I have no knowledge of it.

**Mrs Grassby:** What has Bernard been up to?

**Mr Collaery:** I take a point of order, Mr Speaker. Mrs Grassby put on the record, "What has Bernard been up to?". I ask you to stand her up and ask her to withdraw it.

**Mr Berry:** What have you been up to?

**Mr Collaery:** I have not met with any tenderers. There you are; that is for the record.

**MR SPEAKER:** Order!

**Mrs Grassby:** I just asked what you had been up to.

**Mr Collaery:** Mr Speaker, I resent that.

**Mrs Grassby:** I will withdraw it. All I did was ask him what he had been up to.

**Mr Collaery:** You made a scandalous remark, Mrs Grassby.

**MR SPEAKER:** Order, please!

**Mrs Grassby:** I said, "What have you been up to?".

**Mr Collaery:** Coming from you, that is extraordinary.

**Mrs Grassby:** Just a moment, Mr Speaker.

**Mr Collaery:** If you stand up and withdraw, I will too.

**Mrs Grassby:** I withdrew mine.

**MR SPEAKER:** Order, Mr Collaery! Mr Collaery, would you please withdraw.

**Mr Collaery:** Well, Mr Speaker - - -

**MR SPEAKER:** Mrs Grassby has withdrawn.

**Mr Collaery:** She does not stand for you, Mr Speaker, I notice.

**MR SPEAKER:** Your point about standing is valid, Mr Collaery. I would ask all members to obey that rule in the standing orders. But, Mr Collaery, she did in fact withdraw.

**Mr Collaery:** She withdrew from her seat.

**MR SPEAKER:** Yes.

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**Mr Collaery:** And that is the courtesy you allow the other gender, is it, Mr Speaker?

**MR SPEAKER:** I am talking about the withdrawal of her statement, Mr Collaery.

**Mr Collaery:** Mr Speaker, I withdraw the suggestion that Mrs Grassby would be the last one to accuse me of any scandalous conduct.

**MR SPEAKER:** Thank you.

### **Theodore Primary School**

**MRS NOLAN:** My question is to Mr Humphries in his capacity as Minister for Education. While we are all aware that the new Theodore Primary School was officially occupied last Monday, why did it not open at the beginning of the school year and what provision was made for students in the meantime?

**MR HUMPHRIES:** I thank Mrs Nolan for that question. The Theodore Primary School was scheduled to open at the beginning of the school year. Construction work on the site stopped on 23 July last year because of the building contractor, R and G Shelley, being in financial difficulties, and the contract was subsequently cancelled. Another contractor, Manteena Pty Ltd, was appointed and construction work recommenced on 30 August 1990.

As a result of these problems the school building was not ready for occupancy at the start of the school year. Nevertheless, Theodore Primary School began operating, as Mrs Nolan noted, on day 1, term 1, 1991, enrolling approximately 310 students. It operated its kindergarten to year 3 classes at Calwell High School and years 4 to 6 in a transportable classroom at Calwell Primary School. The Theodore Primary School building was handed over to the Minister on 28 February last and classes commenced in the new school building on 4 March, which Mrs Nolan noted was last Monday.

### **Hospital Redevelopment**

**MR BERRY:** My question is directed to the Minister for Health, Education and the Arts. Mr Humphries, on 5 March 1991 you announced that the hospital redevelopment was running on time and on budget. I make that point in the context of information that is flowing in relation to that redevelopment. Last year in this Assembly the Minister announced that the private beds at Calvary were to close to allow for public beds to be transferred from Royal Canberra Hospital. Has this happened or has the Minister misled the Assembly yet again?



**MR SPEAKER:** Order! I would ask you to withdraw those last couple of words, Mr Berry.

**MR BERRY:** I withdraw that. Why has this not happened?

**MR HUMPHRIES:** Mr Speaker, the very simple answer to Mr Berry's question is that it is in the process of happening. As yet the beds concerned have not been moved out of Royal Canberra Hospital North. Until they do move, the requirement for the space in Calvary Hospital is not pressing. That is why the beds have not yet been closed.

**MR BERRY:** I have a supplementary question. As the Minister is aware, the chief executive of Calvary Hospital has announced in public that he is not closing the private beds and that he cannot accommodate more patients without building redevelopment. How much will this cost, Minister? When do you envisage spending the money and how much will it add to the redevelopment costs?

**MR HUMPHRIES:** Mr Speaker, I doubt whether this is really a supplementary question. But, first of all, there is no additional cost. The amount provided for in the budget for the redevelopment of the Calvary component of the hospital project will not change in any way. I have heard nothing from the Calvary board which suggests that they are not prepared to close the private beds. In fact, my clear understanding on the last occasion I discussed it with the board at Calvary was that they were very happy to close the private hospital beds when the time arose. That time is not yet here.

#### **Director of Public Prosecutions**

**MR STEFANIAK:** My question is to the Attorney-General. Is the Attorney-General aware of media reports suggesting that this Government has appointed a local Director of Public Prosecutions?

**MR COLLAERY:** I thank Mr Stefaniak for the question. Many of us would have heard a news broadcast to the effect that a named person had been appointed or was to be appointed. Let me assure the house that the Government has made no decision on that matter and is still considering prospective candidates.

#### **Education Budget**

**MRS GRASSBY:** My question is to the Chief Minister and Treasurer. May I remind him that yesterday was 11 March, the ides of March. I suggest that he be very wary.

**Mr Kaine:** No, the ides of March are 15 March, Mrs Grassby.

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**MRS GRASSBY:** I am just asking you to watch your back, Chief Minister. Will you be providing supplementation to the Department of Education for the blow-out which Mr Humphries has admitted exists in the school closure program, or will you be imposing additional cuts in the public education system?

**MR KAINÉ:** Mr Speaker, I am constantly confounded by members of the Opposition who keep talking about budget blow-outs and the like.

**Mrs Grassby:** That is what Mr Humphries is saying, and Mr Collaery.

**MR KAINÉ:** As I understand it, Mr Humphries was talking about additional costs that have accrued to the Education Department because of the acts of irresponsible people out there, like, for instance, preventing the removal of necessary equipment from one school and thus necessitating the purchase of additional equipment. I heard a member of the public on public radio the other day say that this was evidence of incompetence on the part of the Government. They picket the school; they will not allow the equipment out; the children suffer from the lack of that equipment; we have to go and buy more; and we are accused of incompetence. Well, you have a very strange definition of "incompetence", and I reject that entirely. The members of the Opposition, although they did spend a short time in government, seem to totally misunderstand - if they ever did know anything about it - the processes of the budget.

**Mr Jensen:** Remember the square brackets?

**MR KAINÉ:** Yes. During the fiscal year, or at the end of the fiscal year, if there has been any change in the projected rate of expenditure or if your revenues have not been quite up to what you expect, you may have to make an adjustment to your total budget. Bear in mind that these are called budget estimates. For somebody like you to sit there and say that because you estimated \$190m for education and you actually spent \$191m there is some gross inefficiency or incompetence is rubbish. It is absolutely absurd.

**Mr Moore:** What was your Minister doing on 15 November 1989?

**MR KAINÉ:** Am I carrying on a discussion with Mr Moore on this subject, Mr Speaker?

**MR SPEAKER:** No, you certainly are not, Chief Minister.

**MR KAINÉ:** We are constantly being asked these ridiculous questions. There seems to be some implication that the Government has absolutely no right to vary its estimates by one dollar - no right whatsoever - and that is totally absurd. The budget was changed during Rosemary Follett's

time as Treasurer, and, of course, it will be changed during my time as Treasurer when there is justification and good reason for doing so. The objective of a budget is to implement government policies. They are budget estimates. That is exactly what they are. For anybody to assert that they are fixed figures that are set in concrete and cannot be changed indicates either that you do not understand the budget process or that you do not want to understand. I do not know which. But the question is another one of the series of absurdities coming out of the Opposition in terms of budget control.

### **School Closures**

**MS FOLLETT:** My question is to Mr Humphries. Mr Humphries, I refer to your admission that the savings from school closures will be only a quarter of your initial overestimate. Will you now accept the view which the Canberra community has put all along, that school closures do not produce significant savings?

**MR HUMPHRIES:** No, Mr Speaker, I will not accept either that that is the Canberra community's view or that that is in fact exactly what I said. I said that the savings in this financial year would be diminished by the order of up to \$650,000, resulting in a total saving of something like \$200,000 in this financial year. However, as a result of the Hudson inquiry, the revised figure for annual savings through the schools closure program is about \$2.5m. That figure stands. I am quite confident, Mr Speaker, that that figure can be achieved and will be achieved when the full program is implemented.

I obviously regret the fact that in this financial year, as the Chief Minister mentioned earlier, irresponsible actions by members of the community have left the Government without the capacity to make those savings, and in turn left the community without education resources which would otherwise have flowed to the community. Because of those actions we are not able to make that full measure of budget savings. That is not a matter that I have any apologies to make about. It is a matter which those who have caused those losses to the community ought to be ashamed about.

**Mr Moore:** You caused it. What a reversal.

**MR HUMPHRIES:** Mr Speaker, I reject the allegation that I am somehow responsible for the fact that people have unreasonably locked up resources in the Cook school, have refused to hand them over for the use of their own children who are currently in classes at the Macquarie school. That does not help their cause one iota and it certainly damages the educational future of their own children. Yet they blame the Government because it has had to go and buy those additional resources to the value of \$45,000. I am not going to apologise for that, Mr Speaker. Other people have that matter on their conscience, not me.

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### **Asbestos Removal**

**MR STEVENSON:** My question is to Mr DUBY and concerns the asbestos removal issue and the demolition of a redundant facility. The old Kingston technical college has signs up with the warning, "Danger Asbestos". The building is unused. Given that the Kingston timber mill burnt down without notice, like this question, we are presented with a similar possible problem at the old college. Is there an asbestos removal program for the site, as it presents a potential hazard to citizens in the area should it also be burnt down?

**MR DUBY:** I thank Mr Stevenson for the question. I am not familiar with the building that he is referring to and I will need to take that question on notice.

### **Drinking Water**

**MR JENSEN:** My question is directed to the Minister for Health, Education and the Arts, Mr HUMPHRIES. I refer the Minister to an article in the *Weekend Australian* of 9 March 1991 which was headed:

Our drinking water dangerously unsafe - Diseased bacteria in 25pc of city samples

I note that Canberra or the ACT was not included in that particular list. Can the Minister inform the Assembly of the situation in Canberra as compared to the other cities mentioned in that article?

**MR HUMPHRIES:** I thank Mr Jensen for that question. I am aware of the article. I note that it was alleged that the worst affected cities were Adelaide and the Gold Coast. As one who has drunk Adelaide water from time to time, I am not the least bit surprised to hear that that is the case. I note that the article that Mr Jensen referred to does not refer to the public reticulated water supply in Canberra, as was noted by Mr Jensen.

I have made inquiries since that article appeared in the paper, through my public and environmental health service, and I am pleased to state that Canberra's water supply is of a very high standard and quality when measured against the Australian and World Health Organisation standards in this matter. Daily sampling by the public and environmental health service in association with the Government's analytical laboratory ensures that, through the Board of Health, I am kept aware of the quality of water provided to the Canberra community. I remain confident that this will be a matter of ongoing satisfaction to the Government and to the broader community.

### Education Budget

**MR CONNOLLY:** My question is to Mr Kaine, as Treasurer. Will Mr Kaine give to the Assembly details of the precise causes for the blow-out in the school closure budget, or the degree to which expenditure does not meet estimations, as he put it earlier, along with the reasons for every increase?

**MR Kaine:** Since I have already said that there is no blow-out in the education budget, it is a rather ridiculous question on the part of Mr Connolly. I further suggest that if he wants information on the education budget he should address his question to the Education Minister who, I am sure, will be only too happy to give him the details. But, again, the premise that there is a budget blow-out is an absurdity.

### Weston Creek Health Centre

**MR MOORE:** My question is to Mr Humphries; but, if it is more appropriately directed to Mr DUBY because of the effect of what he was doing when he was Acting Minister, I am happy for him to answer it. How much money was spent by the Government on alterations to Weston Creek Health Centre in preparation for the movement of the Therapy Centre before the move was aborted because a tenant, Dr Reeve, could not be moved? Why did the ministry not check Dr Reeve's lease before work began?

**MR HUMPHRIES:** I cannot supply Mr Moore with details of the amount of work that was done before the plan was changed. I should point out that it was not merely because of Dr Reeve that changes in circumstances occurred. There were a whole series of factors which the Government took into account, one of which was the desire by some of the tenants concerned to be located in more appropriate premises. As I have maintained from the beginning of this process, it is not the Government's intention to be inflexible throughout these discussions.

My understanding - I am happy to take this part on notice and get back to Mr Moore with any details - is that little work was done at the Weston Creek Health Centre of a nature which could not be used ultimately for the new purposes to which that building is going to be put, and I would not expect that to have any impact on the overall budget implications of those changes. I have forgotten the second part of your question.

**Mr Moore:** Why did the ministry not check Dr Reeve's lease? You answered that, I think.

**MR HUMPHRIES:** Yes.

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**MR MOORE:** I have a supplementary question. Would not the consequent need to move the Therapy Centre to a different location - you have nominated Holder Primary School - mean that that site cannot now be sold? How will this affect the expected savings from the school reshaping program, and to what extent are you going to blame the community for this?

**Mr Collaery:** You are mixing recurrent with capital.

**MR HUMPHRIES:** Yes, I think the Deputy Chief Minister has hit the nail on the head here; Mr Moore is confusing recurrent with capital. The sale of land at the site of the Holder Primary School can still proceed. There is no reason for the entire site to be locked up merely because the Holder Primary School building is being used to accommodate the Therapy Centre or, for that matter, the Therapy Centre and other tenants.

In my estimation something up to or perhaps beyond two-thirds of the total land available at Holder Primary could be used for that sort of purpose. It could be sold and developed, for example, as medium density housing. So there is no question of locking up the entire site. It is also possible that the remainder of the space at Holder Primary School could be used in a productive fashion to ensure that there is no overall loss to the Government because of the change in its plans. I think that, rather than announce what they could be, I should wait until the Government forms more definite plans on that.

The other point, of course, is that with the retention of the building it is possible to consider other variations on the arrangements of services. The Government is considering whether there would not be a convenient and positive collocation of other services that are akin to the Therapy Centre into the same building, the Holder Primary School building, into which we are locating the Therapy Centre. In other words, there may be convenient collocation of services in such a way that we enhance the quality of those services and perhaps make space available elsewhere which could then be disposed of, either to be let out to somebody else or even sold.

### **Weston Creek Health Centre**

**MR BERRY:** Mr Speaker, my question is directed to the Minister for Health, Education and the Arts. Minister, will you give a firm and final commitment on the fate of the Weston Creek Health Centre building? Since the current tenants have not been consulted on the current proposal to move the Independent Living Centre there, will the Minister undertake to start this process?

**MR HUMPHRIES:** Mr Speaker, I can indicate to Mr Berry the fate of the Weston Creek Health Centre. I think Mr Berry underestimates the extent to which there have been discussions and consultations with members of the community, particularly those who have been tenants there, in order to ensure that there is a proper use of the space there and adequate consultation on the questions that are important to make that centre work properly. It is not true to say that there has not been consultation. I met with Dr Reeve some weeks ago and discussed with him his requirements and needs in that centre. I have also discussed this directly with the ILC and I believe that, in the circumstances, the outcome the Government has obtained here is very positive.

That outcome, I might indicate, Mr Speaker, was not mentioned by Mr Berry; but is as follows: As a result of an inquiry or a short study undertaken by the Government into the proper location of the Independent Living Centre it has been decided to locate that service to the Weston Creek Health Centre building. I am confident that that will occur in the very near future. Both Mr Collaery and I have agreed that this move should occur soon. It was the result of a unanimous recommendation from a group consisting of representatives of both of our departments and the Professional Officers Association who have an interest in this matter. That group recommended that there be a prompt move of that centre to Weston Creek. I am very happy to be able to comply with that and I am sure that there will be a convenient collocation of services with the other tenants who happen to be there as well.

I know that the Opposition like to beat these things up into great problems; but as it happens, Mr Speaker, we have a very happy outcome in this matter. All the tenants concerned are very happy with these arrangements. If Mr Berry can produce someone who is not happy I will be very happy to talk to that person, but I am yet to discover who they might be.

**MR SPEAKER:** I call the Chief Minister.

**Mr Kaine:** Mr Speaker, I request that - - -

**Mr Berry:** I have a supplementary question, Mr Speaker.

**MR SPEAKER:** I have called the Chief Minister, Mr Berry.

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

**Mr Berry:** I seek leave, Mr Speaker - - -

**Mrs Grassby:** He was on his feet and he has a supplementary question.

**Mr Kaine:** So was I.

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**Mr Moore:** Oh, come on; we are always allowed a supplementary question. Why are you so crabby today?

**Mr Kaine:** Are you going to argue with the Speaker every time he makes a decision?

**Mr Berry:** I seek leave, Mr Speaker - - -

**MR SPEAKER:** Order, Mr Berry! The Chief Minister has the floor.

### **Hospital Services Budget**

**MR Kaine:** Mr Speaker, I have several questions that I took on notice in earlier sessions and I will provide the answers to them now. The first is from Ms Follett. She asked a question about the hospitals budget and I undertook to give her a comprehensive reply, which I will now do. The question had to do with what was the expenditure up until the time that she asked the question and what was the projected expenditure.

Mr Speaker, at the end of January of this year consolidated fund recurrent expenditure on the hospital budget was \$105.7m. The forecast recurrent expenditure up until that time had been \$98.5m. Unless management controls can significantly curb expenditure over the remainder of this financial year, it is likely that expenditure associated with running the ACT hospital system will be greater than was anticipated at the start of the financial year.

**Mr Moore:** That is what is called a blow-out.

**MR Kaine:** But, as I have said, it is not a blow-out. It is not a blow-out. They have this word on their brain and they cannot get it off.

Mr Speaker, the recurrent cost of running the hospitals is met from two sources. It is met from revenue received directly by the hospitals and it is supplemented by a grant from the consolidated fund. At budget time, when we produced the budget, the grant for this year was estimated at \$171.8m. That is the amount of money that we expected to spend out of our consolidated fund. Since the budget was brought down, there have been award increases which are currently estimated to require an additional \$1.95m this year. That, of course, is a legitimate adjustment to the budget. A bulk provision is made in the budget to meet such increases across the whole range of ACT Government services, and any particular agency's budget is supplemented by payments under section 5 of the Appropriation Act.



In addition to the initial \$171.8m, I have agreed to give the hospitals an extra \$1.95m to cover additional wage costs. In addition to that there has been a shortfall in estimated direct hospital revenues of some \$2.32m. That has been caused principally by a drop in the number of privately insured patients as compared with the original expectation. Obviously, since we offset their direct revenues against the money that we take out of Consolidated Revenue, if their revenue projections are not met we have to supplement that to cover the cost of running the hospitals. That, again, is something that I accept as being reasonable. These matters are beyond management control and supplementation of \$4.27m will be provided to their budget to cover those two items.

**Mr Berry:** You did not even know about it. On the 19th you did not know; on the 21st you did not know.

**MR Kaine:** We have the great hospital budgeter over here muttering away. He never understood the budget when he had control, but he now pretends to tell me about mine.

**Mr Connolly:** You would do well to listen.

**Mr Berry:** We uncovered the mess for you and you still dropped the ball.

**MR SPEAKER:** Order!

**MR Kaine:** Have you finished? Can I continue?

**Mr Berry:** No, I am not finished.

**MR Kaine:** Well, you are; you might as well acknowledge it.

With this supplementation, Mr Speaker, the revised budget allocation will increase to \$176.8m. I repeat that these are normal adjustments that any government would expect to make to a budget over the course of a year. Our Treasury was recently advised by the Health Department that they now estimate their expenditure from the consolidated fund this year at \$184.2m. That is a difference of \$7.4m from the revised allocation. That is a Health Department ambit claim.

**Mr Moore:** We are already \$7.2m over and now they are going to claim that by the end of the year it will be only \$7.4m.

**MR Kaine:** Listen carefully. As Treasurer, I have not accepted the revised estimate.

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Consideration is still being given to the need for further supplementation totalling about \$2.8m in respect of a number of factors, which I will explain. The first of those is a possible reinstatement of expected savings of the order of \$1.45m that were previously expected from the coordination of nurses' accrued days off to allow the hospital a low activity day, and alterations to shift arrangements that would eliminate excessive overlap of shifts. These measures were announced in Ms Follett's budget of 1989-90 and were not achieved, and I am now being asked to adjust the budget to take up the lack of achievement of Mr Berry when he was Minister - Mr Berry's ineffectiveness.

**Mr Moore:** Blame the community; now blame the predecessors.

**MR Kaine:** No, I put the onus where it belongs - on Mr Berry. Mr Berry, the great budgeter, could not handle the budget in his time and now he is holding me accountable. Well, get your own house in order, mate.

A further savings measure that was announced by the Follett Government was the cessation of the enrolled nurse education program. Costings associated with this proposal have been re-examined and it is likely that, instead of the \$400,000 which they estimated would be saved by this, in fact only about \$250,000 can be achieved. So we have to pick up some more slack in Ms Follett's budget. So, when you start analysing and criticising and talking about budget blow-outs, mate, look at where the problem is coming from.

**Ms Follett:** Blame someone else. Always find someone else.

**MR Kaine:** Well, look at your own budget. That is where those things flowed from. Are you denying that they came out of your budget and were not achieved? Mr Speaker, in addition to those, there is an estimated increase of about \$1.2m for visiting medical officers which, I am told, is due partly to changes in the patient case mix and partly to a greater throughput of admissions to the hospitals. Again, if you have more patients coming into your hospital than you originally expected and that attracts an additional cost of visiting medical officers, you have to pay the bill.

**Mr Berry:** There are 1,500 waiting for a bed.

**MR Kaine:** You could not even explain the \$7m when you had it; you just threw your hands up in the air. Well, we are explaining it for you. These are some of your problems carrying over. Apart from those issues, Treasury has also concluded that there is a potential budget shortfall, if nothing is done about it, of at least \$4.6m that remains to be addressed. Board of Health officers have reported to Treasury - - -

**Mr Connolly:** On top of the \$7.2m. It is \$11.8m.

**MR KAINÉ:** I think you had better redo your sums, mate. Board of Health officers have reported that this \$4.6m in question has resulted from two elements. One is an apparent increase of \$1.1m relating to the management of changes in patient demand, and the other relates to a non-payment in 1989-90 of accounts assessed to be of the amount of \$3.5m. Those accounts were not paid last year; they have to be paid this year. How much that is and what the net consequences are remain to be determined.

These matters, Mr Speaker, remain to be fully explained. They are claims that have been made by the hospitals board. I, as the Treasurer, have not yet agreed to supplementing the hospital budget, except for the two matters that I referred to earlier - the national wage case adjustments and the revenue shortfall against private patients. I can assure you, Mr Speaker, and the house that I will agree to such supplementation only on receipt of a fully documented request which comes to me with the support of the Minister. No such request has yet been made and no such request has yet been considered.

So all of this nonsense about budget blow-outs, when you boil it all down, comes down to two amounts - one for an increase because of the national wage case which the Government is obliged to pay; the other because the hospitals' expectation of revenue from private patients has not been met, and the Government is going to have to cover that minor shortfall in revenue. Neither of them represents a budget blow-out. I repeat that there will be no further supplementation of the hospitals budget unless they can fully document it, fully justify it, and fully explain why their management procedures have not satisfied the requirements of budget control.

#### **MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**MR BERRY (3.10):** Mr Speaker, I seek leave to move a motion of censure against the Minister for Health, Education and the Arts, notice of which I have given to you.

Leave not granted.

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**MR BERRY:** I therefore move, Mr Speaker:

That so much of the standing and temporary orders be suspended as would prevent Mr Berry moving his motion of censure of the Minister for Health, Education and the Arts forthwith.

Motion (by **Mr Kaine**) put:

That the question be now put.

The Assembly voted -

**AYES, 10**

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

**NOES, 6**

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

Question so resolved in the affirmative.

**MR SPEAKER:** The question now is: That the motion to suspend standing and temporary orders, moved by Mr Berry, be agreed to.

The Assembly voted -

**AYES, 6**

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

**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.

**SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS**  
**Papers**

**MR COLLAERY** (Attorney-General): Pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for determinations and regulations, and a notice of commencement. I present the following papers:

Building Act - Determination of fees - No. 4 of 1991 (S12, dated 5 March 1991).

Financial Institutions Duty Act - Financial Institutions Duty Regulations (Amendment) - No. 5 of 1991 (S11, dated 1 March 1991).

Public Place Names Act - Determination No. 3 of 1991 (G7, dated 20 February 1991).

Tobacco (Amendment) Act - Notice of commencement of section 5 in so far as it substitutes new sections 6, 7, 9, 10 and 11 (S10, dated 1 March 1991).

**COMMONWEALTH DAY**

**MR SPEAKER:** I wish to remind members that yesterday, 11 March 1991, was Commonwealth Day. I present the Commonwealth Day message from Her Majesty the Queen, which will be circulated to members.

**PLANNING ADMINISTRATION - END OF TRANSITION PERIOD**  
**Ministerial Statement**

**MR KAINE** (Chief Minister), by leave: I would like to inform members of significant changes to the administration of planning in the ACT which will become operative from tomorrow. Members will be aware that on 11 December last year the Legislative Assembly passed the Interim Planning Bill 1990. The main function of this Bill was to establish an ACT Planning Authority and to give to that authority the duty of preparing and releasing the draft Territory Plan. As was explained at that time, the provisions of the legislation were to commence on the day specified as the end of the transition period established under the Australian Capital Territory (Planning and Land Management) Act 1988.

This transition period was a period during which particular planning procedures would apply in the ACT. It was defined as the period between the repeal of the NCDC Act and the day on which the Governor-General, by proclamation, indicates that he is satisfied that there is in place a National Capital Plan which sufficiently covers the Territory.

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The proclamation of the end of the transition period will come into effect on Wednesday, 13 March. This proclamation of the Governor-General, on the advice of the Commonwealth Government, is based on the acceptance by Parliament of the National Capital Plan which was tabled in both houses of the Commonwealth Parliament late last year. The six sitting days allowed in the Act for disallowance by the Parliament elapsed on 14 February 1991.

There is, therefore, in place a National Capital Plan which contains policies to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. In passing I should mention that, by and large, I am satisfied with the consultations that led to the establishment of the National Capital Plan. I look forward to building a productive working arrangement with the Commonwealth on planning issues.

That is not the matter I want to bring to the notice of the Assembly today. The important points are these: From tomorrow the substantive provisions of the Territory's Interim Planning Act 1990 will come into force; from tomorrow there will be an ACT Planning Authority which replaces the existing Interim Territory Planning Authority which has been responsible for Territory planning for the past two years; and also from tomorrow any decision to accept and/or vary the Territory Plan will be tabled in this Assembly and will be subject to disallowance.

The new authority is constituted by the Chief Planner who will be assisted by professional and administrative staff from the ACT Public Service. In terms of the Alliance Government's administrative arrangements, the authority will be administered as part of the Department of the Environment, Land and Planning. The completion of the transition period brings into existence the first Territory Plan. Initially, this will consist of those policies of the former NCDC which were not included in the National Capital Plan. The Interim Planning Act requires the preparation and release of a new Territory Plan. As I have indicated earlier in this Assembly, final approval of the Territory Plan will not occur until after acceptance of the planning and land legislation package.

The new Planning Authority will be moving quickly to release a comprehensive draft plan for public consultation. Members will be aware that the ITPA had already commenced the discussion of the Territory Plan with the community with the publication late last year of a series of issues papers relating to it. I have had discussions with the Chief Planner about reference of the draft plan to Assembly committees.

A particular feature of the legislation is that it will no longer be necessary for variations to the Territory Plan - which at this stage means variations to former NCDC policies - to be referred to the Commonwealth Minister, as was the case under the ACT (Planning and Land Management) Act. The full responsibility for endorsing and amending the Territory Plan now rests with the ACT.

The procedure will be that proposals to vary the Territory Plan will, in the first instance, be approved by the Executive, and then the plans, together with appropriate background papers, including a full report on public consultation, will be laid before the Legislative Assembly. There will then be a period of six sitting days during which the Assembly can pass a resolution to disallow the plan either in whole or in part.

The ending of the transition period and the establishment of the ACT Planning Authority are important milestones in the history of planning in the Australian Capital Territory. These actions provide us with the opportunity to ensure that the planning of Territory lands is undertaken in an efficient and responsible way. They also lay a duty on us, as members of the Assembly, to monitor planning proposals and to respond appropriately.

I have described an important step in the development of the planning system for the ACT. It reinforces the independence of the Territory and the authority of the Legislative Assembly in a range of matters. I am confident that it will be followed by further positive steps in the development of a unique planning system for the Australian Capital Territory. I will be making further statements to the Assembly on the progress of the package of planning Bills at a later and, hopefully, earlier date.

### **HEALTH SERVICES BUDGET Ministerial Statement**

**MR HUMPHRIES** (Minister for Health, Education and the Arts), by leave: I thank members of the house for giving me the opportunity of making this statement at this time. I think it is appropriate to advise members of the current situation, given the importance of the health system to Canberra. First of all, I want to correct statements made by members of this Assembly, and the media, of a budget blow-out of extraordinary proportions. What is true is that Royal Canberra Hospital faces a likely shortfall of at least \$4.6m this year unless remedial action can address the problem. A further possible requirement for supplementation totalling \$2.8m is still being investigated at officer level. The remaining activities of the Board of Health are on target, including the hospital redevelopment project.

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In respect of the hospital restructuring project, we have embarked on a \$166m capital project to consolidate specialist services in the Royal Canberra Hospital South campus. This will both improve the quality of services and cut recurrent costs. At this stage the project is on schedule and will be completed within budget. The major component of the budget overrun is an apparent amount of some \$3.5m, which appears to have been carried forward into this financial year, rather than being paid in 1989-90.

I need also to explain that, in line with the usual budgetary process, the ACT Treasury recently provided budget supplementation to the ACT Board of Health for the hospitals totalling \$4.27m. The provision of supplementary funding reflects increases in expenditure, and reductions in income, which are recognised as being outside of Board of Health control. This is not unusual. For instance, following the 1989-90 Wayne Berry budget, the total amount of supplementation the hospitals received was about \$5m and in the preceding year an amount of the order of \$15m was provided, in part, by the Follett Government for a Health and Community Services budget. The level of supplementation presently agreed for 1990-91 includes \$1.95m for award increases for staff and \$2.32m to meet a revenue shortfall caused by a drop in the number of privately insured patients.

The matters still under investigation relate to the non-achievement of savings targeted by the Follett Government, and increased costs generated by visiting medical officers. The \$3.5m problem is more serious. It appears that a number of accounts to this value may not have been paid when due, before the end of the 1989-90 financial year. This means that an excessive level of unpaid creditors' accounts was carried forward into this financial year.

The extent of the problem can best be described as being the equivalent of about three weeks of normal payments to creditors. The amount of money involved is significant, and the problem of overcoming the build-up is serious. The failure to pay these accounts occurred apparently without the knowledge of the interim board of directors of the hospital. I was certainly not aware it. This is a completely unacceptable situation, and I intend to act immediately to address it.

Members may recall that last week I announced that there would be an investigation into Health Board overspending. I did this on the basis of a Treasury review that indicated an inadequate level of financial management. I also took into account the fact that the ACT Board of Health, as presently constituted, only came into effect on 31 January this year. As a new board, they face an enormous number of challenges, particularly the hospital restructuring project.



As the responsible Minister I am concerned that problems in the management - particularly the financial management - of the health system are of great magnitude and appear to have plagued the hospital system from the time when it was controlled by the Commonwealth Government. It is too much to ask the present Board of Health to resolve these problems overnight without substantial assistance. This is a matter for government.

It is clear that the management issues in the health system are systemic. As I have already said, they have already been experienced by previous governments responsible for ACT matters. It is, nonetheless, an immediate problem for this Government and one that I am prepared to face. In fact, as the Minister for Health I am determined to deal with these problems properly, as should have been done, in my view, by previous Ministers. Accordingly, I am determined that the best course of action that I can take as Minister for Health is to find out, first of all, why this budget overexpenditure has occurred, and what the underlying problems really are.

Canberra people need to be assured that the money is being spent properly, and the Government is determined to see that this is the case. Canberra people also need to be assured that the managers of the health system do their job effectively and efficiently. Against this background I have established an inquiry into the management of the health system. It will be an open and impartial investigation, conducted by a person with the kind of experience and integrity which will ensure confidence in the outcome.

I am pleased to announce that Mr John Enfield has agreed to head this inquiry. Mr Enfield has recently retired from the Australian Public Service after a distinguished career, most recently as the Public Service Commissioner and before that as Secretary to the Department of Territories. The other member of the team will be an accountant, with an appropriate understanding of government financial practice.

Referring now to the inquiry into health overexpenditure by the Public Accounts Committee, which was announced by the Leader of the Opposition, I would call on Ms Follett to provide any relevant material to the Government's inquiry. I encourage the Opposition to assist the Government in its objective of identifying and addressing any problems the inquiry finds in the management of the health system.

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The inquiry - that is the Enfield inquiry - will seek an explanation of the present situation, and will have the following terms of reference:

To inquire into the management practices of the ACT Board of Health and recommend measures that should be taken to remedy any deficiencies identified. In particular the inquiry should concentrate on

- . the extent and quality of projections of revenue and expenditure available to management in the preparation of annual budgets
- . the level, quality and frequency of financial reporting during the year, including revenue and recurrent and capital commitment and expenditure
- . the extent to which budget preparation and financial reporting is informed by current and projected information on human resource usage and any other consumption trends.

This task should take no more than two months to complete, including time to write and release the report. I remain concerned that I cannot discount the possibility that overexpenditure may occur again, until the inquiry has been completed and the measures it recommends are implemented. Accordingly, I have asked Mr Jim Service, the chair of the ACT Board of Health, to take personal control of all health finances. Mr Service and I agree that, until the board can be satisfied that proper financial controls are in place, it is appropriate that the board control expenditure. Mr Service advises me that he proposes to appoint a financial comptroller to assist him in this task and be responsible for handling all commitments and expenditure until the board is satisfied that the control can be returned to line managers. I welcome his initiative.

The proposals that I have outlined to the Assembly today are those of a responsible government. They identify those issues that can best be addressed by an open and impartial inquiry, and also put in place measures to ensure that the problem will not recur again. I am pleased that Mr Service has agreed to take personal control of the finances of the health system because this is an essential step in ensuring that health expenditure is controlled until the board is satisfied that proper resource management practices are in place. I present the following paper:

Health Services budget - Ministerial statement, 12 March 1991.

**ACTON PENINSULA  
Ministerial Statement**

**MR HUMPHRIES** (Minister for Education, Health and the Arts), by leave: The Acton Peninsula is Territory owned land. It is also a designated area under the National Capital Plan. In effect, this means that the planning controls are vested with the National Capital Planning Authority rather than with the Interim Territory Planning Authority. However, the granting and management of all leases rests with the Department of the Environment, Land and Planning. When the Government decided to embark on the public hospitals redevelopment project, the obvious question was raised: "What should we do with the Acton Peninsula?". The NCPA, for its part, decided to use the opportunity presented by the transfer of hospital services off the Acton Peninsula to review longer term options for the whole area.

In January of this year the NCPA announced a joint NCPA-ITPA feasibility study of future uses for the Acton Peninsula and the adjoining West Basin. This study is now under way. The area encompassed by the study extends roughly from the Acton Peninsula ferry terminal to Commonwealth Avenue Bridge. A draft report is expected to be available for public comment by the middle of this year and a final report, reflecting the consultation process, should be released by December of this year.

It is now almost 12 months since I tabled in this Assembly the broad outline of the Government's plans for the Acton Peninsula. These decisions have been discussed with the NCPA and have been included in the brief for the joint planning study. As I have already said, the study will be completed by the end of this year. However, because it is a planning study and the emphasis is on the long-term development of the Acton Peninsula-West Basin area, it would be unrealistic to expect immediate implementation.

With this in mind, the Government has developed two strategies for the Acton Peninsula. The first focuses on interim uses, that is, plans for the next few years. The second strategy relates to those facilities the Government wishes to retain at Acton in the longer term. In both strategies, however, the Government has been determined in its view that a range of appropriate public health facilities should be retained at Acton. Looking first at the interim strategy, the Government has decided to retain the existing buildings, but to put them to different uses.

In essence, we will be creating one of the largest public/private/community health facilities in the country. This will be centred on the complex of buildings formed by the Tower Block, the Podium and the North Block. General purpose accommodation will be provided for public health services, private health practitioners and community health organisations.

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I have already mentioned that the Government's concern is to retain the health focus at Acton. However, we have a lot of floor space there - some 55,500 square metres in all - most of which is in the central complex. If there is excess space, then second level priority will be given to community services which may be provided either by the Government or by community organisations and other Government services as may be appropriate. Surplus space in Sylvia Curley House, the staff residence, is already being used for student accommodation, and this situation will continue. This semester, for example, some 112 students from TAFE, the ANU, the University of Canberra and the Ministry of Education are living in Sylvia Curley House. Bennett House, the original nurses residence, will continue to be used to provide office accommodation for the Australian Institute of Health, which leases approximately two-thirds of the building.

The remaining area is used by a number of community organisations and by ACT Board of Health services such as the Radiation Safety Unit. These arrangements will continue. Some community health organisations are already renting space in the central complex. These include the ACT Diabetes Association, the ACT Mental Health Resource and the Epilepsy Association. The hospital has also provided on-site child-care facilities for its staff for some years. New child-care centres are being built at both Royal Canberra Hospital South and Calvary. These will be operational early in 1992. Consequently, the Acton Peninsula centre will no longer be required by hospital staff.

The Government is currently investigating options for the future of this centre, in line with our commitment to providing quality affordable child-care in the ACT. The Government has decided to establish a 30-bed slow stream rehabilitation unit at Acton. This will be located in one of the older, self-contained buildings on the site, currently housing H-Block and the isolation ward. This building was chosen for this purpose because of its size, location and ready access to the lake.

The slow stream rehabilitation unit will provide a new service that is badly needed in the ACT. It will provide both active rehabilitation and convalescent care. The specific aim of the service will be to assist patients to become independent so that they can return home and live full and healthy lives. It will also cater for the needs of veterans, who up until now have not had access to a local facility of this nature. The current building will be completely refurbished at a cost of \$1.4m. The Government plans to build a new 75-bed nursing home at Acton and has asked the NCPA to include this in its consideration of long-term uses of the site. In fact, the services required to support a nursing home have been included in the brief for the joint study.

The Acton nursing home is one of two new facilities currently planned to replace Jindalee. This is consistent with modern nursing home philosophies, which encourage a move away from large, impersonal institutional structures towards creating a more homelike environment. Options for the location of the other new nursing home are still being examined.

In the longer term, the Government also intends to provide a new purpose-built facility at Acton to house the Queen Elizabeth II Hospital for Mothers and Babies. This proposal has, however, been deferred, pending the outcome of the joint study. This gives the Government the opportunity to choose the optimal site for the location of this important facility. In short, the Government has used the opportunity presented, as a consequence of the public hospitals redevelopment project, to expand and to improve the range of health services available to the people of Canberra. As well, this beautiful site will become more readily accessible for the recreational benefit of the total community.

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**  
**Motion of Censure**

**MR BERRY**, by leave: This motion arises out of concern over the hospitals budget and the failure of the Minister to provide adequate hospital services throughout the ACT. One of the important issues associated with this motion is that we will be depending on the support of Residents Rally members.

**MR SPEAKER:** Order, Mr Berry! You have not moved the motion. You have been granted leave, but you now have to move it before you can speak.

**MR BERRY:** I move:

That the ACT Legislative Assembly censures the Minister for Health, Education and the Arts for his failure to provide adequate health services and for his failure to control the budget in his portfolio.

We will need, as I said, the assistance of Residents Rally members to have this motion carried. We will need them to show some disloyalty to their Alliance Government colleague Mr Humphries. That does not seem to be something that they would be terribly uncomfortable with because we have seen examples in the past of Residents Rally party members, in particular Mr Collaery, being disloyal to the Alliance Government. What we are hoping for is that Mr Collaery and his colleagues will assist in censuring this Minister for this dreadful - - -

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**Mr Collaery:** We are going to assist with the censure, mate, but I would not be sure if - -  
-

**MR SPEAKER:** Order, Mr Collaery!

**MR BERRY:** Of course, there are two difficulties for Mr Collaery. One is that, if he opposes the censure motion moved by the Labor Opposition, then he supports the Minister's actions. If he seeks to amend the motion moved by Labor, then he of course walks away and offers a vote of no confidence in the Minister.

**Mr Kaine:** Do you think you have a two-edged sword? You have another think coming. It is very blunt.

**MR BERRY:** If you would keep order, Mr Speaker, - - -

**Mr Jensen:** Mr Berry is clearly implying, Mr Speaker, that you do not have control of the house.

**MR BERRY:** I withdraw that.

**MR SPEAKER:** Thank you, Mr Berry.

**MR BERRY:** Mr Speaker is very well aware of the bad behaviour on the opposite side of the house. I am sure he will address it in due course.

Only a fool would pretend that there is not, in our hospital system in the ACT at present, a crisis. I ask members of this Assembly whether anything has changed since Mr Humphries made that statement in this house on 15 November 1989, because that is what he said: "... only a fool would pretend that there is not, in our hospital system in the ACT at present, a crisis".

Mr Humphries took over the ministry after Labor was toppled in December 1989. In November 1989 he went on to say:

... six months of self-government have now elapsed. Last Saturday was the anniversary, and we are entitled to ask ourselves what improvements have been effected by this Government in the health system in that time; in particular, what improvements have occurred in our hospital system. The fact is ... that it has not got any better; it has got worse.

These are the sorts of words that are coming home to haunt this Minister and this Government - not only the Health Minister but the Chief Minister as well. He has to wear the responsibility for this, as I will show as we move through this debate. Things have changed.

**Mr Kaine:** For the better.

**MR BERRY:** They have got worse.

**Mr Kaine:** For the better.

**MR BERRY:** Mr Kaine says that they have got better. Does that mean that he endorses the fact that in our hospital system 1,500 people are waiting for beds? I think it does. He endorses the fact that in our hospitals 1,500 people are waiting for beds. The Chief Minister supports longer waiting lists. He endorses the Minister for Health's policy of making sick people wait. There has been a massive 60 per cent blow-out in these waiting lists. As I have said, there are 1,500 people waiting. The Chief Minister is smiling. He is not providing services; he is saving money. Incidentally, it is costing more as the hospital budget blows out.

There are fewer beds in our public hospital system - one hospital is half closed, one is a building site, and the other is claiming that they cannot fit in any more beds - in spite of Minister Humphries' promises, and those of the Chief Minister, that the system would be able to cope. Ask the people who are waiting whether the system can cope, because they know that it is not coping. Of course it is not coping.

There are not enough staff. No-one wants to work in this Minister's hospital system. His recruitment advertisements yield no new staff at all. None of you would be surprised at that, having seen the misleading advertising that was presented to our last Estimates Committee. All we get is promises and statements from the Minister such as, "I am confident". People can see through these hollow promises. Nothing has changed, except that it has got worse. The people who have been turned away and sent to the private sector know that there are not enough beds. They know that the system is not up to scratch. The people watching loved ones suffer while they wait and wait for an ambulance to arrive know that the Ambulance Service is understaffed.

Mothers and children and the aged in Weston Creek know that the Weston Creek Health Centre should not have closed; it is needed. We now find out that it was not necessary to close it. It was part of this Minister's rush to close the schools; that is what caused the closure of the Weston Creek Health Centre. The education bungle will long be remembered in the ACT. The patients and staff at Woden Valley Hospital know, of course, that it cannot cope now, let alone when the fast tracking closes Royal Canberra Hospital prematurely at the end of the year. Just add up the figures. The beds are not there. The Woden Valley Hospital is a building site. There is no doubt about it.

Why not use the existing facilities at Royal Canberra Hospital while you build the new expanded facilities at Woden Valley Hospital and keep Royal Canberra Hospital open? Why do you not keep Royal Canberra Hospital open?

**Mr Jensen:** What do we do? Do we shift everything from Woden?

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**MR BERRY:** Why do you not keep it open in accordance with your promise, Mr Residents Rally person? That is what the Rally stood on. The executive director of clinical services has written, saying that acute and elective services are being gravely compromised by shortages of staff and facilities at Royal Canberra Hospital North and ask that this situation be urgently addressed. There are documented cases of increased morbidity because of this. Mr Humphries, what they are saying - if you have not understood - is that people are dying to get into hospital. This is the crazy situation which has developed under this Minister in the last 15 months. Peoples' lives are being shortened by the inaction of this Government. I will come to more of that in a minute.

Meanwhile, the Minister publicly squabbles with his senior bureaucrats over the budget blow-out and the fact that the redevelopment is out of control. They have said that it is out of control. I do not think the Minister knows. This is all just the tip of the iceberg, Chief Minister. The out of control hospital development will leave this Territory bankrupt. You will wear that. Of course, we will be short of public hospital beds for years. They are not interested in the people of Canberra; they are just looking after their mates. The Minister's plan to increase the number of private beds at the expense of public hospital beds was not well received by the private hospital sector. There are no waiting lists in the private sector; they are in the public sector, and you know that, Mr Humphries. Forcing people into expensive private hospitals will not shorten the waiting lists in the public sector. You told this Assembly that it is all right to send - - -

**Mr Kaine:** Nobody is forcing them into the private sector.

**MR BERRY:** You heard this fellow. He told this Assembly that it is all right to send stroke victims home within hours of their attack, without any stabilisation or specialist care. It is all right; that is what he said. You say that it is all right, even when they return less than 24 hours later after suffering their second and more crippling stroke. Is that still all right? That is what your hospital system is delivering, Mr Humphries. That is why you should sack him, Chief Minister.

I know that you would like to sack him and you would like to do him in. You gave him the portfolio to bring him into disrepute within the Liberal Party; there is no doubt about that. It is getting close to the time to do him in, Mr Kaine? But you know that he has a few numbers behind him. We all remember Mr Humphries, one; Mr Kaine, two.

The cutbacks at Jindalee, Mr Humphries, have led to understaffing and the withdrawal of basic services for the frail aged in that nursing home. The great industrial relations coup of the Minister was to force the closing of the kitchens at Woden Valley Hospital, the principal



hospital. The patients at Jindalee now say that the hot food is cold and that the cold food is hot. This is the sort of thing that is going on in this system.

**Mr Kaine:** We cannot satisfy anybody.

**MR BERRY:** We hear the Chief Minister saying, "We cannot satisfy anybody". The aged are complaining about their food; the fact that it is not getting there cold when it is supposed to, and it is not getting there hot when it is supposed to.

That is the sort of hospital system that is now in operation. Throughout this community there are stories of hardship and suffering caused by this Minister's attacks. What do they achieve? Savings? No. We have budget blow-outs; growing budget blow-outs by today's admissions - growing more and more.

**Mr Kaine:** You can keep saying it, but it does not make it true.

**MR BERRY:** It is more and more budget blow-outs.

**Mr Kaine:** It is wearing a bit thin, Wayne.

**MR SPEAKER:** Order, Chief Minister!

**MR BERRY:** Thank you, Mr Speaker. The question that the people of Canberra ask is: Why has he done nothing and why is he allowed to get away with it by his colleagues? I will give you a few more words from what Mr Humphries said in November 1989:

The Minister's reaction to these sorts of problems has been predictable. It has been, first of all, to deny that there is any crisis ...

Of course, we know that there was no crisis. We uncovered this mess and the Minister dropped the ball. There was no crisis. It was the best waiting list that had been seen for many years, and it has now moved upwards by almost 60 per cent. Mr Humphries also said:

secondly, to counter-accuse people who have attacked the health system ...

Rightly so. I accused him of that, which was the correct thing to do because he was doing it on a jelly base. Listen to this. Mr Humphries further said:

Thirdly, he has, quietly, on the side, acted on the complaints.

I got on with the job; that is the big difference between this Minister for Health and the last. Mr Humphries, on his own admission, said that the last one acted. In 15 months Mr Humphries has done nothing. What Mr Humphries was speaking about in 1989 was the hospital budget blow-out.

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In December 1989, one of his first acts as Minister was to receive a report by Treasury officials on the hospital budget blow-out - officials sent in by the Follett Government. In other words, the Follett Labor Government uncovered the problem. We uncovered the problem, and we provided the answers as soon as the problem was identified.

What did the report say? I will just give you a few quotes from the report. See whether you can remember them, Mr Humphries. I know that it was 15 months ago and that it might be too much trouble for you, but the report said:

The principle of living within a budget is not well embedded at all levels in the hospitals and needs every encouragement.

That is what the report said. Why did you not do something about it? Here is another quote; try this one:

Treasury does not accept that the functions undertaken by HSD could not be done more efficiently.

That was 15 months ago, Mr Humphries. Here is another quote:

A major problem identified by Treasury is the program management within the Hospital Services Division. The current structure is not working.

Do you remember that one, Mr Minister? That was 15 months ago. Here is another one:

Treasury is also concerned at the lack of financial analysis and control.

That was 15 months ago, and what did you do? Nothing. That is why our hospital system is in such disarray and crisis. Not only is it not providing services but it is costing more. He talks about improved information systems; but he knows, of course, that they were part of the 1989 Follett budget. In the no-confidence motion of 5 December 1989 he said:

Mr Speaker, I have to confess that the problems encountered in education pale into insignificance when compared with the Government's appalling performance in the area of health.

The Chief Minister has said that there is no justification for today's no-confidence motion. I believe ... that her Government's failure to deal with the problems confronting our hospital system alone justifies the sacking of this Government.

There was no crisis then. The Government did not deserve to be sacked for those misleading statements by the Minister. What has happened is that there is a crisis now. The Minister has had 15 months to do something about it and he has done nothing, even though he knew about the problems in the hospital system. Mr Speaker, this Minister must be sacked.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (3.51): I rise both to answer Mr Berry's comments and to move an amendment of my own which is about to be circulated. I indicate at this stage that I will be deleting the words in paragraph (8) because Mr Berry obviously chickened out on his original decision to broaden this matter into education as well. He obviously did not have the ammunition in that area to make anything of it. Obviously, that has petered out on the part of the Opposition. We will be removing the words in paragraph (8), and also some words in the first and last paragraphs of that amendment. I ask that that amendment be circulated now so that I can speak to both of those matters.

I am a bit disappointed and angry at the moment because I spent large parts of my morning preparing for a major attack by the Opposition on the question of performance of health and education budgets. Instead, there was a rather limp, tired old tirade from Mr Berry of the kind that we have heard many, many times over the last few months. I must say that it was rather like the reported stirring Iraqi defence of Kuwait - nothing much materialised when the actual gunfire started.

There is nothing new in what we have heard today. They are the same old arguments that the Opposition have been pushing since the very day they went into opposition. It is obvious that Mr Berry, in particular, is still smarting about the fact that he left government under a cloud and that he faced, in his own time, a disastrous budget problem. He is desperately trying to expiate the guilt of those circumstances by now attacking me for the same crimes which he defended himself against in 1989. I have to say that he will do so with the same lack of success as he had in 1989.

Mr Berry has referred at length to the inherited problems of government in respect of the health budget. I would be the first one to concede that there are inherited problems, and the first one to acknowledge that action is required. I am, of course, the Minister who has actually commenced some action of a real kind in that regard. That stands in stark contrast to the handling of the health budget under Mr Berry.

I want to go through some of the arguments Mr Berry has used to support this rather extraordinary censure motion. He has alleged that I have known about this problem for the last 15 months; that I should have done something about it; that I should have fixed it; and that I should resign. Of

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course, Mr Berry forgets that, in fact, this Government has done some things about the health budget. It has been much more decisive about the health budget than he was ever able to be when he was in the same position.

In case those opposite have forgotten - which they obviously have - I will remind them that, first of all, we had to fix a \$7m budget blow-out. It was a budget blow-out under Mr Berry. It was a budget blow-out caused within the first quarter of the financial year. It was a budget blow-out which was quite extraordinary and it put Mr Berry at complete odds with his then interim hospitals board of directors. That board promptly wrote to him and said that the problems incurred in their budget were serious ones, and that they wanted help. Mr Berry turned around and said, "You guys are going to get the sack. You guys do not deserve to stay where you are. We are going to take care of you people. We are going to get you out of the scene and put in, instead, a three-person triumvirate to look after health services in your place". So much for standing up for the health system. So much for standing up for proper accountability and responsible management in the health system. That was Mr Berry's response.

What is more, this Government has done other things. We have invested considerable sums of money in the establishment of new information systems in the hospital budget system. That, obviously, has not prevented the present problems occurring. That is a matter of regret; it is not a matter of saying that the Government has not done something in this field. It certainly has faced up to the problem fairly and squarely. What is more, we have strengthened the hospital board management in the ACT by extending the operation of the ACT Board of Health over not just hospital services but the whole of public health services in the ACT. That is an appropriate response to a difficult situation.

Mr Berry, of course, conveniently forgets that he himself had very clear signs that there were problems with the health budget. When we look at the 1983 auditor's report, there were clear indications there of problems in the health budget. What did Mr Berry do about that? Of course, the answer is nothing. Mr Berry also fails to mention that he himself obtained supplementation for his own Health and Community Services budget at the end of the 1988-89 financial year.

What does that spell out about the problems in the health budget? I would have said that it spells some difficulties. Mr Berry apparently did not believe that because he did not come back to this Assembly and announce - as I would have thought anyone who has said what he has said over the last few months would have announced - that there was a serious budget blow-out in health in 1988-89.

Mr Berry had over \$15m worth of supplementation to the 1988-89 Health and Community Services budget. Did "Blow-out" Berry come back to this Assembly and stand near the seat that Mr Stefaniak now occupies and say, "Members of the Assembly, we have experienced a budget blow-out"? No, he did not. He sat there silent. He said nothing. Now he comes here and has the gall to say that supplementation of a health budget amounts to a blow-out. My response to that is, and I will quote somebody else who is in this place - - -

**Mr Kaine:** A simple word, "humbug".

**MR HUMPHRIES:** Exactly, Mr Chief Minister: "humbug". The words of Chief Minister Rosemary Follett, as she then was, about the claims of a crisis in the health budget in 1989 were "just humbug", and that is what Mr Berry's statements have been and still are today.

Mr Berry says that there has been mismanagement of the health budget. He has not shown where it is or how it has occurred, but he says that there has been mismanagement. He says that the blow-out proves it and, therefore, the Minister should either resign or be sacked. The question has to be asked: When Mr Berry faced the same problem in 1989 why did he not resign? Why did he not ask his Chief Minister to sack him?

**Mr Kaine:** He did get sacked, though.

**MR HUMPHRIES:** Indeed, Mr Chief Minister, he did get sacked; he got sacked by the people of the ACT through the actions of this Alliance Government on 5 December 1989, and he wonders why.

The other interesting question, of course, that springs to mind in the present context is: Why did not the Follett Government - which was so anxious to avoid any application of the label "crisis" or "blow-out" to its budget problems in 1989 - initiate a Public Accounts Committee inquiry headed by Mr Kaine, the then Leader of the Opposition? Why did it not seek an inquiry at that stage? Obviously it was not anxious to have the matters that were before it at that stage thrown open to the cold hard light of day. Mr Berry, now in opposition, is rather more anxious to have this process opened out, blown up and exaggerated in whatever way is possible. I want to quote from Mr Berry on the 14th - - -

**Mr Kaine:** He has his head buried in his papers now. He is not being so chirpy now.

**MR HUMPHRIES:** He certainly is not. His embarrassment is radiating across the chamber. I can feel the redness of his face warming my hands at this very moment.

**Mr Berry:** I left the blowtorch on your belly.

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**MR HUMPHRIES:** A blowtorch with the intensity of weak sunlight. When it gets a bit hotter I will start to squirm; but at the moment I am quite comfortable, thank you very much. Mr Berry said, and I am quoting from him in *Hansard* on 14 November 1989:

Certainly the blow-out, if we can use that rather emotive term -

he has been very fond of that rather emotive term "blow-out" in the last few days -

about cost overruns, has been the subject of some media reporting recently. The issue was brought to the attention of the Government by the interim hospitals board.

So much for the claim that the Follett Government rooted out this matter and discovered it for themselves. It was brought to the attention of the Government by the interim hospitals board. That is the same board that you wanted to get rid of, the same board that you could not abide.

What did Ms Follett - who was the Chief Minister in the same government - say not long afterwards on this question of how this particular problem had arisen? She had a rather different tack to take to Mr Berry at that time. I would say that, in fact, she rather contradicted him. She said on the next day, 15 November:

The Government cannot continue to allow hospitals to be a large and uncontrollable drain on the Territory's resources.

Does that sound familiar? She continued:

It is because of that responsible financial approach that the Government has sought continual monitoring of the health budget, and it is our vigilance in that matter that has brought about the current focus on budgetary issues.

She was saying that the continual monitoring of the health budget revealed the budget problem that Mr Berry had revealed to the Assembly; but Mr Berry is saying that the matter was brought to his attention by the interim hospitals board. Which of them was telling the truth? Clearly, they could not both be telling the truth. One or other of them was not telling the truth to the Assembly. On the second day they were ducking for cover; they were taking every bit of cover they could get.

Of course, we know what happened there. Mr Berry started to blame the doctors' unions, as he put it. He started to blame the hospital board. He wanted to get rid of the hospital board. He blamed the Opposition. He said that they should not have raised this sensitive issue, that it should have been left to the Government to handle. That is

advice that he might have followed in opposition; but, of course, he has not. All in all, he behaved in a thoroughly panic-struck way in the face of this crisis. I have to say one thing: To accept advice from Mr Wayne Berry on the management of hospital budget blow-outs is just ludicrous. Fancy him lecturing anybody about how to manage health budgets. It is quite extraordinary.

I have already indicated what hypocrisy the Labor Party had in this matter. It is fairly clear that their actions in this matter do not accord with their words now. I think those opposite should realise that tactics of this kind are only designed to evade the real issues of responsible management of our health system. The ACT does face problems - very severe problems. They are problems which, in fact, Mrs Grassby put her finger on when she was speaking in the Assembly during the same debate on 15 November. Mrs Grassby said:

We have inherited a run-down, out-of-date hospital, that should have been pulled down.

In the same speech, she said:

As I said, we have inherited a run-down, badly built hospital. Anybody else would have said, "That's it. Let's put the bulldozer through it".

Speaking figuratively only, that is what we have decided to do - not put a bulldozer through it, but certainly decommission it as a hospital. That is the same action which Mr Berry has consistently attacked since day one of this Government. It is the same action for which he now stands condemned, because the implication of that kind of response to this problem is that budget problems will continue to be a serious matter in the ACT context. It is only through a long-term financial management strategy of the kind that this Government has adopted that you can actually get to the bottom of controlling health expenditure in the ACT.

There is no justification for a three-public-hospital system in the ACT. The Kearney report made that abundantly clear. Mr Berry chose, for political reasons, to reject that recommendation and to retain, for purely cosmetic reasons, the additional cost entailed in having a third public hospital in the ACT, namely, the Royal Canberra Hospital North. He suffered the consequence of his inability to plan for the future, and that was that he was thrown out of office.

There is not really much more I can say on this matter. Mr Berry has failed to deliver anything in the way of real fire against the Government. I have circulated an

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amendment, which indicates something of the hypocrisy of those opposite in this regard. I think it summarises those matters quite well. I would indicate, for those of you who now have copies of that paper, that I will delete paragraph (8). If I need to, I will seek leave, but I have not formally moved this yet. I will remove paragraph (8) of my circulated amendment. In paragraph (10), I will take out the words "and education" in the second line. In the first paragraph, I will remove the words "and the closure of schools". I now formally move:

That all words after "That" be omitted and the following substituted: "this Assembly censures the Labor Opposition for its gross hypocrisy over the management of the health budget, noting that:

- (1) The former failed Labor Government faced a budget deficit of some \$2.5m in the first quarter of the 1989-90 financial year and a projected overrun of some \$10m for the full year;
- (2) The former failed Chief Minister denied there was a crisis in the hospitals budget and said such suggestions were 'humbug';
- (3) The former failed Health Minister responded to the budget difficulties by saying that the interim hospital board of directors' 'days were numbered';
- (4) The former failed Health Minister responded to his budget problems by saying '... it is a matter of just having a tidy process to fix it all up';
- (5) The former failed Health Minister blamed the Opposition, the 'doctors union' and the interim hospitals board of directors for the difficulties he faced in the health portfolio;
- (6) The former failed Labor Government responded to its budget difficulties by attempting to abolish the then interim hospitals board of directors which had recommended urgent savings measures to the former Health Minister;
- (7) The former failed Labor Government misled the Assembly over the monitoring of the health budget;
- (8) The former failed Labor Government was totally unable to implement most savings measures announced in the first Territory budget; and
- (9) The former failed Labor Government presided over greater industrial unrest in the health portfolio than has occurred under the Alliance Government."



**MR CONNOLLY (4.05):** The most extraordinary word used by the Minister in his attempt to turn this censure motion around and attack the Labor Party was the word "hypocrisy", which he used on regular occasions. I was not a member of this place last year when the debate was raging on the so-called budget blow-out of \$7m in the health budget; but I was a member of the ACT community, and a person who obviously took a great interest in what was going on. I read the newspapers and watched the television and listened to talkback radio from time to time on my way to and from work. That is when I heard Mr Humphries trying to make a name for himself as the guardian of financial rectitude; as the person who would bring sound management practices into the health administration; as the person who was outraged at this alleged blow-out under the Labor Government; as the person who thundered from the rooftops that the health system was in crisis because of this alleged \$7m overrun; as the person who made promises to fix this; and as the person who said that the Labor Government had to fall because of this alleged blow-out.

We now hear today that the Chief Minister says that the word "blow-out" cannot be used. That is a "no-no". That is an "unword". The term that we read in the ministerial statement is "overrun". "Overrun" is okay; "blow-out" is not. Of course, Mr Humphries somewhat undermined the Chief Minister by referring throughout to an alleged blow-out under the Labor Government. So, clearly, we have a proposition that blow-outs occur under Labor governments, but prudent financial management by a Liberal government merely results in \$12m overruns.

So, an overrun of \$12m is okay, but a blow-out of \$7m is grounds for bringing down a government. I suspect that it matters little to the Canberra community whether the word "overrun" or "blow-out" is used, although I would say that "blow-out" is, of course, a perfectly appropriate term. The *Macquarie Dictionary* definition of "blow-out" is, as used in commerce, "a rapid and sudden expansion, as of money supply". This rapid and sudden expansion of the need to supplement the health budget is clearly, in anyone's language - including the authors of the *Macquarie Dictionary* - a blow-out, whether or not the Chief Minister likes the term.

The Canberra community obviously lacks confidence in this Government's ability to manage the health portfolio. It saw this Government come to power on the basis of a deal between the parties - and I will come to that later. It saw this Government come to power on Mr Humphries' assertion that there was a crisis in the health service because of an alleged \$7.5m overrun. He now comes and tells us that the same thing is happening, but it is now \$12m.

The Labor Administration that was in office for only a short six months was the first administration that had to tackle the problems of running this Territory. As Mr Berry

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has remarked, it became aware of some serious problems in the administration of the financial processes of public health in this Territory. It started to take action, but then power was snatched by this deal between the Rally, the then No Self Government party - we must never forget that - and the Liberal Party, on the basis of the crisis in the health system.

At the time that this Government came to power it had, perhaps for the first time, some detailed critiques by the Treasury of what the problems were in the health administration. It had the knowledge. We call it a blow-out, we call it an overrun; but it had seen budgetary problems in the first six months of self-government. One would have expected, given its rhetoric, that it would have done a better job of it itself. It patently has not. It patently has done a far worse job than the Labor Government did when in office. We now face this \$12m shortfall, overrun, blow-out - call it what you want - a health system in crisis.

It is not just the members on this side of the house who have no confidence in the ability of Mr Humphries to run the Health Department; the Deputy Chief Minister seems to share the same view. It was the Deputy Chief Minister whom we saw on television and read in the newspapers as saying at a press conference the other week that he was pleased that he did not have to wait for a bed, that he did not have to use the public hospital system. He was sneering at the performance of his colleague. It was the Deputy Chief Minister who made some jokes about the casino - yet another farce of this Government - saying that it would not get a bed.

It was the Deputy Chief Minister who, displaying breathtaking disloyalty to his Cabinet colleagues, was making jokes at the farcical situation that Mr Humphries found himself in with budget blow-outs. Those jokes tended to lapse a little a few days later when Mr Collaery's own budgetary problems were revealed, but at the time he was making these extraordinarily disloyal attacks on his colleague. I will be interested to hear how he defends his colleague today, if he is prepared to do so.

I made some remarks earlier on about the deal that brought this Government to power. I noted, while Mr Humphries was making his remarks, that Mr Berry made some comments that the Residents Rally had been bought out, and that is what took them into power. I am sure Mr Kaine would agree that the Residents Rally cannot be bought. It is an unfair thing to say that they can be bought. They can only be rented by the hour.

The thrust of the Opposition's attack, though, is broader than just this inability to manage the health budget. If this Government was providing a health service and running into budgetary difficulties, that would be one thing. It would stand condemned because it has made a great hash of

the budgetary management of the health system; it has a \$12m blow-out, overrun - call it what you like. That would be only one attack, if it was managing the health system. But, as Mr Berry says, it is not managing the health system. The waiting lists and the queues are now far greater than they were during the period of Labor administration; and the Royal Canberra Hospital is being demolished again.

We heard some comments in Mr Humphries' speech that it was the people's choice that Labor had to go because of this so-called crisis in the health system under Labor. Mr Jensen seems to agree with that. Of course, the people who make up this Government, this party that you rent by the hour, said in their policy:

The Royal Canberra Hospital will be retained under a Residents Rally administration. The funding of the ACT will take into account the years of neglect and failure to refurbish the hospital ... The advantages of the siting of the Royal Canberra Hospital in terms of rehabilitation and convalescence must not be lost in the narrow financial discussion.

How long did that promise last when this accord document was signed?

We learn today that the Royal Canberra Hospital has ceased to exist and it will be replaced with some nursing homes and perhaps other health facilities. We will wait and hold our judgment on that and believe it when we see it. As I said, no-one can have confidence in the ability of this Minister to administer the health portfolio. He is condemned, in his own words. All Mr Berry really had to do - although he went much further than that - to condemn Mr Humphries was do a scissors and paste job on Mr Humphries' speeches in the latter period of 1989. All that is necessary to condemn Mr Humphries is his own words, where he thundered loud and long about problems in administering the health budget. He held himself out as some sort of model of financial propriety and perhaps achieved, in the early period of this Government, some credibility in that area.

Mr Humphries has worked assiduously in cultivating an image that he is a sound manager. Indeed, to some members of the community he has been working hard enough for people to think, "Well, perhaps, we do not agree with his policies; we do not agree with his closing of schools and hospitals; but he is competent to do the job". Any Minister whose budget is in this state cannot be said to be competent to do the job.

Today we have many excuses. The Minister says, "It happens all the time, \$12m, \$15m; it happens all the time". He says, "Not a problem". That is not what he said in the last two weeks of sittings. The Opposition asked twice in

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that last sitting week what the state of the health and hospital budget was and we were told on both occasions that everything was all right - "Don't you worry about it. I will get back to you if there is a problem". It was only on the Friday of that week, when officers of his department let the cat out of the bag, that the community became aware of the full magnitude of this crisis.

The health system is in a financial mess. Nobody knows by how much it is overrunning, to use a phrase that perhaps the Chief Minister finds more palatable than "blowing-out". The Government has now moved from one inquiry to another inquiry that it announced today, desperately trying to dodge the responsibility. The responsibility cannot be dodged. The responsibility falls squarely on the shoulders of the Minister whose seat is now vacant.

**MR KAINÉ** (Chief Minister) (4.15): I doubt whether in the history of the Westminster system of government there was ever a weaker or more pathetic case put forward by an opposition in attempting to censure a Minister. I listened to Mr Berry. All I heard was 15 minutes worth of Labor Party ideology. That is what it boiled down to. If ever the case was answered, Mr Humphries' rebuttal did it. It really did not need any more to conclude this debate because what Mr Humphries demonstrated - and in doing so he demonstrated his competence as a Minister - was that Mr Berry has double standards. What was all right for him when he was a Minister is not all right for Mr Humphries when he is a Minister.

Mr Berry stands condemned on the basis of his own words. During the first quarter of the fiscal year during which he was the Minister, his budget blew out. When we threw them out of government three months later, he had still done nothing to fix it; absolutely nothing. He had done nothing when we took government three months after that blow-out was discovered and made public. We took the matter and faced up to it, as we have done with a number of other matters that we inherited from that incompetent Labor Government. Not the least of the issues that we faced up to, and not the least of the issues that Mr Humphries has faced up to, is the health operation in this city.

Mr Berry talks about budgetary control. What was his solution to the health problem that he inherited? I accept that. What was his solution? His solution was to spend \$216m more to resurrect a hospital that we did not need. That was his proposal. He never ever explained where the money was going to come from. He had no idea. Of course, the then Chief Minister put in a bid to the Commonwealth for \$150m to get them off the hook, which they were never going to get anyway. Mr Berry never could explain where the \$216m was going to come from, and he never explained why he was going to spend it on a hospital that we did not need and could not afford.

In terms of financial and managerial incompetence, Mr Berry has to take the cake. He has the effrontery to criticise Mr Humphries on such matters. What Mr Humphries did, and what this Government did following Mr Humphries analysis of the situation and his proposals to us, was to restructure the hospitals; to do away with the hospital that we did not need. Mr Humphries said, "Do not spend \$216m on a hospital that we cannot afford and we do not need". Mr Humphries instead said that we should restructure the hospitals and bring the hospital system down to something that we can afford; that will still provide the requisite number of beds; that will still provide the whole range of specialist medical services that are required, but will do it at far less cost than what Mr Berry proposed to spend wastefully.

Mr Humphries' response to that situation was the right one, and it is the course that this Government is following. It will continue to do so despite the constant whingeing and nitpicking that we get from the other side of the house. One of these days Mr Berry might get to his feet and he might produce a new piece of information, a new fact, something that he has not put to us here, a dozen, two dozen, or three dozen times before.

He is pretty unconvincing when he tries to tell us, and to tell the community, about this crisis in which the health system finds itself. There is no crisis.

**Mr Berry:** One thousand five hundred people cannot be wrong.

**MR Kaine:** Mr Berry sits over there muttering and mumbling. He had his 15 minutes, but he did not make the case. As I said, it was the weakest argument that I have ever heard put forward in terms of censuring a Minister. He now wants to mutter and mumble during the entire debate and try to make a point somewhere along the way. If Mr Berry goes back and looks at the statistics, he will discover that the waiting list in the hospitals four years ago was almost exactly the same as it is now.

We are in the middle of a major restructuring - part of which was Mr Berry's inheritance and legacy to us. We are trying to scale the hospitals down from three to two, to create a hospital system that this community can afford, and not the gold plated Rolls Royce model that Mr Berry was going to put forward. He did not know where he was going to finance it from anyway. We are scaling it down; we are restructuring it. At the end of the day - one year from now - we will have a far better hospital system than Mr Berry would ever have created because he could never face up to taking a decision about anything.

**Mr Connolly:** It will be better a year from today because Labor will be in power.

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**MR KAINÉ:** It will be better a year from today because of what the Alliance Government is doing. In no way will you influence events over the next 12 months. You will sit there and you will whinge and you will complain, and you will put forward your spurious arguments; but in no way will you influence what happens in our hospital system in that time. One year from today we will have a very efficient and very effective hospital system that will provide the necessary number of beds, and will provide all of the specialist medical services that are required in a public hospital system to service the ACT. It will support not only the 300,000 people who live here, but the 200,000 people in the surrounding regions as well.

Let us have a look at the criticism that Mr Berry directs. In terms of hospital operations, I have already provided information about the budget for this year.

**Mr Berry:** Can I have a copy of that?

**MR KAINÉ:** I have read it into the record. All you have to do is read the *Hansard*. You can add up all the figures and come to any number you like. The fact is that I have already told you, although the hospitals administration has not even put in a bid, but has indicated the possibility of needing additional funds in some areas of their budget, that there has as yet been no budget adjustment for that. I would say that at this stage there is very little likelihood that some of that claim will be met by the Government this year. The Government will require proper management control for the remainder of the year to bring the budget back closer to where it should have been.

Unlike Mr Berry, we are not going to hand out money simply because somebody asks for it. It is going to have to be properly justified. You can go out to the media and shoot off your mouth about \$12m. There is no basis for that in fact - no basis for it at all. I know that you have been out there giving them the great spiel about the \$12m blow-out. I know what is going to appear on the front page of the *Canberra Times* tomorrow - Mr Berry's smiling face saying that we have a \$12m blow-out. It is totally untrue. Of course, you are not interested in the truth. You are not interested in the facts. You are not interested in doing something constructive for this community. All you are trying to do is tear it down.

Looking at the hospital restructuring: Mr Berry, in his usual fashion, will use the usual throwaway line, "The restructuring program is out of control and we are going into a cost overrun". If he has evidence of that, I challenge him to put it on the table. Do not sit there muttering about it and giving your throwaway lines to the media. Put the facts on the table. There is no cost overrun, no blow-out, no cost increase in the restructuring budget for the hospitals - none whatsoever. You are full of bluster, but you are very short on facts.

The other aspect of what this Government has been doing in the health budget had to do with reducing the administrative infrastructure. We have done that. You would not give us any credit for it. You would never acknowledge that we have eliminated a whole layer of administrative on-cost that you were prepared to support. You had never even looked at it. You had no concern for that - none whatsoever. This Government, through this Minister, has examined the way that the health system is administered in the city. We have faced up to the fact that there was an administrative on-cost there that we could not afford, and we have removed it. That represents a very significant saving in the total cost of operating our public health system.

I said that Mr Humphries had successfully defended himself against this absurd accusation. He did not really need anything from me; but the facts are the facts, and some of them needed to be put on the table. These wild, fantastic accusations that are made by members of the Opposition need to be put in some sort of perspective. I have done that. I can assure them that Mr Humphries has my total support as Minister. I believe that he is doing an excellent job in the interests of this community and that he will still be doing it at this time next year.

**MR MOORE** (4.25): Mr Humphries said that there is nothing new about the situation. When we look back to the *Hansard* of 15 November, Mr Humphries is totally correct. At that time there was a budget blow-out when Mr Berry was Minister and the statement, "Only a fool would pretend that there is not, in our hospital system in the ACT at present, a crisis", was absolutely true. Mr Berry's management of the health budget at the time was totally incompetent. That is something that the Alliance Government has referred to again and again - the \$7m budget blow-out that Mr Berry brought about. That is true. There is no doubt about it.

At the time when Mr Berry was accused, in November, he had been in government for about six months. They had taken over a new government and it would, of course, take some time for him to come to grips with those problems. That he failed to do so indicates that his management was inadequate as a Minister. The arguments presented by Mr Humphries for him resigning were appropriate.

How much worse is it for Mr Humphries, who has had the benefit of the report about the problem that Labor commissioned at that time? The report was brought down under the Alliance Government. How much worse is it for Mr Humphries who has had 15 months - more than double the amount of time - to take on a problem that he knew existed when he took over? How much worse is it for Mr Humphries, not to have a \$7m blow-out that was across not only the hospitals but also community services, but to have a \$12m blow-out? If you combine it with \$1.9m - call it \$2m - from Mr Collaery, because you combine Community Services and Health, we are now talking of a \$14m blow-out on the

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Chief Minister's own figures, in spite of the fact that he likes to present them in the nicest possible way. The reality is - on the evidence that the Chief Minister presented - that we are talking of \$12m as far as Mr Humphries' portfolio is concerned. If you are looking at a comparison to - - -

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

**MR MOORE:** They are the figures that the Chief Minister presented. We have still to combine those with Community Services if you are going to do a comparison with Mr Berry. I say that, at that time, Mr Berry's management was totally inadequate. How much worse is it for Mr Humphries who took him to task? Mr Humphries said, "These are the things that need to be done. If I was Minister, I would do them". Now he is the Minister, and he has not done them. He has failed. Mr Berry did not come into government saying that his would be the financially responsible government. He probably ought to have said it, but that was not a stand that he took. The Liberal and Alliance Government stance was, "We are going to manage for the people of Canberra their money and we are going to manage it well. We are going to have to make hard decisions".

If you have made hard decisions, you made the wrong ones, because your budget has blown out. It has blown out in the extreme. It has blown out worse than Mr Berry's budget. You claimed that he was incompetent, and I agree. Mr Berry has now returned. I would not like to say that behind his back. He will read it in *Hansard* later. What you were asking at that time was, "Why did not Mr Berry resign at the time?". If you are not going to be a hypocrite, Mr Humphries, you have to resign. You have to resign as a Minister if you do not wish to be a hypocrite.

**Mr Humphries:** We never asked him to resign.

**MR MOORE:** You certainly asked him to resign at the time.

**Mr Humphries:** No, I did not. When? Dates, evidence? When did I ask him to resign?

**MR MOORE:** I am quite happy to bring it to your attention. You said that it was reason enough to topple a government on the hospital crisis. Your words were that it was reason enough to topple a government. If you look at your speech to the motion of no confidence in the previous Chief Minister, you said that it was enough to topple a government. Surely it is enough - if you do not wish to be a hypocrite - for you to resign your portfolio for your failure to achieve what you set as your goals. That is also in spite of the fact that you had the foreknowledge, and that you have had more than double the time and, in fact, you have also had more advice about it.



It is interesting that you should raise the matter of the interim hospital board that Mr Berry proposed to sack because, of course, that is exactly what you then went and did. The point is that you have had the knowledge, you have had the time, you have had the opportunity; and, in spite of all that, you have failed to manage. In his speech, the Chief Minister said that you have gone about the restructuring of the hospital system. He said that Wayne Berry was going to restructure the hospital system and retain Royal Canberra Hospital, and that it was going to cost \$216m. Correct. Then he went on to say, "Well, where was the \$216m coming from?".

What, of course, has happened instead is that we have an Alliance proposal to cut out Royal Canberra Hospital; to make one less public hospital in Canberra, supposedly at the cost of \$154m to start off with. That appears to have now gone to \$166m. That leaves about a \$15m difference. That is before we start - - -

**Mr Humphries:** That is dishonest. That is inflation.

**MR MOORE:** That is taken into account. We are still talking about the figure of \$216m for Mr Berry; it is the one the Chief Minister used. That is before we take into account the announcement you made today about the uses of the Acton Peninsula, and the question about how much that is going to cost. That has not come into this part of the budget. So, there is another factor we have to take into account. The other thing that it fails to take into account, and which is even more critical, is that what you are hoping to do is to increase the number of private patients, as you have said on many occasions - - -

**Mr Humphries:** And public patients.

**MR MOORE:** And public patients - by creating more private hospitals. What we get is a situation there where we have more private patients in private hospitals - - -

**Mr Humphries:** There are to be no more private hospitals. That is not true.

**MR MOORE:** Mr Humphries interjects that there are going to be no more private hospitals. We wonder about the one on the shores of Lake Ginninderra. We wonder about the number of beds. The point that I am making is that when those private patients are in private hospitals the profit goes to the entrepreneurs. When those private patients are in public hospitals, that same profit - - -

**Mr Humphries:** What profit? There is no profit in private patients in public hospitals.

**MR SPEAKER:** Order, Mr Humphries!

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**MR MOORE:** The profit from the private patients in private hospitals goes to the entrepreneurs who run those private hospitals. It is a shame that Mr Humphries is so slow. It perhaps explains some of the problems that he has with his budget. When those private patients are in public hospitals, they can supplement the more expensive patients. They also still supplement the other patients in those hospitals. It is those people who are paying and who allow a profit that Mr Humphries is going to pull out of our system and make our system more expensive per patient. That is the reality of the situation. That is what we get out of this Minister.

As well as that, we will have a situation where we are going to end up with one of our public hospitals closed, at a time when we are only 10 or 15 years away from having a population of 450,000; at a time when we are probably going to have to build a whole new hospital. What total short-sightedness from this Minister, to start off with. I will not even deal with the Residents Rally, who have just forgotten about their policy on Royal Canberra Hospital.

Then we get the hypocrisy of taking over and having the same situation that Mr Berry had. They accused him of incompetence, which was true. We have the hypocrisy of not only having the same incompetence, but making it worse by having prior knowledge and a bigger increase. This Minister should resign.

**MR DUBY** (Minister for Finance and Urban Services) (4.35): Mr Deputy Speaker, I have just heard this tirade from Michael Moore, and the absolute lack of understanding of budgetary matters that he enunciated in his speech makes me wonder. I will rue the day that Mr Moore ever gets to be a Minister for health, or finance, or treasurer, or anything for that matter, because his understanding of economic systems and the way that budgets are calculated in those systems makes Mr Berry look like the John Maynard Keynes of the ACT. Mr Moore's approach is absolutely ludicrous, and for him to prattle on about profits being made by the public purse from private patients is just unbelievable.

I am pleased to see that the Leader of the Opposition has finally returned to the Assembly. This is a very important issue, that of a censure motion, and I have noticed that the Leader of the Opposition has been absent for almost the entire debate. I should point - - -

**Mrs Grassby:** The Minister for Health is not here either.

**MR DUBY:** The Minister for Health is right there behind you. I should point out, of course, that I think that indicates the sincerity of the approach of those on the other side of this Assembly to this whole issue of censure, because they know perfectly well - perhaps with the exception of Mr Stevenson; I have not heard from him yet - that this motion is a nonsense.

The simple fact is that this Alliance Government has acted very responsibly in its handling of the health system, particularly the Minister responsible, Mr Humphries. The ACT has been faced with a significant budgetary challenge, and decisive and radical steps are required if we are to meet this challenge. Education and health account for over half the ACT's annual expenditure, and it is obvious that they cannot be quarantined from the mainstream of budget considerations.

The first national comparison of hospitals in 1988 identified ACT hospitals as the most expensive to operate in Australia, even though utilisation rates were the lowest. The Grants Commission recognised that running three major public hospitals contributed to this inefficiency. Over many years the Commonwealth Government has failed to meet its responsibilities in the ACT public hospital system, which is run-down and in need of substantial restructuring and upgrading - something which the Labor Opposition when in power failed to recognise.

The Government has pressed the Commonwealth to provide funding for our public hospital system here in the ACT and there has not, of course, been a useful response. Instead of carping at Mr Humphries' actions, I think those opposite should be using their supposed close links with our Federal Labor Government perhaps to get some appropriate funding from that organisation to assist in upgrading the run-down system that we have inherited.

It should be pointed out, Mr Deputy Speaker, that an earlier Labor proposal to maintain three hospitals, with Royal Canberra on its current site at around 250 beds and Calvary at up to 150 beds, involved construction costs at least \$50m more than this Government's plan, and would have cost at least \$3.5m per annum more to operate. So much for Mr Berry being a financially responsible Minister for Health. This huge additional cost considerably outweighed any possible service advantage and was well beyond what the ACT community could afford.

Mr Deputy Speaker, the \$166m-odd set aside for the Government's redevelopment program is having a massive impact on the ACT budget, and I think it should be pointed out that, contrary to the statements made opposite, the redevelopment program is on target. There is no blow-out whatsoever in that development, and I think that demonstrates - - -

**Mr Berry:** Will you resign if that is proved to be incorrect?

**MR DUBY:** I do not need to resign, because it cannot be proved to be incorrect.

The simple fact is that that redevelopment program is on target and our undertaking, I think, demonstrates the Government's strong commitment to the development of a

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strong, viable and accessible public health system. Mr Deputy Speaker, the public hospitals will always be a major part of the health system, providing the higher level services; but they must, I think, be complemented by the private sector - something which Mr Moore does not seem to understand.

Private hospital beds are provided at no cost to the Territory budget. The present levels of private hospital beds represent around 13 per cent of total beds and this, of course, is well below that of other States. In 1986, the Commonwealth Labor Government approved an extension of an additional 180 private beds over the 90 that existed then, in order to bring the Territory closer to the Australian average of around 25 per cent. What Mr Humphries has done as Minister is to add a further 30 beds, to reflect population growth since that time. He has moved to streamline health administration through the establishment of a new ACT Board of Health to take responsibility for the planning and provision of health services in Canberra. That move, in association with the creation of a new Ministry for Health, Education and the Arts, is achieving administrative and overhead savings of up to \$4.5m in a full year - something which Mr Berry was unable to do.

A recent independent review of the nurses' career structure will overcome most of the problems that have been inherent in that original arrangement. This cooperative effort with trade unions will streamline administration within nursing services and give greater decision making capacity to nurses who are working directly with clients. As well, of course, it will produce ongoing savings of around \$2m a year - another achievement for the Minister.

The Government's commitment to a strong and cooperative working relationship with trade unions has led to major advances in work force restructuring under the SEP principle. In the first 12 months that this Government was in power the number of days lost through industrial disputes was substantially less than that which the previous Labor Government experienced in only six months of office. That record has been maintained by the Minister, and congratulations to him.

There has been a massive restructuring of cleaning and food services in Royal Canberra Hospital. Over 50 cleaners have been offered voluntary redundancy packages, with almost 100 of such packages being accepted by food services staff in the hospital. The kitchen at Royal Canberra Hospital South has been effectively closed, and Royal Canberra Hospital North is providing a service to both those sites. Those changes have been brought in by the Minister, and I think they indicate the level of work that he has done.

Some of the things that have been said already by Mr Humphries and by Mr Kaine need to be resaid. It should be pointed out that the previous Minister for Health, Mr

Berry, presided over a budget overrun of some \$2.5m for the first quarter of the 1989-90 financial year. If that trend had continued, he would have faced a blow-out of some \$10m. A Treasury report said that it would have been less than this figure because of a variety of matters, such as the traditional closing of wards and operating theatres over the Christmas period.

Mr Berry was unable to swiftly implement cost saving measures announced in the first Territory budget. Negotiations with unions were still continuing in November, with no end in sight. In November, Mr Berry said that he expected them to conclude soon; but unions were already threatening industrial action, and, of course, I have already mentioned the industrial record. Frankly, Mr Berry was unable to control the health budget. He created confusion and uncertainty over how the hospital system was going to be run. It was very obvious that he was not keen on the recommendations of the Kearney report, and instead toyed with the idea of a three-member advisory structure. The decision was not announced until 28 November, when a hurried press release stated that the Government would establish a community services and health council and retain "a board of directors". All that did, Mr Berry, was create uncertainty and instability within the health system.

In contrast, look at what Mr Humphries has achieved. He has acted decisively to control the inherited budget difficulties left by the Follett Government. On 22 December Mr Humphries announced a package of saving measures to control the budget overrun. The Government later reported that, on advice received, the 1989-90 budget had been brought in on target. The Government, through Mr Humphries, concluded that the Follett hospital redevelopment project was simply too costly and would not result in sufficient savings.

Mr Humphries has acted decisively in his term of stewardship as Minister for Health, and to say that this man should resign is clearly ludicrous. Look at what has happened, though, in terms of what we have in this so-called budget overrun. On discovering a budget overrun, Mr Humphries asked that an immediate Treasury inquiry be conducted in order to reveal the extent of the problem. That inquiry took only one week and revealed, I might point out again, an overrun of only \$1.1m - not \$12m or \$10m or \$6m or whatever the figures are that have been quoted from the other side - which would not be supplemented in the normal way. It also revealed that debts worth some \$3.5m had been carried over from the previous financial year, and that this fact had been hidden. Mr Humphries has announced that an external inquiry will now take place into how these matters came about - something, I think, that we are all interested in knowing. And he has also promised prompt action on the findings.

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Compare that approach to that adopted by Mr Berry when he was faced with problems. Mr Berry's approach, of course, was the ostrich approach: "Stick your head in the sand; it will hopefully go away". Mr Humphries has not acted in that way at all. I have complete confidence in him. He is Minister for Health, Education and the Arts, and I firmly reject any concept of a censure motion.

**Ms Follett:** That is not the answer I want; it is \$12.4m.

**Mr Kaine:** That is another lie, and you know it. We have already been through that in your absence. You were not here; so you would not know.

**Ms Follett:** Mr Deputy Speaker, I ask Mr Kaine to withdraw that.

**MR DEPUTY SPEAKER:** You are raising a point of order, Ms Follett? Yes, I think - -  
-

**Mr Kaine:** Mr Deputy Speaker, it is a deliberate distortion of the facts. I withdraw the word "lie".

**MR DEPUTY SPEAKER:** Thank you, Chief Minister.

**Ms Follett:** Mr Deputy Speaker, I ask him to also withdraw "deliberate distortion of the facts". Mr Kaine himself has today provided me with an answer which details all of the sums which add up to \$12.4m.

**Mr Kaine:** Mr Deputy Speaker, I have made it clear that most of those sums are not going to be adjusted. They in no way represent \$12m worth of money that the Government is going to provide to supplement the budget. I have made that quite clear. For the Leader of the Opposition to continue to misrepresent that is just that; it is a misrepresentation.

**MR DEPUTY SPEAKER:** Thank you, Chief Minister. I am aware of what the issue is. I do not think "deliberate distortion of the facts" is necessarily unparliamentary; it does not come under charges of lying or dishonesty. A distortion is not necessarily lying.

**MR STEVENSON (4.47):** There is strong agreement in this Assembly about health and expenditure of public moneys. They are things that we are very concerned with. Indeed, they are things that the people of Canberra are concerned with. Perhaps they are the two senior concerns. Unfortunately, there is much division in this Assembly on a matter such as a censure motion. What I would like to do is look at something that we can do about the problem to create better health and less expenditure.

I think this is something that in this Assembly we could have given, and can in the future give, far more attention to. I would lead in by indicating that the World Health Organisation at a Commonwealth health department meeting in

Adelaide in April 1988 said that Medicare was spending \$20 billion each year on preventable disease, and \$6 billion of that was due to malnutrition. These are staggering sums. The report by the World Health Organisation on total health by the year 2000 says that less than 40 per cent of the world population relies on Western medicine. WHO is encouraging health workers to recognise and appreciate the contribution that traditional medicine has made, and should continue to make.

This is particularly what I want to highlight in this debate. We can be most effective in reducing the costs of health or sickness benefits - as they are all too often called - and also increase the general health of the people of the ACT. It would not be all that difficult. There were guidelines indicated by Dr Ian Brighthope, a well-known medical authority. The guidelines would allow people to increase their general health. He talked about substantially increasing the proportion of fresh fruit and vegetables in one's diet. In other words, eat less meat, eggs and bread. The point that we should note is that we should eat as much uncooked food as we can. And if we are going to cook foods, we should steam them, not bake them and so on. I notice that Carmel Maher indicates, "What has this to do with a censure motion on the Minister?".

**Ms Maher:** You are overcooking your vegetables, Gary.

**Mr Humphries:** I cook lots of food, I am afraid; I confess.

**MR STEVENSON:** There we have it; the Health Minister admits that he is overcooking his food. So, that is one immediate benefit we have had from this discussion. I do not call for the Minister's resignation; I just call for a change in his cooking habits.

**Ms Follett:** Come on!

**MR STEVENSON:** The leader of the Labor Party, Rosemary Follett, talks to the Deputy Speaker and says, "Come on". I do not know what sort of exhortation that is.

**Ms Follett:** On a point of order, Mr Deputy Speaker, I will clarify my remarks. Mr Stevenson is indulging in total irrelevance, and I think he should be called back to order.

**MR DEPUTY SPEAKER:** Thank you, Ms Follett. You are straying a little bit from the point, Mr Stevenson.

**MR STEVENSON:** Mr Deputy Speaker, what the leader of the Labor Party has just said is that the expenditure of public money on the matter of health and the health of people in Canberra is totally irrelevant. I would suggest that the remark is totally irrelevant. One can stand in this Assembly - - -

**Mrs Grassby:** On a point of order, Mr Deputy Speaker: The point that Ms Follett made was that - - -

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**Ms Follett:** Which you upheld.

**Mrs Grassby:** Which you upheld, was that we are discussing the costs to the hospital, not the health of Canberra people and how they cook their vegetables or how the Minister cooks his vegetables. I think this is very serious and I do not take it lightly and as a joke. And I do not think you should either, Mr Deputy Speaker.

**MR STEVENSON:** Rather than treating this as a political point scoring situation - as is all too often done in this Assembly - what I wanted to do was to take an opportunity to present a viewpoint that is not presented in this Assembly very often, and it should be one of those things that we give a great deal of attention to. There are simple things that can be taken on board and that we can all work towards.

Mr Humphries certainly has an awareness of health. It has not been in the very distant past that one could go along to various functions that are held in the ACT - government functions, and others, particularly at Woden Hospital, where they had chocolate eclairs, I think it was, vanilla iced tarts and such other things - where by looking at the food in some instances one could see that the awareness of the importance of health in the ACT is not necessarily at the level at which we could have it.

I continually bring up the point that we need to be concerned about the money that we are spending. Rather than having any possibility of budgetary overruns, what we could do is reduce the amount of money spent on the illness of people in the ACT, provided we put attention on the right things.

**Mr Berry:** How about relevance?

**MR DEPUTY SPEAKER:** Mr Stevenson, try to stick to the motion and the amendment, if you would.

**MR STEVENSON:** Let us have a look at "adequate health services". I would have thought that the supplying of adequate health services, in terms of what sort of services they are and what is deemed adequate, would be highly relevant to the debate. While I realise that it may not be the line that the Labor Party would like to take in perhaps what is seen to be political point scoring, I think it is a far more worthwhile line to take in the debate. That is the point that I make.

Why do we have a situation where people try to say that something that is perfectly relevant is not? Why not take the opportunity to say, "Look, there is an original thought; let us give some attention to what we can do to help the people of Canberra to be more healthy and to reduce the health budget". I read out a report by the



World Health Organisation of some \$20 billion a year spent on Medicare in Australia and \$6 billion on preventable diseases. And we do not think that is an opportunity to save money or to increase the health of people in Canberra?

Unfortunately, I have not had time to go through the various systems and the various opportunities we could take to do just that. I certainly intend to raise it - perhaps as a matter of public importance - in this Assembly. I ask all members of this Assembly to take some time to think about this issue. If they are not aware that what we eat and what we do and what we drink, et cetera, have a marked effect on our health, then perhaps they could get one of their advisers to do some research on the subject. Let us work together in bettering the health system within the ACT.

**MR COLLAERY** (Attorney-General) (4.56): Mr Deputy Speaker, I believe that the alleged budget blow-out propaganda, which is all this censure motion was about, has been adequately answered by those who understand budgets. Just a couple of things struck me, because we have heard all this before across the floor in another guise. I want to read a couple of things into the record from a previous *Hansard*. On 21 November 1989, my colleague Mr Kaine asked Rosemary Follett, the then Treasurer, about blow-outs, and a \$2.5m overrun relating to workers compensation payments in her budget. In her considered response, Ms Follett effectively took the question on notice - - -

**Mr Berry:** On a point of order, Mr Deputy Speaker: Is this related to the motion? It is about workers compensation, I think he said.

**MR DEPUTY SPEAKER:** Continue, Mr Collaery. I do not think we have got to the point where you have actually ascertained - - -

**MR COLLAERY:** Thank you, Mr Deputy Speaker. In her answer, the then Treasurer said at page 2876 of *Hansard*:

... I indicated that current expenditure was abnormally inflated by workers compensation payments which will be refunded under the new arrangements with COMCARE.

She went on to say that the payments:

are abnormally inflating expenditure for the first quarter, as the refund has not yet been received.

Clearly, what she was talking about, Mr Deputy Speaker, was the concept of budget supplementation. It is a well understood concept; it is a process used in all government budgeting systems. For Ms Follett to use this argument that we are using on 22 November 1989, and then to come here and turn it around and use the reverse argument, shows the height of double standards and hypocrisy.

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Mr Berry, of course, or the Treasurer at the time, Ms Follett, had to supplement the health and community services budget at the end of 1989 by about \$15m. The record shows that. So, she was into supplementation. If you look across the nation, and if you look at budgets across the country, you will see that, towards the end of each of the budget assessment periods in any government, supplementation comes in if untoward matters or matters unanticipated have occurred.

Mr Deputy Speaker, Mr Connolly made a great fuss about the budget in my area; but, of course, some of the matters that occurred in my area relate to - among other things - a new award and career structure, which the Labor Party, through its connections with the unions, fully supported. They are issues that all governments understand and supplement budgets for. I listened carefully to Mr Berry's speech; I could not determine what the actual offence was in Mr Humphries' bailiwick that justified a motion of this gravity.

**Ms Follett:** Well, he will tell you again.

**MR COLLAERY:** The Leader of the Opposition says, Mr Deputy Speaker, "We will tell you at the end". That is no way to argue a case. You argue it at the end, not at the beginning. It is part of the ALP penchant for little gamesmanship things; they will get the last say because Mr Berry closes this debate.

I did not hear a thing that could possibly justify censure of my colleague Mr Humphries. One of the speakers across the way referred to the fact that in some comments at the end of a regular press conference - some jocular comments on my part - I used these words, "Fortunately, I have not been ill lately and have not needed hospital admission". No explanation has been given about the context; but, if another Minister, one of my collegiate Ministers said, "Unfortunately, there are still drunks on the footpath", I would not take that as an offence. The fact that as Minister in charge of liquor licensing I cannot eradicate drunkenness or alcoholism in the community completely is not a direct personal criticism of me. Similarly, the fact that Mr Humphries' beds in the hospital system are full is not a direct criticism of him.

It is an acknowledgment - and let me move on from that, Mr Deputy Speaker - of incipient problems in the hospital system throughout the country and, although it could have been more delicately said, it was a statement of frustration, not of personal criticism of my colleague Mr Humphries.

**Mr Kaine:** I would never accuse you of indelicacy, Bernard.

**MR COLLAERY:** Thank you, Mr Chief Minister. The records that the media keep - and they keep some of their tapes and film - will show that on numerous occasions I have expressed admiration for the courage and the tenacity of this Minister, Mr Humphries. That is on the record, and it is on the record in this *Hansard*. Those who point to some personal clash and to some profound split in the Government are really just pointing in the wind.

Mr Deputy Speaker, the other remark I wish to make is that we have here members of a Labor Opposition who, holier-than-thou and having distanced themselves from the mess that they had managed to achieve in their miserable term, come to us and speak as if they are experts on budgeting. Woe betide this Territory if this crowd get back in. We know that. We have seen how they set up the Bruce Stadium. We have seen how this Treasurer - - -

**Ms Follett:** Mr Deputy Speaker, I raise a point of order.

**MR COLLAERY:** This is completely relevant, Mr Deputy Speaker.

**Ms Follett:** Is this relevant?

**MR COLLAERY:** Mr Deputy Speaker, I am talking about the budget style of that - - -

**MR DEPUTY SPEAKER:** Yes, everything except the Bruce Stadium may be relevant. You might wish to complain about that.

**MR COLLAERY:** Mr Deputy Speaker, I refer to the practices that this group opposite used when they were in government, and they were to indicate that they needed supplementation when they got out of kilter in their health budget. The Opposition should be well aware that its Commonwealth colleagues use an additional estimates process to cover unforeseen requirements. On my advice it is a formal process, and this Government is doing nothing more than that.

Mr Deputy Speaker, the Ministers in this Government receive regular reports of expenditure in their portfolios. The Treasury of this Government - as the Leader of the Opposition well knows - keeps a close watch on expenditure within the administration, and for the media and for the Opposition also to have suggested that we had complete surprises on our hands greatly overstated the position.

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Mr Deputy Speaker, there were some other comments made by Mr Moore and Mr Connolly - opportunistic comments about the Rally. The Rally committed itself to the Royal Canberra Hospital if it won government. It did not win government, and you all know that. Let me quote from *Hansard* of 15 November 1989. On page 2591 Mrs Grassby said:

We have inherited a run-down, out-of-date hospital -  
this is Royal Canberra Hospital -  
that should have been pulled down.

I will read it into the record again. Mrs Grassby said:

We have inherited a run-down, out-of-date hospital that should have been pulled down.

Mr Deputy Speaker, on the same day, at page 2592, she said:

As I said -

So, really, this was a premeditated thing. They sit in caucus a lot. They do not do much, but they do do that, Mr Deputy Speaker. They have to hold hands constantly. She said:

As I said, we have inherited a run-down, badly built hospital. Anybody else would have said, "That's it. Let's put the bulldozer through it".

We have just heard comments across the road about us bulldozing the health system. What shallow hypocrisy! What a pathetic Opposition! No wonder the rest of us who speak to Federal Ministers and speak to Federal politicians constantly hear this refrain, "My God, that Labor Opposition you have".

We have heard a lot of humbug today from a Labor Opposition that still lives in the faint hope that by sitting back and doing nothing, by contributing nothing useful in debate or in opposition, government will be handed back to them on a platter. They are in for a heck of a shock, Mr Deputy Speaker. They are in for an awful shock. Their performance is woeful. They have put up a censure motion which has delayed a vital piece of legislation that we are desperate to get going on.

**Mr Connolly:** Yes, and the press are flocking to listen to Mr Collaery's speech.

**MR COLLAERY:** There was an audience here, Mr Deputy Speaker, to see the normal process of government and to see a Weapons Bill introduced and the commencement of a debate. That has not occurred because of this fatuous, useless, unmeritorious censure motion against my colleague Mr Humphries, who has my full confidence and support.

**MR BERRY** (5.06), in reply: I am very pleased to see that Mr Collaery supports the waiting lists in our hospital system which have extended to 1,500, and that he supports this Minister's disastrous management of the hospital budget. I will just point out to you what we are complaining about, Mr Collaery, in case you were not listening. All of those issues, of course, would have been well known to the Minister.

As I said in my speech, the principle of living within a budget is not well embedded at all levels in the hospitals and it needs every encouragement. Mr Humphries knew about that, Mr Collaery, and that is what we are complaining about. Treasury does not accept that the functions undertaken by the Hospital Services Division could not be done more efficiently. Mr Humphries knew about that, Mr Collaery. That is what we are complaining about. He knew about it for 15 months. A major problem identified by Treasury is the program management within the Hospital Services Division. The current structure is not working. Mr Humphries knew about that for 15 months. Treasury is also concerned at the lack of financial analysis and control. Mr Humphries knew about that for 15 months.

Mr Deputy Speaker, I see that a document has been circulated outside this place. It is headed, "Budget Difficulties in the Health Portfolio", and it is a document that nobody has been game enough to sign, probably because of the deliberate distortions and, dare I say it, even fibs that have been peddled in that document. I suspect that it is of health department origin, because similar figures appear in the amendment moved by Mr Humphries, where it talks about a \$2.5m overrun or deficit in the first quarter of 1989, and a projected overrun of some \$10m for a full year. That is downright dishonest, because Mr Humphries knows from the Treasury report to him - and Mr Kaine should know, but may not, from the Treasury report that was sent to Mr Humphries - that the residual problem in 1988-89, when Labor uncovered the problems in the hospital system, was \$2.2m. That is why, Mr Deputy Speaker, we made sure that a Treasury team was sent in, in order that the thing could be properly managed.

The Minister for Health was given all of the answers in that report, and he did nothing for 15 months. It is no good blaming the Labor Party. We served it up to him, we gave him all the information, and he did nothing. These lies and distortions are just too much.

**Mr Kaine:** On a point of order, Mr Deputy Speaker: The word "lies" has already been ruled out of order.

**MR DEPUTY SPEAKER:** Yes, the word "lies" is certainly unparliamentary.

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**MR BERRY:** I did not make that accusation. I was referring to this paper here; I am sorry. The paper is "Budget Difficulties in the Health Portfolio", which has been set out -  
- -

**MR DEPUTY SPEAKER:** The word "distortions" is fine, Mr Berry, but "lies" is certainly out.

**Mr Moore:** He is talking about the paper that he has in front of him. We do not even know who produced it.

**Mr Berry:** It is not signed by anybody.

**Mr Kaine:** He talked about "lies and distortions", and I would like him to withdraw that.

**MR DEPUTY SPEAKER:** Yes, I know what you are referring to. I will take advice on it.

**Mr Berry:** I have a paper which has been circulated outside this place, and I say that there are lies and distortions in it.

**Mr Kaine:** Mr Deputy Speaker, I require that to be withdrawn.

**MR DEPUTY SPEAKER:** I will take advice on that. Mr Berry, I rule against you. You will have to withdraw that.

**Mr Berry:** I am not referring to anybody in this place.

**MR DEPUTY SPEAKER:** No, I know that you are not, but you are "not allowed to use unparliamentary words by the device of putting them in somebody else's mouth, or in the course of a quotation". Would you withdraw the words?

**MR BERRY:** These deliberate distortions which I will sheet home to Mr Humphries now, Mr Deputy Speaker, are very clear, because, in the document that was given to Mr Humphries, not only was it clear that the information that has been provided by Mr Humphries in public is wrong, but it is wrong by many millions of dollars. This talks about a blow-out of \$10m. This is the public position of Mr Humphries. The actual position put to him by Treasury is \$2.2m. This Minister's credibility is down the gurgler. We all know that, and we know it for a number of reasons.

Mr Deputy Speaker, on the 19th of last month, a question was raised in this place and put to Mr Humphries, inviting comment on the issue of the hospital budget blow-out. We asked: Was there a budget blow-out? Mr Humphries declared that he did not know about that, and he felt sure that people would tell him, if they knew. Two days later, becoming a little bit agitated about the continuing reports of serious problems in the hospital system, we asked a similar question of the Chief Minister. He did not know either, and felt sure that Treasury would tell him if anything was wrong.

Is it not amazing that after 15 months the Minister and the Treasurer, who had been fully aware of the disastrous situation in the hospitals, had done nothing; they had not even bothered keeping their finger on the pulse in relation to budgets in the hospital system. Where does that lead to, Mr Deputy Speaker? It leads to a situation where a censure motion is entirely justified. There is no question about that. Mr Humphries should have resigned. He has not had the common decency to do that. On that basis, he should have been sacked.

Mr Deputy Speaker, for 15 months Mr Humphries has done nothing, even though it was presented to him on a plate by Labor. What we have in front of us is a range of distortions aimed at covering up the actual situation. Today's announcement is a vote of no confidence in the bureaucracy of the hospitals and of the health department, if the thing still exists or has not been restructured. It has been handed over to Mr Enfield and Mr Service. It is an admission of defeat. The Minister cannot do it, so it has been taken out of his hands and given to others to do. It is an admission of defeat, and now it is more than \$12m, admitted to by the Chief Minister himself.

Mr Deputy Speaker, if I can be protected from these demons opposite, the facts that have presented themselves to this Assembly are very clear, because this Minister has had in his hands a report from Mr Kaine's Treasury which explains all of the difficulties. I heard Mr Humphries say a moment ago that there was no profit for the hospital system in private patients, but the Treasury team also found out - 15 months ago - that private patients were not electing to be treated privately. Of course, there would be significantly more money flowing into the hospital system. But, Mr Deputy Speaker - - -

**Mr Humphries:** What would you do about that, Wayne?

**MR BERRY:** We had only a few days before we were given the dump by you lot, before you promised Bernard the deputy leadership and got the job. Now, for 15 months, Mr Humphries has been aware of that problem and apparently - as admitted in his own press release - has done nothing.

So, the real problems have been admitted to. The Government is incompetent as well as Mr Humphries. The Chief Minister has dodged his responsibilities. He has known about the problem - he is the Treasurer - and he cannot be bothered to look after the budget in the hospital system, even though his own Treasury officers have advised him of all of the problems. What has he done? Nothing! He floats around the town pretending to be a statesman. I have to say that the nearest he has been to a statesman is behind the steering wheel. He has not had the courage to discipline the erring Mr Humphries for his absolute failure to address the issues which have been placed before him by Treasury.

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This amendment seeks to do nothing but distort the real issues. It fails to address truthfully all of the issues which are relevant to the censure debate. Mr Deputy Speaker, this Minister deserves to be censured. On his own admission, if he did it wrong he ought to be sacked; therefore, he must be censured. It is about time that the Chief Minister woke up and did his job and sacked this Minister.

**MR HUMPHRIES** (Minister for Health, Education and the Arts): Mr Speaker, I seek leave to make a personal explanation under standing order 46 - - -

**MR SPEAKER:** Do you claim to have been misrepresented?

**MR HUMPHRIES:** I do, Mr Speaker.

**MR SPEAKER:** Please proceed.

**MR HUMPHRIES:** Mr Speaker, in Mr Berry's comments just completed, he attacked a document circulated from my office and headed, "Budget Difficulties in the Health Portfolio".

**Mr Berry:** Why did you not sign it?

**MR HUMPHRIES:** It was not meant to be for public consumption, Mr Berry.

**Mr Berry:** It has been handed out by somebody from your office.

**MR HUMPHRIES:** That may be. That is probably your doing more than anybody else's.

Mr Speaker, Mr Berry attacked the assertion made in the statement which was prepared under my direction, that there was a \$2.5m budget blow-out in the first quarter of 1989-90, and that it would have come to a total of \$10m if unchecked throughout the year. Mr Speaker, I quote from a letter to Mr Wayne Berry, Minister for Community Services and Health, from the chairman of the Interim Board of Directors, Mr Ian Meikle, and dated 27 October 1989. It states:

Year-to-date operating expenditure -

this is referring to the hospital budget -

is \$39.1m which is \$2.5m over the monthly pro-rata allocation of available funds.

Whilst continuation of over-spending at the same rate - - -

**Mr Berry:** On a point of order, Mr Speaker: Mr Humphries sought to make a personal statement and an explanation. What he is doing is redoing the whole speech.



**MR SPEAKER:** No, I do not believe that. Your point is overruled, Mr Berry. Please proceed, Mr Humphries.

**MR HUMPHRIES:** Thank you, Mr Speaker. Mr Meikle continued:

Whilst continuation of over-spending at the same rate would result in a \$10m deficit in operating expenses, there are several initiatives currently in place -

et cetera. This is an admission from Mr Berry's own chairman of the interim hospital board that there was a \$2.5m blow-out in the first quarter of that financial year, and that it would have resulted in a \$10m deficit, had no remedial action been taken. Mr Speaker, I stand by the statements made in that document.

**Mr Moore:** On a point of order, Mr Speaker: Under standing order 213, I ask that the document that Mr Humphries is quoting from be ordered to be presented.

**MR HUMPHRIES:** Mr Speaker, I am very happy to do that. I table that document and I also table the document that Mr Berry was previously quoting from. I present the following papers:

Budget difficulties in the health portfolio.

Copy of letter from the Acting Chairman, Interim Board of Directors, Royal Canberra and Woden Valley Hospitals to Mr W. Berry, MLA, Minister for Community Services and Health, dated 27 October 1989.

**MR BERRY:** I seek leave to make a personal explanation.

**MR SPEAKER:** Do you claim to have been misrepresented?

**MR BERRY:** Indeed I have been, Mr Speaker.

**MR SPEAKER:** Please proceed.

**MR BERRY:** The document and matters which Mr Humphries referred to are clearly a deliberate distortion of the facts. He seeks to impugn me as a result. Mr Speaker, the Board of Directors letter which was leaked, as Mr Humphries will truly recall, was eventually proved inaccurate by Mr Kaine's own Treasury.

On close examination of the hospital budget, the Treasury itself discovered that the figures in the board reports which were leaked were inaccurate. Mr Humphries was advised - through Mr Kaine - of that fact in a later Treasury report. He was advised that the residual problem was \$2.2m. He was also advised in that Treasury report of all of the measures which needed to be taken to fix the problem, which I have previously spoken about in my speech and I do not need to go into.

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So, all that needs to be said in respect of it is that Mr Humphries continues to attempt to deliberately distort the facts which have been reported to him and to his Chief Minister about the hospital budget blow-out. He has continued to distort the fact, or attempted to distort the fact - but everybody is awake to it - that for 15 months he has known about it and he has done nothing, and for 15 months the Chief Minister has known about it and could not be bothered.

**Mr Kaine:** On a point of order, Mr Speaker: That has nothing to do with a misrepresentation.

**MR SPEAKER:** Yes, I agree that that was over the top; but he has finished that now.

Question put:

That the amendment (**Mr Humphries'**) be agreed to.

The Assembly voted -

*AYES, 10*

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

*NOES, 6*

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

Question so resolved in the affirmative.

Motion, as amended, agreed to.

### **CASINO PROJECT Allegations by Member**

**MR COLLAERY** (Attorney-General), by leave: I move:

That this House calls upon Mr Moore to:

- (1) name the alleged Minister or Ministers of the Alliance Government who he alleged in question time today had met with the principals of the firms involved in tendering for the casino; and
- (2) provide the date or dates of any alleged meetings, the identity of the stated principals, and any other information to assist this House to assess the accuracy of these allegations.

Ringing in my ears is a speech by Mr Moore at the conclusion of a debate concerning the National Aquarium, where he beat his breast and said that he decried forever the raising of unfounded allegations in this house. He was referring, of course, to allegations raised and directed within the Residents Rally by him and another member of the Rally - not me or anyone in this house - concerning the National Aquarium. I find it quite inconsistent of Mr Moore to make an anonymous allegation against the front bench of this ministry in the style and the manner in which he did it in question time today.

It is a matter which would be of public interest, and it is a matter which he has a duty to make clear, both in substance and in gravity. He did not make his case. He simply asked the question. I am pleased that the house can note that Mr Moore is disposed to make this kind of allegation, because he sought very strongly once in this house to put that type of conduct onto me. The casino tendering process - - -

**Mr Moore:** You have never done anything like it!

**MR COLLAERY:** Always with names, Mr Moore. The casino tendering process has been conducted at arm's length from the Government.

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

**MR SPEAKER:** Order! Mr Berry, I ask you to withdraw that statement. Please rise. I ask you to withdraw the "not true" statement.

**Mr Berry:** I withdraw that statement. That is a deliberate distortion.

**Mr Collaery:** That is a qualified withdrawal, Mr Speaker.

**Mr Berry:** No, it is not. It has been accepted.

**MR SPEAKER:** Thank you. Unfortunately, it has been accepted in today's proceedings.

**Mr Kaine:** It was not accepted in the context of a qualified withdrawal.

**Mr Berry:** I withdrew it.

**MR SPEAKER:** An unqualified withdrawal is required.

**Mr Berry:** That was an unqualified withdrawal. I will make it clear next time.

**MR SPEAKER:** It is now.

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**MR COLLAERY:** I thank the member opposite. The casino process has gone on for a long time. The Government has made public its intention to keep it at arm's length. Those involved in the process may well be people who inhabit this city or other cities. They may well be people who cross all of our tracks from time to time in other guises, in other circumstances. It ill behoves Mr Moore to make a suggestion such as he did without indicating the nature of the meeting. Ministers can meet any number of developers, hoteliers, entrepreneurs in the course of social meets and the rest. It is most important that Mr Moore make clear why he chose to raise this, and make clear the evidence that he has that suggests that any meeting which he believed took place with principals - presuming that he knows who the principals are - was, as he implied, sinister. He said in the house:

... can the Chief Minister tell us how he would react if he was aware that one of his Ministers was not maintaining that arm's length involvement?

He went on to say these words:

Are you aware, Chief Minister, that towards the end of 1990 -

there is a word missing on the tape -

and during the week commencing 24 February at least one of your Ministers met with the principals of firms involved in the tendering for the casino and that the Chief Law Officer has found it necessary to advise one of your Ministers that he, the Chief Law Officer, does not wish to be informed of such clandestine meetings since such information jeopardises your commitment, Chief Minister, to the tendering process remaining at arm's length from the Executive?

At this stage my Chief Law Officer knows nothing of what Mr Moore is saying. It is important that Mr Moore clarify his statements. Perhaps a clarification is all that is required, and then a simple explanation can be given. But the fact is that this should not be allowed unfinished to taint the Government, this Assembly and that process. It should be done today.

Question resolved in the affirmative.

**Sitting suspended from 5.28 to 8.00 pm**

**PEDESTRIAN ISLANDS**  
**Discussion of Matter of Public Importance**

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

The confusion and dangers caused to pedestrians and drivers by inappropriate and impractical pedestrian islands painted on Canberra streets.

**MR STEVENSON (8.01):** A recent survey has brought to our attention a fairly major concern for quite a few Canberrans, and that is the fairly recent white line markings on the road to designate some sort of a traffic island. The purpose of those islands being brought into being had to do with school closures, and it was to allow children to cross a street in two stages. I certainly agree, as no doubt we all do, with the principle of making street crossings safe for children. However, I think this measure really does not achieve the goal that it set out with and unfortunately I believe that it has created some dangers, and also some other impracticalities.

One such island in particular - on Dixon Drive out at Weston - was intended to allow children from Holder Primary School to go to Weston and Duffy. There was a suggestion that it was done to establish a safer route for the children. I know that the school principals in the area were asked what they felt should be done to help alleviate the perhaps increased safety problem for children, as were representatives of associations within the school. So, it is commendable that once again people were asked what their views were. As I said, unfortunately I do not think the result solves anybody's problems.

We have the major thought that we do need to care for the safety of our children. The question is: Are the measures that have been taken safe for children? I believe that they are not, for a number of reasons. The first one is that the child is basically taught that it is safe to be within this traffic island in the middle of the road; yet there is no physical barrier there. So I think the safety is more in someone's mind than something that would necessarily be apparent when you are standing in the middle of the road.

There are a number of problems. Taking Dixon Drive as an example, cars used to be able to park on both sides of the road; and indeed they can still park on both sides of the road, although they are encouraged to park in driveways if they can do that. However, if they cannot park in a driveway, and they do park close and parallel to the kerb, other cars coming along behind them need to drive over the white traffic island to get around them. I notice that Mr Duby looks rather puzzled about the matter; I cannot, for the life of me, understand why.

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A number of people who are concerned about this issue have contacted me and, I might add, the Labor Party. I have heard of the problem before. With our recent surveys, we are getting a number of people who believe that it is crazy, totally confusing and creates major safety problems. That was not my point. I was trying to make a more gentle statement, but those are the concerns that are coming across to me. I am just trying to bring the point up so that we can do something about it.

**Ms Maher:** What surveys, Dennis?

**MR STEVENSON:** Mr Speaker, I would just like to mention that we have been surveying recently at the Royal Canberra Show, ACT Alive and other places. While we did not ask a question directly on this matter, we did ask, "Is there anything else we have missed that you are concerned about?", and this came up fairly frequently as a concern. There are not dozens of them, but there are certainly enough around Canberra.

There are also situations where cars have actually parked on the island, let us call it. Also you can have the situation where someone driving along the street, while going around parked cars, goes onto the island, back onto the single lane, and around another parked car onto the island. That does not necessarily make for the effective flow of traffic. While I agree that this is possibly slowing them down to some degree, and that the major purpose of doing it is to create supposed safety for the children, when we look at what the children are doing with these safety islands we find a matter of some concern. I have actually had some people watch out on some of the islands to see what the kids are doing, and we find that they are walking along them like footpaths. They cross onto the island and then use it as a footpath up the centre of the road.

**Ms Follett:** Not safe.

**MR STEVENSON:** That is right. As an ex-policeman who has been involved in traffic for some time - - -

**Mr Duby:** Traffic of what?

**MR STEVENSON:** The traffic of Ministers that unfortunately have to walk around. We need to be concerned about pedestrian traffic. There are certain regulations when crossing the road. Firstly, one should cross the road not diagonally but straight across, at a 90-degree angle, and there are certain provisions concerning the distance from a crossing at which one could cross. I think experience tells us that the best way to cross the road is at marked pedestrian foot crossings. To suggest to children or anybody else that it is perfectly okay to cross anywhere they like on a road that may have some dangers associated with it is not the ideal thing. A driver approaching a

marked pedestrian foot crossing knows that it is highly likely that there may be pedestrians crossing or about to cross.

Where we have a mile or half a mile of road or whatever and say, "You can cross anywhere along that; you have an island in the middle of the road that is going to keep you safe, so you can cross to the centre and then look at the traffic coming the other way and cross from the centre to the other side", I think we create a false sense of safety for children.

So let us have a look at what may be a more workable situation. Firstly, the correct principle would be to educate children. If there is some thought that children have difficulty in judging distances - in other words, telling how far away a car is and at what speed it is travelling, and perhaps doing that in two directions at the one time - I would suggest an education program within the schools that actually, if you like, gives the kids some practice by taking them around streets and letting them get used to a practical understanding of how to cross roads; not just on television and so on.

There is another problem - and I mention Dixon Drive particularly in this regard - and that is that there are very, very few children crossing in that area. You might get a half a dozen crossing, I am told, to the school in the morning or when coming home of an afternoon. While the major reason for the lines being put there was concern about vehicles travelling too fast, it would appear that you do not really get that problem so much during the day; it is after 5 o'clock of a night. I think it would make sense to us that it is after work that people are going to drive faster; it is not during the day in these areas.

I would advocate a marked pedestrian foot crossing, well sign-posted in both directions, together with, if there is a reasonable proportion of children crossing at any one time, flags which could be either attended or unattended. It seems that the volunteer system of people going along to these school crossings and attending the flags is a fairly popular idea. It does give people an opportunity to help out now and again on a regular basis; it is not a major imposition. I think that is something that could be well encouraged.

I believe that if these things remain as they are it will not be long before there is an accident. I think it really creates the wrong idea. I know that children have already been riding up and down these things, in the centre of the road as well. They think, "Great, we have a little cycle island that we can ride along". Someone told me this morning that she saw a case near her place of a child coming tearing off her driveway onto the road - and she said he did not look - straight across onto the centre island, up the road a bit, back on the footpath, off the footpath again over to the island, along the island and so

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on. She said that he did all this without looking. Whether they look or not, I think the idea of creating something in the middle and suggesting that it is safe for children, when it fairly obviously is not, is a problem that we should address, and we should address it fairly quickly. I believe that the matter is going to be reviewed mid-year. Mr Duby looks a touch puzzled.

**Mr Duby:** What is going to be reviewed? I was not listening; I am sorry, Mr Stevenson.

**MR STEVENSON:** Okay. You miss all the good bits.

**Mr Collaery:** No, he does not.

**MR STEVENSON:** He said that he was not listening. You would remind him, would you, Attorney-General?

The information that was given to householders in the areas of these foot crossings - and, once again, I commend the idea of keeping people informed; it is a wonderful idea - said that the matter was going to be reviewed, as I recall, mid-year to see whether or not it was working, whether any changes needed to be made, and whether or not the things might be concreted over in the future to make a real island there.

Of course, what that would do is totally prevent cars from parking along both sides of the road, not just make it difficult for them.

**Mr Jensen:** It is called traffic calming, Dennis.

**MR STEVENSON:** Traffic calming, is it? The situation is that, if you come out of Blackwood Terrace to try to turn right into Dixon Drive, it is practically impossible to turn right without running over the island that is there at the moment. That could be solved by setting the end of the island some metres further back. I think a far better line to take in this matter would be, first of all, to find out how many children are crossing in any one area, and then to make sure that all the children are well educated in the practice of crossing streets safely, not just the theory. I think marked pedestrian foot crossings should be laid down and children should be taught to cross at the marked pedestrian foot crossing, where drivers will be more likely to recognise that that is where people are going to be crossing.

I think street signs should be used - as they are very effectively in some of these areas - to let drivers know that they are approaching a school crossing. Also I think flags could be used. They could be manned or unmanned, as I mentioned; and, once again, people would have an opportunity to do some volunteer work. It is something we need to look at very quickly. It is without doubt a matter of public importance, judging from the number of people that have been concerned about it.



Perhaps, if members of the Alliance are not sure what the problems are, they can get out there themselves or have other people go out there and look at some of the things that are happening. First of all, they could make sure that there are enough children crossing in any one area - otherwise we would do it all over Canberra. Secondly, do not suggest to children that they have a haven in the middle of streets when that is not the case. Thirdly, let us get back to the good old system whereby we have marked pedestrian foot crossings, flags, et cetera.

**MR DUBY** (Minister for Finance and Urban Services) (8.15): Mr Speaker, to my way of thinking, this is an unusual matter of public importance that Mr Stevenson has raised today. But I think I might be safe in saying that at least one positive result will come out of it; and that is that perhaps at long last the ongoing question of exactly where Mr Stevenson resides will be sorted out. I believe that during his speech Mr Stevenson mentioned Blackwood Terrace and Dixon Drive not once but something like four or five times. Clearly that location is of prime importance to him.

However, as I said, frankly, I am a little bit mystified as to what Mr Stevenson is trying to get at in relation to this supposed matter of public importance. Mr Stevenson referred to people supposedly responding to "our survey" - whomever "our" refers to - and said "It has been brought to our attention". I think the problem we are facing here is that many people are treating themselves as instant experts on the whole issue of traffic safety and traffic management, and particularly on care for the safety of children attending schools.

To be perfectly honest, the excellent management that we have demonstrated here in Canberra in respect of Canberra's traffic system is best reflected in the road safety statistics for the ACT. They are something that all of us here can feel very proud of. The ACT has the best road accident statistics of any State or Territory in Australia. Fatalities on the roads here in the ACT per 100,000 of population are 11.7, compared with an Australia-wide average of 17.4. The figure for fatalities per 10,000 vehicles in the ACT is 2.3, compared with a figure of 3.0 Australia-wide. That, I think, is an excellent safety record. Once again, I think it is a direct reflection of the work that has been carried out, first of all, in the past by the National Capital Development Commission and, since self-government, by my Department of Urban Services. Those figures indicate - I think quite capably - that the record that we have in the ACT is something that we can be very proud of and something we should work very hard to preserve.

If you look at the innovations that the ACT has brought to road management and pedestrian management here in Canberra, I think you will see that on a number of issues we have led

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the way in Australia. For example, my department has led the development of a number of significant road safety measures, such as school zones. We are all familiar with the school zone system that we have here in the ACT, with a reduced speed limit around a school. We were the first place in Australia to do that, and it has proved to be very effective.

We also have an off-road cycle network, again to cater not only for recreational cyclists but also for the school children who use pushbikes as the prime method of getting to school. Of course, we also have the traffic calming measures - a phrase that I heard Mr Jensen mention through the debate. Along those lines, I include such things as roundabouts where here in the ACT - - -

**Mr Stevenson:** A wonderful idea. There should be more of them.

**MR DUBY:** A wonderful idea - but we were the first place in Australia to introduce the concept of roundabouts for traffic management. And, as you are well aware, that whole concept has now been adopted Australia-wide. When they were first introduced, many people said - probably in response to one of your surveys, Mr Stevenson - that they were dangerous and inefficient and nobody understood how the heck they worked.

**Mr Collaery:** Impure and immoral.

**MR DUBY:** I am not so sure about that. I do not quite understand Mr Stevenson's assertions that the use of and "inappropriate and impractical pedestrian islands painted on Canberra streets" has led to dangers to drivers and pedestrians. The simple fact is that these new traffic arrangements have been implemented to improve pedestrian and driver safety right throughout the system. I think it is also worth pointing out that, contrary to the results of what he describes as "our surveys", significant support has been received from residents, from national safety groups and from recognised industry experts for the works that have been completed, particularly around some of the schools that have been the subject of some of the debate as part of the schools reshaping program.

The safe movement of pedestrians, particularly children travelling to school, has always been a high priority of the Alliance Government. Indeed, I think a direct indication of that would be the very fact that we are now in the process of finalising the establishment of a road safety task force that will liaise with concerned parents and citizens in connection with the schools reshaping program to ensure that the safety provisions in place to cover children moving from one area to another as a result of this reshaping program are paramount.

**Mr Stevenson:** What about using them as a footpath in the middle of the road?

**MR DUBY:** That meeting is, I believe, due to be commenced this week. The task force will be reporting, I hope, in a short time and I expect it to be quite satisfied and to prove to the community that the measures that we have put in place are superlative; and, if there is room for concern in other areas, by all means, we are quite prepared to take that on and, as a part of the program for schools reshaping, meet the needs of the community in those regards.

You specifically asked just then in an interjection: What about children who are using, for example, the painted traffic islands - or, for that matter, the concrete traffic islands - as pedestrian pathways down the middle of a major suburban street? Frankly, I think the answer to that lies in education. In that regard, my Department of Urban Services has been quite active in the promotion of traffic education, as indeed has the ACT's police force under Mr Collaery, to ensure that the children at primary school - particularly the younger children, the infants - receive an adequate traffic education program at each and every primary school throughout the Territory.

I think it should be pointed out that my department has a dedicated group of professional traffic engineers who attend all major accidents and who research accident statistics to identify problem areas, and they then prioritise corrective action for implementation through our works program. An essential phase of prioritising the works is the use of extensive consultation with residents and with road user groups. The effectiveness of the solutions is monitored by my department both at the design stage of those projects and also regularly after completion. I think the effectiveness of those solutions is demonstrated once again in the extremely low accident records that we have here in the ACT compared to other urbanised parts of Australia.

The general treatment of major roads is in the form of pedestrian refuges which provide a series of crossing points along a road. I think people should understand that those particular painted islands, for want of a better expression, are not to be used as an alternative pedestrian access lengthways along a road; they are simply refuges that people can use as they cross a road. The treatment modifies the road cross-section to provide a single traffic lane, three-and-a-half to four metres wide in each direction. And they are separated by a central median which incorporates concrete pedestrian refuge islands, intersection turning lanes and a slow speed area for passing, stopped or slow vehicles, such as buses, or for turning into driveways.

Indeed, listening to Mr Stevenson's speech on this matter of supposed public importance, I was actually moved to wonder whether the issue of most concern to Mr Stevenson was that of safety for the pedestrians or that of parking

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for residents in these streets. Many times through that address Mr Stevenson seemed to identify the major problem as being the fact that residents might find that their visitors, by parking in the streets with these painted islands, somehow regarded themselves as parking their cars in an unsafe area.

The modified road cross-section increases safety in a number of significant ways. For pedestrians, the task of crossing a road is broken into simple steps of crossing a narrow one-way traffic stream to the median area and then repeating the process for traffic travelling in the opposite direction. No longer does a pedestrian have to wait until the gap in both directions of traffic is long enough to cross the whole roadway in one move. And, of course, for children this can be a particularly significant improvement. The time and coordination required for children to look at two lanes travelling in opposite directions and assess when there is a sufficient time gap for them to cross both is significantly reduced when they have to look for and concentrate on traffic coming in only one direction at a time. They can get to the safety island in the centre, whether it be a painted strip or a concreted median strip, and they can then concentrate on crossing the remaining half of the road.

For motorists, the roadway no longer resembles a wide arterial road where overtaking is unrestricted and where high speeds are encouraged. Surveys of traffic speeds indicate that the modified road cross-section reduces vehicular speeds to be more consistent with the signposted speed limit, but without the need for additional police enforcement. Of course, that is another issue that needs to be addressed as well. It is all very well to have these great ideas of educating motorists to restrict themselves to a safe speed, but one must take account of the additional cost of having police enforcement, et cetera. I think the people generally would prefer to go into an area where they are constrained by conditions rather than by police officers.

This Government is not prepared to compromise the safety of ACT pedestrians and/or road users. I believe that we have demonstrated our commitment to ensuring that road safety standards in the ACT continue to be, frankly, the envy of other States and Territories. Whilst it is all very easy for someone like me to stand up here and say that we are the envy of the States and Territories and that this is the safest possible picture, undoubtedly at some time in the future - God forbid - there will be an accident or a fatality involving a child going to school. It does not matter what system is introduced. No matter how fine the system or how good your intentions, that is going to happen. That is the nature of the human condition. I do firmly believe, though, that the systems that we have introduced will minimise that risk to more than just an acceptable risk; I think they have minimised it to the

point where we can confidently say that we believe that we have done all that is necessary to ensure the safety of children attending our schools.

I think the issue that Mr Stevenson raised tonight has been primarily a concern for school children rather than adult pedestrians; and, given the level of expertise amongst our traffic and safety engineers, I do not believe that any area in Australia can look at our system and say that there is a better way to improve it. If statistics come to our notice that indicate that there is a better way of doing things, by all means, I here give an assurance that this Government will take all steps necessary to introduce it.

However, I believe that the new arrangements - and they are comparatively new in terms of traffic management - that we are currently seeing put in place in the ACT are comparable with the best systems available in the world today. I frankly reject the subject of your matter of public importance, Mr Stevenson - that they are "inappropriate and impractical pedestrian islands". I think they are essential. And until such time as the experts - the people who really know about these matters - can come up with a better solution, I am happy and confident to have them in place.

**MR MOORE** (8.30): I think much of the confusion about what Mr Stevenson talks about comes from Mr Doby. Quite clearly, on these matters of safety the officers in Mr Doby's department have worked as hard as they can and to the best of their ability within the framework that the Alliance Government provided for them; and that framework was the amount of money they were allowed to spend on these safety measures. When Mr Doby talks about these safety measures - including concrete islands and painted line islands - there is some truth to the matter, but the reality is that on some of the streets that have been prepared in this way there are vast distances of painted lines without any of the concrete refuges.

There is a very big difference between the concrete refuges that you referred to - and I agree that this system has many advantages over the old systems - and just the white lines that run over very long distances. Whilst they will improve the situation in respect of many cars, there is still a temptation to pass. After all, they are only white lines; they are not double lines and so forth. So, with a number of motorists there is the temptation to pass and to ignore those lines.

The situation in reality is that when we are dealing with children, particularly children under eight, their perceptions of traffic are simply not mature enough for them to be able to judge traffic speeds, and the safest way of dealing with them, of course, was through the neighbourhood school principle. That is one of the reasons we had the neighbourhood schools. As Mr Jensen will remember, I am sure, in the Estimates Committee hearing,

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the officers from the Department of Education, after some time of questioning, all accepted that once they closed the schools we had a situation that was far less safe for our children.

We can compare Mr Duby's attitude to that with his attitude to the safety of people down on the Murrumbidgee. What we have is a situation where this Government has taken a decision to reduce the safety of our children. That is the reality of it. Having done that, having made that decision, they then - - -

**Mr Duby:** That is not true. These road arrangements that arose as a matter of public importance are in place at schools that have not been affected by the reshaping program, and you know it. For example, Lyneham Primary School has had a system like that for some time.

**MR SPEAKER:** Order! Mr Duby, please desist.

**MR MOORE:** Thank you, Mr Speaker. Having made that decision - - -

**Mr Kaine:** Mr Moore is off his trolley, Mr Speaker.

**Mr Connolly:** I raise a point of order, Mr Speaker.

**MR SPEAKER:** Order! What did he say? I did not hear what he said.

**Mr Connolly:** The Chief Minister said, "Mr Moore is off his trolley".

**MR SPEAKER:** Order! Mr Kaine, if that sort of language was used in debate I would certainly stop it; but, as it was an aside that should not be made in the first place, let alone recorded, unless Mr Moore is offended by it I will let the matter go.

**Mr Kaine:** He was not the slightest bit offended.

**Mr Moore:** Mr Speaker, I think it is appropriate that it be withdrawn, for this reason: If we go back through the *Hansard* and look at the number of times that Mr Collaery has suggested that my psychiatric state is less than normal, we can see that we have another case of that here with the Chief Minister implying the same. I would appreciate it if he would withdraw it.

**MR SPEAKER:** Chief Minister, under the circumstances, would you please withdraw your aside.

**Mr Kaine:** Mr Speaker, I do not regard what I said as being in any way offensive - and if anybody on that side said it about me I would just laugh about it. But, if they are so sensitive, particularly Mr Connolly, that they react so violently to an aside that was intended to be humorous, then I withdraw it. But I think it indicates just how petty-minded these people are.

**MR SPEAKER:** Thank you, Chief Minister. Mr Moore, please proceed.

**MR MOORE:** Thank you, Mr Speaker. As you will have noted, I had intended to ignore that aside in my speech in the same way as I have been ignoring Mr Duby's ridiculous interjections.

The reality of the situation is that this Alliance Government has made a decision to fiddle with the design of our neighbourhoods by closing neighbourhood schools. And in doing so they have significantly reduced the safety of our children, specifically children of eight years and below. That being the case, they then set about trying to use a second-rate measure - second-rate compared to the whole design of having the school as an integral part of the suburb - of introducing safety measures for crossing roads. Now, that is certainly better - - -

**Mr Duby:** We are putting safety measures into place where there were no safety measures before. For goodness sake, you cannot have your cake and eat it.

**MR SPEAKER:** Order, Mr Duby, please!

**MR MOORE:** Mr Duby interjects again, Mr Speaker. He says that they put safety measures in where they did not have any safety measures before. Of course, they have had to put safety measures in where they did not have any safety measures before, because they have been closing schools and they have been planning to close schools. In some cases, of course, they realised that they were going to have to put some safety measures in certain areas and they have added those. Congratulations on that, Mr Duby - on those particular ones.

If we have to introduce safety measures, then this is a very good way to do it. I think there should be some more concrete islands where these measures are taken. If you check with your department to find out whether, if they had the money available, they would be prepared to do that, I am sure you would find that that would be the case. However, the reality is, as Mr Duby said, that unfortunately at some stage some young child, in attempting to cross these roads while moving away from their neighbourhood to a school in an accompanying neighbourhood, will have an accident. When that happens, I will not hesitate to point the finger at this Alliance Government and say, "You are responsible for doing that", because they were aware when they took this decision about the risks to the safety of the children. They have taken their decision, and they are going to have to wear it and live with it when that happens, because it is only a matter of time before it does.

**MR SPEAKER:** It appears that the discussion of the matter of public importance has concluded.

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**SOCIAL POLICY - STANDING COMMITTEE**  
**Report on Public Behaviour**

Debate resumed from 22 February, on motion by **Mr Wood**:

That the recommendations be agreed to.

**MR KAINE** (Chief Minister) (8.37): Mr Speaker, I understand that Mr Berry has waived his right to respond to this matter in favour of the Government, and I appreciate the fact that he has agreed to do that. I table the following paper:

Social Policy - Standing Committee - Report on Public Behaviour - Government response.

On behalf of the Government, I would like to thank the members of the standing committee for the work that they have done in relation to this matter. Clearly a lot of work went into the preparation of the report and the people concerned should, in my view, be congratulated.

In general, the Government supports the thrust of the recommendations made by the standing committee in its report and already much has been done towards resolving the problems raised by that report. In order to reduce inconvenience to the general public and disruption in public places, the Government has been working to identify areas, for example, where skateboarding might be banned. At the same time it has been providing special skateboard facilities throughout Canberra.

In connection with the Summer Nationals, the arrangements made for the 1990 Summer Nationals included advance planning, consultation with the organisers and implementation of measures such as the banning of camping and parking on Northbourne Avenue. The formula adopted was successful, with considerably fewer public behaviour problems than have occurred in the past. Consequently, for major public events in the future, consultations will take place between the police, other agencies and organisers to minimise the possibility of public behaviour problems.

The Government, is in general agreement with the thrust of the recommendations about policing in the ACT, and the majority of these recommendations are either already in place or are being implemented. Arrangements for the Summer Nationals and amendments to the Liquor Act to give police the same powers as liquor inspectors are two examples of the actions that the Government has taken in this regard.

On the matter of the safety aspects of drinking, the Government is looking at alternatives to the committee's recommendation on the introduction of glass container deposit legislation which will also promote recycling.



This fits in with New South Wales practice which does not favour deposit legislation. It would be costly and ineffective for the ACT to enact legislation unilaterally on such an issue.

There are also constraints on the effectiveness of unilateral action to prohibit alcohol advertising. Alcohol advertising appears in the national media, and local dissemination in newspapers, magazines or on television cannot be controlled by the ACT Government acting alone. The Government will, however, be raising the matter with the Commonwealth and State Health Ministers in the context of the Ministerial Council on Drug Strategy. In the meantime the measures that the Board of Health has in hand to encourage young people not to drink are an essential part of a long-term program to achieve attitudinal changes on this aspect.

In terms of support services, a 24-hour mental health crisis service was recently established in the Australian Capital Territory and this will go some way towards helping alleviate the needs of emotionally disturbed people. There has also been a comprehensive review of mental health services, the report of which is currently with the community for comment.

The Conflict Resolution Service has been funded to set up an adolescent mediation centre and there is also an adolescent day clinic being established to assist 12- to 16-year-olds experiencing severe behavioural or emotional problems. In addition, the Street Link program will address the interlinked causes of unemployment, homelessness and offending behaviour.

In order to develop police confidence in dealing with young people, using a non-confrontationist approach, an Australian Federal Police community liaison group now meets regularly with ACT youth workers to exchange information, to explore common goals and methods of cooperation. The current training program for the ACT police component of the Australian Federal Police also focuses on community policing.

Furthermore, the Government is establishing a community police advisory committee to help in this matter. The Social Policy Committee and the National Committee on Violence both focused on the reasons why violence and unacceptable public behaviour are increasing in our society. It is clear that we need to address the reasons for this adverse change, and in this context I am pleased to note initiatives taken by the Housing and Community Services Bureau and the Ministry for Health, Education and the Arts.

The Government, of course, has supported the Assembly's standing committee inquiry into the needs of behaviourally disturbed young people. These measures and the findings of this inquiry will enable the Government to further address

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these vital concerns. For its part, the Government will be providing further reports on related issues to the Assembly in the near future, particularly in relation to community policing and on the review of the Mental Health Act.

In conclusion, I am happy to be able to demonstrate that the Government has taken the issues raised in this report seriously, and to state that a number of the recommendations have already been addressed positively.

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

**PUBLIC ACCOUNTS - STANDING COMMITTEE**  
**Report on Inquiry into the Priorities Review Board Review**

Debate resumed from 13 December 1990, on motion by **Ms Follett**:

That the report be noted.

**MR KAINÉ** (Chief Minister) (8.44): I am responding to the report of the Standing Committee on Public Accounts on the Priorities Review Board review. That committee inquired into the conduct and processes involved in the PRB review and the costs involved in the use of consultants in that review. The standing committee made certain recommendations about the arrangements for and membership of any future inquiries; and, recognising that the manner of conducting an inquiry is for the members of that inquiry to determine and that certain documents will fall within that class of documents which are privileged or otherwise exempt, the Government agrees that records of meetings, including agenda and minutes, should be available to the public at the conclusion of future inquiries. The Government also agrees with the general thrust of the committee's recommendation that future wide-ranging inquiries include members who are representative of all major groups within the community, but notes that there will be occasions when a review or inquiry will require a specialist composition rather than a membership comprising representatives from all major community groups. The other recommendations about the conduct of future inquiries have been accepted.

The remainder of the committee's recommendations concern the use of consultants and the then draft guidelines for the selection and management of management consultants. While many of the committee's recommendations were implicit in the draft, members will be pleased to hear that they have been explicitly included in the final guidelines which have now been released by the Government and that they will also be included in the purchasing manual for use by the ACT Government Service officers, which will be issued shortly.

The committee also recommended that these guidelines be made mandatory. The Government considers that the current status of the guidelines is appropriate in most circumstances. However, the Government agrees that approval to depart from the guidelines should be given at an appropriately senior level and has directed that, where a consultancy is proposed to be awarded for a project of sufficient magnitude or sensitivity, conformity with the guidelines will be mandatory. I table the following paper:

Public Accounts - Standing Committee - Report on Inquiry into the Priorities Review Board Review - Government response

Question resolved in the affirmative.

### **TRADE WASTE SERVICE - SALE Ministerial Statement**

Debate resumed from 19 February 1991, on motion by **Mr Duby**:

That the Assembly takes note of the paper.

**MR KAINÉ** (Chief Minister) (8.46): Mr Speaker, in the Legislative Assembly on 19 February 1991, Mrs Grassby made a number of claims against the Government in relation to the sale of the ACT Government Trade Waste Service and subsequently issued a media release summarising those claims. The statement was typical of this ineffective, intellectually lazy Labor Opposition; it was full of innuendo, misrepresentation and deliberate tampering with the truth. It was a typical ideological tirade, of the sort to which Labor always resorts when they are short - - -

**Mr Berry**: Mr Speaker, I rise on a point of order. "Tampering with the truth", I think, impugns Mrs Grassby, and I think that ought to be withdrawn.

**MR KAINÉ**: I withdraw that, Mr Speaker.

**MR SPEAKER**: Thank you, Chief Minister.

**MR KAINÉ**: Mr Speaker, the comments and the press release, however, were a typical ideological tirade to which Labor always resorts when they are short on fact and logic. The nature of the statements made is such that they cannot be ignored. They simply must be refuted and the truth reiterated.

The Government did not maintain a deliberate policy of running down Trade Waste, as claimed by Mrs Grassby. To the contrary, considerable effort was made to improve the Trade Waste operation and maintain the market share. This, I might add, was in the face of price cutting by private sector competitors in an attempt to erode the service's

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client base and also in the face of worker and union resistance to operational changes necessary to improve productivity and the competitiveness of the service.

As an example of the steps that were taken, I point to a review of the Trade Waste Service carried out by the consultancy services branch of the Chief Minister's Department in June 1989. The recommendations from that review were implemented to improve the viability of the Trade Waste Service over the last 18 months. These included management, marketing and accounting changes, rationalisation of the number of trucks used to provide the service and consolidation of the runs from six to five. I might add that the consolidation of the runs was strongly resisted by the drivers and their union and the result was achieved only after protracted negotiations with them. As a result, the market share held by Trade Waste was reasonably well maintained.

This shows conclusively that there was not a deliberate action by the Government to run down the service. The Labor claim, of course, is totally false, as most of its claims are. Where cancellations of service occurred, Trade Waste staff - not individual members, as was asserted by Mrs Grassby - followed up with the consumer to ascertain the reasons for cancellation. In the majority of cases, the reason given for cancellation was that they had been offered a cheaper price by a competing trade waste service provider - a very good reason for taking their business somewhere else. Even during the period when the service was offered for sale, new customers were being added to the client list, the latest being added on 12 February of this year. So Mrs Grassby's assertion that we were not attempting to keep the business running and viable, of course, is again totally false.

The ability of the private sector operators to undercut Trade Waste Service prices highlights the advantage that they have over government provided commercial operations where additional constraints are imposed. This reality needs to be appreciated by all concerned, including Mrs Grassby - and I am sure she does appreciate it.

The one recommendation from the Trade Waste review in June 1989 which it was not possible to implement was a move to a one-man truck operation. This was the crucial factor in the Trade Waste Service's ability to compete with private sector operations. While private sector trade waste companies operated with one man per truck, the government Trade Waste Service, which was covered by a different industrial award, was required to have two men per truck. There was, however, no commensurate increase in the productivity level achieved. This additional wages cost impacted heavily on the viability of the Trade Waste Service and its ability to compete with private sector operations. Consideration was also given to the replacement of the Trade Waste fleet of rear load compaction vehicles and associated hoppers with trucks and

hoppers suitable for front lift operation. However, at a cost of \$1m, expenditure of this magnitude could not be justified to continue to provide a service which can be provided by established private sector operators at a cheaper rate.

Mrs Grassby placed great emphasis on the bad debts owing to the service, claiming that if these were paid in full the service would run at a profit. An examination of the bad debts for the 1990-91 financial year shows that even if all had been paid the service would still not have made a profit. That was another spurious Labor claim. They do not want to know the facts. They just want to make them up as they go along.

Great emphasis was placed by Mrs Grassby on her perception of the government Trade Waste Service being a market stabiliser and therefore helping to keep costs down. To put this view in perspective, we need to look at the history of the government Trade Waste Service. A decision by the ACT Advisory Council that waste collection from commercial premises and private and government schools should be provided on a fee for service basis led to the formation of the government Trade Waste Service in January 1975 as there were no commercial operators in the ACT to provide the service at that time. Since that time, however, four commercial operators have entered the ACT market and competed with the government's Trade Waste Service. I would contend that, while Mrs Grassby's view may have had some relevance in those earlier years, today it has absolutely none.

With the sale of the government's Trade Waste Service, there will still be four commercial operators in the ACT. This is a healthy competitive environment for the industry which should ensure value for money to trade waste customers. There is simply no justification in this situation of competition for further unproductive competition from the government itself. In fact, it was not competitive because the costs were too high.

Reference was also made to the downgrading of the jobs of the current Trade Waste employees. Mrs Grassby claims that the employees raised these concerns with her. I would contend that the employees also raised these concerns with the departmental staff, who have maintained a close liaison with the employees since the announcement of the decision to sell the service. As my colleague Mr Duby indicated in his statement on 19 February 1991, the employees have been provided with advice and counselling in regard to all redeployment and redundancy opportunities, procedures and entitlements. It is simply untrue to say that their concerns were not given proper consideration by the Government. They did not go only to Mrs Grassby; they were dealt with appropriately and properly through Government channels.

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Mr Speaker, I refute most strongly Mrs Grassby's assertion that the Government was maintaining an obvious policy of deliberately running down the Trade Waste operations and selling off assets. It simply is not true. This is yet another example of the Opposition's lack of intellectual capacity and misrepresentation of the facts.

In conclusion, Mr Speaker, I would reiterate that this Government, after consideration of all of the facts, made a correct decision to sell the government Trade Waste Service and moved quickly to implement that decision. Effectively subsidising the continued operation of such a service with public moneys was a situation which could not be allowed to continue. The cost to the taxpayer was unreasonable and we have removed it.

Mrs Grassby deliberately laced her tirade with Labor ideological claptrap, using such words as "union bashing" and "flogging off public assets to mates". They are direct quotes from her words. Mr Speaker, there has been no union bashing under this Government. I have an open relationship and an open door policy with the Trades and Labour Council and the unions. I know that the members of the Opposition hate that, but it is a fact. We have a degree of cooperation unprecedented in the ACT between government and the trade unions - and it was unprecedented, particularly in the times of the ersatz Labor Government that we had a couple of years ago. Problems, and potential problems, are discussed around the negotiating table constantly.

Neither has there been any fire sale, which the Labor Opposition is so fond of talking about; nor has there been any instance of flogging off public assets to our mates. On the contrary, we are preserving the public interest by creating government owned corporations to make them more productive in the public interest. But, when public assets are no longer assets, Mr Speaker, and become liabilities, and unnecessary liabilities at that, then this Government will remove them from the public domain without any hesitation whatsoever, and that is what we did with the Trade Waste Service.

Question resolved in the affirmative.

**WEAPONS BILL 1991**

[COGNATE BILL:

**WEAPONS (CONSEQUENTIAL AMENDMENTS) BILL 1991]**

Debate resumed from 14 February 1991, on motion by **Mr Collaery**:

That this Bill be agreed to in principle.

**MR SPEAKER:** Is it the wish of the Assembly to debate this order of the day concurrently with the Weapons (Consequential Amendments) Bill 1991? There being no objection, that course will be followed. I remind members that, in debating order of the day No. 2, they may also address their remarks to order of the day No. 3.

**MR CONNOLLY (8.58):** At the outset of my remarks I want to make it clear that the Labor Opposition will be supporting the Liberal-Residents Rally Government - - -

**Mr Duby:** Independents.

**MR CONNOLLY:** And the former No Self Government member. Now, I think, he calls himself Independent Government. We will be supporting them in proposing this Weapons Bill. This is legislation which, in its broad form, has been on the table of this Assembly since February 1990. The Weapons Bill 1990 was introduced on 22 February 1990 by this present Government.

There has been, as Mr Collaery indicated, a long and detailed process of negotiation leading to the lapsing of the 1990 Bill and the substitution of the Weapons Bill of 1991. But the two Bills, Mr Speaker, contrary to some misleading and mischievous statements that have been made by one member of this Assembly, are, indeed, in truth, very similar. One only need take a very cursory glance at the title pages of the two Bills to see the almost precise correlation between the 1990 Bill and the 1991 Bill. The Opposition is prepared to accept the Attorney-General's statements that the process of evolution has occurred as a result of consultations with shooters in the ACT as they are organised in the various gun clubs in this Territory.

Mr Speaker, the general issue of weapons control and gun laws to stamp out irresponsible practices is something that I think we would find broad agreement with. It is certainly something that would find broad agreement in that vast body of responsible recreational shooters. This is an issue that has been through this long process of consultation, and an issue in which there was very little public controversy in this Territory until after last weekend. What happened on the weekend? Well, Mr Speaker, a member of this Assembly, who often refers to the public's right to know and defence of the truth, called a public meeting on Friday night. He did not have the guts to identify himself. He put advertising in the papers of this

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Territory and distributed dodgers, but did not have the guts to say who he was. It was an anonymous meeting. There was a telephone number that identified the meeting. If you rang that telephone number you got a recorded voice propagandising on this issue, but, again, not identifying himself.

At that meeting, I have reason to believe, a number of false, misleading and mischievous statements were made about this legislation. As a result of that, a number of good and decent citizens of this Territory, who are recreational shooters, have been alarmed and concerned because they have been misled in a deliberate fashion by a person who is prepared and determined to make cheap political gain out of this. I put it that it is not Mr Stevenson's concern for these recreational shooters that is behind this; it is his concern with cheap political points.

What he has done is very, very mischievous. He is deliberately trying to foment a campaign of fear; he is telling people that there are things in this Bill which are simply not there. He is giving bizarre and strained interpretations to provisions of this Bill which are leading, as I say, good and decent citizens of this Territory to believe that it is a fundamental assault on their rights, and that is not so.

Following this meeting on Friday night we have received quite a large number of strange documents entitled "Will and Testament", which seem to recite divinity, the Queen and the Governor-General, and draw to our attention some faults in this legislation. I have also received a large number of telephone calls. I have not responded to people who have sent me this form letter distributed by Mr Stevenson, but I have responded to the telephone calls because I think it is appropriate, when any citizen of this Territory contacts a member, even if they are putting a point of view that the member disagrees with, that one have the courtesy to speak to them and find out their point of view. I am sure that members across the chamber would agree with that. What has struck me in those discussions with people - these are Territory citizens who are involved in the sport of shooting and who own guns - is that they have had a number of common complaints, common concerns, common fears, stirred up at this meeting on Friday night and which are uniformly, in my view, baseless.

It is not the role of the Opposition in this chamber to defend this Bill clause by clause; that is the role of the Attorney-General, and I am sure that after members have spoken he will, in summing up, go through that. But I do want to make a point tonight, as I have made to a number of people on the phone today and yesterday in relation to these common recurring themes. I should say that when I have spoken to people they have been, by and large, quite satisfied and quite relaxed by my calming of their concerns, and they have been most upset to learn that they



have been misled. I will only put it that they have been misled. I could say that they were lied to, but I will say "misled".

Mr Speaker, the most common furphy that has been circulated in this Territory by, I believe, Mr Stevenson is this concern that a wife will commit an offence. If a person in this Territory is a licensed shooter and has a gun registered in his name and that gun is in his home, it has been put about that if the licensed shooter is at work and the gun remains at home the wife is in possession of the gun and, being unlicensed, commits an offence. Mr Speaker, that is nonsense.

**Mr Duby:** Claptrap.

**MR CONNOLLY:** Mr Duby, I would agree with you on one of these odd occasions; it is utter claptrap. Mr Stevenson is trying to say that one provision is a fundamental assault and will result in a spouse being found guilty of a criminal offence because if they happen to be in the house without the licensed spouse they are in possession of the gun. Interestingly enough, the provision in this legislation which makes it an offence to be in possession of a weapon unless you have a licence is in substance the same provision that has been in the Gun Licence Ordinance, now the Gun Licence Act, since 1937.

I am sure that the Attorney-General will be able to assure the house that since 1937 there has never been a prosecution of a wife for being in possession of a gun because the gun is in the premises when the licensed husband is out. That is not the meaning of being in possession. That is a silly furphy; a piece of scandalous fearmongering and irresponsible rumour mongering by Mr Stevenson. But that is a concern that is held by good and decent people in this Territory who have not had the advantage of going through this legislation and who tend to take on trust what they are told by a person who has the responsibility of being an elected member of this Assembly. It is a very sad day when elected members of this Assembly act in that fashion. I suppose it is in the nature of things that in political debate politicians will engage in a degree of puff and political rhetoric. That is a part of life that we all have to accept.

**Mr Moore:** Never.

**MR CONNOLLY:** Mr Moore, the independent by my side, says, "Never"; but I suspect that even he is guilty of this, on occasions. That is the ordinary course of political debate; but that is very different, Mr Speaker, from deliberately going out and raising fear in the community for, as I suggest, cheap partisan reasons. So, that concern that a spouse may be found guilty of an offence if they are unlicensed when their spouse has a licence and is not present in the house is utter claptrap and nonsense. Everyone that I have spoken to has been reassured by that; but, as I say, their fears were raised.

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There also has been concern raised at the unconstitutional - we are told - powers of search and entry. I have heard concerns that police officers will have the power to break your doors down and burst into your bedroom and check whether your gun is licensed and registered and in a safe fashion. Mr Speaker, simply and utterly, that is not so. The only power of search and entry that goes beyond a requirement to have a search warrant, which is the basic common-law position, the only enhanced power of entry and search here, is in relation to a dealer, and a dealer under this Bill has considerable privileges. With those privileges come considerable responsibilities, and I cannot see any exception being taken to the police having power to enter the premises of a dealer.

There is no power in this Bill for the police to enter private premises without either the consent of the owner of the dwelling or a search warrant; but good and decent citizens of this Territory have had it put to them that this Bill in some way gives the police power to enter their homes in the dead of night and rifle around for weapons, if that is an appropriate phrase. It is simply a lie. It is an irresponsible lie; but understandably it gives rise to concern. I can understand why any citizen who has had this put to them would be agitated about this Bill and would want to get in touch with their elected representatives. I can well understand that concern, but it is simply not the case. It is a scandalous lie being put about in the community for partisan advantage.

There is another example. There is a provision in this legislation that if a weapon is unsafe a police officer may direct that the unsafe weapon be made safe and be dealt with, and it is an offence to have an unsafe weapon. It is being put about that a weapons dealer who is repairing that weapon is himself at risk of being in breach of the law because he has the unsafe weapon on his premises. Well, Mr Speaker, clause 38 of the legislation specifically authorises the dealer to repair weapons. It would be an absurd interpretation of any law to say that a person who is repairing an object is guilty of having in their possession an unsafe object. This is an example of not so much an outright lie as the other two but a deliberate absurd distortion of the provision to lead to a result that again causes concern to ordinary citizens. Again it is extremely irresponsible and again it is clearly a furphy.

**Mr Duby:** Humbug.

**MR CONNOLLY:** Humbug, indeed. I am agreeing regularly with Mr Duby on this. I have had it put to me, again by concerned citizens, that there is no right of appeal; that they are very concerned that there are considerable discretionary powers vested in the registrar. There are only very few circumstances in this legislation where a registrar is required to refuse a licence; but there are a

number of circumstances where a registrar may refuse a licence, and that is an area of discretion. I have had it put to me that this is inappropriate, that there is no appeal and that that is a fundamental breach of rights. If there were no appeal, that would be a good argument. But this is no mere distortion or misreading of the legislation; it is an outright lie. Clause 98 is headed "Review of decisions". It states:

Application may be made to the Administrative Appeals Tribunal for a review of a decision ...

It goes on to refer to the granting of a licence, refusal to grant a licence, refusing to approve, and so on. There are clear powers of appeal in relation to licensing decisions which will affect citizens of this Territory. But that is not what they have been told. They have been told that there is no right of appeal. They have been told that arbitrary powers are being exercised. They have been told that this is unconstitutional invasion of their liberties. That is nonsense. It is stuff and nonsense, and Mr Stevenson should be ashamed of himself.

**Mr Stevenson:** I take a point of order, Mr Speaker. No, I think it is a little bit more important than that. Mr Connolly, as someone who has been trained in the law, should understand that if he makes such allegations he should have evidence of them.

**Mr Berry:** I raise a point of order. Can we stop the clock while he goes on with this?

**MR SPEAKER:** Order!

**Mr Connolly:** I am sure they will give me an extension of time. I can see it coming.

**Mr Stevenson:** Certainly, I put out a media release on the matter, and the first point - - -

**MR SPEAKER:** Order! This is a personal explanation. I believe that you can make that at the end of Mr Connolly's speech.

**Mr Stevenson:** It depends on the situation. I do not believe that it can wait while Mr Connolly continues to mislead the Assembly without having any evidence.

**MR SPEAKER:** Order, Mr Stevenson! This is not a valid point of order.

**MR CONNOLLY:** Mr Speaker, I will give only one more example of these mischievous assertions that are going around the community. Citizens are concerned because they have been told that there is no compensation; that if their licence is cancelled and they are required to surrender weapons there will be no compensation. Legitimately, citizens are concerned about that. But again, that is an outright lie.

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Clause 92 makes provision for compensation where a dangerous weapon is taken to have been surrendered under clause 53.

**Mr DUBY:** You mean that it is more than a distortion?

**MR CONNOLLY:** It is considerably more than distortion; it is an outright lie. Mr Speaker, that deeply concerns me and I think it should deeply concern members of this Assembly. There has been an attempt not to allow an ordinary and rational debate on this issue of weapons control but to stir up unfounded fears; to put it about that this Bill is not what it is - a reasonable and sensible process of regulation - but some fundamental assault on liberties. That, of course, is because Mr Stevenson was distributing again at this meeting this sort of nonsense coming out of the American gun lobby. A document circulated at this meeting, this shameful meeting - because the convenor of the meeting was ashamed to put his name to the dodgers - contained material that basically says that any control at all on guns is wrong, that the ideal society is one in which everybody packs a pistol and law and order is sorted out by individuals taking the matter into their own hands and shooting it out. That sort of extremist nonsense has no part in this society.

It is of interest to me and reassuring to me that the people that I have spoken to in relation to weapons legislation have been very keen to disassociate themselves from this sort of American nonsense. They have been very keen to say, "Look, we are responsible shooters. We believe that there ought to be a degree of responsible control of firearms, but we are alarmed at what we are told is in this Bill".

The fact is that what they have been told is in this Bill is not in this Bill. What is in this Bill is a very sensible attempt, in the Opposition's view, at addressing this very difficult problem. We are prepared to be supportive of the efforts of the Government and put our weight behind this Bill.

**Mr DUBY:** It is landmark legislation.

**MR CONNOLLY:** As Mr DUBY says, it is, to an extent, landmark legislation; it is an improvement on the position in other parts of Australia. I would hope that the debate will proceed on the basis of the facts, not on the basis of these misstatements and assertions. As a result of these lies and nonsense that have been put around the community, as I said before, a lot of good and decent citizens of this Territory have been terrified that in some way their rights are being infringed. When I have had the opportunity to speak on a one-to-one basis to people, they have been, by and large, reassured. I hope and trust that as this debate concludes the Attorney-General also will go through this legislation. If Mr Stevenson is prepared to put in this

Assembly the sort of nonsense that has been put about the community, I trust that in the detail stage he will be well and truly nailed on each nonsensical point.

Mr Speaker, this legislation is good legislation and it deserves to be supported on its merits. What has been put about in the community on this legislation, by certain ill-motivated individuals, reflects poorly on those individuals, and if it were to be widely supported in the community it would reflect poorly on the community. But I am convinced that those members of the ACT community who do engage in the sport of shooting will, in fact, by and large, when they have been reassured about what is in this legislation, be quite supportive of it and that this legislation will be very successful. The attempt to stir up the community and terrify people into some sort of violent opposition to this legislation is highly irresponsible and shameful, and it deserves the condemnation of all right thinking members of this Assembly and of the community.

**MS MAHER (9.17):** Mr Speaker, I support the comments that Mr Connolly has just made. The Weapons Bill seeks not only to reduce the number of unnecessary firearms in the community, but also to state, in clear terms, for the benefit of potential gun owners and the licensing authority, the circumstances under which persons who perceive that they have a legitimate need for a firearm may acquire, possess and use that firearm.

Under the present Act the registrar, subject to police check, has little basis on which to deny an applicant a licence. In other words, an applicant need not have any particular reason for requiring a firearm. The Bill before the Assembly will overcome this by ensuring that the applicant establishes one of the approved reasons specified in the Bill before becoming entitled to a licence. Consequently, current licensees who have firearms for no particular purpose will, on renewal of their licence, need to do what is required to retain a firearm, such as joining an approved club, or else surrender the firearm.

Mr Speaker, members will be aware of the community debate about the protection afforded to people who find themselves in threatening domestic situations. The Alliance Government is committed to doing whatever it reasonably can to ensure the protection of such persons. Through my research on domestic violence, statistics show that, taking into consideration the overall number of domestic violence cases, the percentage of cases actually involving firearms is relatively small. However, as reported in a 1986 publication, in New South Wales, out of 217 spouse killings, 121, or 40.9 per cent, were shot. That is about half. The next highest figure relates to stabbings, which was 75, or 25 per cent. But, Mr Speaker, no matter how small the numbers or percentages are, I consider one death too many.

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To this end, Mr Speaker, the Government last year effected amendments to the Domestic Violence Act 1986 and the Magistrates Court Act 1930 to empower a magistrate, when granting a protection or restraining order or an interim order, to order the seizure and detention of any firearm in the respondent's possession. With the making of the Weapons Bill and the proposed amendment to the Crimes Act 1900 of New South Wales, which is included in the associated Weapons (Consequential Amendments) Bill 1991, together with amendments to the Domestic Violence Act 1986, which I mentioned earlier, the ACT has a package of legislation to assist in the protection of spouses and children which is extensive in its scope. This Government must ensure that the appropriate funds are available to enforce the legislation to its fullest.

Mr Speaker, the effect of that package is that if a person has, within eight years, had a protection order made against him or her either in the ACT or elsewhere, or is currently subject to an interim protection order, that person may, at the discretion of the registrar, having regard to all the circumstances, be denied a firearms licence. If such a person is presently subject to a protection order, the application for the licence will be refused. Where a person is already licensed and a protection order is made against him or her, the person's firearm licence is cancelled unless the court decides otherwise, and the court can order the seizure of that person's firearms. Likewise, in the case of an interim protection order being made against a licensee, the court may suspend the firearms licence or order seizure of the firearm.

Under the proposed amendments to the Crimes Act 1900 of New South Wales, a police officer can seize a firearm when he or she is on premises and considers that the seizure is necessary to protect life. All of these provisions, when considered together, facilitate the removal of a firearm from persons who, in the absence of that removal, have the capacity to inflict actual harm or to threaten harm to others.

Mr Speaker, may I point out, as did Mr Connolly, that, in all the examples I have given, if the respondent is not satisfied with the decision made against the granting of a licence, then he or she can appeal to the Administrative Appeals Tribunal. In summary, this Bill will fill a longstanding need for modern controls on the possession and use of firearms and it deserves the support of all members. It provides for strict controls, as recommended by the National Committee on Violence, but controls which are fair and have regard for the important nature of the legislation.

Mr Speaker, I would like to conclude by referring to a press release which Mr Stevenson put out on 14 February. It says:

The strongest gun laws do not prevent criminals obtaining guns. They will buy them on the black market, manufacture them, import them, steal them, or simply fail to register guns they already possess.

Mr Speaker, I believe that the same thing will happen with X-rated videos, which Mr Stevenson is desperately trying to ban. I find his attitude to the Weapons Bill and X-rated videos to be extremely contradictory, especially since he considers that everyone should have the right to bear arms. I find that despicable in our community. I think it would be totally unsafe.

**MR MOORE** (9.24): Mr Speaker, looking at this Weapons Bill, it seems to me that one member in particular has gone off half-cocked. I hope that people will not think that I am gunning for Mr Stevenson at all.

**Mr Kaine**: He has been waiting all day to say that.

**MR MOORE**: Exactly. When I rifled through this legislation - - -

**Mr Duby**: You will find it turns out to be a dud.

**Mrs Grassby**: No, a blank. He drew a blank.

**MR MOORE**: I see, Mr Speaker, that some people think I am going to be the butt of their jokes. I have not taken the automatic approach to this, as some have, nor have I lined up in my sights any of the members of the Government.

**Mr Connolly**: Will you be repeating?

**MR MOORE**: I hear an interjection about repeating from over here, but the reality is that I am not having a shot at anybody. When I am thinking about rounds being forced into a chamber, it is not this particular chamber.

Mr Speaker, I am delighted that the Weapons Bill has finally come to a form which, by and large, is acceptable. Although I have to discuss a little further with Mr Collaery some of the details on a couple of minor points, I am delighted to have the opportunity to support it. I think it is one of the more positive aspects to have come from the Alliance Government. It is a greatly improved Bill when compared with that originally introduced, I think just over a year ago now. The Weapons Bill obviously takes into account the excellent report of the National Committee on Violence, which I have referred to in this chamber on a number of other occasions. I was delighted to hear the points raised by Mr Connolly, some of which I had prepared to take on myself. He did it so eloquently that it would be pointless to raise them again.

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Of particular interest, Mr Speaker, is clause 24(2). The Government has taken into account the Domestic Violence Act 1986. Of growing concern in the community is the problem of domestic violence, and the extent to which domestic violence can become so much worse when firearms are involved. The ability for somebody to lose control of a weapon when they are under a restraining order is, I think, a very positive move indeed. It reflects the very positive attitude of this Bill towards weapons.

I am aware of quite a number of people in this house, Mr Speaker, who have been trained in the use of weapons and who have no great difficulty with weapons being used in an appropriate way and in a controlled fashion. I have used weapons on many occasions and I believe that I have used them appropriately at all times. It is appropriate that citizens, when they have an interest, are able to do so, and this Bill provides for that, without any doubt at all.

It also provides measures to ensure restrictions where there is a risk that weapons may be used inappropriately. That is most appropriate. The notion, for example, Mr Speaker, of automatic weapons being available to the general public is quite inappropriate. I cannot see any reason for a recreational shooter to be involved with an automatic weapon.

Schedule 3 lists the prohibited weapons. One of the weapons prohibited, item 7, is a weapon that is capable of propelling projectiles in rapid succession during one pressure of the trigger. That is the definition of an automatic weapon. But part (b) of item 7 is more important. Most people who have had anything to do with arms are aware that in the case of a repeating rifle, for example, it is normally only a matter of filing a sear if you want to change it to an automatic weapon. It is certainly not a difficult process. Therefore, to include in item 7(b) a prohibited weapon, a weapon that substantially duplicates the automatic weapon but which is not capable of propelling the projectiles in rapid succession during one pressure of the trigger is also very important. I say that because those sorts of weapons can be used much more indiscriminately and - - -

Debate interrupted.



## ADJOURNMENT

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

That the Assembly do now adjourn.

### Weapons Legislation

**MR STEVENSON (9.30):** Mr Speaker, it - - -

**Mr Moore:** He is going to speak in the adjournment debate.

**Mr Connolly:** Don't we have to decide - - -

**MR SPEAKER:** Please proceed, Mr Stevenson.

**MR STEVENSON:** Mr Connolly looks puzzled. There are many things that could be said about - - -

**MR SPEAKER:** Order! Mr Stevenson is entitled to speak for five minutes in the adjournment debate, as is every other member in this chamber. Please proceed, Mr Stevenson.

**Mr Kaine:** Go for it, Dennis. You still have 4 minutes and 42 seconds.

**MR STEVENSON:** It will not take anywhere near that long. A lot could be said about what Mr Connolly said, but I do not deal in debate in those terms. Perhaps it would be best if I issue a challenge to Mr Connolly.

**Mr Duby:** Pistols at dawn.

**MR STEVENSON:** Mr Duby suggests pistols at dawn; but, after that comment, I was going to make it a sabre. Mr Connolly said that I suggested that there was some unconstitutionality about the Bill because the police will be breaking the door down. I challenge him to provide any evidence that would hold up regarding that point. Mr Connolly is a solicitor and presumably is trained in the law and the need, when presenting claims about someone or something to do so in all good truth. He also suggested that I had said that there is no right of appeal. Once again I challenge Mr Connolly to present valid evidence to this Assembly, perhaps tomorrow, that I said that.

He also said that I had suggested that a dealer can be charged with repairing a weapon. Once again I challenge Mr Connolly to show that this statement, as well as the other statements that he made, is actually true. He also said that I had suggested that there was no compensation under the Bill. That is a false statement, once again. I suggest that Mr Connolly present evidence to this chamber suggesting that any of those statements has any truth whatsoever. He finished off what he was saying with the

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statement, "I hope that the debate will proceed on the basis of the facts". Indeed, after Mr Connolly's statements, I hope it does.

Ms Maher mentioned that she does not know how I could make the statement that the strongest gun laws will not stop criminals from obtaining weapons; that they will import them; they will steal them; they will buy them on the black market; they will have them manufactured; or they will simply look at something like this Bill and ignore it.

**Mr Duby:** Just like X-rated videos.

**MR STEVENSON:** Just like X-rated videos. The question I would ask Ms Maher - perhaps she will get a chance to answer this - is: Do you suggest that criminals will follow this Bill and not get hold of guns if they want them? The second statement was: How could I suggest that the same thing will not happen with X-rated videos? Ms Maher should be well aware of exactly the reasons why I suggest that. I presented the evidence in this Assembly again and again and again.

It is unfortunate that Ms Maher does not know that evidence, because this decision on X-rated videos is a very important one. The evidence should be known. The evidence is three major inquiries, the first in 1972 - the Lord Longford report in the United Kingdom, referred to as the Longford report; the 1986 US Attorney-General's commission on pornography, called the Meese report; and the 1988 Joint Select Committee on Video Material in Australia. Each and every one of those showed that some people are led to violence by the material contained in X-rated videos.

So, there is the evidence. If Ms Maher has any doubt about this, I suggest that she would do well, on behalf of the people in Canberra who are concerned, to find that evidence, to look at the research and to make a valid decision.

### **Gulf War**

**MR STEFANIAK (9.35):** I do not intend talking about weapons, except that perhaps what I touch on now does deal with them in a roundabout way. Mr Speaker, when we last met in the Assembly there was a debate in relation to the Gulf war. I think it is appropriate at this stage to mention that in the adjournment debate. Thankfully, that war is now over. It was short; it was sharp; it was brief; and it had a very successful conclusion. That war lasted, on the ground, only about 100 hours.

As far as this Assembly is concerned, being Canberrans and being Australians, none of our serving men and women in the Gulf were killed or injured and that is, I think, something we can all be very, very thankful for. Indeed, amongst our allies, the casualties were very light.

Tragically, a large number of Iraqis were killed. Tragically, a large number of people in occupied Kuwait - Kuwaitis and other residents of that unfortunate state - were also killed. A large number of others were brutalised. Perhaps some of the reports coming out of that war just show that, of all the wars we have had since World War II, probably that was one of the better ones for the West to be involved in, in terms of righteousness and in terms of standing up for fundamental human decency.

One of the things that really struck me, Mr Speaker, was the large number of Iraqi soldiers - ordinary peasant soldiers, some taken from their farms, some taken from their homes and cities, conscripted into the army - who surrendered at the first opportunity to allied soldiers. They could not retreat, Mr Speaker, because if they retreated there were punishment battalions waiting behind to gun them down, just like those the Nazis and the Stalinists used in World War II.

**Mr Duby:** Just like the British used in World War I.

**MR STEFANIAK:** But not as much, Mr Duby, as those other nasty regimes. Yes, the British were not exactly lilywhite in World War I; nor perhaps were the French, who executed quite a few people.

One of the other things, Mr Speaker, which I think show the difference between the respective forces there in the Gulf was one unfortunate report I saw which showed an Iraqi colonel who was found face down in the sand with a bullet in his head fired from his own troops. He lived in a very comfortable bunker, deep under the ground. He had a large number of pairs of boots; he had a large amount of food; he had a large amount of supplies. The men in his battalion were not so lucky, Mr Speaker. They had rags on their feet. Some of them did not even have rags on their feet; they had bare feet. A few lucky ones had shoes. They were haggard; they were starving. That is quite a different way from the way we in Australia, or our Western allies, run an army, where leaders are meant to be leaders and they put the interests of the men or the women under their command first.

**Mr Kaine:** As long as they have a good pair of boots.

**MR STEFANIAK:** A good pair of boots is very important, Chief Minister, when you are an infantryman; I can assure you. Mr Speaker, I do not know whether we are going to get a new world order out of this Gulf war. I somehow doubt it very much. Maybe, whilst we had the chance, perhaps the insidious regime of Saddam Hussein could have been overthrown. Maybe it will not be. There might be good reasons for that; there might not be. However, I think we can be thankful that that war is over, and over in a brief period.

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I think some of the people who have been much maligned by the peace movement in this country and throughout the West - that peace movement, I think, really has been well and truly put in its place by the events of this war, and its moral bankruptcy has been shown - should have some credit given to them. Firstly, I refer to Mr George Bush, the President of the United States, and the other world leaders in the West; people such as the British Prime Minister, John Major, and indeed our own Prime Minister, Bob Hawke, who I felt behaved exceptionally well during the entire conflict and did behave like a statesman. I refer also to the people on the ground, the soldiers of the allied forces, especially their Arab allies, and, indeed, General Schwarzkopf, who fought an exceptionally good campaign with minimal loss of allied life.

I think, Mr Speaker, that this is quite an historic campaign. I am glad it is over. I am delighted that none of our forces were involved in fatalities. That really is truly wonderful. I hope now that we have some chance of a lasting peace, or at least an improvement in that very troubled area of the Middle East.

### **Gulf War**

**MR MOORE** (9.40): Mr Speaker, I cannot let Mr Stefaniak's sentiments go unchallenged. The great tragedy of this war is that we finally had the opportunity to resolve an international crisis without going to war. Instead, the resolution to go to war was followed and the problem was solved that way. It is a great tragedy that we have not learnt that war is not the way to resolve an international crisis.

### **Gulf War**

**DR KINLOCH** (9.41): I would like to endorse Mr Moore's comments and to say that the peace movement is a very complicated movement. Indeed, it is not one movement; it is all sorts of movements. Some of the movements within the so-called peace movement are very belligerent; indeed, even, I think, pro-war, but not necessarily against the side against which they are protesting.

I would not like this time to go by without recognising the very great courage of the people of Israel, in particular, for refusing to fire back at the power which was devastating them with missiles. I am not going to say that the people of Israel are part of a peace movement; but I think that in practical terms, in this particular war, they showed incredible restraint and I think we should honour them.

### **Weapons Legislation**

**MR CONNOLLY** (9.42): Mr Speaker, I do not usually rise to challenges by Mr Stevenson, but I could not let this one go by. I told him that I would speak, but he scarpered nonetheless. He got up in high dudgeon after my remarks on the weapons legislation and challenged me to show where he had said a number of things that I had alleged he had said. He just recently said to me, "I did not say that I did not say them; I just asked you to prove where I said them". Well, in a press release issued on 9 March, headed "Alliance Gun Law Farce", he says:

This Bill says on page 5,(2), "A person shall be taken to have possession of a dangerous weapon ... if - (a) the weapon is on ... any premises occupied by the person.

That is the quote from the Bill. Then, in Dennis' words, it says:

When you realise that "occupier" includes anyone who is "reasonably believed to be in charge of the premises"; you understand that someone's spouse, flatmate, house-sitter or mother-in-law could be guilty of possessing a "dangerous weapon" when they may not even know it exists. But this is only one of many such examples of dreadful legislation.

There we have in the press release exactly the sort of mischievous and misleading statement that I have referred to. I do not intend to dignify Dennis' challenge any further, but there it is in his own words.

**Mr DUBY:** Table it.

**MR CONNOLLY:** I am quite happy to table it.

Leave granted.

### **Gulf War : Motion of Censure**

**MR BERRY** (9.43): Mr Speaker, I have to rise and express some heartfelt outrage at some of the things that were said by Mr Stefaniak in relation to the war that has just passed by. Mr Stefaniak said in an interjection that it worked, and he said during the course of the debate that it was a good war. I, for the life of me, cannot accept that any war is a good war. I cannot, for the life of me, accept that a war is a good war if there are massive casualties on one side and just a few on the other.

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I cannot, for the life of me, accept that it was a good war because one side lost - a side one might oppose for very good reasons. I think Mr Stefaniak has lost sight of the real effect of what has happened.

It certainly will lead to changed circumstances throughout the Middle East. Who knows what those changed circumstances might be. In my own heart I am confident that, if the nations who attacked Iraq eventually had exercised more restraint, then the outcome might well have been a negotiated settlement of some sort or another. But those who wanted the war did not choose to do that. That is history and there is nought that we can do about it.

One thing I will not do is support this war as a good war because one side lost heavily and the other side did not lose much at all. I am deeply regretful of the casualties that were suffered by those allied with the Americans. I am grateful to providence that nobody on the Australian side of things was injured. But I have to repeat that I feel a great deal of outrage at what Mr Stefaniak said.

I have to comment briefly on what Dr Kinloch has said. Dr Kinloch has long given the impression that he was an anti-war person, a peace person. I wish to draw to the attention of this Assembly again that it was Dr Kinloch who refused to vote against the pro-war motion of the Government opposite and bolted from this Assembly.

**Dr Kinloch:** Mr Speaker, I am really offended by that.

**MR SPEAKER:** If you wish to make a personal explanation, you may have leave to do that later.

**MR BERRY:** You may well be offended, Dr Kinloch, but my eyes did not deceive me, nor did my ears. I have a grave difficulty with what has been said opposite. Mr Stefaniak, for you to say that the peace movement has had its morals proven wrong by the outcome of this war is also an outrage. The peace movement will always be alive and well. I suppose it receives energy from the outrages committed on both sides of the fence in this war and it will work hard to ensure that there is no more war.

On a lighter note, Mr Speaker, may I just express concern at the Government's refusal to accept today, after notice had been given of a motion to censure a Minister, the often practised precedents of other governments to suspend standing orders to enable the motion to be put when it was raised in this house.

### Gulf War

**MR STEFANIAK** (9.48): Mr Berry, maybe "good" was a bad choice of words. No war is good because in wars people die. Perhaps a better choice of words might be "a just war". As for the peace movement, I do not think a peace movement is terribly effective when by appeasing dictators and aggressive nations it leads to a large number of people being killed. We saw that in the 1930s. We saw 50 million people probably needlessly killed in World War II.

That did not occur in this case because the allies stood up to an aggressor and, thankfully, in the armed struggle that ensued, the fight was over very quickly and a limited number of people were killed. I do not grieve only for the allied casualties; I grieve also for those poor Iraqis who were led to the slaughter by their brutal dictator. That need not have happened. If they did not have such a lunatic as Saddam Hussein controlling that country, there might be about 80,000 or 90,000 more innocent Iraqis who would be alive now, as well as our casualties.

### Gulf War

**MR DUBY** (Minister for Finance and Urban Services) (9.49): Mr Speaker, I am going to be short and brief. I feel that Mr Berry, frankly, is being pedantic in opposing the use of the word "good" in the way in which Mr Stefaniak used that word. Mr Stefaniak said quite categorically, "A good war is one in which our losses are minimal". Like it or not, this country was involved in a conflict. The losses of the allies were minimal and I think that is a good thing. There is nothing wrong with that.

For Mr Berry to suggest that Mr Stefaniak was somehow implying that it was a good war, something which we could all enjoy, I think is being very pedantic. I think it is unfair of Mr Berry to put those sentiments in that regard. It is almost as if he is wishing to get something in the record that he can then snip out. From the way he spoke, he is somewhat disappointed that the allied losses in that conflict were not higher.

**Ms Follett:** I take a point of order, Mr Speaker. That is a clear imputation - - -

**MR SPEAKER:** Mr Berry can make a personal explanation. I do not believe that it is a point of order.

**MR DUBY:** The simple fact is that Mr Berry expressed the sentiment. I might point out, by the way, that the person doing the objecting was not here to listen to Mr Berry make his comments. The Leader of the Opposition was not here.

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**Mr Berry:** I take a point of order. I think there was a very clear imputation. There was a very clear imputation that something I had said was treasonous, was an act of - - -

**MR DUBY:** Come on! Mr Speaker, the simple fact is - - -

**MR SPEAKER:** Order!

**Mr Duby:** What is the point of order?

**Mr Berry:** The fact of the matter is that I will not be shoved. I want to express my point of order. He impugned my character by suggesting that I would have liked more casualties on the allied side. That is completely untrue and that must be withdrawn.

**MR SPEAKER:** Order! That is not an unparliamentary statement. It is not - - -

**Mr Connolly:** It is treason.

**MR SPEAKER:** Order! It is not a point of order.

**Mr Berry:** It is an imputation.

**MR SPEAKER:** You may make a personal explanation if you wish.

**Mr Connolly:** To say that he wants Australian servicemen dead is an outrageous thing to say.

**MR SPEAKER:** Of course. He did not. It may be outrageous, but it is not a parliamentary point of order. You may have the floor as soon as Mr Duby is finished.

**MR DUBY:** I am not for one minute suggesting that that is Mr Berry's wish. What I am suggesting is that the way Mr Berry expressed his sentiments implied that somehow there was something wrong with the system where substantial casualties were suffered on one side of a conflict and few casualties were suffered on another. His suggestion was that that somehow was not a good result; and that is simply not the case. That is a good result from our point of view, from the homes and hearts of people in Australia and on the allied side.

What Mr Berry seems to forget in this matter is that many people who were on the allied side of this conflict suffered substantial casualties. Of the 300,000 or so Kuwaiti citizens, something like 20 per cent of the people of that country that was invaded no longer are with us. They are prisoners in Iraq, or they have been killed, or they have been raped or they have been brutalised.

Whilst I am at the point of refuting the things that Mr Berry said, it strikes me that the only reason he took on the problem of what I thought was a quite reasonable



statement in opposition to the war, the whole anti-war statement put up by Dr Kinloch, was to attack Dr Kinloch. We know that that came from Mr Berry because Dr Kinloch made the fatal mistake of congratulating Israel. Of course, to a leftist like Mr Berry, that is like a red rag to a bull and naturally has to be attacked.

### **Personal Explanation**

**DR KINLOCH:** Mr Speaker, I wish to make a personal explanation. First of all, over the last two-and-a-half years I have had much respect for Mr Berry on a number of issues. Indeed, we stood together outside the South African Embassy on matters related to the internal affairs of that country, and I join with him in his opposition to war. I wish just to say that my colleagues on this side of the house in effect said to me, "Hector, you must do what you want to do on that particular issue", and I thank them for that. I thought the most appropriate thing that I could do was go to a vigil for peace.

### **Personal Explanation**

**MR BERRY:** Mr Speaker, we have just heard the most gutless attack on a member in this house by Mr Duby. It cannot go without a response. Mr Duby, in the most gutless and misleading way, attempted to impugn my character by suggesting that in some way I supported a situation where some of the allied people in that war should have been killed to match the deaths on the other side. That was the imputation and that cannot be denied. It has to be refuted.

Fancy this low thing over here standing up and trying to impugn my character after some of the things he has done in this Assembly. I am not going to sit back and tolerate that sort of stuff from this grub.

**Mr Humphries:** I take a point of order. Mr Speaker, I think a number of terms Mr Berry has used are unparliamentary, such as "grub" and "low thing". I ask him to withdraw those.

**Mr Connolly:** So "treachery" and "treason" are all right.

**Mr Duby:** I never said "treachery" or "treason".

**MR SPEAKER:** Order! I do not believe that those words were used by Mr Duby. Mr Berry, I would ask you to refrain from using such language. It does nothing for this parliament, when used by either side.

**MR BERRY:** I feel provoked and I am quite happy to respond to it because - - -

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**MR SPEAKER:** Please use parliamentary language.

**MR BERRY:** When a person like this person over here named Mr Duby says the sorts of things about me that he did, attempting to impugn me the way he did, then I cannot think of language that would be strong enough to describe him. What is clear in all of this debate is that Mr Duby and Mr Stefaniak are prepared to applaud the war. There is no question about that. I condemn all wars; I see no good in them. As I have said before, there can be nothing good gained from that war when it weighs so heavily on such a large group of people. There were 130,000 or 150,000 people killed. The standard of living in that country will be affected as far forward as we can imagine.

**Mr Jensen:** Deaths in the Baltic states.

**MR SPEAKER:** Order!

**MR BERRY:** If this stupid person over here cannot be serious about something and keep his mind on the issue that is before the place - - -

**MR SPEAKER:** Order, Mr Berry!

**Mr Collaery:** Cool it down.

**MR BERRY:** I am not going to cool it down. I am not going to be treated as an ignoramus by lamebrains like that.

**MR SPEAKER:** Order, Mr Berry!

**Mr Jensen:** I take a point of order, Mr Speaker. That clearly is an insulting statement and I request Mr Berry to withdraw it.

**MR BERRY:** If the cap fits, wear it. Sit down.

**MR SPEAKER:** Unfortunately, I was calling Mr Berry to order and I did not hear the comment.

**Mr Jensen:** Oh, Mr Speaker!

**MR SPEAKER:** Mr Jensen, I did not hear the comment. I was asking for order in the house when you were apparently insulted.

**Mr Jensen:** Mr Speaker, would you like me to say what Mr Berry said?

**MR SPEAKER:** Yes, I would love that. It will go well on the record. Please proceed.

**Mr Jensen:** Mr Berry referred to me as a lamebrain, Mr Speaker. I wish that to be withdrawn. It is as simple as that.

**Mr Collaery:** He also said that you were stupid.

**MR SPEAKER:** I would ask you to withdraw that, Mr Berry.

**MR BERRY:** I will not repeat it. I think it is - - -

**MR SPEAKER:** Please just withdraw it to save the conflict that will result if you do not.

**MR BERRY:** Which one, the "stupid" or the "lamebrain"?

**MR SPEAKER:** Probably both.

**Ms Follett:** No, you have let "stupid" in many times and "lamebrain" at least once.

**MR SPEAKER:** I doubt that. Please just withdraw them. This is a serious matter and I would like it to be treated seriously.

**MR BERRY:** I withdraw those matters unreservedly, Mr Speaker; but I will continue to argue against all of the things that happened in that dreadful war - the deaths of those people who were with the allied forces, the disaster that was impacted upon Israel and all of the nations in that region.

For this person, Mr Duby, to impute in some way that I supported what happened to Israeli citizens in that war is a complete and utter outrage and has to be treated with the deepest contempt. It is a low thing to say, and I will not forget that, because it deserves -  
- -

**MR SPEAKER:** Your time has expired, Mr Berry.

**MR BERRY:** I think standing order 46 permits me to ramble for a while, Mr Speaker.

**Mr Humphries:** You have not asked for leave to make a personal explanation.

**MR SPEAKER:** He is making a personal explanation, but it is also - - -

**Mr Collaery:** But he has not got leave, Mr Speaker.

**MR SPEAKER:** He has leave.

**MR BERRY:** I have leave from the Speaker.

**MR SPEAKER:** Mr Duby, are you wishing to take a point of order?

**Mr Duby:** No, Mr Speaker, I am waiting to speak.

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**MR SPEAKER:** Well, please resume your seat.

**MR BERRY:** What has to be remembered, quite aside from the impact on the lives of people across the world, is that there also will be a disastrous effect on the environment of the world which will go on for some time.

**Mr Humphries:** I take a point of order, Mr Speaker.

**MR SPEAKER:** Order! The situation is that Mr Berry had leave to make a statement under standing order 46; but under standing order 34 I draw your attention to the fact that the Assembly should adjourn at 10.00 pm. Under those circumstances, if Mr Berry would like to continue his explanation at the next sitting, it would be appropriate for him to do so. It being past 10.00 pm, in accordance with amended standing order 34, the Assembly stands adjourned until Wednesday, 13 March, at 10.30 am.

**Assembly adjourned at 10.01 pm**