



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

30 April 1991

Tuesday, 30 April 1991

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

QUESTIONS WITHOUT NOTICE

Hospital Services Budget

MS FOLLETT: My question is to Mr Kaine, as Treasurer. Mr Kaine, what instructions did you give to Mr Humphries regarding implementation of the Treasury report, which he received in December 1989, on the budget overrun in the Hospital Services Division; and what action have you taken since then to follow up the implementation of that report's recommendations?

MR KAINE: I did not give Mr Humphries any specific directions on the implementation of that. It was his portfolio area; he is the responsible Minister. He had the report; he knew what was required, and I do not need to direct people in this Government, unlike what may have been the case under the Labor Government when Rosemary Follett had to tell everybody everything.

MS FOLLETT: I have a supplementary question. Mr Kaine, given that you are the Treasurer and it was a Treasury report, does not your failure to pursue the implementation of that Treasury report mean that you, along with Mr Humphries, must take responsibility for the health budget mess?

MR KAINE: No, it does not mean anything of the kind, Mr Speaker, and it is absurd to suggest so. What happened was that I asked the Treasury to examine the matter. The Treasury made a report which was of direct concern to the Minister for Health. I repeat: He is a responsible Minister; he does not need me to spell out in fine print what he must do to exercise the responsibilities of his portfolio. I am not the Minister for everything. I know that you would like me to be, because then we could spend question time with me answering all your questions, relevant or irrelevant; but that is not the case. I have an overriding responsibility for developing the budget and for the outcomes of that budget, but I do not have a total responsibility for managing every dollar during the course of the year. That responsibility is vested in the Ministers to whom this Assembly appropriates the money.

Cigarette Sales

MR STEFANIAK: My question is to the Minister for Health. I wonder whether the Minister has seen media reports about a takeaway food store in Fisher that stopped selling cigarettes. Does the Minister support that development?

MR HUMPHRIES: I thank Mr Stefaniak. The answer is yes, I have seen the reports. As to whether I support that development, I think it is laudable that some retailers are thinking about the health interests of their clients. I understand that the proprietors of the Fisher takeaway store, Gil and Colleen Miller, have taken a unilateral decision to stop selling cigarettes from their store and, in fact, rather than suffering a business downturn as a result of that decision, they have had an overwhelmingly positive response from the people of Fisher and elsewhere who use their store.

I am not suggesting that the Government should encourage people to stop selling cigarettes as a way of reducing the impact of tobacco related disease on the community; but I do think there is a very strong case for saying that people are entitled to review the circumstances of their own handling of those products, as retailers and as wholesalers even, and I think it is very laudable that people in the community are thinking about those issues at that level and producing that kind of result in those community contexts.

Health Management

MR CONNOLLY: My question is to the Chief Minister. Chief Minister, given that the Government's response to the maladministration in the health portfolio has been to place the blame on and achieve the resignation of a senior public servant, and recalling Sir Joh Bjelke-Petersen's famous responses during the Fitzgerald inquiry, what do you, as Chief Minister, understand by the doctrine of ministerial responsibility in a Westminster system?

MR KAINE: As usual, Mr Speaker, the questions from the other side of the house are simply not predicated on fact. At no time has the Government placed the responsibility on Mr Bissett and, in fact, if you have been reading the media and listening to what the responsible Minister has said, he has constantly alluded to the contribution that Mr Bissett has made to the management of the health system. So, your question, as usual, is based on a wrong premise.

As to the question of ministerial responsibility, I am sure that you have read the Enfield report assiduously, trying to find something to hang on the Minister for Health; but you will have a hard time succeeding, because if you hang something on the present Minister for Health you hang it equally on the previous Minister for Health who is just as culpable, if there is any culpability at ministerial level

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involved. So, you will have a hard time doing that; but if you read the Enfield report very carefully - you do not even have to read it carefully, just read it - you will discover that Mr Enfield found that officers in the health department not only had not informed senior management of what was going on, they had not informed the Minister either.

If you are suggesting that a Minister can be held culpable when an investigation finds that not only the Minister but also his senior officers were not informed on what was going on, then you are stretching the limits of credibility to the ultimate. If you, Mr Connolly, ever become a Minister - which I doubt - I would be interested to see whether you would take the same sanctimonious view that you are taking now.

Schools Restructuring Task Force

MRS NOLAN: My question is to Mr Humphries, in his capacity as Minister for Education. Mr Humphries, what progress has been made by the Schools Restructuring Task Force?

MR HUMPHRIES: It is a very timely question. The task force, of course, has been set up in response to the community debate last year on the closure of a number of primary schools in Canberra. The task force was appointed a few weeks ago by the Government, and it had its first meeting earlier this month, chaired by Professor Judith Brine of the University of Canberra. The deputy chair is Professor Phillip Hughes of the University of Tasmania, and I might note that that name was put forward for the deputy chairmanship based on a recommendation made by the ACT Council of Parents and Citizens Associations which I was happy to accept. Professor Hughes was chairman of the ACT Schools Authority in the 1970s and he has maintained a continuing interest in ACT education.

Professor Fred Gruen of the ANU, an economist, has also agreed, I am pleased to say, to serve on the task force, as have representatives of relevant interest groups and government agencies. I am happy to supply the full list of members of the task force, although I am sure that those opposite have probably got around to reading that particular press release, and probably caught up with that important issue.

I wish the task force well with its very significant task. It faces a daunting challenge. It has until 1 September to report to the Government on ways in which savings can be made in the area of education. I realise that in the context of a pre-election year it will be particularly difficult to make decisions and recommendations to the Government which can be viewed in a cool, calm light not affected by that election campaign, and I sincerely hope that those opposite do not exploit that so as to make the

environment more difficult for those people to bring down that report. I certainly think the task force has the right composition and make-up to bring down a good report on this important issue.

Hospital Services Budget

MR BERRY: My question is directed to the Minister for Health, Education and the Arts, Mr Humphries. Mr Humphries, the Enfield report's most notable feature is the absence of any specific instruction from you as Minister responsible for health to address the problems identified by the Follett Government Treasury review team - that was the Treasury review team that eventually reported to the Chief Minister, Trevor Kaine. Surely, as Minister responsible, the record should show an active interest in and clear directions concerning the health budget and its management, following the identification of major problems in this area and your public promises to correct them. Surely you should be seen to be doing something.

MR HUMPHRIES: Mr Berry would obviously like to pretend that the ACT has been in some sort of time warp since the overthrow of the Follett Government in 1989, and, like it or not, that has not been the case. There have been a great many developments in the area of health of which I am very proud and which have addressed important issues based on the issues which appeared in the Treasury report in 1989.

First of all, let me say one thing very clearly. There was an earlier report which Mr Berry, I think rather callously, failed to make reference to during that question. That was, of course, the Kearney report on future directions in the hospital system. That report recommended very strongly that there be a strong overbridging committee or board to oversee the functioning of health and hospital services in the ACT. Mr Berry, of course, in his response to that recommendation shillyshallied, prevaricated on the appointment of that board, and dithered, and, in fact, at the end of the day was thrown out of office before he had reached a decision on that important issue, or at least - - -

Mr Berry: No, I had made a decision. I made the decision.

MR HUMPHRIES: I correct myself. He made a decision in the dying days of the Follett Government, as the lights were being turned out and as people were leaving. That was, of course, a very auspicious circumstance in which to make that decision.

Mr Berry: I raise a point of order concerning relevance to the question, Mr Speaker. The question specifically directs itself as to whether or not the Minister has given any directions or taken any particular actions in relation

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to the major problems in the health budget which were identified in December 1989, problems which he himself promised publicly to fix.

MR SPEAKER: Mr Humphries, please get to the point.

MR HUMPHRIES: Mr Speaker, the fact is that there were a great many recommendations flowing out of both the Kearney report and the Treasury report - earlier reports - and now the Enfield report, which have come to the attention of the Government. All those things are matters of concern to this Government, more so apparently than they were of concern to your Government.

I might refresh Mr Berry's memory about the course of action adopted by him and his Government in 1989, when he was asked to address the question of what he should do about directions to the board. He talks about directions to the Board of Health, or the hospitals board. Let me quote from an annexure to the Enfield inquiry report concerning Mr Berry's letter to the then chairman of the Interim Board of Directors, the late Mr Alan Woods. Obviously there was some correspondence about the nature of directions to the then hospitals board. Mr Berry's response is:

In the meantime -

this is pending legislation which never arrived -

I would like the Interim Board to continue to conduct its affairs in accordance with the powers prescribed earlier by the Minister for Arts and Territories, the Hon. Clyde Holding MP. I hope - - -

Mr Berry: On a point of order: The Labor Party's record in government was clean in relation to its management of the hospitals board, but what I would ask you to do, Mr Speaker, is to direct the Minister to be relevant in his response to the question.

MR SPEAKER: Mr Berry, I do not uphold your objection there because Mr Humphries is reading from the latest report, the Enfield report, and I think that is current.

Mr Berry: Mr Speaker, my question was not in relation to the Enfield report. Just to clarify it for your interest, it was in relation to a 1989 report which was delivered in December 1989, the recommendations from which were promised to be implemented by this Minister.

MR SPEAKER: Mr Berry, I would rule that the Enfield report is applicable to that point that you have raised.

Mr Berry: A rather odd ruling, Mr Speaker.

MR SPEAKER: Order!

Mr Jensen: Challenging your ruling.

MR SPEAKER: Order, Mr Jensen! Please proceed, Mr Humphries.

MR HUMPHRIES: I could understand some anxiety about the umpire's decision in certain cases like this, Mr Speaker. Mr Berry does not have much of a record on that score. But the fact here is that the Enfield report makes it extremely clear that a lackadaisical attitude existed on the part of the former Minister. There was nothing done.

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

Mr Duby: Read that relevant bit again.

MR HUMPHRIES: I think I will, Minister.

MR SPEAKER: You have a point of order, Mr Connolly. Order! Members, please do not speak over me. Mr Humphries, please resume your chair. Mr Connolly, you will get your turn.

Mr Connolly: The point of order, Mr Speaker, remains relevant. The question related to the 17 months of administration of this Minister, not Mr Berry's six months of administration.

MR SPEAKER: I recognise the point that you are making. Mr Humphries, please bring your point to fruition.

MR HUMPHRIES: We can see very clearly in these words to the late Mr Alan Woods the rot setting in well and truly in the administration of health:

In the meantime I would like the Interim Board to continue to conduct its affairs in accordance with the powers prescribed earlier by the Minister for Arts and Territories, the Hon. Clyde Holding MP.

In other words, there was no interest whatsoever in giving fresh directions to the board - no interest in saying, "You have a new job under self-government; you have new responsibilities to face up to". It was just too hard.

Mr Connolly: On a point of order, Mr Speaker: In response to my point of order some seconds ago, you directed the Minister to direct his answer to the question. He seems to be ploughing on regardless, in blithe disregard of your instructions.

MR SPEAKER: Order! Thank you for your observation, Mr Connolly. Mr Humphries, please bring your point to a conclusion.

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MR HUMPHRIES: Yes, certainly, Mr Speaker. I will plough on towards an answer for those opposite. I know that they regret the other circumstances that surround this matter. I know that they are embarrassed and uncomfortable about their own record in health. I certainly would be if I had been in their shoes in the seven months of 1989.

Mr Speaker, the basic fact is that this Government acted decisively and swiftly when it came into office to deal with the \$7m budget blow-out inherited from Mr Berry. We acted decisively to fix that problem. And, of course, we were blocked all the way by those opposite in the measures we took to improve the quality of health services as a result of that. We know all about the blocking that the Opposition did as a result of those steps. The Government, of course, immediately began to make changes in the area, for example, of nurse administration.

Mr Berry: On a point of order, Mr Speaker: I do not mind the ministerial statement from this Minister at an appropriate time; but the question before the house clearly relates to the Minister's failure to do anything in response to a 1989 report which was given to the Government, despite his promises to do so. The issue is relevance.

MR SPEAKER: This is not a valid point of order, Mr Berry; you are debating the issue. Mr Humphries has now concluded his answer to you.

Hospital Services

MR MOORE: Mr Speaker, my question is also to Mr Humphries, as Minister for Health. Mr Humphries, I refer to *Hansard*, 15 November 1989, when you were criticising Mr Berry as Minister for Health. You said:

Let us look at the number of level 4 nurses used in the ACT's hospital system compared with, say, the Royal Adelaide Hospital. The Royal Adelaide Hospital has 795 beds, the combined Woden Valley and Royal Canberra Hospitals have 772 beds, so it is slightly smaller than Royal Adelaide. How many level 4 nurses does Royal Adelaide need? It needs nine. How many does the ACT's hospital system need? It needs 27 - three times as many as in comparable systems.

Mr Humphries, my question is: Considering that Mr Berry had seven months in government and you have had about 18, and considering that you identified this problem, what have you done to rectify it, or was it only a problem if someone else was the Minister? What is the number of level 4 nurses now in the hospital system in the ACT?

MR HUMPHRIES: Mr Speaker, I am gratified to see that Mr Moore is finally talking about issues that go to the heart of cost cutting and savings in our health system. Most of the time I have heard Mr Moore complain about a shortage of nurses and about the lack of resources and the lack of facilities in our hospital system. So, it is nice to see that Mr Moore has finally turned his attention to what I think is a more important issue in the long term, which is, how we manage within the resources we have at the present time.

Mr Speaker, I cannot tell Mr Moore exactly how many level 4 nurses there are right at this moment in the hospital system. I can certainly give him that advice on notice, and I do not think he will have to wait very long for it. I am quite certain that the number will be no larger than it was when Mr Berry took office, and I can also assure those opposite that the process is in train to ensure that there are very substantial reductions in the numbers of level 3 and 4 nurses. Will Mr Moore complain when we do that?

Mr Speaker, on 6 July last year we received a report from the nurses career structure review, which comprehensively explained the case for reducing the number of level 3 and 4 nurses. That was a report that I commissioned to obtain a proper approach to the question of the number of nurses that we needed in that level of our hospital system. I am quite certain that there have been negotiations on a reduction in the number of those nurses. It may be that the number, in fact, is quite substantially reduced. I will be happy to advise those opposite as soon as I have accurate figures. But, Mr Speaker, I am not going to advise those opposite about numbers that I do not have at my fingertips. I will provide them in answer to Mr Moore's question when I have those exact numbers. I think that those opposite will find that this Government has acted decisively to deal with that problem.

MR MOORE: I have a supplementary question, Mr Speaker. While we are on that, 772 beds were in the combined Royal Canberra and Woden Valley hospitals at that time. What is the number of beds now, Minister?

MR HUMPHRIES: Hang on; I will tell you if you want. Mr Speaker, the information was supplied only a few weeks ago to Mr Berry. Contrary to impressions from those opposite, I do not get up-to-date daily reports of the number of beds in the hospital system. To ask for that would be unnecessary and a consumption of valuable resources within the hospital system. I certainly know, Mr Speaker, that the number of beds has not changed significantly since the day that Mr Berry left office.

Ms Follett: Are you quite sure, very sure or almost sure?

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MR HUMPHRIES: I am quite sure of that, Ms Follett. I can also assure those opposite that the number of beds in our public hospital system is rising, and it will continue to rise. At the end of the hospital redevelopment process, the number will have risen to account for the fact that there are additional demands on the ACT.

Mr Duby: How many public beds will there be in about 12 months?

MR HUMPHRIES: Sorry?

Mr Duby: There will be almost 1,000.

MR HUMPHRIES: Yes, Mr Speaker, there will be in excess of 1,000 beds in the public hospital system at the end of the public hospital redevelopment process. If Mr Berry and Mr Moore can wait that long, they will see that happen; they will see the results of that work and I think that they will find quite satisfactory levels.

Mr Moore: On a point of order, Mr Speaker: I raise the issue of relevance. There were 772 beds then. The question was: What is the number now?

MR HUMPHRIES: Mr Speaker, it certainly is no smaller than 772. I will happily take on notice that other question and get back to you with the exact number when I have the exact figures.

Consumer Affairs

DR KINLOCH: My question is to Mr Collaery. Would you comment on a report by a group called the Australian Consumers Association which gives you a C rating in the consumer affairs Ministers line-up?

MR COLLAERY: I thank my colleague, Dr Kinloch, for the question.

Members interjected.

MR SPEAKER: Order! That is seeking an expression of opinion and I do not believe that it is a valid question.

Mrs Grassby: He is a lemon. Hector, you should know better.

MR SPEAKER: Mrs Grassby, I warn you.

Hospital Services Budget

MR WOOD: I direct a question to Mr Humphries, as Minister for Health. Mr Humphries, the Enfield report exposed letter shuffling between the office of the Minister for Health and the Chief Minister when the interim board called for help with its budget problems. Minister, why did you not consult with the board before you withdrew your endorsement of the board's strategy by changing the submission to the Chief Minister?

MR HUMPHRIES: Mr Speaker, I did not withdraw endorsement of the board's strategy by changing any letters.

Mr Wood: You just did not agree with it, is that it?

MR HUMPHRIES: No, that is not the case at all.

Mr Wood: You just did not like it - - -

MR SPEAKER: Order, Mr Wood!

MR HUMPHRIES: If Mr Wood would like to hear the answer, he can remain silent and he will. Mr Speaker, I received a letter via, I think it was, by that stage, the acting chairman of the Interim Hospitals Board, to the Chief Minister on the hospitals funding base. I considered that letter and duly signed the letter that had been given to me by the acting chairman and forwarded it to the Chief Minister's office. As Mr Wood well knows, having read the Enfield report, that letter did not, in fact, reach the Chief Minister. The letter was withdrawn. I do not know where that original letter went, but certainly it was withdrawn.

Mr Wood: Who withdrew it then?

MR HUMPHRIES: I certainly did not do that.

Mr Berry: Yes, you did.

MR HUMPHRIES: No, I did not; that is not true.

Mr Berry: You signed its replacement; you signed both of them; you withdrew it.

MR HUMPHRIES: Mr Speaker, the fact that I signed the replacement does not prove - - -

Mr Berry: You approved the withdrawal.

MR SPEAKER: Order!

MR HUMPHRIES: Mr Speaker, I did not approve the withdrawal; that clearly is not the case. I think that if you read the report carefully you will see that that is not the case.

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Ms Follett: You signed both of them.

MR HUMPHRIES: Mr Speaker, Mr Berry and Ms Follett - not Mr Wood, perhaps, because he has never been in government, but the others on the other side of the chamber - will know that Ministers are asked to sign hundreds of letters every week. I was given a second version of that letter to sign. That happened more than one year ago. I cannot recall the circumstances under which I was asked to sign that letter a second time. I certainly would not have consented to any withdrawal of support for the Interim Hospitals Board at that time. I note, Mr Speaker, that the Enfield report does make one interesting reference - - -

Mr Berry: On a point of order, Mr Speaker: The Minister obviously was not listening when the question was put to him. Mr Wood's question clearly asked, "Why did not the Minister consult with the board before he changed the letter?".

MR SPEAKER: Thank you for that observation, Mr Berry.

MR HUMPHRIES: Mr Speaker, this is certainly very much an answer to Mr Wood's question. I have repeated that you cannot possibly say that I withdrew support from the board's request to the Chief Minister; that is simply not the case. I was asked to sign a different letter; but, as those opposite well know, there are many times in government that one is asked to sign letters which one has seen previously. In any given week in my office I send back dozens of letters to my department - - -

Ms Follett: You said "hundreds" a while ago.

MR HUMPHRIES: No; you are not listening, Ms Follett. You sign hundreds of letters and you send back dozens of letters to be redrafted for various reasons. I saw this letter a second time. I do not recall whether I thought when I saw it that I had asked for it to be redrafted, or whether there had been some other submission made to me about the reason for that letter to be coming before me a second time. I note, Mr Speaker, that the report makes an interesting reference to this in pointing out that five pages in the relevant file on this matter were removed.

Ms Follett: Did you do that?

MR HUMPHRIES: I certainly did not do that.

Ms Follett: Are you sure?

MR HUMPHRIES: I am quite certain. I think Ms Follett comes dangerously close to needing to withdraw some allegation that I have destroyed or removed papers from a departmental file.

Mr Wood: Are you suggesting a conspiracy?

MR HUMPHRIES: I am suggesting that I certainly did not have a hand in removing those pages from the file, and I am suggesting that clearly, if there had been some brief or minute to me explaining why I was signing the same letter for the second time, then it may have been among those pages. I do not know, because those pages have disappeared.

I want finally to refer to the inference or the conclusion that Mr Enfield draws from that incident. He describes the incident in some detail in his report and he says:

The Secretary should have consulted the Acting Chairman of the Interim Hospitals Board about the revision of the letter and kept him and the Minister informed of progress. This matter was not handled well by the Secretary and the Department.

If Mr Berry or Mr Wood or anyone else wants to pin some blame on anyone based on the incidents relayed in this report, let him point to the part of the report that makes that blame applicable to the Minister or the Chief Minister or anybody else in the Government. Let him point to that part. When he does so, I will sit up and take notice; but, until he does, I can only conclude that this is a witch-hunt.

MR WOOD: I have a supplementary question. What steps did you take, Minister, to follow up the concerns of the board between 27 January and 12 April when the Chief Minister finally rejected your proposal? What steps have you taken since?

MR HUMPHRIES: First of all, as far as that is concerned, as Mr Wood knows from reading the report, the letter was redrafted between those first two dates that he mentioned; so, if I had adverted my mind to it, there clearly could have been some question of having a revised draft for the Chief Minister to consider in that period of time. That answers the first part of his question.

The second part is also fully related in the Enfield report, and that is that the report went back to the board. It was considered by a committee of the board in assessing what appropriate response should be given. Its members were obviously somewhat puzzled in that they were not advised that there was some difference between the letter that was first sent to me to be sent to the Chief Minister and the letter which finally appeared beneath the nose of the Chief Minister. I am not responsible for that. I did not engineer that to happen. It did happen, and I regret the fact that it did happen; but that is not a matter that I can change now.

The other fact, of course, is that since that time the board has been restructured and there have been other changes. The matter has not been pursued by me or by the then acting chairman or the subsequent permanent chairman at any stage since that reply was sent by the Chief Minister.

Junior Secondary Bursary Scheme

MS MAHER: My question is also to the Minister for Health, Education and the Arts. Is the Minister aware of the growing number of ACT low income families, including some on social security pensions, who are being denied access to the junior secondary bursary scheme because the means test applied to that scheme has not been increased since 1987? Can the Minister inform the Assembly as to what action is being taken to improve this situation?

MR HUMPHRIES: Yes, I am aware of the situation that Ms Maher has raised, and I thank her for that question. My ministry reviewed the scheme recently, and the issue of an increased income limit was raised. It is certainly true that the income limits applying to the scheme have not been changed, and it is true that, in fact, some families receiving social security pensions now have incomes extraordinarily in excess of the income limit, which is obviously quite ridiculous and has to be reconsidered.

The scheme is an adjunct to the Commonwealth Government's Austudy program, and it is designed to assist 14- and 15-year-old students from low income families. Obviously, anybody with school-age children at that level knows that there are quite considerable costs associated with education at that level. The question of a fixed means test and rising social security pension rates is a matter of concern for the Government. I have asked for the matter to be reviewed, and I hope to be able to advise Ms Maher and the Assembly in due course on the result of that review.

Hospital Services Budget

MRS GRASSBY: My question is to the Chief Minister, because I can see him going to sleep there and I want to wake him up. Mr Speaker, my question is through you to the Chief Minister. In your letter to the Minister for Health on 12 April 1990, why did you refuse his request that Treasury officials meet with officials from the department of health to discuss the hospitals' base funding level?

MR KAINE: I would like to have a look at the letter that you are quoting, but I doubt very much whether I refused anything of the kind. It has always been my view that, if there are financial problems, then the Treasury should assist with identifying those problems and finding solutions. That has always been the approach that I have taken. I do not recall the letter that you are referring to, but I would like to read that letter and see just what it does say.

MRS GRASSBY: I seek leave to table the letter so that the Chief Minister can see it.

Leave granted.

MRS GRASSBY: I present the following paper:

Woden Valley and Royal Canberra Hospitals - Financial position - copy of letter from Mr T. Kaine, MLA, Chief Minister to Mr G. Humphries, MLA, Minister for Health, Education and the Arts.

White Collar Crime

MR STEVENSON: My question is to the Attorney-General. This afternoon I will seek leave to make a statement and table documents concerning white collar crime. One such case involves the liquidation of a company and the removal of its assets to Sienna Pty Ltd for the purpose of evading tax and creditors. My question therefore concerns the ACT companies that sell pornography and the suggestion that they have suffered a downturn. Is the Attorney-General satisfied that the payments to the ACT Government are as required by law, or are the current problems in the industry just some manufactured manoeuvre to break the law under the cover of company liquidations, et cetera?

MR COLLAERY: I thank Mr Stevenson for the question, which essentially should be directed to my colleague Mr DUBY, because it concerns his administration of the finance aspect of it. The Government did announce last week that it has asked the compliance area of Mr DUBY's finance department to carry forward that type of inquiry to see what substance there is in all of those issues.

I do not think it is wise to telegraph shots or to be more specific about the matter, other than to say that the Government is well aware of the suggestions from the X-rated industry that, I think, up to six outlets have either gone into liquidation or gone out of business, some owing substantial debts in the town; and that they have been undermined due to pirate productions elsewhere in Australia, such that they have actually gone out of business - not so much because of the tax that the Government applied to them, but more because of their lack of competitiveness. I will take that question on notice, and either I or Mr DUBY, or both of us jointly, will respond to it.

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Health Management

MS FOLLETT: My question again is to Mr Kaine, as Treasurer. Mr Kaine, Mr Enfield's recommendation in his report this month is that a chief finance officer be appointed for the Board of Health. That recommendation, of course, duplicates a Treasury recommendation made to you in December 1989, which apparently has not been acted upon. My question to you, Treasurer, is: Why did you sit on your hands and do nothing and just wait and watch while Mr Humphries did nothing about that important recommendation?

MR KAINE: Nice try, Rosemary; but I keep telling you that there is a responsible Minister. That recommendation - - -

MR SPEAKER: Order! Chief Minister, addressing members by Christian name is something we try to avoid.

MR KAINE: I withdraw the use of "Rosemary". If she does not like the name, I will withdraw it.

Mr Duby: Thanks, Trev.

MR KAINE: You are welcome. When Ms Follett is trying to attack the Government, she seems to completely set aside the concept of ministerial responsibility.

Ms Follett: You are the Treasurer. I have not set it aside; you have.

MR KAINE: Mr Speaker, as I keep repeating, I do not run the health department; nor do I run the health department's budget. This Assembly appropriates money through both the Supply Act and the Appropriation Act. It appropriates that money to programs, and those programs are the responsibility of individual Ministers. So, when money is appropriated to the program that covers the administration of the health system, that money becomes the responsibility of the Minister.

When I commission a Treasury report to find out what the problem is and solutions are offered, I then pass the administration of that corrective activity over to the responsible Minister. I do not say to the Minister, "You go and fire this man and hire that one". That is not my job, neither as the Treasurer nor as the Chief Minister.

Mr Berry: It is hard to find somebody who is responsible. Mr Bissett has resigned; Mr Humphries does not know what happened; Mr Kaine does not know either.

MR SPEAKER: Order, Mr Berry!

MR KAINE: You see, they do not like the answers, Mr Speaker. They like to fire off the shots, but they really do not want to hear the answers. The simple fact is, as I understand it, that there was a person appointed to be the financial director.

Mr Berry: Who was that?

MR KAINÉ: I do not know their Christian name. I am not allowed to use the Christian name of the Leader of the Opposition and I do not know the Christian names of every one of the 20,000-odd public servants that we have on our payroll. I do not know who the person was, but my recollection is that such a person was appointed. We now discover a year later that the system is still not working well and there are further recommendations as to the things that the Government should do to address the matter.

Those matters will be taken up by the appropriate Minister. We have already taken some actions to strengthen the management there. The Minister will take any further action that is required to strengthen it, to get appropriate expertise in there to deal with this particular subject that has now been brought to our attention. It is futile on the part of the Leader of the Opposition to suggest that the Government sat on its hands and did nothing. That simply is not the case. I know, I repeat, that the Leader of the Opposition would love to be able to prove that that was the case. It simply is not the case, and for her to assert it does not make it so.

Consumer Affairs

DR KINLOCH: Mr Speaker, I well appreciate that you properly gave me an F for my previous question. I will now restate the question. My question is to the Minister responsible for consumer affairs, Mr Collaery. Are you aware of an article published in the consumer affairs magazine, *Consuming Interest*, claiming that you rate only a C grade for your efforts in consumer affairs? What comment do you have to make in relation to this?

MR COLLAERY: I thank Dr Kinloch for the question. I notice that the media release said, "Women Consumer Ministers Top of the Class", so I am sure that Mrs Grassby would be happy about that.

Mr Speaker, I rise to answer this question more to boost the morale of the staff of the Consumer Affairs Bureau than to respond to those issues that I have already responded to through the media. I want the staff of the Consumer Affairs Bureau to know that they have my unqualified support. I think they received, and as their responsible Minister I can say that I received, a pretty tough blow in that report. We have analysed it. The timing is difficult for a government department when it happens in the evening and the publicity is embargoed until the morning.

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Our inquiries show that the rating applies to events between July 1989 and June 1990, yet they have been reported - and all who read it need to look at it again - as an assessment of current performance. Anyone listening to the radio and hearing those reports, even though the journalists' reports are accurate, would gain the impression that this is a current performance rating. If you look at the document, you will see that it covers the last six months of 1989-90. Certainly, it is an improvement on the D rating from 1988-89; but when the D rating was put on Ms Follett for that period, if you check the records, I did not make political capital out of it at the time. I did the right thing, because I knew that it was an inheritance, and the fact of the matter was that Ms Follett was not long enough in government to get the type of legislative reforms through and to get the structural reforms going that the consumer movement wants.

So, all I say is: I will stand judged on the year that is missing from this, and I am critical of a consumer affairs body - of all bodies, a consumer affairs body - that publishes documents like this which in themselves are misleading and demoralising to my staff. I believe that they should publish their ratings closer to the period in question, and not issue judgments on events which are two years earlier, for example, commencing at that date I said in July 1989.

Mr Speaker, it did contain some errors. For example, we had 12 prosecutions of people under our consumer laws, not six at the time, and there were various other errors. What I want to say is that it is only recently that the Opposition congratulated the Consumer Affairs Bureau for instituting Consumer Awareness Week or Trader of the Month. It was during a recent period when we had congratulatory messages to the staff across the floor.

I want to say to that association from Marrickville that they do not sit in the consumer affairs Ministers fora and, within the limits of the rules, I want to let them know a couple of things. The reason why uniform trade measurement legislation in Australia was delayed was that the Western Australian Minister opposed it - and I sat and pounded this out in Perth a year ago - yet she is at the top of the list. I think I am justified in revealing that stage of the conference. They remain opposed on States' rights issues. Their bales of wool have always been their size, and their scales and so on. In other areas - - -

Mrs Grassby: Mr Speaker, on a point of order: We know that it is a dorothy dixer put by Dr Kinloch, but do you not think it should be more relevant?

MR SPEAKER: No, I do not uphold your objection there, Mrs Grassby.

MR COLLAERY: A few months ago I chaired the consumer affairs Ministers meeting over at a hotel across town - the name of which I forget; it was not memorable - and a Victorian Minister was the fly in the ointment in our resolving uniform credit legislation. Yet he is up in the rating; he is up with the four Labor Ministers who got the top rating. So, I say that, because I think it is pretty poor that they did not have sufficient antennae to know where the two blockages were on two of the major consumer affairs reforms that we seek in this country: Firstly, uniform trade measurements, right down to beer glass measurements - and they vary in discos and other parlours around the country; and, secondly, the need for uniform credit legislation on interest and all finance deals, particularly those that youngsters take out on borrowing cars.

They left out all the legislation that we have done recently; the register of interest in motor vehicles that I have done with my colleague Mr Duby - - -

Mr Berry: On a point of order: I think the question requires a concise answer. It is getting a bit long, Mr Speaker.

MR SPEAKER: Thank you for your observation, Mr Berry. Mr Collaery, would you draw your answer to a close?

MR COLLAERY: Mr Speaker, the final comment that I want to make is that we established the Consumer Advisory Committee in this town, we put an environmental marketing spokesperson on it, and we have taken a number of unique initiatives in the Territory with the support of the Opposition. I very much regret that release last night from this body in Marrickville. What I am going to do as consumer affairs Minister is to find out who they are, what is behind them, how they assess their product, and why their marketing strategy is as it is.

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

Planning Legislation

MR KAINE: Mr Speaker, I would like to answer a question that I took on notice on 17 April from Mr Connolly. Mr Connolly asked a question that had to do with our consolidated Planning Bill. He prefaced his question by saying that he understood that I had at last found a law firm prepared to say that the Bill is acceptable. Then he went on and said:

I ask: How much did the Government pay Dunhill, Madden and Butler for their report? Why was this firm chosen, what was the selection procedure, and what were the terms of reference for the review?

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First of all, Mr Speaker, I think that Dunhill, Madden and Butler will not be very pleased to know that Mr Connolly thinks that they are a tame firm that will say whatever we want them to say, and I think he needs to be a bit more careful about the wording that he uses in connection with a reputable law firm.

Apart from that comment, Mr Speaker, the answer to his question is, first of all, that the fee for the assessment was \$5,000, and, in explanation, the Alliance Government decided to seek an independent legal assessment of the proposed planning and land use legislation in October 1990. In making such a decision, the Government was concerned that the assessment should be conducted by a firm that had litigation experience in planning matters, but would not be subject to any possible conflict of interest. The Alliance Government was not involved in the selection of the firm chosen. I am advised that the Law Office sought advice from the New South Wales Crown Law Office and the legal section of the New South Wales Department of Environment and Planning as to legal firms with the relevant experience.

Although several firms were nominated, the firm chosen, Dunhill, Madden and Butler, was especially recommended because a consultant with that firm was a former director of the New South Wales National Parks and Wildlife Service and assistant director of the New South Wales Department of Environment and Planning, and had been involved in the preparation of the Environmental Planning and Assessment Act 1970 of New South Wales, the Land and Environment Court Act 1979 of New South Wales, and the Heritage Act 1979 of New South Wales - all relevant to the Bill that we were asking them to assess.

All arrangements with Dunhill, Madden and Butler were made by the Law Office, and no member of the Alliance Government had any contact with the firm in regard to the review of the proposed legislation. Dunhill, Madden and Butler is a medium-sized firm with offices in both Sydney and Melbourne. The firm has 21 partners and 44 solicitors in its Sydney office, and 22 partners and 51 solicitors in its Melbourne office. Mr Speaker, I present the following paper:

Planning legislation - copy of terms of reference of review.

Hospital Services Budget

MR HUMPHRIES: Mr Speaker, during question time I was asked by a member of the Opposition - I forget who exactly - what action the Government took to implement the recommendations of the Treasury report in 1989. I am happy to supply an answer to that question. I will run through the recommendations that were made in the report and indicate the action that flowed from it.

The first recommendation was that nursing shifts overlap at Royal Canberra Hospital and coordination of accrued days off should occur. Savings equivalent to that measure were achieved through negotiations under the structural efficiency principle, and that recommendation was therefore implemented in another sense. The second recommendation was that identification of additional savings measures should be carried out to eliminate budget shortfalls. I have a document which indicates the action that the Government took in response to those recommendations. I present the following paper:

Health Services budget - Additional savings measures recommended by Treasury.

The third recommendation was that we transfer \$1.5m from capital plant and equipment to the recurrent budget. That was implemented. The fourth was that we should supplement the hospital base funding by \$2.6m from the Treasurer's Advance. That was implemented. The next was that we should create a separate program for public hospitals funding. That was implemented. The next was that we should develop new management structures for a single corporate administration, especially creating the positions of principal director of nursing and medical administrator. That was implemented.

The next was that we should give early consideration to eliminating duplication of services provided by public hospitals. That, of course, Mr Speaker, is a matter which has been progressively implemented through development of the principal hospital in the ACT. The next recommendation was that we increase the capacity of the hospital management to monitor and analyse its budget. Through a number of devices, through the transfer of resources from the department of health, that was implemented; through the appointment of a finance manager, that was implemented; and through the introduction of controls over staffing. In response to that last recommendation, the Government implemented manual controls and initiated a review of nursing staff methodology which resulted in the ACTPAC formula being put in place.

The report also recommended that the Government relocate the two hospitals' activities in one central office. Certain activities were relocated and that, therefore, was implemented. There was a recommendation to ensure that booked admissions are appropriately classified public or private. That was implemented. Finally, there was a recommendation to upgrade management information systems. In the last financial year the Government appropriated \$400,000 to upgrade financial information systems as part of a program extending beyond this financial year. Mr Speaker, that has certainly resulted in movement towards the establishment of better financial information systems in our public hospitals.

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So, those opposite who pretend that there was no action as a result of the Treasury report are clearly wrong. The Government acted swiftly and decisively, as I said in answer to an earlier question, and I think that those who pretend otherwise in usually false press releases going out should withdraw those claims.

PERSONAL EXPLANATION

MR KAINE (Chief Minister): Mr Speaker, I seek to make a personal explanation under standing order 46.

MR SPEAKER: Do you claim to have been misrepresented?

MR KAINE: Yes, I do, Mr Speaker.

MR SPEAKER: Please proceed.

MR KAINE: Mr Speaker, I refer to a question from Mrs Grassby during question time, in which she referred to a letter and asked me why I had refused to provide Treasury officials to assist the hospitals. She tabled that letter and I now have a copy so that I can see what she was referring to. In fact, if Mrs Grassby had actually read the letter, the explanation is there as to why I declined to make available the assistance that the health department asked for. If she had had the honesty to say so, she could have read it and the answer would have been apparent to everybody. The fact is, Mr Speaker, that I was asked by the - - -

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

MR KAINE: I am making a personal explanation, Mr Speaker. Do you mind!

MR SPEAKER: We can always have a point of order at any time.

Ms Follett: Mr Kaine referred to a question of Mrs Grassby's honesty. I ask that he withdraw that imputation.

MR SPEAKER: I must have missed that, I am afraid, Ms Follett. If that did happen - - -

MR KAINE: Mr Speaker, I said that, had Mrs Grassby chosen to be honest, she could have read the letter.

MR SPEAKER: Order!

Ms Follett: On a point of order, Mr Speaker: There is a clear imputation in that comment and I ask that it be withdrawn.

MR SPEAKER: Yes, I uphold your objection. Chief Minister, would you - - -

MR KAINE: I withdraw that, Mr Speaker; but I think that Mrs Grassby would have done herself a great service if she had read the letter rather than implying that there was something dishonest in my actions. That is what she was implying, and that is why I am on my feet making a personal explanation.

Mr Speaker, I now have the letter, and the facts were - - -

Mr Berry: "I do not think this would be a good time to have such a review."

MR SPEAKER: Order, Mr Berry!

MR KAINE: And I gave the reason why, Mr Berry. Read the rest of it. I was asked to provide assistance to review the base funding level. As pointed out in the first paragraph of this letter, we had already only recently increased the base funding level. My letter then goes on, and I say, "You are now seeking a further review of the base funding level". Since we had only just done it, I rejected that request. But I did say, reading further on, that I would make the assistance available, except that I suggested that it should be directed towards Calvary Hospital, not towards Royal Canberra.

So, the explanation is fully in the letter. I was asked for assistance to do what had only just recently been done and I said, "I do not believe that it needs to be done again", which is a fair statement.

Mr Berry: I do not think you said that.

MR KAINE: I did. Read it. I did say that.

MR SPEAKER: Order, Mr Berry!

MR KAINE: They do not even want to hear what is actually in the letter that they tabled. I am telling you what is in there. It was misrepresented as saying that I had somehow refused to provide reasonable assistance for the hospitals. I did no such thing. I simply declined to provide people to do a job that had only recently been done - a very logical, reasonable approach. But I did, as an alternative, suggest that I could make staff available to examine the funding base for Calvary Hospital - a very reasonable proposal. It is not true, as asserted or insinuated by Mrs Grassby, that I simply refused to make help available, and gave no explanation. The explanation is in the letter, Mr Speaker, and I refute any implication on Mrs Grassby's part that I was somehow remiss in this matter. I was not.

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MINISTER FOR HEALTH, EDUCATION AND THE ARTS
Motion of Censure

MR BERRY (3.26), by leave: Mr Speaker, I move:

That the ACT Legislative Assembly censures the Minister for Health, Education and the Arts for dragging the ACT hospital system deeper into crisis through his failure to implement reforms identified in December 1989.

Mr Humphries, in question time, said that all I need to do is to point to the areas in the Enfield report which indict him over his handling of the hospital system. Well, Mr Speaker, I point to the whole report because it indicts the Minister.

I think the first thing that we have to consider is the speed with which matters have been dealt with by various governments in this place. Labor is clean on this issue. When the initial budget blow-out in 1989 was identified by the then interim board on 30 October 1989, there was immediate action. On 1 November, two days later, the then Chief Minister, Rosemary Follett, sent in a Treasury team to assess the problems. On 14 November an interim report was made to the Follett Government. I remember that clearly, Mr Speaker, because it was my birthday. Unlike Mr Humphries, who has a selectively short memory when it comes to some matters which he has signed, I remember clearly the interim report that was sent to the Follett Government. On 13 December the final report went to the Kaine Government. That was just after the Alliance Government had thrown out the Follett Labor Government.

That is the time span in which governments ought to deal with problems as significant as those which occurred within the hospital system, not the tardy and slow approach which has been taken by this Government opposite. Of course, if Labor had been dealing with the issue it would have been sorted out in very quick time. We would have ensured that our hospitals continued to deliver services rather than make the community tolerate the vandalism that has gone on in our hospital system since this Government took office.

Mr Speaker, I think we need to look at some of the recommendations of this report and find out whether they have been implemented as the Minister has said. It is very important to do that because the Minister has just gone through a list of recommendations that he says have been implemented. Well, I say to you, Mr Speaker, and to this house, that if they had been implemented the hospital system's budget would not be in the trouble that it is in now. If they had been implemented effectively and had been followed up by the Minister - if there had been follow-up medicine - then the hospital system would not be in the trouble that it is in today.

The report talked about the principle of living within budget being not well embedded at all levels in the hospitals and said that this needs every encouragement. Well, we know that since 1989 the hospital system has not been able to live within budget, as has been proved by recent events. What has the Minister done? He says that he has effected measures which might contain those break-outs, but that has not been represented in the results in hospital management.

Mr Duby: Rats!

MR BERRY: Could we have some order, Mr Speaker.

MR SPEAKER: Please proceed, Mr Berry.

MR BERRY: The Treasury does not accept that functions undertaken by the Hospital Services Division could not be done more efficiently. Mr Duby laughs. But Mr Duby always laughs about serious matters. He does not care about the community of the ACT. He has turned his back on them repeatedly. All he is interested in is how he is doing. He is doing all right - better than he would ever have done.

The 6.3 per cent increase provided by Treasury for other operating costs was passed on to managers only as a 1.67 per cent increase. The Minister did not explain whether that would happen again. And so the story goes on, Mr Speaker.

On page 9 of the report, Mr Speaker, it talks about the current structure not working. Mr Humphries says that there were changes to the structure. They did not work either. What did the Minister do in follow-up measures? He obviously did nothing, because the hospital system is still in crisis. What did the Chief Minister do in relation to this report? He said that he did nothing. That is why we have difficulties in the hospital system. We have the Chief Minister and the Health Minister refusing to act on the issues which affect our hospitals. This is reflected in the failure of the hospital system to deliver adequate services to the people of the Australian Capital Territory.

We know that the hospital system does not deliver by the information we get from constituents who do not receive treatment as required. We know about the 1,500 people who are waiting to get into our hospitals. We would like more up-to-date information, but the Minister refuses to answer the questions which have been put to him in this respect. They are on notice; just read the notice paper.

Mr Duby: He answers them too well; that is the problem.

MR BERRY: Just read the notice paper. They have been there for months.

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Mr Duby: One question was asked and there were five points of order because you do not like what you hear. That is the problem; you do not like what you hear.

MR BERRY: They have been there for months. Mr Duby does not care. All he cares about is his fat salary and his glossy car. He does not care about the community; he never has. The No Self Government Party - what a joke!

Mr Duby: Glossy car? Do you mean your car that I drove around in for a year and a bit?

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

Mr Duby: With the tow bar.

MR SPEAKER: Mr Duby, I warn you.

MR BERRY: What a joke! All he cares about - - -

Mr Duby: The one with the tow bar. How many times do you go to the dump, Wayne?

MR SPEAKER: Mr Duby, order!

Mr Duby: How many times do you go to the dump?

MR SPEAKER: Mr Duby, order! Resume your seat.

Mr Connolly: I take a point of order. Name him, Mr Speaker. You warned him, and he is still abusing you.

MR SPEAKER: Mr Duby, I warn you. Please proceed, Mr Berry.

MR BERRY: Of course, Mr Duby is touchy on this issue. He is very touchy on this issue because he has not done any work since he has been here. That is the difference between what happened under Labor and what happened under this Government. Cruisers is what they are. Mr Humphries is proof; he is a cruiser. He is just cruising along, not worried about what is going on in the hospital system. Mr Speaker, the Government has demonstrated that it is unable to manage the hospital system. As shown by the amount of inaction by this Minister, it will continue to perform similarly.

Once that report was received, some time passed before it was digested. It was well over a month before anybody acted on it, and I have to say that it was not the Minister. He did nothing again. He was not interested in the issue. The first reports on the need for action arising from the report came from the Interim Hospitals Board, which occurred around about the end of January. In a letter to the Minister, the board made a plea for help. Bearing in mind that the Minister had done nothing up to this stage, the board made a plea for help to do something about the difficulties in the hospital system; and now we see the debacle.

The Minister signed a letter that went off to the Chief Minister - he approved the letter - and then after it had got into the Chief Minister's in-tray he decided that he ought to disapprove it. So it was plucked out of the Chief Minister's in-tray, not before it was recorded, of course - that is how the whole debacle was uncovered - and it was taken back into his office, revised and sent off to the Chief Minister again. Obviously there was some sort of a cover-up going on. What it was about is hard to - - -

Mr Humphries: Mr Speaker, I think Mr Berry comes dangerously close to making unparliamentary allegations. The cover-up he is referring to is clearly a cover-up on my part. There is no evidence for that, and I think Mr Berry should be asked to withdraw the statement that I was involved in a cover-up.

MR SPEAKER: Yes, Mr Berry, I would uphold that objection on the basis that I believe that someone reading the record would interpret it in the way that Mr Humphries has put that point. I would ask you to withdraw the cover-up accusation.

MR BERRY: Mr Speaker, can I refer to the point of order?

Mr Duby: No, you cannot. Just withdraw it.

MR BERRY: Well, everybody else can.

MR SPEAKER: Order! Mr Berry has the opportunity to speak to the point of order.

MR BERRY: If there is a cover-up, Mr Speaker, in any of the actions of Ministers in this place, and it is demonstrated by the way business is conducted in this Assembly, this house deserves to have it uncovered.

MR SPEAKER: Order! Mr Berry, I ask you to withdraw that accusation. Please just withdraw that accusation of the cover-up.

MR BERRY: On who?

Mr Duby: On both points.

MR BERRY: I say, Mr Speaker, that there has been a cover-up. If the cap fits, then somebody ought to wear it.

MR SPEAKER: Order, Mr Berry! I direct you to withdraw the statement.

MR BERRY: I withdraw it. Mr Speaker, this Minister, Minister Humphries, approved one letter, then disapproved it, and then approved another letter which he conveniently forgot about, as was demonstrated in proceedings in this Assembly today. This Minister conveniently forgot that he disapproved one letter and sent another, and had approved

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therefore the withdrawal of the original letter from the Chief Minister's in-tray. They are very sensitive about it. They do not like the Opposition members talking about cover-ups. Methinks they protesteth too much, Mr Speaker. The runs are on the board as far as the performance of this Minister is concerned. Mr Speaker, he will be out for a duck.

Next there was a long wait, and this is where the performance of the Chief Minister comes into focus. The Chief Minister sat on it for a while. We have a hospital system in crisis and the Chief Minister sits on it for a while. He then responded to the Minister for Health's requests and told him, "No, no, no. Your people cannot meet with mine, but I will agree to something entirely irrelevant; that is, we will have a look at Calvary Hospital". This was nothing to do with what was going on in Royal Canberra Hospital or Woden Valley Hospital, as they then were.

But now we come to the interesting point. After his response to the Minister, he said, "I would be pleased to receive your comments on this proposal". Were there ever any comments? I ask the question. It seems not. They certainly were not mentioned in the Enfield report. There was no comment at all; he was not interested. There is no evidence that any further action was taken as a result of that proposal.

It is allegedly all in the Enfield report. So who gets the chop? Mr Bissett gets the chop. It was convenient to do him in. The Minister was the culpable one and you needed a scapegoat to get him off the hook. Even Bernard Collaery had a bit of a swipe at the Minister when he made it clear that he did not want to get sick with the hospital system in the state that it is in because of the performance of this Minister.

I note that Minister Humphries had a bit of a swipe at Mr Collaery today on ABC radio and spat in his face, so to speak, over the future of the Residents Rally party. It will be interesting to see whether the Residents Rally party has some conscience about our hospital system, how it is being managed and how it is delivering services, and whether this Minister ought to be censured or not. The fact of the matter is that he ought to be censured, Mr Speaker, because of his poor performance.

What we have heard, Mr Speaker, is a lot of rhetoric. Mr Enfield does not say anything about the Minister's performance. I am not surprised, because he was hired by the Minister. He was not sent in there to give the Minister the dump. It was a political inquiry and, as the *Canberra Times* said, it should have been a full, open and public inquiry, not a behind closed doors inquiry as implemented by the Government.

Mr Speaker, the Minister and the Government have supported the shafting of bureaucrats over the problems in the hospital system because it gets this Minister off the hook. This Minister deserves to wear the consequences of his own mismanagement, not senior bureaucrats; and the people of the Australian Capital Territory should not be required to tolerate what I have called a cover-up.

MR HUMPHRIES (Minister for Health, Education and the Arts) (3.41): Mr Deputy Speaker, I really wonder whether there is any great interest in this matter. I am really surprised in one sense that the Opposition, which continually complains about a lack of business in the house, should waste so much of the time of the house with these sorts of trivial matters.

Mrs Grassby: Trivial? That is the way you treat it. No wonder we are in a mess.

MR HUMPHRIES: Well, it is, Mr Deputy Speaker. It is certainly trivial in the sense that we have before us a very fulsome and very important report - - -

Mrs Grassby: Your whole place is in chaos and you call it trivial. Hand it over to Mr DUBY. He might be able to do something with it.

MR HUMPHRIES: Mr Deputy Speaker, could we have some order, please.

MR DEPUTY SPEAKER: Order! Continue, Mr Humphries.

MR HUMPHRIES: We have here a very full, very detailed report - - -

Mr Moore: Which indicts the Minister.

MR HUMPHRIES: No, it does not do that. It talks very clearly about issues of importance in the management of health services in the ACT and those people opposite have not picked up one word of the inquiry relating to that issue. Those opposite, Mr Deputy Speaker, are a lynching party. They have already chosen their victim. They know who they want and unfortunately, at the last minute, the jury has not given them the right victim. It has given them the wrong victim from their point of view, and what have they done about it? They say, "Who cares? We have our lynching party ready. We will go for the same old victim, anyway. We had him in line, anyway. We will go and get him, anyway". You cannot rely on this report to feed your own conspiratorial fantasies about the cause of these problems. It does not support that claim.

Mr Deputy Speaker, Mr Berry is a broken record on this subject - an absolute broken record. I think you only have to look at the public gallery and, particularly, the press gallery of this Assembly to see what little interest people are taking in this very tedious matter raised by

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the Opposition, and also the number of people who arrived at Mr Berry's press conference earlier today. I think that indicates very clearly just what little interest there is in this same tired old story.

Mr Deputy Speaker, I rose just to deal briefly with a few matters that Mr Berry did raise. The story has changed; the tune has changed. Originally it was that the Government did not act on the Treasury report. That was the great catchcry. That was the cry echoed today in the press release put out by Mr Berry on why I should resign from the ministry. However, it has changed since the end of question time. Now it is, "Well, you did act, but you did not follow it up closely enough. You did not do enough after the report's recommendations were implemented to see other issues through to the end". Well, I am afraid, Mr Deputy Speaker, that again the Opposition are relying on half-truths and their own faint glimmers - - -

Mr Duby: Half-truths? Untruths.

MR HUMPHRIES: Well, okay, I am caught out; in fact "untruths" is a better term to describe those words.

Ms Follett: I take a point of order, Mr Deputy Speaker. Mr Humphries has accused us of using untruths, and I ask that that be withdrawn.

MR HUMPHRIES: That is an acceptable term. Speaking to the point of order - - -

MR DEPUTY SPEAKER: Unless you can point to either the Speaker or me ruling that "untruths" is unparliamentary, I will uphold its use. If you can point to that, I will come back to it, Ms Follett. I do not believe that that is the same as saying that he is dishonest or anything like that. I overrule you on that point, unless you can point to where that ruling has been made before.

Ms Follett: I take a point of order, Mr Deputy Speaker. The imputation is quite clearly made against the previous speaker, Mr Berry, and I would ask again that it be withdrawn.

Mr Humphries: Mr Deputy Speaker, speaking to the point of order: Mr Berry's case previously was quite different. It was a personal allegation in relation to a particular Minister. It is also the case that many times in the past in this place words like "untruths" and "falsehoods" have been accepted by Mr Speaker, and I would ask you to rule that those words are not unparliamentary.

MR DEPUTY SPEAKER: I think that is the case, Mr Humphries, and that is why I am reluctant to accept Ms Follett's point of order.

Mr Berry: I take a point of order, Mr Deputy Speaker. If you will not accept Ms Follett's point on the issue, perhaps you might accept mine. I object. I object most strongly to the Minister's imputation that I made untrue statements during the course of this debate over the hospital system. That is the imputation and that ought to be withdrawn.

MR HUMPHRIES: Mr Deputy Speaker, I did not say that Mr Berry made untrue statements. I said that there were untruths being spread in this debate.

MR DEPUTY SPEAKER: Yes, I think that is probably different, Mr Berry. I do not believe that Mr Humphries did say that you were making untrue statements. If he said that, I would uphold your point.

Mr Berry: Mr Deputy Speaker, the point really is that there is an imputation made; not what he said.

MR DEPUTY SPEAKER: I do not think he is making that imputation, Mr Berry. Continue, Mr Humphries.

Mr Connolly: I take a point of order.

MR DEPUTY SPEAKER: There is no point of order, Mr Connolly. I have ruled on the point. Continue, Mr Humphries.

Mr Connolly: You have not heard the point. It is a very effective Speaker who can rule in advance of the point.

MR DEPUTY SPEAKER: What is your point of order, Mr Connolly?

Mr Connolly: There seems to be a distinction being drawn between a personal attack on a member saying an untruth and a general statement that the Opposition is spreading untruths. The only speaker has been Mr Berry. Mr Humphries' statement that the Opposition was relying on untruths was a clear reflection on Mr Berry's speech. He is the only member of the Opposition who has spoken on this matter. Therefore the allegation is that Mr Berry, in his speech, made untruths, and that, I submit, should be regarded as a matter to be withdrawn.

MR DEPUTY SPEAKER: I do not accept that. I think Mr Humphries has not indicated that he is saying that Mr Berry has told any lies or is saying something that is not correct. I think he has clarified his statement, and I accept that. Continue, Mr Humphries.

MR HUMPHRIES: Thank you, Mr Deputy Speaker. I am sorry that there are some in that part of the house who are not prepared to accept your ruling.

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The facts are very clear from the Enfield report. The claims made by the Opposition cannot be substantiated and I think they ought to be thinking very carefully before they push this line any more in the community. I suggest that most people do not believe them now, as it is.

Mr Deputy Speaker, the claim made by the Opposition has changed. It was, originally, that the Government did not act on the Treasury report; now it has become, "You did act, but you did not act enough on the report or you did not follow it through". I indicated in detail at the end of question time what the Government did in response to that report.

Mr Berry: I do not believe you.

MR HUMPHRIES: Mr Berry says that he does not believe me. That is fine. He is obviously saying that I am telling an untruth. I will not take the point of order. The fact is, Mr Deputy Speaker, that those opposite are changing their tune. When they saw the facts they suddenly realised that they could not sustain the same argument, and I am not surprised.

The other issue that does arise here is a very important one. These people opposite are now all in a fuss, all in a lather, about the fact that there was a Treasury report which was not followed through. Ms Follett had the interim Treasury report. What action did she take to ask this Government where it stood with the Treasury report, to follow through the issues that had been raised in that Treasury report? I cannot recall ever having been asked a question about that subject - not once. Where is the great burning issue? Where is the great burning follow-through?

Clearly, Mr Deputy Speaker, those opposite believed, as this Government believed, that there had been a substantial attempt to address this issue through the response the Government announced after the Treasury report of December 1989. They believed it as much as this Government believed it. They believed it to the same extent; so they cannot now come to this place saying, "Oh, we knew that there was a problem. Why didn't you act on it?". The question has to be asked, "Where were you for the last 12 months if there was a crisis going on?".

Mr Berry made a claim in the course of the debate which almost had me rushing for a bucket. He said, "The board made a plea for help". "The board made a plea for help", he said, putting his hand over his heart, "The board wanted help and you left them on one side. You ignored them". Mr Deputy Speaker, where was Mr Berry when the same board made a similar plea for help during 1989 when he was Minister; when they said, "We need help to give us a stronger legislative base to deal with the hospital budget problems"?

Where was Mr Berry then? What did he do about that plea for help? Of course, he turned a deaf ear to it. That is what he did. He turned a deaf ear to that claim, that plea for help. Before he comes here telling us how wonderfully compassionate he is about the Board of Health, he should think very carefully about his own actions in government. I have been accused, or the Chief Minister has been accused, of seeing Mr Bissett off - - -

Mr Kaine: This is a censure motion against me, too, you understand.

MR HUMPHRIES: Oh, is it? I did not realise that. I will adjust my remarks accordingly. We both, apparently, have been accused of being in some conspiracy or of having some role in the demise of Mr Bissett.

I have to say that I really wonder whether Mr Bissett was one of those unfortunate heads of administration whom Ms Follett had targeted for the chop under her next government, whenever that might be - perhaps next century. Perhaps Mr Bissett is lucky that he has escaped the axe that Ms Follett is about to wield when she next has the chance. We know that her Government's actions are very clear. When she next has the opportunity - which I hope will not be very soon - she will be taking a lot of personal angst out against many public servants in our administration. I have to wonder whether Mr Bissett would have been one of those poor unfortunates who would have got the chop under her. So I think the crocodile tears we see from the Opposition are rather to be scorned.

Mr Deputy Speaker, the Opposition have chosen a new tactic in the course of looking at the issues raised out of this. They tried to explain why it was that there was no criticism of the Minister in this report. They picked up that there was not any criticism of the Minister or the Government in this report. Why is that the case? The answer, according to the Opposition, is that Mr Enfield's job was a job created by the Government and he would not have criticised the Government which appointed him. What Mr Berry is doing here, very clearly, is denigrating the record and integrity of a very fine former senior public servant.

Ms Follett: Rubbish!

MR HUMPHRIES: No, it is not rubbish. Mr Berry is claiming that the only reason that there is not criticism of the Government in this report is that there is some serious problem with Mr Enfield's capacity to deal with that issue. That is a complete and utter falsehood. If that had been the issue, Mr Enfield would have said so. I have no doubt about that whatsoever. I think Mr Berry should be very wary about making those sorts of claims against people who have done a very good job in this instance.

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I want to go to the nub of the problem, Mr Deputy Speaker. All this is about the Minister's role in this matter. All this is about what the Minister is supposed to have done or not done. There are something like 70 pages of report here dealing with an issue which is entirely divorced from that. The Opposition have not once raised in this place the real issues that have been raised by the Enfield report. When are they going to get down to business? This is the real business facing this Territory: How to improve the financial management systems in this Territory. That is the real issue, and why have they not raised it? Because they are not interested. They would rather rake through the mud, find some cause to attack the present Government, and pin the blame on the present Minister. That is what they want to do. But it cannot be done, based on this evidence. I am sorry; you have missed out.

These are the real issues, Mr Deputy Speaker. I will quote from page 4 of the report where Mr Enfield is talking about the problems in financial administration. He said:

... that is evidence that senior managers have given insufficient attention to improving the process of management, particularly of financial management ... "current problems stem from a failure to invest appropriate resources in, and attention to, the finance function over the entire (health) service".

That is the nub of Mr Enfield's report. It makes very clear - - -

Mr Moore: On page 4?

MR HUMPHRIES: On page 4, yes. The fourth page of the report.

Mr Moore: It is not on page 4 in my copy.

MR HUMPHRIES: You must have different page numbers.

Mr Moore: Have you got an earlier version?

MR HUMPHRIES: This is the third page of the summary. All right. It is not page 4 in your copy. It is in my copy. The words are there, Mr Moore, I assure you.

That is the real issue facing this Territory at present, Mr Deputy Speaker. We have to get down to facing that problem, and that is what this Government is determined to do. Those opposite continue to distract attention from the real issue. They try to make it about personalities - me, or Mr Kaine, or Mr Enfield. While they continue to do that, of course, they distract attention from the real issue. I think that those opposite ought to understand that this issue is a very big one. It deserves all our

attention. It deserves the coordinated support of this Assembly to lick it, and I am determined, as Minister, to make sure that it is licked within the life of this Government.

MR WOOD (3.55): Mr Deputy Speaker, this morning on radio, loudly and clearly, Mr Humphries said of the Residents Rally group that they are a spent force. At least in that he was correct. He said something right after all.

Mr Humphries: Mr Deputy Speaker, I raise a point of order. I am edified to hear my words quoted; but I do not see what this has to do with the motion presently before the chamber, which is a motion of censure of me.

MR DEPUTY SPEAKER: If he continues in that vein I will pull him up.

MR WOOD: Well, the Minister certainly admits to those words. Today, in the afternoon, this parliament is saying to Mr Humphries, regretfully, that he was not even a force to have been spent. After 10 minutes I will sit down and I will wait for Mr Collaery to stand up and defend the Health Minister. I wonder whether he will do that. I wonder whether Mr Collaery will get up and tell us why he is so glad that he is in good health and does not have to go into one of our public hospitals. Mr Collaery has left the chamber for a short time. I hope it is only a short time. I challenge him to get up and defend his Minister, and perhaps spell out the doubts, the anxieties, he has about the health system in this Territory.

We had a remarkable argument just a short time ago from Mr Humphries, an argument which clearly acknowledges his failure in administering this system. He blamed it all on Rosemary Follett. He asked the Opposition Leader why the Opposition were not asking questions. I have sat in this chamber for two years, and I would say that Mr Wayne Berry and other members in this Assembly on this side of the house have asked hundreds of questions on health matters. In fact, if we went through and counted the questions we have asked, I would say that two-thirds of our questions have been directed to Mr Humphries, on a whole range of issues concerning health, and, of course, education. He asks why we have not asked questions. Why does he not attend to his portfolio?

He has, of course, tried to pass back to the seven months of the Follett Government and Mr Berry's administration the responsibility for this issue. I know Mr Berry well. There is one thing about Mr Berry that I think all in this chamber would agree with: He is a very determined person, and he does not give in easily. In the seven months of his administration of health he was determined and he did get on top of the health bureaucracy and of the portfolio. When he did uncover some problems, action was forthcoming immediately.

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The whole town, Mr Humphries, is asking, "When will you take some responsibility, take the full responsibility, for your portfolio?". You are the head of the health bureaucracy. Why do you want to pass the buck? In fact, you have taken up that sign that sits at the top of the table and that says, "The buck stops here", and you have thrown it into the wastepaper basket. You have offered up a scapegoat, you have made a sacrifice; but you will not accept responsibility. That is your answer to all this: "I have no responsibility". You say today: "I did not know". You are saying, "I, Mr Humphries, am ignorant of the most fundamental work of my department". His excuse, simply, is: "I did not know". That is the answer that he gives. He has not even asked the questions of his department that he should have. He is such a knowledgeable Minister that he does not stand up to his department and ask the questions. That is the case.

Mr Humphries: How do you know?

MR WOOD: Well, you did not get the answers, did you? You did not. You have not had the ability to determine where the problems are and to check them. The image of the Minister that was conveyed in the education debate is now clarified; he is a Minister who passively accepts what is fed to him. Where is there any leadership, direction or control from the Minister? It simply is not there.

The Minister gives an appearance of diligence; I have never argued about that. For example, I see his car here at the weekends and late into the night, but I do not know what he does. I assume that he is not sleeping on the premises. I do not think he is sleeping here. Perhaps he is learning how to make scones.

Mr Humphries: Come up and find out one day. You have an invitation.

MR WOOD: It is more likely that you are here organising the numbers to finish up on top of Mr Kaine again. I suspect that that is what it is likely to be. I can see that your Chief Minister looks very worried.

Let us look at the record as to the fact that the Minister has not asked the questions. Let us look at what he said in the parliament on 23 November 1989, when talking of the Follett Government. He said:

Over the last few months we have seen a constant succession of failures by this Government, a constant succession of missed opportunities, of failure, of indecision to act, of inattention to detail -

of inattention to detail, for goodness sake -

which add up unfortunately to a disaster in our hospitals and our health system, generally.

The present Minister at least was trying to demonstrate an interest in this area. He too was asking questions over this period, a whole range of them - 30 or so, I suspect, in total - on catering, on management, on budget blow-outs, on cost saving measures, on labour costs - a whole range of issues. Before he became the Minister, Mr Humphries was asking questions. He stood up from that position there and said, "We have a major problem in our health system". The record says that.

But what did he do when he became the Minister? Everything just stopped. He asked no questions. He said, "I am Minister now. Everything will be fine. It automatically follows, because I am Minister, that nothing can go wrong". Or so it seems. He went from a position of questioning, of challenging and of claiming great difficulties in this system to a position where he absolutely ignored anything that was going on. He did not ask the questions of his bureaucrats that he was asking of Mr Berry and the then Government. Was he genuine then? Did he believe his words? Did he think there was a problem there? Assuming that he did, we would have expected a crusading Minister, a Minister who would challenge and explore and reconstruct the health portfolio; but he did not do that. He simply stopped. On his arguments, he has been a passive, acquiescing and obedient Minister. He has been a Minister who is happy in his own ignorance.

He should stand up again some time when he gets an opportunity and tell us why he stopped asking those questions about management, about costs, about budget blow-outs and so on. Why did he not ask those questions directly of the bureaucrats when he was in a position to do so? Well, of course, the answer is obvious. He thought that his mere presence was sufficient and he neglected to carry out the job as a Minister. He decided to go into semi-retirement.

Ms Maher: Oh, Mr Wood!

MR WOOD: Well, he has not demonstrated it. You may stand up also and defend him; I expect that you will. But he has shown neglect. The point I am making clearly here is that he identified what he saw as a problem and then got into the position where he could do something; but now, 17 months later, nothing has happened. That is his neglect. He ran the system and he did nothing to bring about the improvements that he claimed were needed. If that is not neglect, if that is not ignoring the problems that Ministers should attend to, I do not know what is. He obviously should resign. If he does not resign, the Chief Minister should sack him. We wait for that action to happen.

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MR KAINE (Chief Minister) (4.05): I must admit that I am not certain whether this debate is worth 10 minutes of my time.

Mr Connolly: It is a lost cause.

MR KAINE: Yes, it is a lost cause. What we are hearing, Mr Deputy Speaker, is yet another rerun of the old Rosie and Wayne cartoon series. They simply repeat the same old script. In the future historians will be looking at the continuing series of Mutt and Jeff, of Laurel and Hardy, of Tom and Jerry, and of Rosie and Wayne. If you do not believe that it is a joke, just have a look at the press gallery. There is not one member of the media who has the slightest interest, because they have heard it all so many times before.

Mr Connolly: That is because they know that you are speaking.

MR KAINE: They have not been there for any of the debate, if you had bothered to watch, because they have heard it so often before. It is getting to be a big joke.

Mr Wood: Are you happy with Mr Humphries' administration?

MR KAINE: If you are not careful, Bill, it will not be the Rosie and Wayne show; it will be the Marx Brothers, and you will be one of them. Up until now you have done okay. I would suggest that you might quit while you are ahead, Mr Wood.

Mr Wood: Why do you not answer the question?

MR KAINE: I am going to answer the question. It is interesting that this debate on this censure motion was begun by a discredited former Minister. He is the man who, having got the job in 1989, scratched the back of his neck and said, "Gee whiz, I have a problem". In December 1989 he was still saying, "Gee whiz, I have a problem". His solution to the \$7m overrun was to hope that it would go away.

As for his management problem, he could not make up his mind whether to turn his interim committee into a management committee or to fire its members. That is where he was at when we threw him out of office. He could not make a decision even about that. On the question of the whole hospital system, his solution, he thought, maybe was to spend \$216m of 1989 dollars on refurbishing a hospital that we did not need and could not afford. That was the performance of the old, failed Minister over here; and he has the effrontery to move censure motions about Ministers. His credibility is absolutely zero. If it could be less than zero, that is where it would be.

So what is the situation now? We have had the people on the other side of the house flipping through pieces of paper to find a misplaced comma or a "t" that was not crossed; some minute administrative error. They even misquote a letter that I am supposed to have written to the Minister. They cannot even quote that right.

Mr Berry: Would you like to rewrite this like Gary did?

MR KAINE: No, I do not want to rewrite it. I meant what I said and I gave him a specific answer to a specific request. It was a fair response and I make no apologies for it. You search for anything at all that you can say that is nasty, that is unpleasant, and particularly directed at people's characters - not so much at what they do or how they do it. You just have to try to destroy somebody's character. Well, you have not succeeded.

What we have at the moment is a hospital restructuring program which is going ahead and which will produce a better hospital system. We have a restructuring of the health administration that you left behind, a health administration that was so out of tune with reality and what was needed that we set about restructuring it. There is the Minister who is restructuring it. He has done away with that top-heavy department that you had and did nothing about, and which was totally unnecessary. There was a consumption of public money and resources that could not be justified on any standard. That department has been largely done away with. It has been amalgamated into a larger ministry. There is the Minister who is wroughting this change.

Mr Berry: Rorting; that is right. That is a good one.

MR KAINE: That is w-r-o-u-g-h-t. He has wrought this change. We have a Minister who has confronted the absolute administrative shambles that you left for him, Mr Berry; you having been so indecisive as to not even know how to change your mind. The Minister has gone about restructuring the administration and producing a much leaner and more efficient administration. He is setting about a major restructuring of the hospital system. He is addressing the major issues.

Mr Wood: Is he doing a good job?

MR KAINE: Yes, he is. He is doing a good job. That is why all of this specious argument that you people put forward is so humorous. You are desperate to grasp at any straw that will dent the armour of this Government. Well, you cannot do it; you have not done it; you will not do it. You had better get used to the fact that the Minister is here to stay. He will continue to do the job that he has done very well for 18 months. If you cannot find better arguments to support a censure motion than you have come up with today, then you can forget ever being anything but an ineffective Opposition. That is where you deserve to be and that is where you will stay.

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That is where the censure motion ought to be directed. There ought to be a censure motion about the total inability of this Labor Opposition to put up one constructive idea, to make one constructive contribution to any debate on any subject on the floor of this house. You make no constructive contribution whatsoever. Do not let me hear any more talk about this censure motion. Look to yourselves. People who live in glass houses should not throw stones. As far as I am concerned, that is all your motion deserves. Of course, it will be totally rejected.

MR CONNOLLY (4.12): Mr Deputy Speaker, the Chief Minister did not take 10 minutes to defend his Minister and I will not take the full 10 minutes to continue the Opposition attack. His was a pathetic defence of a Minister, a pathetic defence of a government, and a total failure to address the substantial points raised by Mr Berry in the censure motion. I think the truth of the matter came out when Mr Kaine gleefully said, "Well, do not expect him to resign; you will not get any resignations out of this Government". We have probably accepted that. We have seen case after case where resignations would be justified in any other system, but they still cling to power.

Mr Wood referred to Mr Humphries no longer honouring the system of the buck stops here. The front bench of this Government are more concerned with where the bucks stop than with where the buck stops, and questions of ministerial responsibility and propriety are just not observed. Mr Deputy Speaker, the issue of ministerial responsibility is central to this debate and we have seen today a new development on that doctrine. I asked the Chief Minister during question time what he understood the doctrine of ministerial responsibility in the Westminster system to mean. He declined to answer that.

We now have the Humphries doctrine of ministerial responsibility, which is that a Minister is responsible and accountable for administrative areas in his department provided the Opposition spokesperson first drew his attention to them. Mr Humphries, the Minister, seems to suggest in his defence that the reason why it is okay for him not to know what was going on in his department, the reason why it is okay for a Minister in charge of a major department of this Territory to not be aware of administrative and financial mayhem within that area, is that the Opposition did not draw his attention to the matter.

Well, the Opposition would gladly take over the administration of this Territory and draw Mr Humphries' attention to his errors. Unfortunately, we on the Opposition benches do not have access to the information. We do not have access to the public servants. We cannot be expected, obviously, to be aware of this detail, but the Minister can. The Minister should be in day-to-day control and command of the finances of his department. The

Minister, in short, ought to know what is going on in his department. I challenge other Ministers to get up and say that they think it is okay that their department is running amuck and they do not know anything about it.

Will Mr Collaery get up and defend this Minister on this issue? We know Mr Collaery's previous views on the administration of health in this Territory. We know his heartfelt concerns on television; that he would not want to be in a hospital administered by this Minister. We share his concerns. Will he defend Mr Humphries? Will he say that it is okay for a Minister not to know what is going on in his department? Will he say that a Minister has no responsibility unless the Opposition is aware of the full detail of the administrative minutiae of his department? Of course we cannot expect such nonsense.

Mr Deputy Speaker, ministerial responsibility is clear. I quote the present Chief Justice of Australia. It means the individual responsibility of Ministers to parliament for the administration of their departments. That was stated by Chief Justice Mason in *FAI Insurances v. Winneke* in 1982. Mr Deputy Speaker, the Minister is responsible for the administration of his department.

It is extraordinary that in the Enfield report, at page 3 of our copy - Mr Humphries seems to have a different numbering system, so I will refer only to our copy - we have a recitation of who is responsible to whom. It states:

The Board of Health is clearly responsible to the Minister for Health, Education and the Arts under the Health Services Act 1990. The Secretary of the Department is also clearly responsible to the Minister. There is a need to clarify their respective responsibilities.

But, Mr Deputy Speaker, where this report is silent - perhaps properly so, as it was not asked to go beyond this - and where this Assembly must speak clearly is to add the next link in that chain of responsibility and that chain of command, and that is, clearly, that, while these officials are responsible to this Minister, this Minister is responsible to this parliament. The failure of an official is a failure of the Minister, and it is the responsibility of this parliament to take the Minister to task for that failure. That, Mr Deputy Speaker, is the elementary principle of ministerial responsibility. For all the ducking and diving and dodging and weaving that we have heard from Mr Humphries, we have not had a simple answer to that solution.

We heard a recitation from the Chief Minister of all the supposedly wonderful things that Mr Humphries has done while he has been Minister. Most of them, like closing Royal Canberra Hospital North and causing havoc in the

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education system, are hardly achievements that we would boast of. We would suggest that it would have been better if the Minister had left the education system alone and had left Royal Canberra Hospital North alone, and had looked after the actual financial details of his department.

Instead, he seems to have been diverted by this great crusade to rip the guts out of Canberra to the point that he just simply was not on top of the detail. He did not know what was going on. He has allowed chaos to develop in the financial administration of his department. He has allowed massive budget overruns, and his defence is, "Well, you cannot blame me because the Opposition did not know about it".

Mr Deputy Speaker, the principles are clear. I will go again to a very old, very well established authority. Sir Ivor Jennings, professor of political science for a long time at the University of Cambridge, in his classic textbook *The British Constitution*, set out in the chapter headed "Cabinet Government", in a fairly definitive way, and in a way that is accepted by most other writers, the principles of ministerial responsibility under the Westminster system. He says:

The responsibility of ministers to the House of Commons -

and we go from this system -

is no fiction ... If the minister chooses, as in the large Departments inevitably he must, to leave decisions to civil servants -

and that is what obviously has happened here -

then he must take the political consequences of any defect of administration... He cannot defend himself by blaming the civil servant. If the civil servant could be criticised, he would require the means for defending himself.

I apologise for the use of sexist language, but this book was written originally in 1951, and it seems to make the assumption that senior civil servants will all be male. He continues:

If the minister could blame the civil servant, then the civil servant would require the power to blame the minister. In other words, the civil servant would become a politician.

The fundamental principle of our administration is, however, that the civil service should be impartial and, as far as may be possible, anonymous.

But the Minister is responsible for the acts of the civil servants. Mr Deputy Speaker, it is no good trying to sheet the blame home to civil servants, anonymous or otherwise. It is no good having Mr Bissett held up in the public mind as the scapegoat. The public sees that after this chaos Mr Bissett's head seems to have rolled while the Minister's bottom remains in the ministerial chair. Mr Deputy Speaker, it is this Minister who is responsible for the maladministration, not a civil servant.

This motion of censure moved by Mr Berry today is a most serious matter and is deserving of some form of serious defence; but we have had none, apart from this bizarre notion that ministerial responsibility in the Alliance Government operates only if the Leader of the Opposition has, in fact, drawn attention to the defect of administration. Well, as we say, if this Government thinks that the Opposition needs to oversight every point of administration, we would be happy to do that. You can start sending your departmental correspondence to the Minister's office through our office for checking. It would probably be a good thing. We would not have two letters being signed on the one issue and a Minister unaware of it.

Mr Deputy Speaker, it is a farcical and laughable defence. It is not a valid defence. The Minister is responsible for the acts of his department. There has been financial chaos in his department and that Minister is responsible. No matter how much he squirms, no matter how much he tries to put the blame elsewhere, Mr Humphries squarely is answerable for the mess that he has produced in the health system.

MR COLLAERY (Attorney-General) (4.21): Mr Temporary Deputy Speaker, I think it is time that we reminded ourselves of the wording of this motion. It is:

That the ACT Legislative Assembly censures the Minister for Health, Education and the Arts for dragging the ACT hospital system deeper into crisis through his failure to implement reforms identified in December 1989.

This motion calls upon the Assembly to censure Mr Humphries for taking this hospital system "deeper into crisis through his failure to implement reforms identified in December 1989". The point I make clearly is that Mr Berry, in his motion, has defeated his own case. He is saying in his motion that the system was in crisis, and that was identified in December 1989; and his only complaint against Mr Humphries is that he has dragged it deeper into crisis. That is what the words say. It must follow logically, and that is the most - - -

Mr Connolly: Mr Berry identified the problem. You have done nothing.

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MR TEMPORARY DEPUTY SPEAKER (Mr Jensen): Order, Mr Connolly!

MR COLLAERY: With your indulgence, Mr Temporary Deputy Speaker: I heard that - - -

MR TEMPORARY DEPUTY SPEAKER: Order! Mr Collaery, would you please resume your seat for a moment. Mr Connolly, you had your say before. I would appreciate it if you would allow the Minister to have his say. Mr Collaery, please continue.

Mr Berry: I take a point of order, Mr Temporary Deputy Speaker. I would hope that you would reserve some attention for warnings that have been given out to other members of this Assembly. I draw to your attention the fact that Mr Duby has been warned before, this very day. I rest my case.

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, I am also aware that Mrs Grassby has been warned. Mr Collaery, please continue.

MR COLLAERY: Thank you, Mr Temporary Deputy Speaker. I heard Mr Connolly in silence; I expect the same courtesy in reply. I do not expect much of the others in his pack.

The motion is self-defeating. To add to the case against the motion you have the words of Mr John Enfield. At page 2 of his report, on a prime issue, he says:

The Secretary should have consulted the Acting Chairman of the Interim Hospitals Board about the revision of the letter and kept ... the Minister informed of progress. This matter was not handled well by the Secretary and the Department.

Many of us have known Mr Enfield for his role in the Public Service Board. He makes a very informed comment when he says at page 2:

The administration of health in the ACT has been through significant change in the last six years. This has imposed a heavy burden on management, and there is no doubt of the effective and unstinting contribution of many. But the financial management of Health in the ACT has been under criticism, in reports by both external authorities and by the Auditors-General of the Commonwealth and the ACT, over some years, with little apparent improvement. To me, that is evidence that senior managers have given insufficient attention to improving the process of management, particularly of financial management. The consultants working with me on this Inquiry are of the view that "current problems stem from a failure to invest appropriate resources in, and attention to, the finance function over the entire (health) service".

I read Mr Enfield's report to be a rebuke to the administration, not to this Minister. That is how I read it. I am trying to think objectively, trying to project myself across the floor, to see, if I were moving this motion, where I would find my factual base for it. I cannot find it in this document, and that is what Mr Berry relied upon. Mr Berry contradicted his motion on his feet because he talked about Mr Humphries causing a crisis that he, Mr Berry, in his motion, conceded existed.

I became hopelessly lost during Mr Berry's argument. I could not follow the logic of the arguments he was making. I have looked through the Enfield report and I cannot find where Mr Berry could draw some of the conclusions that bridge that gap that Mr Connolly speaks about. The gap, of course, is to find a level of culpability and neglect by this Minister in his administration of his department. Clearly he has almost a solid defence in the Enfield report. I personally believe that Mr Humphries has been more than generous in defending the inadequacies of those managers who appear to have let him down. That was his choice. I would not have done the same thing, but he has done it. That probably speaks well of him.

I want to address Mr Connolly's statement about the fact that Ministers take responsibility for their officials' activities. I am struck by the colossal hypocrisy in a proposition put upon Mr Humphries when I read from *Australian Business* of 30 January 1991 in which Ms Follett has been quoted. She has not denied it in this house and has had ample opportunity to do so since the sittings commenced after the Christmas break. The report states:

The trouble was that for five of her seven months in office, the administration, from the top down, was under investigation ...

She went on and was quoted as saying:

We just inherited them ... and we should have the best, quite frankly.

So, there is a former leader of the government blaming the events that led to her removal upon the Public Service. It ill behoves - - -

Ms Follett: Oh, Mr Temporary Deputy Speaker; that is a lie.

MR TEMPORARY DEPUTY SPEAKER: Order!

MR COLLAERY: I ask that that be withdrawn.

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

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Ms Follett: I withdraw that, Mr Temporary Deputy Speaker. It is an untruth.

MR TEMPORARY DEPUTY SPEAKER: Ms Follett, I request that you withdraw that. You will be able to make a personal explanation at the appropriate time.

Mrs Grassby: She has withdrawn "lie". "Untruth" has been allowed. Do you want to check it out?

Mr Humphries: On the point of order: Previously the ruling was that "untruths" as applied generally to people in a debate was not to be withdrawn, but the term "untruth" as applied to an individual speaker certainly is the equivalent of "lie" and should be asked to be withdrawn.

Mr Collaery: May I add to that point of order, Mr Temporary Deputy Speaker? In this sequence it is a qualified withdrawal and I ask that she make an unqualified withdrawal of calling me a liar. Then she can proceed to make any explanation that she likes at the end of the debate.

MR TEMPORARY DEPUTY SPEAKER: Yes, I uphold your point of order. Ms Follett, I request - - -

Mr Berry: Wait a minute. I wish to speak to the point of order and I have a right to do so, Mr Temporary Deputy Speaker. That is a right that has been extended to many members in this House of Assembly and I should not be sat down because I wish to explore that right.

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, I would suggest that I decide who is sat down, not you. You can now address the point of order appropriately.

Mr Berry: I knew that it was a good argument, Mr Temporary Deputy Speaker. The issue is that Ms Follett withdrew that which you required withdrawn and used the word "untruth", which has been accepted in the Assembly.

Ms Follett: Today.

Mr Humphries: No, it has not. That is not true.

Mr Doby: It has not been accepted.

Mrs Grassby: It has so.

Mr Humphries: Not in that context.

Mr Connolly: It is all right in the context of the Government but not the Opposition.

MR TEMPORARY DEPUTY SPEAKER: Mr Berry, would you resume your seat, please?

Mr Berry: I am still speaking.

MR TEMPORARY DEPUTY SPEAKER: I presume that you have finished.

Mr Berry: No, I have not.

MR TEMPORARY DEPUTY SPEAKER: I would request that you make it brief.

Mr Berry: The Government, in the person of Mr Humphries, argued strongly that an imputation of an untruth on a member of the Opposition, namely me, should be allowed in this Assembly, and Mr Speaker allowed that imputation to stand.

Mr Duby: You are a very mendacious ex-Minister.

Mr Humphries: That is not true. On the point of order - - -

Mr Berry: Mr Temporary Deputy Speaker, I heard an interjection from across the way which you, yourself, at one time had some experience with, and I ask - - -

MR TEMPORARY DEPUTY SPEAKER: Thank you, Mr Berry. Would you resume your seat. Mr Duby, would you withdraw that, please?

Mr Duby: I withdraw unreservedly.

MR TEMPORARY DEPUTY SPEAKER: Thank you, Mr Duby. Mr Humphries, do you wish to speak to the point of order?

Mr Humphries: Yes, I do, Mr Temporary Deputy Speaker. The point that was made before in respect of the word "untruths" was that the term, as applied to arguments in debate - - -

MR TEMPORARY DEPUTY SPEAKER: Yes, Mr Humphries, I did hear your earlier remark and I rule accordingly. Ms Follett, would you please withdraw your remark. You will have an opportunity to - - -

Ms Follett: Mr Temporary Deputy Speaker, I - - -

MR TEMPORARY DEPUTY SPEAKER: Will you let me finish? You will have an opportunity to make a personal explanation at the end of the statement.

Ms Follett: May I speak on the point of order?

MR TEMPORARY DEPUTY SPEAKER: Now you may speak on the point of order.

Ms Follett: Mr Temporary Deputy Speaker, this afternoon we heard Mr Humphries say that Mr Berry had made an untrue statement. I rose on a point of order on that occasion and the Speaker ruled that that was not unparliamentary.

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Mr Humphries: I did not say that. It is not true.

Ms Follett: I am afraid that the record will show that the context in which Mr Humphries made that statement was identical to the context in which I made the statement. We on this side of the house only request that we be treated fairly.

MR TEMPORARY DEPUTY SPEAKER: Ms Follett, in my opinion your statement about an untruth was related directly to Mr Collaery. It was not related to members of the Government. In fact I would have also taken the point made in *House of Representatives Practice*, commencing at page 486. Referring to groups is not appropriate because it requires individuals also to take a similar point of order. I request that you withdraw unreservedly.

Ms Follett: I withdraw, Mr Temporary Deputy Speaker, and on a point of order, on your ruling, I request that Mr Humphries withdraw.

Mr Humphries: Withdraw what?

Ms Follett: Your previous statement.

MR TEMPORARY DEPUTY SPEAKER: I am not quite sure what you are referring to. Withdraw what?

Mr Connolly: I take a point of order. You just said that a reference to a group saying untruths is unparliamentary and should be withdrawn. That was the precise issue about which I had the argument with the Deputy Speaker earlier on. I said that Mr Humphries had said that the Opposition were saying untruths. I was arguing that as Mr Berry was the only Opposition speaker it followed that he was saying that Mr Berry was saying untruths. We now have two directly contradictory rulings. I would suggest that, in order to preserve consistency and to preserve a higher standard of debate, it would be preferable if Mr Humphries also withdrew the earlier statement that Opposition speakers were making untruths. Then we will have established clear guidelines about referring to untruths that are consistent.

MR TEMPORARY DEPUTY SPEAKER: Thank you, Mr Connolly. I am quite aware of where we are going. Mr Collaery, please resume your seat for a moment. I will take advice.

Order! The house will come to order. I have decided that the matter will be reviewed. The *Hansard* record will be reviewed and the issue will be addressed at a later time. I call Mr Collaery.

MR COLLAERY: I seek a short extension.

Mr Berry: I take a point of order. His time has expired.

MR TEMPORARY DEPUTY SPEAKER: Mr Collaery has just sought an extension of time. Is leave granted?

Leave not granted.

Mr Humphries: Mr Temporary Deputy Speaker, I move:

That Mr Collaery have an extension of time of five minutes.

Ms Follett: I take a point of order. An extension of time is an extension of time. You do not specify an amount.

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

That Mr Collaery (Deputy Chief Minister) be granted an extension of time.

The Assembly voted -

AYES, 11

NOES, 5

Mr Collaery
Mr Duby
Mr Humphries
Mr Jensen
Mr Kaine
Ms Maher
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Stevenson

Mr Berry
Mr Connolly
Ms Follett
Mrs Grassby
Mr Wood

Question so resolved in the affirmative.

MR COLLAERY: I think the record should show that we wasted 11 minutes on this frivolity. This Opposition says that it is concerned about government funds, but it has held up this Assembly by refusing to give me a short extension of time. The last several minutes of my speaking time were taken up by points of order when the Leader of the Opposition called me a liar and finally withdrew.

Mr Speaker, to summarise what I said in defending my colleague Gary Humphries: Firstly, the motion of Mr Berry's is self-defeating because it puts forward that the system was in a crisis at the time of December 1989. Therefore Mr Berry's oral claim in this house, that Mr Humphries had caused the crisis, is simply uncontestable. He has defeated his own argument. He must learn debating styles if he wants to move serious censure motions. I am surprised that none of the Opposition who did speak moved to assist Mr Berry in any way in fleshing out his case. It has fallen on its face.

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The other point I wish to mention in my summary is what I read from pages 2 and 3 of the Enfield report, observing that Mr Enfield had had an unparalleled overview of the health system over many years. As leader of the Rally, I put considerable weight on his statement that there had been problems in management and fiscal processes for many years in that health area. No jury could convict this Minister of dragging the system into a crisis.

The third point I made, which caused the frivolity on the Opposition benches, was that Mr Connolly had made the rather non sequitur statement that a Minister is responsible for all the doings of his public service - a sort of a truism read in good academic style from some tomes - but he did not make the connections that are necessary to find a level of culpability in a Minister, a level of neglect or whatever the case can be. No evidence was put forward by Mr Berry.

On the principle that Ministers should take the fall for any of the failings of their public service departments, I now table an article called "Opinion" by Bruce Juddery which appeared in *Australian Business* of 30 January 1991. In it the Leader of the Opposition makes some extraordinary comments about the public servants that advised her, and those claims clearly are extraordinarily ill matched with those comments made by Mr Connolly. I observe that Ms Follett did not rise to defend her statement or explain in any way why she said it.

The fourth and final point I wanted to make before I sat down - I could have done this 15 minutes ago - was that there have been significant reforms in the health area. Mr Berry failed to document the level of reform and the level of non-reform to justify his case. For example, a Board of Health has been created, and that was a prime proposal put by the Residents Rally. A member of the Rally executive, in fact, sits on the hospital planning committee. Quite a number of the Residents Rally's reforms - a birthing centre, palliative care and emphasis on a whole range of issues - have been met by this Minister.

Mr Wood: But is he a good Minister? No, do not answer it; talk over it.

MR COLLAERY: So, standing as both a Minister in this Cabinet and the leader of an alternative party, I do not support the motion that Mr Berry has put. He only descended into rhetoric. The level of interjection and frivolity all day from the Labor Opposition suggests that they were never serious about this motion. It was a try-on in the faint hope that someone on this side would rat on our promise to deliver stable, competent government for the Territory.

Mr Wood: Is he a good Minister? No answer. Presumably he is not. What a significant speech!

MR SPEAKER: Order, Mr Wood, you have had your turn.

Mr Wood: I would have asked for an extension too.

MR SPEAKER: Mr Wood, I warn you. I have had enough of this rubbish. Listening to this debate in this chamber is an embarrassment.

Mr Wood: Two interjections. Nobody was warned when I was speaking.

MR SPEAKER: Mr Wood, I warn you.

MR MOORE (4.45): Mr Speaker, I think I should start my speech by reminding Mr Collaery of what Mr Connolly presented when he quoted from Sir Ivor Jennings on the matter of the responsibility of a Minister. He said:

If the Minister chooses, as in the large Departments inevitably he must, to leave decisions to civil servants, then he must take the political consequences of any defect of administration, any injustice to an individual or any policy disapproved by the House of Commons.

Mr Humphries: So why did not Mr Berry resign?

MR MOORE: The question here is not, as Mr Humphries interjects, "Why did not Mr Berry resign?". We have seen that Mr Bissett has offered his resignation. The question is: Why, under those circumstances, has not Mr Humphries had the same fortitude to offer his resignation?

Mr Speaker, I am taken back to a little before December 1989 when that report was provided by Mr Berry. Perhaps I ought to provide a little further answer on: Why did not Mr Berry resign? Perhaps the answer to that question is that the time had not yet come for Mr Berry to resign. No doubt it could well have arrived, and I am quite happy to say that. Mr Berry identified the problems, with a great deal of help from Mr Humphries. I will bring back that help from Mr Humphries. Mr Berry took the first stage, identified the problems, had the report prepared and got the report back. At that stage it would be important for - - -

Ms Follett: He did not get the report.

MR MOORE: Ms Follett interjects, and quite rightly so, that Mr Berry did not actually get the report. The report went to Minister Humphries. But Mr Berry had put that procedure in motion. Once Mr Berry had received that report, if he had then failed to act accordingly that would have been the appropriate time for him to resign. Whether he would or would not have been able to respond effectively to that report is a matter for conjecture. Whether Mr Humphries has effectively responded to that report is a

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matter of record. Of course, there is a major difference between the roughly six months and the roughly 18 months of the respective Ministers in their portfolios - a threefold difference in reality.

Mr Humphries raised the hospital crisis as a matter of public importance in this place on 15 November 1989. I asked a question relating to that today and Mr Humphries was unable to provide a clear-cut answer. I shall look forward to that answer. At the time Mr Humphries raised a series of issues that needed to be resolved. Eighteen months later, as Minister, has he resolved those issues, or is he going to blame his public servants for their role?

The issues raised then were raised by a letter that Mr Humphries suggested, on page 2570 of *Hansard*, fell off the back of a truck. It was a letter from the Interim Board of Directors of the hospitals, Royal Canberra and Woden Valley, to the Minister. In fact, Mr Humphries made a great deal of mileage out of that letter, illustrating that the year-to-date operating expenditure was \$39.1m, which was \$2.5m over the monthly pro rata allocation of available funds, and the possible containment of a \$10m deficit. He went on to list the choices or the tough options - the introduction of productivity measures in food preparation and food distribution and so on. He referred on page 2572 to Mr Berry as "Sit-on-your-hands Berry" and said that he was being asked to take urgent action.

It is interesting to note that at the time Mr Berry had had that letter for a relatively short while. Mr Humphries had that letter in November and we are now about to go into May, nearly two years later - certainly 18 months later. I am exaggerating the time a little.

Mr Berry: Rounding it off.

MR MOORE: Rounding it off; that is right. In fact Mr Humphries knew of the problems - he had identified the problems - and he has not taken the appropriate action to resolve them. He has taken some peripheral measures around the outside but has not actually taken the action that was necessary.

I referred today to the number of level 4 nurses in the ACT hospital system. Mr Humphries himself identified that as one of the areas where we could provide some solution. He looked at the expenditure in hospitals in the ACT of \$33 a day, whereas in Australia as a whole it was \$31 a day. It was 6.45 per cent more expensive in the ACT. Has that problem to which he drew attention improved under Mr Humphries, or has it got worse? It has got worse. Mr Humphries went on at that time with a series of accusations about the state of the health system; and quite rightly so.

He then had the benefit of the report from the Follett Government and he has had the opportunity - for 18 months roughly - to act on that report. Clearly he has failed to do so. Clearly he has engineered - I think that might be the best way to put it - the resignation of Mr Bissett. Why is Mr Bissett resigning if the Government is delighted with the job he is doing? Mr Bissett is in the system that Mr Connolly referred to in his quotes from Professor Sir Ivor Jennings. He is the civil servant in the chain. Insofar as he has been put in a position where it is appropriate for him to resign, so too should Gary Humphries resign as Minister for Health. He set himself the challenge.

I did not go on to quote from what happened in December 1989 when, in fact, Mr Berry was forced to resign. Well, he was not forced to resign; he was removed from his ministerial position by a vote of this Assembly. In that debate Mr Humphries went on about the responsibilities that Mr Berry had failed to meet. Now he has failed to meet the same responsibilities, 18 months later, and it is time for him, not so much to face the music as far as this parliament is concerned, although that is the force that should carry it, but to face the music by the standards that he himself set. He was the one who set those standards. He was the one who drew attention to the problems that Mr Berry had. He was the one who said, "You have to resolve those problems". And he is the one who should stand up to it.

Mr Connolly: Hoist with his own petard.

MR MOORE: Ah, ha! The chances of Mr Humphries resigning are about as great as the chances of Mr DUBY resigning earlier. I do not think they are very great at all. But he will, at least, have to face the ignominy of the fact that he has not done so.

MR DUBY (Minister for Finance and Urban Services) (4.53): Mr Speaker, today we are hearing the most nonsensical censure motion that this house, I think, will hear in its history. It is a bizarre motion. As my colleague Mr Collaery has pointed out, even the motion indicates the amount of thought and the amount of feeling - - -

Mrs Grassby: Mr Speaker, why is not the Minister here to - - -

MR SPEAKER: Order! That is not a valid point of order, Mrs Grassby.

MR DUBY: As I was saying, Mr Speaker, this is a bizarre motion. It indicates the amount of thought and feeling that has gone into this supposed censure. That the previous Minister for Health can draft a motion which says that the Assembly censures the current Minister for dragging the ACT hospital system deeper into crisis through his failures indicates, I think, just what a sad state of

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affairs we have. Mr Berry clearly has indicated, in his own motion, that, as Minister, he had dragged the system into crisis. He left it in crisis. It was in crisis until such time as this Assembly quite sensibly kicked him out of the office.

We have heard a remarkable number of speeches. I will not even bother commenting on the points raised by Mr Connolly because, frankly, they were high school debate stuff. They were simply things that do not even need to be addressed. Mr Connolly is so ashamed of himself that I see that he has now left the Assembly.

The interesting words in this debate so far - I notice that Mr Connolly is back - were those spoken by the person who is probably the best debater on the Labor side, namely, Mr Wood. If ever there was a backhanded slap at colleagues, Mr Wood's speech identified it. In his speech he bagged Mr Berry. He bagged his own government colleagues for the atrocious mishandling of the health system that they exhibited during the time that they were its custodians.

Mr Wood was trying to attack my colleague Mr Humphries. He was saying that he, along with everyone else in the Territory, was awaiting "a crusading, challenging Minister" who would take over the job and fix the health system that was in such a parlous state. What did he say? He said that Mr Humphries neglected to carry out the job that needed to be done. In other words, Mr Wood himself identified, as did Mr Berry in his own motion, that the health system was - I use the word "was" - in a bad state, a state of crisis, in December 1989, when this Minister took on the responsibility of fixing up the mess that was left by that man opposite.

Mr Humphries: That is right, Mr Berry.

MR DUBY: That is right. Strangely enough, following that, having identified that all these problems needed to be fixed, Mr Wood said that this Minister, Mr Humphries, is the Minister who did nothing. Those of us who follow the debates in this Assembly will realise that, for a Minister who does nothing, he certainly is asked a lot of questions by those opposite about the things he does do. Almost every question time since this Alliance Government has been in power has been devoted to Mr Humphries and the things he has done.

Let us just look at the things Mr Humphries has done. He, as Minister, 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. Once again, that was something that Mr Berry was incapable of doing. Mr Humphries implemented a recent independent review of the nurses' career structure which will overcome most of the problems that have been inherent in the health system during all that time, and for many years - something which

Mr Berry failed to do. In the first 12 months that this man was Minister for Health the number of days lost through industrial disputes was substantially less than in the previous Labor Government's six months of office.

Mr Wood: Is he a good Minister?

MR DUBY: Here is a man who did nothing! That record has been maintained. He is an excellent Minister. Will you let me finish? Look at the other decisions that Mr Humphries has taken. Because of the hard work he has done and the work he is involved in, there has been a massive restructuring of cleaning and food services in the Royal Canberra Hospital system. Already quite a number of the workers have been offered voluntary redundancy packages - I emphasise the word "voluntary" - and have accepted them. I know what they will say when they go home with their big cheques. They will say, "Thank you, Mr Humphries, because you are the man who organised a proper standard of living for me".

This is supposedly the Minister who did not do anything. This is the man who you, Bill Wood, said did not do anything. Here is the man who has reshaped the hospital system. It is probably the most massive reshaping and restructuring process that this Government, or any government in Canberra, has taken on for 25 years. This is the man who has done nothing! This is the man who has dragged the system into crisis! What a load of codswallop!

Under this Minister we now have more hospital beds in the ACT than we ever had when Mr Berry was Minister. That is indisputable. We have more hospital beds in the ACT right now than whenever that man was in power. We have a man who will provide the ACT with a hospice. We have a man who is going to provide the ACT with a birthing centre. Where are Labor's calls for all these things? These are all supposedly good social needs. Where is the pat on the back? This is the Minister who is being censured. This Minister is providing you with a hospice, a birthing centre and child-care facilities at the ACT public hospitals. This is the fellow who has done nothing!

What about the convalescent facilities? What about the improved facilities for the aged members of this society?

Mr Wood: Where?

MR DUBY: I am telling you now; this man is in the process of doing that. This is the man who you say is doing nothing. Mental health crisis services are another example. This Minister has actually achieved something. Now, look at the sorry record that we have of when Mr Berry was in the position. What Mr Berry did, of course, was sit up in the office and look out the window at the car park. That was about the size of it.

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Mr Speaker, this is an absolute nonsense of a motion. I think this house deserves that the motion be put. I now move, under standing order 70:

That the question be now put.

Question put:

That the question be now put.

The Assembly voted -

AYES, 9

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

NOES, 6

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

Question so resolved in the affirmative.

Original question put:

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

The Assembly voted -

AYES, 6

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

NOES, 9

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

Question so resolved in the negative.

Sitting suspended from 5.13 to 8.00 pm

AUDITOR-GENERAL - REPORT NO. 3 OF 1991
Efficiency Audit of ACTION

MR SPEAKER: Pursuant to the Audit Act of 1989, I table, for the information of members, the following paper:

Auditor-General's Report No. 3 of 1991 - Efficiency Audit - ACTION, dated 30 April 1991.

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

That the Assembly authorises the publication of the Auditor-General's Report No. 3 of 1991.

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

That the Assembly takes note of the paper.

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

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS
Papers

MR COLLAERY (Deputy Chief Minister): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I table the following subordinate legislation in accordance with the schedule of gazettal notices of commencement and notices of termination of regulations:

Clinical Waste Act - Notice No. 12 of 1991 (S32, dated 24 April 1991).

Inquiries Act - Notice of commencement (G16, dated 24 April 1991).

Motor Traffic Act -

Determination - No. 10 of 1991 (S25, dated 19 April 1991).

Notice of commencement of section 3 (S25, dated 19 April 1991).

Taxi and Private Hire Car Regulations (Amendment) - No. 8 of 1991 (S25, dated 19 April 1991).

Royal Commissions Act - Notice of commencement (G16, dated 24 April 1991).

Taxation (Administration) Act - Determination - No. 11 of 1991 (S32, dated 24 April 1991).

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INTERIM PLANNING ACT 1990 - DECLARATIONS UNDER SECTION 51
Ministerial Statement and Declarations

MR KAINE (Chief Minister), by leave: Mr Speaker, I would like to make a statement on declarations under section 51 of the Interim Planning Act 1990. It is quite short; it is something of a formality. Pursuant to section 51(4) of the Interim Planning Act 1990, I wish to table a copy of two declarations made under section 51(1)(c) of that Act. On 12 March 1991, the transition period under the ACT (Planning and Land Management) Act of 1991 ended by proclamation of the Governor-General. Concurrently, the Interim Planning Act of 1990 came into effect.

At the end of the transition period, the Interim Territory Planning Authority had 11 draft variations to NCDC policy which had been submitted to the National Capital Planning Authority and released for public comment but which had not been submitted to the ACT Executive for approval. The Authority also had three draft variations to NCDC policy which had been submitted to the Executive for approval but had not been approved.

Section 51 of the Interim Planning Act of 1990 provides for the continuance of the preparation and approval of draft variations subject to their compliance with the requirements of this section. It is also under the provisions of this section that the ACT Executive must declare by instrument that this section applies to these draft variations. Mr Speaker, I table the following two declarations:

Interim Planning Act - Declarations (2) pursuant to sub-section 51(1)(c), dated 24 April 1991.

ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE
Alteration to Reporting Date

MR PROWSE, by leave: I move:

That the resolution of the Assembly of 19 September 1990, as amended, be amended by omitting "by 1 May 1991" and substituting "by 6 June 1991".

Members, we are pushing ahead with this program. There have been a number of issues that have not been debated and we will certainly bring the report down as soon as practicable.

Question resolved in the affirmative.

WHITE COLLAR CRIME

MR STEVENSON: I seek leave to make a statement.

Mr Berry: What about?

MR STEVENSON: About white collar crime.

Leave not granted.

Suspension of Standing and Temporary Orders

MR COLLAERY (Deputy Chief Minister) (8.05): I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Stevenson from addressing the Assembly for 10 minutes on white collar crime.

Ms Follett: This is the individual touch here.

MR COLLAERY: Do you not want to hear about white collar crime?

Mr Berry: I would not mind you extending the same privileges to us, Mr Collaery.

MR COLLAERY: You do not know how to spell the word.

Question put:

That so much of the standing and temporary orders be suspended as would prevent Mr Stevenson from addressing the Assembly for 10 minutes on white collar crime.

The Assembly voted -

AYES, 12

NOES, 5

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

Mr Berry
Mr Connolly
Ms Follett
Mrs Grassby
Mr Wood

Question so resolved in the affirmative.

Statement by Member

MR STEVENSON (8.09): Mr Speaker, law and order is an issue that Canberrans and all Australians need to confront. We see daily evidence that crime and corruption is increasing and we should ask why this is so. I believe that continuing revelations before police, parliamentary investigations and royal commissions reveal that crime can prosper only when law-makers fail to protect the community by the provision and enforcement of appropriate laws.

The solution is not just increased legislative controls but rather the passing and enforcement of laws which actually reflect community values and expectations. Crime will flourish only where laws are inadequate or unenforced, where police and investigatory bodies are denied the resources they need, or where the evidence and recommendations they produce are met, not with swift implementation and justice but with incompetence, apathy or, as is increasingly the case, a cover-up of criminal activities by the very people who hold the power of law.

One example of how this can occur is seen in Victoria where it is required that any illegal pornographic videotapes that are seized must be processed within 14 days of seizure. Under current economic constraints and staffing levels it is nigh on impossible in the time available to classify quantities of tapes seized. This simple failing has prevented many purveyors of video pornography from being charged and prosecuted.

It is readily apparent to most people that the criminal activity that is expanding most rapidly is white collar crime. We see that criminals are more likely to commit their crimes under the cover of a facade of legitimate business aided by business professionals who either are prepared to turn a blind eye to criminal activities or themselves become an accessory to the commission of the crime itself. There are corporate and legal professionals who use their standing in the community, their professional connections and, indeed, their own qualifications and experience, to support crime.

With the advent of the computer age and the involved regulatory nature of our modern society, we have seen organised crime increasingly expand into the multi-billion dollar world of business. I particularly raise this matter of white collar crime in the pornography industry today because of rumours spread by porn traders in Canberra that they are somehow going broke and that this has been responsible for six porn businesses going into liquidation.

While there is no doubt that many businesses in Australia face troubled times, we should understand that one of the major difficulties they face is a lack of cash flow. Most companies would be more than happy if all their accounts were paid in 30 days. It would bring an even greater smile

to the face of any business manager if their business was run on a cash on delivery basis. Most business operators would find it hard to believe their good fortune if they had a business where the customer paid for their goods even before they had been delivered. This is, however, the basis on which the mail-order pornography businesses operate.

We should understand that the profit margins in pornographic X-rated videos are high, while the production costs are low. We should also not forget the fact that the pornographers can and do operate from low-cost premises. As a fair proportion of their business is done on a cash basis, the scope for failing to declare income is high. While it is not unusual that pornographers should try to convince us that they are on hard times, it would indeed be unusual if we believed them.

Tonight I wish to demonstrate how crimes are committed under the very noses of our authorities and how they are aided and abetted by professional people in the fields of law, banking and accountancy. These crimes involve tax evasion and the falsification of records. They are committed by criminals who use these white collar activities to make tax-free money, to launder illicit funds, and to give an air of respectability to their many other illegal activities.

I will show how pornographers can lay a paper trail to evade taxes and their corporate responsibilities and I will present the details and documents relating to one such case, over which no charges have yet been laid. With regard to video pornography in Australia, the earliest traced example, as outlined by the Costigan investigators, is that of a Melbourne man, George Strinzos, former proprietor of a business called Intercontinental 8 mm Film Hire who imported eight-millimetre pornographic films from Charlie Brown Productions in Germany. Strinzos then supplied some of those films to Dinasal Pty Ltd, a company operated by the late media magnate, Max Newton.

Mr Connolly: Mr Speaker, Mr Stevenson was given leave to speak on white collar crime. He seems to be speaking about pornography, which probably involves no collar at all. There is a question of relevance here, and we are getting shirty.

MR SPEAKER: I do not uphold your objection, Mr Connolly. Mr Stevenson, please proceed.

MR STEVENSON: Banking records show that Strinzos operated an account with the Westpac Bank at 399 Lonsdale Street, Melbourne, and that drafts were drawn on that account, remitting funds overseas in payment for pornographic films. This shows that, even before the convenience of the video cassette recorder, people were willing to pay premium prices for pornography from overseas sources.

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Alexander Gajic was named by the Costigan royal commission as one of the Mr Bigs of organised crime in Australia, along with Gerald Gold and Joseph David Shellim. Alexander Gajic signed an agreement with VCX Incorporated, a US company run by leading organised crime figures, to duplicate and sell pornographic videos in Australia and act as the agent for VCX expansion in this region. Among an interlocking web of companies, Gajic was also a director of Joyfrey Nominees Pty Ltd, which agreed to pay \$US30,000 for this licence. It is perhaps not well known that organised crime groups will readily use normal banks to transfer funds, rather than banks like Nugan Hand. The bank that was used to transfer these funds from Australia to the Mafia-run VCX Incorporated was Barclays Bank of California Ltd. The account was titled "Humphrey Sales", the account number being 05430-00917.

Due to an informal protocol, the Commonwealth Customs Service did not prosecute individuals entering Australia with small, supposedly non-commercial amounts of unclassified and illegal pornography; nor was this material confiscated. Once master videos are shipped to Australia they can then be cloned and duplicated by their thousands. The only requirement is that professional video-duplicating services are available.

In the case of Alexander Gajic, he set up an agreement with a Melbourne based professional video duplicating company called Armstrong Audio Visual, or AAV as it was known, to duplicate the videos he obtained from VCX. AAV was a subsidiary of the David Syme publishing group. It was shortly after this time that Gajic decided to strip the assets from Joyfrey Nominees Pty Ltd, the company holding the licence with VCX Incorporated, and send Joyfrey into liquidation. On 13 June 1985, a liquidator was appointed for Joyfrey.

I make no suggestion that the appointed liquidator in this case did anything other than a professional job. The problem lay in the fact that he and the Corporate Affairs Commission were given false information. When Joyfrey Nominees was put into liquidation a problem arose for Gajic, because Armstrong Audio Visual had possession of the master tapes from which it had been copying and, until it got paid for its work, AAV was most reluctant to release the tapes.

On 29 October 1985, Gajic instructed Simons and Baffsky, a well-known Sydney law firm, to act on his behalf in the matter. Simons and Baffsky thereupon made a number of contacts with Mr Ian Robertson, the corporate solicitor for David Syme, the VCX organisation and another person, Harold Schekeloff. Harold Schekeloff is a person who, for some time, has attracted the attention of various crime intelligence bureaus in Australia regarding investments and other matters.

In order to hide company assets, Gajic contacted VCX and asked them to transfer the rights to the video masters from Joyfrey Nominees Pty Ltd over to Sienna Pty Ltd, another company of which he was also a director. In a reply to this request, VCX stated:

Based upon representation in your letter, you have liquidated Joyfrey Nominees Pty Ltd, for tax purposes, we see no reason not to consent to the proposed transfer.

Effective immediately, VCX Inc. recognises Sienna Pty Ltd, as licensee under all existing agreement between VCX Inc. and Joyfrey Nominees Pty Ltd.

Here we see that Gajic has admitted that his intention was to evade tax. It is interesting to note that a copy of the letter was sent to solicitor Leon Zwier at the Melbourne law firm of Harding and Brereton. Zwier was the solicitor who was commissioned to go to the United States on behalf of Alexander Gajic to help expand Gajic's corporate empire and its link with Mafia-run organisations in the United States, as well as a number of other companies.

MR SPEAKER: Order! Your time has expired, Mr Stevenson.

MR STEVENSON: I seek an extension of time.

Leave not granted.

MR STEVENSON: Mr Speaker, I seek leave to table the following papers:

White collar crime - Speech notes, together with copies of papers (20).

Leave granted.

ADMINISTRATION (AMENDMENT) BILL 1991

Debate resumed from 18 April 1991, on motion by **Mr Kaine:**

That this Bill be agreed to in principle.

MR BERRY (8.20): Mr Speaker, this Bill is a machinery provision which is necessary to clarify the law. The Australian Capital Territory (Self-Government) Act, which establishes the ACT Executive, contains no provisions about the operation of the Executive in the absence of other Ministers. It is important to deal with that issue. This Bill will amend the Administration Act to provide for the powers of the Executive to be exercised by any two Ministers. It should remove any doubt about the validity of Executive actions taken where one or more Ministers are absent.

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The Labor members of the Assembly will support the Bill, so this is another area where the Government can say that it has been supported by the Labor Party. But government members should not dwell on that for too long because there are many issues which the Government has been involved in where strong and continuous criticism will follow. Let me observe that the priority given to this Bill is curious when there are many more urgent matters awaiting drafting action. I draw Mr Collaery's attention particularly to the anti-discrimination Bill. It is about time the matter was dealt with.

Mr Stefaniak: It is not the end of the world, Wayne.

MR BERRY: I heard Mr Stefaniak say that it is not the end of the world. I know that Mr Stefaniak is not that concerned about anti-discrimination measures.

Mr Stefaniak: I raise a point of order, Mr Speaker. I have been very badly misrepresented.

MR SPEAKER: You can make a personal explanation about it. Please proceed, Mr Berry.

Mr Stefaniak: I will take the point later.

MR BERRY: When you are taking the point, Mr Stefaniak, you might tell us how many press releases and speeches you have made on the subject. We can only speculate that the Government is concerned that someone will question the legality of its Executive actions, given the attention which has been given to Ministers' frequent absences on interstate or overseas junkets.

MR COLLAERY (Attorney-General) (8.23): There being no other speakers - - -

Mr Kaine: It is my Bill. Feel free to speak on it, though.

MR COLLAERY: The Chief Minister reminds me that it is his Bill. Mr Speaker, I heard the word "junket" and sprang to my feet. I wish I could get one. The only junket I have seen is in a bowl.

This is an important machinery of government Bill. It clarifies, in effect, something which is unclear in the Australian Capital Territory (Self-Government) Act. The Act is quite explicit about who the members of the Executive are, and they are "such other Ministers as are appointed by the Chief Minister". Then it goes on to make an explicit reference to the Deputy Chief Minister being

able to act during a vacancy in the office of Chief Minister, or when the Chief Minister is quite explicitly absent from duty, or from Australia. That suggests, of course, that the Act intended to make provision only for an absence by a Chief Minister. So it is unclear as to what the draftsman intended. In that circumstance, bringing forward this Bill is, I remind Mr Berry - through you, Mr Speaker - an important small exercise in law making.

It is anticipated, of course - and I have no doubt that the Chief Minister will say this - that this is to facilitate the processes of executive government when, as often happens in this federal nation, two Ministers are absent at the same time. What these Opposition members never realised during the short interregnum when they held the chalice is that there are national responsibilities. There is a need, as a Minister in any government in this country, to meet with other Ministers and divide funds, to attend Loan Council meetings, to meet with other States' Attorneys, and to meet with welfare Ministers to divide child welfare places and funding, and on all the other issues.

We constantly hear from this immature group of politicians about our junkets, when I and my other colleagues are at meetings with their Federal friends - their Federal Labor Ministers. I rarely, if ever, leave this Territory without a Federal Labor Minister being with me at the meeting. Mr Berry, of course, once again is telling those people over on the hill that they go on junkets, because this group opposite us does not understand how government works.

Mrs Grassby: We understand all right. We just do not waste money.

MR COLLAERY: I would hate to be saying that from No. 13. It would bring me a bit of bad luck, I would think. Mr Berry should think about withdrawing the suggestion that travel - which is sometimes arduous, inconvenient and a strain on our families - is a junket. I think that is a churlish comment, particularly as public servants often accompany us, often to their inconvenience. The suggestion that they are junket trips shows the sort of Opposition we have in this Territory.

Finally, when I am away at those functions, inevitably the scurrilous little press release comes out saying, "Mr Collaery is absent again on a junket", and your Labor friends throughout this country groan when I show them those squalid little press releases that emanate from that funny little sunstruck section of this building on the first floor.

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MR CONNOLLY (8.27): Mr Speaker, I was not going to rise in this debate, but the Attorney-General has indeed provoked me. This is, as Mr Berry indicated, a sensible piece of legislation. It clears up a potential area of confusion. It may have a very practical benefit as well, as it allows the Chief Minister to have clear lawful authority to act with only one Minister. So perhaps he and Mr Humphries can run the Territory efficiently in the absence of the Residents Rally or the independent, once No Self Government Party. If that is Mr Kaine's hidden agenda - and he seems quite cheerful at that prospect, sitting there today, as indeed, does his Liberal back bench - - -

Mr Kaine: I was hoping that you would not catch on.

MR CONNOLLY: I congratulate him on his perspicacity in that regard. It was mentioned in justification of this measure that it would remove any doubts as to action taken in the absence of Ministers. The Opposition, in its opening remarks from Mr Berry, said that that is often necessary because there does seem to be a welter of travel going on. That greatly offended the Attorney-General.

The Opposition makes no apology for bringing to public attention the fact that the travel undertaken by Ministers in this Government does seem to be very, very uneven. Two Ministers in particular, the Attorney-General and Mr DUBY, really do seem to be making a fist of it. We consistently bring those figures to public attention, and the public react with some horror when they learn of the extent of travel undertaken by those two Ministers. I must say, giving credit where credit is due, that Ministers Humphries and Kaine seem much more restrained in their travel.

I was most concerned when I read the legislation handbook, recently prepared by officers of the Chief Minister's Department - and a very worthwhile document it is, too, in guiding public servants in this administration in the process of preparing legislation. I noted that the legislation handbook, in its example of how to prepare a Bill and an explanatory memorandum, said:

The Australian Capital Territory Space Exploration Authority Bill, which is a Bill to provide for a program of trips to Mars and Venus ...

While we complain about ministerial trips, I would have to say that, if this Government wishes to send one or two Ministers in particular into outer space, it could expect full support from this Opposition on that measure, as it can on this Bill.

MR KAINE (Chief Minister) (8.29), in reply: Mr Speaker, I must say that I welcome the support from the Opposition on this issue, I think. It amazes me that the members of the Opposition can, on the one hand, support what seems to me to be a sensible proposal from the Government and, on the other hand, carry on their innuendo and attack on members of the Government. One of these days they may be again in government, and when they find themselves in that situation they are going to find, just as we have found, that there is travel that Ministers must necessarily do. I agree with Mr Collaery. When I next go to the Premiers Conference or the Planning Ministers Conference or the Minerals and Energy Conference, I am going to take a copy of your press releases and give them to the Prime Minister, Mr Kerin and other Federal Ministers, and let them see how petty-minded you are on this issue.

There has been a lot of speculation about why members of the Opposition did not travel when they were in government. It has been suggested that maybe there was an airlines strike and they did not have much opportunity. It has even been suggested by them that they were conserving public money. But we on this side of the house know why they did not travel. The simple fact is that none of them dared leave town because they would not know what happened while they were away. That was the reason they did not travel. But if and when they ever get back into government they will find that there are commitments that Ministers in a government are expected to honour, and their contemporaries in the State governments and in the Northern Territory and Federal governments will regard them with some disdain if they do not appear at ministerial council meetings which go on around the country and which raise issues of national concern as well as of concern at the State and Territorial level.

All this talk about junkets makes good copy, and I have no doubt that they will take this extract out of the *Hansard* and send it to all their mates so that everybody can see what great speeches they made and how they really attacked the Government on this issue. But it really is nothing but rhetoric, and Mr Connolly and others will know, if they ever get back into government, how important it is to represent the people of this Territory in these ministerial council meetings.

Of course, the practical reality is that next year, when there is another Alliance government sitting here after the election next February, we will have five Ministers and not four, and we will probably be asking the Opposition to amend this to provide that three Ministers can form an Executive, because I cannot see the day when more than two Ministers would ever be absent at once. It is a reasonable provision that we make to ensure that the decisions of the Executive are legal. That is what this is about.

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If the Opposition sees something trivial in that, I am afraid the triviality escapes me. I am astonished that they take this opportunity to go on with this play-acting campaign that they conduct from time to time. However, in conclusion, setting aside all of that rhetoric and all the play-acting, I do appreciate the fact that they, underneath it all, accept the rationality, the logic and the justification for this Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1

MR BERRY (8.34): Mr Speaker - - -

Mr Moore: Appreciate the opportunity to speak.

MR BERRY: I do appreciate the opportunity to speak. Thanks for putting those words in my mouth, Mr Moore. It takes a little while for the word to sink into the minds of government members opposite, but this one is a good one. It is true that this legislation facilitates junkets. That is a sensitive issue for the Government, and the speed with which the Attorney-General rose to defend himself on this issue demonstrates that sensitivity. That is quite appropriate. But it is more appropriate for the Chief Minister to consider his position and his defence on the issue.

I would like to raise just one issue. A report to the Office of Public Sector Management of the Chief Minister's Department, which was prepared by Ernst and Young Management Consultants, Canberra, ACT in March 1991, said on page 34:

The status of the ACT Government as a State gives rise to a temptation to argue that the ACT needs to participate in, and contribute to, all of the formal and informal inter-governmental coordination mechanisms that have been established and are currently operating. There are, for example, over 30 inter-governmental Ministerial Councils and well in excess of 200 inter-governmental agreements. Many of these are in the Health and Education area.

Listen to this:

The scale of ACT participation in inter-governmental discussion and negotiation needs to be carefully weighed in terms of the costs and benefits.

There is no evidence that the costs and benefits have been weighed up by this Government. Further, it says:

There are clearly some arrangements where ACT participation is inappropriate - yet off the Ministers trundle.

Mr Connolly: First class.

MR BERRY: That is right. It continues:

while in others the ACT could align itself with positions taken by other States. It could not be expected that the ACT would make a major contribution to inter-governmental research and development initiatives.

The recommendation is as follows:

The extent of ACT participation in inter-governmental forums be assessed carefully in relation to cost, benefit and priorities.

It is an outrage that the people of the ACT should be subjected to the speeches which we have just heard from the Chief Minister and the Deputy Chief Minister about the propriety of attending these sorts of - and I use the term again - junkets when it has been quite clearly demonstrated that the entire use of public funds in this area needs to be assessed. I urge the Chief Minister to take that on board and examine the matter.

MR KAINE (Chief Minister) (8.37): As is so often the case, Mr Berry's comments are quite scandalous.

Mr Berry: Read it.

MR KAINE: You automatically proceed from the assumption that the Government does not do the kind of analysis that you are talking about. Of course, that simply is not true. And it proceeds from the assumption that all Ministers go to all ministerial council meetings that are held. That is not true either. The bottom line of what you are suggesting is that members of this Executive are totally irresponsible when it comes to public money. I think that we can prove that we are far more responsible than you were when you were in government. We have taken a very responsible approach - - -

Mr Connolly: Would you have a look at the travel budget.

Mr Collaery: I never got public funds to watch the Raiders in Sydney like your leader did.

MR SPEAKER: Order, Mr Collaery!

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MR KAINE: Well, I think that Mr Collaery is making a point. No member of this Government has travelled to Sydney at public expense to watch the Raiders play. No member of this Government has gone to Melbourne for a radio interview. Members of that lot, when they were in government, did both. When you talk about irresponsibility and the conservation of public moneys, you had better watch where you throw your rocks from, because there is no doubt that this Government has been far more responsible in its approach to budgeting and the management of public moneys than you ever were. The evidence for that lies in this year's budget and the outcomes from it.

We will demonstrate that we can come out of a financial year, in these troubled financial times, with a balanced recurrent budget, which is more than any of your Labor contemporaries anywhere in Australia can boast. Your attitude to money is the same as theirs: Spend it as though it is going out of style; borrow it if you do not have enough. And you have the effrontery to talk about financial irresponsibility.

Mr Berry: I raise a point of order, Mr Speaker. What about relevance?

MR SPEAKER: Order, Mr Berry! I take your point on relevance, but I think that you opened up the debate on this clause.

Mr Berry: No points of order were raised in relation to my speech, Mr Speaker.

MR SPEAKER: Thank you, Mr Berry. The objection is overruled.

MR KAINE: No, because we do not jump to our feet every time one of you opens your mouth; we are prepared to listen. But I repeat - - -

Mr Berry: On a point of order, Mr Speaker: I thought I heard you acknowledge that the point of order that I raised was in fact relevant; that there is a need for people to observe the standing orders, in particular that which relates to relevance.

MR SPEAKER: No. Order! Mr Berry, you misheard. You were obviously talking at the time. Please resume your seat.

MR KAINE: I think that Mr Berry opened the gates when he started to talk about junkets and financial irresponsibility. I have already made the point that the Labor Party when in government did do some junketing, with absolutely no justification whatsoever for spending public money. If he can prove that any Minister of this Government has ever attended a ministerial council meeting where there was not justification to go, let him put the evidence on the table.

Mr Berry: Craig DUBY and Bernard COLLAERY; neither of them should go.

MR Kaine: Talking about getting a return for the investment, Mr DUBY came back from Perth with \$2m as a result of his trip. And you say that that is financial irresponsibility. You say that we have to balance what we get out of it against what we put in. Mr DUBY did just that and he put his money where his mouth is.

You do the same. You cannot, because when you were in government you did not perform. You wimped on the deal. You did not represent the people of the ACT in these ministerial council meetings. You sat on your duff, where you sit now, and you did nothing - just like your refusing to attend committee meetings now. You do not earn your money now. You did not earn your money when you were in government. If the people of the ACT were foolish enough to fall for your talk again and ever contemplate putting you back into government, they would make a grave mistake.

MR CONNOLLY (8.41): Mr Speaker, Mr Berry's revelation tonight is of extreme concern to anyone who observes public affairs in this Territory. Mr Berry referred to a report by independent consultants, a firm of respected accountants and auditors, who had major criticisms of the way public funds are spent in this Territory in participation in inter-governmental ministerial conferences and other arrangements.

They said that this area should be subject to strict review, that savings could be made, and that it should be looked at very carefully. And that is pretty well what I said in the Estimates Committee report last year. I said that the remarkable expenditure in six months by the Alliance of some \$39,000 on travel, compared to some \$6,000 in a corresponding period by a Labor Government - a 480 per cent increase - did seem to suggest that this was an area where some savings could be made.

Mr Kaine: You were afraid to leave town. They were not game to leave town.

MR SPEAKER: Order!

MR CONNOLLY: Mr Speaker, the Chief Minister gets agitated at this, but it does seem a reasonable proposition. When expenditure by one government, of whatever political persuasion, is 480 per cent greater than that of another government, it indicates that some savings could be made, and that is precisely what this firm of accountants has said.

The response to this from the Chief Minister, in a very heated manner, has been to say that that is precisely what they do; that the Government does look very carefully at ministerial travel. That is exactly contrary to what the Estimates Committee was told. It is unfortunate that Mr

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Moore is not here at the moment. He is probably listening upstairs. He took a great interest in this as well. We were quizzing the Chief Minister, at some length, over what degree, if any, of control and monitoring there was of ministerial travel. The simple answer at the Estimates Committee was that there was none. Although the appropriation line in the budget for Executive travel fell formally within his department, this is the view he took. He said, "My Ministers are not" - I think he said - "office boys; they make their own decisions". So it seems that there is no policy of restraint and discretion as to which trips are going - - -

Mr Kaine: Rubbish!

MR CONNOLLY: The Chief Minister says "Rubbish!". I would be very interested to hear or read a statement of the Government's policy on this issue. What are the guidelines, if any, that are applied to ministerial travel? What is the overriding government policy and why does it result in such remarkable differences in travel?

Mr Berry indicated when he was reading from that report that one of the largest areas in which inter-governmental conferences and meetings and so forth take place is the health and education portfolio. Yet, as we have said, in this Territory those two major areas of government administration, which are usually split into two major portfolios, are administered - we may say at times maladministered, but administered nevertheless - by one Minister, Mr Humphries. And we have repeatedly said that we make no criticism of Mr Humphries' travel budget. Mr Humphries seems to exercise a degree of restraint, as indeed does the Chief Minister. Why is it that a Minister, in an area which the Ernst and Young report points out is one of the biggest areas of inter-governmental travel, is able to turn in reasonable figures while Mr Duby and Mr Collaery seem to have extremely large travel budgets?

If indeed the Government is, as the Chief Minister says, undertaking that process of monitoring and careful analysis recommended in this fascinating material revealed by Mr Berry - I wonder whether the Government would have ever revealed it - let us have a look at their guidelines. Let us have a look at how the decisions are being made. I suspect that no such decisions are being made.

MR STEFANIAK (8.45): I really think the Opposition has completely missed one of the main points of a Bill such as this. Naturally, they have hied off onto an awful tangent in relation to Ministers going off on so-called junkets. But the fact of the matter - to quote one of Mr Berry's favourite phrases - is that we have a Cabinet of four in the ACT, and this is a very sensible Bill which simply provides for any two Ministers to act in concert to perform the duties of the Executive. It is quite conceivable that two Ministers in this Cabinet - or any Cabinet in this

Assembly - could be struck down with an illness or injured in a car accident and be out of commission. So, really, this is just an absolutely commonsense piece of legislation.

While I am on my feet, and rather than rise under standing order 46 later, let me say that Mr Berry's drivel when he kept harping on the anti-discrimination Bill is absolute sophistry. I think I have probably said a couple of things about anti-discrimination. The Attorney-General is bringing that Bill on anyway, and it really does not behove someone from the Labor Left to talk about anti-discrimination; they are notorious for their selective discrimination. One need only look at some of the speeches that Mr Berry has made. He has harped on problems around the world, but it is always very selective. It is always Chile, South Africa or other right wing regimes. He has never said anything about a dictatorial left wing regime. So I think that when he starts talking about anti-discrimination it is just so much claptrap.

MR COLLAERY (Attorney-General) (8.47): Mr Speaker, Mr Berry, of course, is doing what he did during the last sittings. He wants to stretch our time out so that we do not get our Bill program through. But he is putting on the record things that should be answered. He has made a personal attack on me and Craig DUBY. I am sure Mr DUBY will answer for himself. But I attend six or seven ministerial meetings. There is another one which I have forgotten. I attend the meetings of the Standing Committee of Attorneys-General, the Standing Committee of Consumer Affairs Ministers, the corrective services one, the welfare one, the housing one and the Sport and Recreation Ministers Council. There is one other one in my portfolios which I cannot for the moment recall.

Mrs Nolan: Racing.

MR COLLAERY: Yes, the sport and racing one. The Standing Committee of Attorneys-General meets quarterly, and it meets because of a heavy and constant demand in this country for the resolution, jointly, of important societal issues that the system of justice affects. The consumer affairs portfolio is very taxing, as we have learnt today, and I have attended and chaired those meetings. That involves important issues of uniform legislation in trade measurement, credit issues and many other matters.

With regard to corrective services, I do not think I have to say more than that it is necessary that we attend those meetings. Whether we have things to contribute or not, we certainly have things to learn at meetings. The welfare meetings I attend are regularly scheduled and they deal with issues such as adoption and surrogacy and matters of that nature. The housing meetings I attend are matters of great interest to bodies such as ACTCOSS. We deal with the Commonwealth-State Housing Agreement. They are vitally important meetings that affect the interests of our 12,000

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tenanted properties in the Territory. Of course, the last sport meeting was a very vexed one that dealt with rights concerning tobacco advertising and the rest.

I have been, I think, to one other meeting, or two other meetings, since I have been a Minister that were not formal ministerial meetings. I attended the National Crime Authority meetings. I am not going to talk about those. They are held in places. I attended a seminar dealing with criminal law matters in Brisbane a couple of weeks ago, and I paid the costs of travel myself. I was the only Minister attending who bore the costs of their own travel. The other meeting I attended, with the Chief Magistrate, was in Melbourne and it dealt with court restructuring.

It is scandalous that the Opposition can put about these matters about our Government. I well realise that they will run the same campaign as they ran in Brisbane, on our travel costs. I can predict now that you will see that type of disinformation.

MR BERRY (8.50): The last round of speakers has demonstrated how sensitive the Government is about this, but not one of them has pointed to the issue of addressing the matters that were raised in the report which I referred to. That was a report to the Chief Minister's Department. The Chief Minister himself made no reference to what he was doing about the recommendations in that report which was, of course, sent to the Office of Public Sector Management in his department.

All that was required from the Government was an acknowledgment that the facilitation for junketing, which is provided for in the Bill, would be addressed in a way whereby the expenditure of public money is completely justified. The recommendations of this report make it clear that it needs to be addressed, but not one of the Ministers - nor Mr Stefaniak - has attempted to indicate in any way that the Government has any intention of looking at the problems.

Mr Collaery: It does not relate to ministerial travel. It is about public servants.

MR BERRY: Mr Collaery says that it does not relate to ministerial travel. I will read it to you again:

There are, for example, over 30 inter-governmental Ministerial Councils and well in excess of 200 inter-governmental agreements. Many of these are in the health and education area.

The scale of ACT participation in inter-governmental discussion and negotiation needs to be carefully weighed in terms of the costs and benefits.

Neither the Chief Minister nor the Deputy Chief Minister indicated that he intended to "carefully weigh" the necessity for the Territory to be involved in these processes. That is what I am concerned about - not all this twaddle about Ministers trying to justify their positions when they go away to the fishing Ministers conference, for example, and those sorts of issues. Some of the Ministers opposite would be very nervous about being up to their little trotters in ministerial perks, but one does not mind the trappings that go with office if Ministers are earning their money.

Mr Duby: Like committee members who do not earn their money.

MR BERRY: It is very interesting that one of the first to respond has been Mr Duby. Mr Duby might well have a guilty conscience on this subject. Methinks he protesteth too much. If the cap fits, wear it.

I think it also has to be made clear that Mr Humphries has, in fact, exercised some restraint. Some of us wish that he would leave the Territory occasionally and leave our health and education systems alone. If they are not broken, do not fix them. This Minister, by staying in the Territory, seems to have inflicted more damage on the health and education systems. Mr Speaker, I do not wish to test the matter of relevance in the course of this debate - although I have to say that it has been destroyed by previous speakers - but no amount of travel away from the Territory will relieve us of the instability which is caused by Mr Collaery's involvement in the Alliance Government and the dreadful impacts that it has had on the Territory.

Mr Kaine: I raise a point of order, Mr Speaker. We talk about relevance!

MR SPEAKER: Thank you. I believe that Mr Berry has concluded his remarks.

MR HUMPHRIES (Minister for Health, Education and the Arts) (8.54): Mr Speaker, I never cease to marvel at Mr Berry's comments.

Mr Berry: You should - because it happens mostly in health and education.

MR HUMPHRIES: He is getting sensitive already. I really think, Mr Speaker, that the sooner we see Mr Connolly take over as Deputy Leader of the Opposition - which, of course, is on the cards, as we all know - the better off this Assembly and indeed the Labor Party will be in terms of the quality of its speakers and contributions to this Assembly's debates.

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Mr Connolly, I think, made some cutting reference to travelling first class - it might have been Mr Berry; I cannot recall now - alleging that the Ministers travel everywhere first class. That is not the case. Many trips undertaken by Ministers in this Government are not first class; they are business or economy class. I have several times ridden in the back part of the plane.

Mr DUBY: The only trip on which we go first class is to Perth.

MR HUMPHRIES: I am told that the only first-class travel we take is to Perth and, since I have never been to Perth, I have not had that benefit. The fact is that Ministers exercise a great deal of discretion in their travel budgets, and I think that Mr Berry should examine carefully just what travel we undertake. There has been this blanket allegation that we travel too much, but no-one has actually told us which trips we are making are the wrong trips or which trips are unnecessary. You cannot just point to that document and say that this proves that some meetings should not be attended. You do not know which meetings we do not attend because you have not asked us.

Mr Berry: But you are not even investigating; you do not care - willy-nilly.

MR HUMPHRIES: That is not true. You have not asked which meetings we do not attend. I have exercised my ministerial judgment on occasions, pursuant to the guidelines the Chief Minister articulated earlier on, and decided not to go to some conferences. I think Mr Connolly and Mr Berry ought to be aware that there is that kind of restraint being exercised. I think also it is very dangerous for the Opposition to talk about first-class travel in that fashion. I wonder what guidelines are being set down for any future Labor government. I would like to hear what they are.

Mr Kaine: What class did Rosemary travel to Perth in?

MR HUMPHRIES: Indeed. What class did Rosemary travel to Perth in? I wonder. There is a process for - - -

Mr DUBY: That was to Melbourne, not to Perth.

MR HUMPHRIES: To Melbourne as well. Obviously these people are prepared to preach but not practise.

Mr Berry: So she ought to travel first class; she is first class.

MR HUMPHRIES: It is all right for Rosemary Follett to travel first class, but not for Ministers in the Alliance Government. I see. I understand perfectly now.

Mr DUBY: Wayne is just cranky because he lost his tow bar.

MR HUMPHRIES: I understand. He is cranky because he has lost his tow bar. That explains Mr Berry's position. That is clear enough.

There is a policy of restraint in the Government, notwithstanding what those opposite say. We consider carefully the need to make those trips. I might say that, in my view, on occasions there were decisions made by the Follett Government not to attend national meetings which were against the interests of the ACT. I attended meetings of the Australian Health Ministers Conference and the Australian Education Council, and I was surprised to discover that I was the first Minister from the ACT to attend either of those meetings. Of course, when the Follett Government came into office it was the first time that the ACT had become a member of either of those bodies, and I have to say that I think it was churlish of the Opposition, when in government, not to make an appearance at the first meeting of either of those bodies.

I think it was most regrettable that there was no attendance by the ACT at those very first meetings where we were admitted to those bodies. That was a matter of regret too, I think, to those people. I think the meeting of the Health Ministers Conference occurred in June 1989. I think that is approximately the date. And there was a meeting some time around October or November of the Education Council. It seems to me that either Mr Berry or Mr Whalan could easily have attended and spoken on behalf of the ACT. I think it is churlish to be admitted to a body and not bother to send ministerial representation for the very first meeting. They could have declined to go to others; that would be fine. But for the first meeting they ought to have been there, in my view.

So we can see that there are all sorts of hypocrisy going on on the part of the Opposition. No doubt also they failed to mention to their admirers to whom they send these speeches the fact that there was an airline strike on in 1989, preventing a lot of ministerial travel anyway. They failed to mention that fact; and, of course, they are setting for themselves a standard which they cannot keep when they next go back into government, whenever that might be - if they ever go back into government. We know that they cannot possibly sustain the low levels of travel that they sustained on the last occasion. They will be going up to two, three or four hundred per cent on the level of travel they used to do in 1989, and of course they will get stick from the Opposition, no doubt, at that time.

Clause agreed to.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill agreed to.

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CRIMES (AMENDMENT) BILL 1991

Debate resumed from 18 April 1991, on motion by **Mr Collaery**:

That this Bill be agreed to in principle.

MR CONNOLLY (9.00): Mr Speaker, this is a matter which will probably excite far less debate than the vexed question of ministerial travel - - -

Mr Wood: Not if they put their foot in it again.

MR CONNOLLY: As Mr Wood says, unless the Government puts its foot in it again - and one can never tell.

Mr Speaker, I am pleased to say that the Opposition will be supporting this Bill. It is only a short Bill, which implements a short report of the Community Law Reform Committee. Nonetheless, it is worthy of some note, because this is the first report of the ACT Community Law Reform Committee to be implemented. We are setting something of a world record for implementing law reform committee reports. Certainly, anyone who has worked in the Commonwealth is familiar with it often taking some years - in some cases, decades - to implement Australian Law Reform Commission reports. This Law Reform Committee report was tabled on 17 April, and the Bill implementing it was tabled on 18 April. This is an extraordinary record, for which I commend the Government. I suspect that, as the committee gets into more complex and difficult areas of law, there will, quite properly, be a slowing down in that process. Nonetheless, it is good to see that, on this fairly short and sharp report on a couple of minor matters, there has been a short and sharp response from the Government.

The Opposition has previously indicated, but I will do so again, that it supports the process of the Community Law Reform Committee. This afternoon, in debate on another matter, the Chief Minister again was heard to make some rumblings that the Opposition never agrees with anything that the Government ever does and never says anything positive about anything, anywhere, anytime. I am, of course, wary of controversy over rulings today, so I will not say that that is an untruth, but it is clearly a statement that bears little relationship to the facts.

Repeatedly, on matters like this and on the legislative program generally, we have not sought to be obstructive and we have given support where it is due. This is clearly a matter where support is due. From the Opposition's point of view, one of the most pleasing things about the process of the Community Law Reform Committee is that it is a committee that, while having a high level of legal expertise amongst its membership - and that goes without

saying, it being chaired by former Supreme Court Justice Kelly and having the Chief Magistrate, Ron Cahill, as a deputy chair and other eminent lawyers on the committee - also has broad representation from people who are not lawyers.

I think there has been a tendency in law reform processes in Australia to set up bodies that are staffed exclusively by lawyers, however eminent. The process can often bog down into a procedure that for lawyers is fascinating, of digging away into arcane precedents and tracking down the antecedents of a legal principle. This is all interesting stuff and of great interest to lawyers, academic or otherwise; but it is sometimes of less relevance to the general community. It is pleasing that this committee has a balance of views and, if this report and its second report - which we will be referring to later on this evening - are any indication, then the community can look forward to being well served by the ACT Community Law Reform Committee. I obviously commend them on their efforts here.

Mr Speaker, the Bill is very short and to the point. It reverses the effect of section 556 of the Crimes Act. Interestingly, it was introduced in its present form in the 1950s in New South Wales; but it was introduced only in, I think, 1985 in its present form in the ACT. The present form gives rise to the problems, which, as I say, have been in that form for some 20 or 30 years previously in New South Wales. The Crimes Act, of course, is a New South Wales Act that has been introduced in the ACT and applies of its own force here, but it is modelled very closely on the parent Act in New South Wales. The problem with section 556, as identified by the Law Reform Committee, is that there may be circumstances where a person who lays a complaint to the police, which gives rise to a conviction for an offence against the criminal law, may be precluded from later seeking civil compensation for the same facts. The obvious example would be an assault that gives rise to both a civil action and a criminal action.

As the Law Reform Committee points out, that operates only if you actually lay the information, which is a technical term relating to the process of getting a charge going. It does not mean that if you are thumped in the streets and you go along to the Civic Police Station and make a complaint and lay the information, in the sense of giving police information about the crime which leads to a conviction, you will be precluded from a civil remedy. It operates only if, in effect, you initiate the prosecution yourself. That rarely happens; but there is the potential for it to happen, and it is clearly inconsistent with the broad thrust of modern approaches to criminal law which focus on the concerns of victims - an approach which has been enthusiastically adopted by the Opposition in this place and which the Government is now indicating it also has support for. I am pleased that there has indeed been a reference to this committee on that very subject. It is

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clearly inconsistent with a move towards more concern for victims of crime to have a provision in the Act which potentially could preclude a victim from going to the civil courts to sue on the facts which led to a criminal conviction. So, it is not only a pointless anomaly in the law; it is an anomaly that potentially is inconsistent with the whole thrust of a greater concern for victims of crime.

The Bill also amends section 552 of the Crimes Act, which is a provision which gives powers to magistrates to discharge juvenile first offenders. This Bill is a bit of a bits and pieces provision, I suppose, in some senses; but they are both minor problems which needed to be looked at. This is clearly one of the anomalies which occur over time when you have a parent Act such as the Crimes Act of New South Wales that is applied in the ACT and is amended in New South Wales over the years, but not here. Section 552 was an original provision in the Crimes Act and at the time, I suppose, it was an enlightened provision insofar as it allowed a magistrate to be somewhat more lenient to juvenile first offenders. Young offenders now, of course, are dealt with under the Children's Services Act 1986, and quite properly so. Therefore, the provision in the Crimes Act is redundant.

It is interesting to note that the equivalent New South Wales provision, section 552 of the New South Wales Act, was repealed in 1951, at the time that the first wave of laws relating specifically to juvenile justice were introduced. It was repealed when in 1951 the Children's Act was introduced in New South Wales to set up a special system of administration of justice to children. That was the logical thing to do.

You had the original provision in the Crimes Act; when you set up a specific piece of legislation to deal with juvenile crime you removed the equivalent provisions from the New South Wales Crimes Act. Yet, when in 1957 the Children's Welfare Ordinance, which started a process of a separate legal authority for dealing with juvenile crime, was established in the ACT, the opportunity was not taken to repeal section 552 of the Crimes Act - probably an oversight; yet something which has taken some time to correct. So, that is a sensible piece of tidying up which we support, and we again commend the Community Law Reform Committee for its efforts. As I said at the outset, it was a very short and sharp report which led to a short and sharp Bill.

It is worthy of note, of course, that in a very useful way - and I hope that this is repeated in future reports, as is the pattern with the Law Reform Commission - the report contains draft legislation prepared by the Legislative Counsel's office as an appendix. So, the process of actually implementing a report is greatly aided as the Government and the Assembly have the model legislation before them when they read the report. In this case, it was possible for the model legislation to be

turned into legislation on the table of this place within a day. This is a record speed which we probably cannot expect will always be repeated, but which is to be commended when it can be achieved.

MR JENSEN (9.09): Mr Speaker, as Mr Connolly has already indicated and as was stated when the Bill was introduced, on 4 November 1990 the ACT Community Law Reform Committee was issued with the reference to review the law in force in the ACT with respect to section 556 of the Crimes Act 1990 as it applies to the ACT. The Bill that we have before us tonight is a result of the committee's review of section 556.

At this juncture, Mr Speaker, I suggest that this particular committee was a much needed committee established by my colleague the Attorney-General, and it is one of the most important pluses to the community from self-government. Over the years we have seen legal law reform literally bogged down in the machinations of the Federal Parliament and Cabinet that really had little interest in the effects of law and the need for law reform in the ACT. I am also pleased to see Mr Connolly acknowledge the non-legal community representation on that committee. That was a major reform of our legal system which was long overdue. It was a major reform, might I respectfully suggest, Mr Speaker, which occurred as a result of the reforming zeal of my colleague Mr Collaery in this particular area.

Mr Speaker, section 556 of the Crimes Act provides that a person who has laid an information leading to a summary conviction is barred from instituting civil proceedings founded on the same facts, and vice versa. The term "lay an information", for those non-legal people present, relates to the initiation of criminal proceedings in a formal way by a person who seeks to bring an alleged offender before the court. The origin of this section of the Crimes Act goes back to the early nineteenth century when certain Acts of the English Imperial Parliament were adopted in the colony of New South Wales. Mr Connolly, as an eminent constitutional practitioner, I am sure was aware of that fact.

In England at the time, there was no established police force. This meant that victims, for example, of assault themselves brought either criminal or civil proceedings against the offender. The original English provisions were to prevent persons from bringing repeated criminal or civil proceedings founded on the same facts, and for which the offender had already been punished. The Crimes Act 1900 of New South Wales, when enacted, incorporated some of the earlier imperial provisions dealing with civil and criminal proceedings. Section 556 seems to have been incorporated in this way.

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Let us now briefly look at some of the problems which may arise under section 556. Section 556 is capable of being used as a defence by an offender. If a victim institutes a civil action founded on the same facts for which the offender has already been convicted, the offender can use the section to stop those civil proceedings. It is unfair that persons should be limited in their capacity to pursue a civil action for compensation. No other State provides that a bar to further criminal proceedings will apply in summary jurisdiction.

Mr Speaker, I repeat that it is a reflection on the failure of previous Federal governments to drag law in the ACT kicking and screaming into the twentieth century - something that my colleague the Attorney-General, Mr Collaery, is fully committed to doing in the period that he is Attorney-General. I trust that after the next election he will continue with his program of reforming the law within the ACT to the continuing benefit of the people who live in this jurisdiction.

Mr Speaker, let me go back to other States in this area. Tasmania, Western Australia and Queensland all expressly provide that a person will have a civil remedy against a person who is convicted in criminal proceedings. This Bill will remove the bar to further civil proceedings and will effectively prevent any injustice from arising because of this provision in the ACT. The Department of Justice and Community Services released an issues paper on this topic which was widely circulated. The ACT Community Law Reform Committee, as we now know, has reported on this issue. As Mr Connolly has indicated, it also included the draft Bill, if you like, or the suggested Bill, so that the matter could be proceeded with quickly.

The committee considered that section 556 of the Crimes Act should be repealed to remove the possible injustice that I have already referred to. The committee points out that, if a person against whom an offence has been committed lays the information, then section 556 precludes the person from taking civil action in respect of the offence. The same situation, of course, applies if the person takes civil proceedings in respect of the offence. Then the person is not permitted to lay an information in respect of the offence and proceed with criminal proceedings against the alleged offender.

The committee goes on to recommend that section 552 of the Act should also be repealed. Section 552 of the Crimes Act provides that juvenile first offenders may be discharged by the magistrate if the magistrate thinks fit to do so. The committee considered in its deliberations that section 552 of that Act should be repealed, as it seems entirely out of place that a provision relating to a juvenile first offender should appear in the Crimes Act when young persons are adequately dealt with in the Children's Services Act 1986.

The ACT Criminal Law Consultative Committee chaired by Justice Elizabeth Evatt, the President of the Australian Law Reform Commission, was consulted as to the Community Law Reform Committee's recommendation. The Criminal Law Consultative Committee unanimously endorsed the recommendations of the Community Law Reform Committee in respect of this issue. Support for the repeal of sections 556 and 552 was also received from the ACT Law Society. The Government accepts the recommendations of the ACT Community Law Reform Committee in its first report, as is clearly indicated. I commend the Bill to the Assembly. I note once again the support for law reform from the members opposite, and trust that this will continue in the future as our Territory's new community based Law Reform Committee becomes even more active in the future.

MR STEFANIAK (9.16): Like my two government colleagues and also Mr Connolly, I commend the ACT Community Law Reform Committee for its first report. I never fail to be amazed by the amount of effort that committee puts in. The Attorney-General has certainly given it a lot of references. It has a lot of work and it is pleasing to see a number of reports now coming out of that committee. It is, I think, very appropriate that this is the first one.

There is a big difference between laying a criminal charge and laying a civil charge. The fundamental difference is, of course, that a criminal charge deals with punishing an offender for wrongdoing. The civil charge basically is to recompense a plaintiff for injuries received as a result of a legal wrongdoing. It is a different kettle of fish entirely. As the committee quite properly points out at paragraph 10 of its report, when dealing with the current legislation which this Bill seeks to remedy, in terms of civil proceedings, if the old sections were allowed to remain, and especially section 556(1)(b):

As to that the Committee recommends that the sub-paragraph be repealed, the more so since the civil proceedings referred to in the sub-paragraph may quite possibly be concerned with damages amounting to many thousands of dollars.

In terms of the practice in the ACT, virtually all criminal proceedings are brought by the police or brought on behalf of the police by the Director of Public Prosecutions. It is not very often that an individual has to bring a criminal proceeding or is, indeed, motivated to do so. But I think it is an important right for people to bring criminal proceedings themselves - a private information for a criminal offence. That criminal offence is treated by the court in exactly the same way as it would be if it were brought on behalf of the state by the Director of Public Prosecutions.

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As a private solicitor I have acted in a number of private prosecutions and, indeed, a number of defences as well. In my days as a prosecutor, I brought a large number of prosecutions on behalf of the state. But it is quite different in a civil action for damages. I think it was quite wrong that there was this anomaly in the law whereby someone who brought a private information for a criminal prosecution would be precluded from pursuing a civil remedy as well.

This is a very timely and appropriate amendment. It is a very relevant amendment for Mr Collaery's committee. I commend its members for it. It seems that this will receive the unanimous support it deserves from this Assembly.

MR COLLAERY (Attorney-General) (9.20), in reply: With the presentation and debate of these first two law reform Bills today we pass an historic event. I thank members for their comments, particularly Mr Connolly's from the opposite side, and I am very pleased to say that tonight the chair of the Law Reform Committee, Mr John Kelly, of queen's counsel, is present in the chamber with the staff from the law reform unit who so ably support him.

One of the hallmarks of modern Western democracies has been the willingness of governments of all complexions to consider sensible law reform initiatives proposed by local law reform commissions or committees. The law is not a set of static rules which are chiselled into rock and left unchanged for centuries. The law must be dynamic. It must change as society changes, and it is a fortunate community which is served by a sensible and innovative law reform commission or committee.

These Bills before the Assembly are the first of what we hope will be a successful and productive era of reform by our own ACT Community Law Reform Committee. Already the committee has a number of important references before it. By way of background for consideration of these Bills, I would like to spend a moment of the Assembly's time talking about law reform in the ACT, the ACT Law Reform Committee and the other references of the committee.

From 1972 to 1976 the Commonwealth relied on an ACT Law Reform Commission under the chairmanship of the late Mr Justice Blackburn. That commission prepared eight reports in its five years of operation. Regrettably, and notwithstanding the careful work of the Blackburn commission, in the absence of self-government, the Commonwealth was able to ignore the reports. Reports languished unimplemented for years. Reports dealing with the repeal of hundreds of old imperial and New South Wales Acts in force in the Territory were belatedly adopted 10 years after the report was made. Reports on landlord and tenancy and the management of the property and affairs of mentally infirm persons were ignored by the Commonwealth right up to self-government day.

Mr Speaker, you and other members of the Assembly might properly wonder how such a situation might be justified. I can only say that it was indicative of the haphazard way in which the Commonwealth governed the Territory before self-government. Following the demise of the ACT Law Reform Commission in the mid 1970s, the burden of law reform in the Territory passed from a local body to a national body, the Australian Law Reform Commission. That commission produced a number of reforms for the ACT - reforms which led to legislation dealing with children, complaints against the police, breathalysers and human tissue transplants.

Notwithstanding these reforms, some have criticised this commission for proposing unrealistic and expensive solutions to legal problems. Others have criticised the way in which it singled out the ACT for radical social reform without the consent of the people of the Territory, such as to make this Territory a social laboratory, in a manner of speaking. It is true that the commission has not always addressed the financial implications of reform proposals.

The commission has always attempted to give government the best legal option rather than the option which government can afford. Whilst we cannot and should not condone the commission's activities in proposing laws which were implemented without the consent of the people of the Territory, we can note that the commission always attempted to gauge community views. The greatest failing of the commission was not of its own making. Again, as with the earlier ACT Law Reform Commission, the Commonwealth dithered and delayed the implementation of the reports of the Australian Law Reform Commission.

The vital reforms of the Australian Law Reform Commission dealing with child welfare waited for six years before they were implemented. Much of the careful work of the commissioner, Nick Seddon, under the community law reform program was unimplemented on self-government. We should not be surprised at the systematic neglect of ACT laws by the Commonwealth, for neglect it was. It was not a case of the Commonwealth looking at a report and then, as is the prerogative of all governments, deciding to reject the report. No, the Commonwealth seems to have simply ignored the reports, regardless of their intrinsic merit.

Following self-government, the Australian Law Reform Commission has continued to show a keen interest in reform in the Territory. We welcome this interest, and look forward to joint initiatives of our Community Law Reform Committee and the commission. Unfortunately, in its efforts to reform the law, the Australian Law Reform Commission has recently suggested that the Commonwealth should use the reserve Territories power to make de facto legislation in the ACT.

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We do not welcome unilateral proposals by the Australian Law Reform Commission to the Commonwealth Government that the Commonwealth should start again to make laws in the Territory without the consent of the ACT people. The Commonwealth Government does not have either a political or a moral mandate to make such legislation. There is no justification for such proposals following self-government, and we distance ourselves from the proposals.

Mr Speaker, I commend the Bills to the house. I thank the members for their comments, and I record again this historic moment when this Territory sets its path on its own scheduled law reform commission route.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

LAW REFORM (MISCELLANEOUS PROVISIONS) (AMENDMENT) BILL 1991

Debate resumed from 18 April 1991, on motion by **Mr Collaery**:

That this Bill be agreed to in principle.

MR CONNOLLY (9.26): Mr Speaker, the Opposition is also supportive of this Bill and I would, effectively, repeat the comments that I made earlier in relation to the work of the Community Law Reform Committee. I must apologise that I was not aware that Judge Kelly was sitting in the chamber at the time.

Mr Speaker, in concluding the previous debate, the Attorney took the opportunity of making a fairly broad statement of policy in relation to the process of law reform. While I suppose I should really read it in *Hansard* and study it before making a considered response, I think I could say that broadly the Opposition would agree with his comments. The process of law reform works well only if you have an agent for reform - a law reform committee or commission, whatever you call it - that is in touch with and responsive to community demands, and a legislature that will listen to that committee.

The problem in the past in the ACT has been that, while we have had the agent for change, we have not had a legislature that has been particularly concerned with it. It is notorious that under Commonwealth governments of whatever political persuasion - and I did not take Mr Collaery's remarks to be a partisan attack on Commonwealth Labor governments as much as a general criticism of Commonwealth governments of either political persuasion -

reform in the ACT is really not an issue of high priority and tends to sit on the back-burner unless there is a desire, for whatever reason, to use the ACT as some sort of pacesetter for proposals for national legislation.

The Opposition would certainly agree with the proposition that it is undesirable as a matter of principle for a Commonwealth government to be, post-self-government, in effect, overruling this parliament and unilaterally imposing new legislative change in this Territory. Legislative change for this Territory is clearly a matter for this parliament, and it is to be hoped that we can continue the process with the assistance of this committee.

Mr Speaker, the thrust of this report is again a short, sharp report leading to a short, sharp draft piece of legislation which can, I think, be fairly quickly passed by this chamber. It is true that this had its genesis in a Commonwealth Law Reform Commission report, a major study on occupier's liability that was handed down in 1988. To some extent the ground changed under that commission, because the High Court in *Australian Safeway Stores v. Zaluzna* in 1987 pretty well restated the law of occupier's liability, and by and large removed the fairly difficult distinction between invitees, licensees and trespassers that has been drummed into generations of law students in Australia and other parts of the common law world.

It basically said that the common law general principles of negligence ought to apply to occupier's liability cases as to other cases; that is, that one has a duty of care to prevent foreseeable harm to a neighbour - the principle laid down in *Donoghue v. Stevenson*, the snail in a bottle case. It is interesting that the law of torts develops through the case by case common law process, but leading cases often have bizarre sets of facts. The general principle of negligence, the principle that you owe a duty of care to your neighbour, was laid down, as any law student would tell you, in *Donoghue v. Stevenson*. *Donoghue v. Stevenson* was about a Scottish woman enjoying a glass of ginger beer on a hot Scottish afternoon - probably by our standards a fairly mild or torpid afternoon. It was a glass of ginger beer from a bottle that was opaque. She enjoyed one glass and then went to enjoy the remainder of the bottle of ginger beer - - -

MR SPEAKER: Order! Mr Connolly, relevance.

Debate interrupted.

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ADJOURNMENT

MR SPEAKER: It being 9.30, I propose the question:

That the Assembly do now adjourn.

Mr Collaery: Mr Speaker, I require the question to be put forthwith without debate.

Question resolved in the negative.

LAW REFORM (MISCELLANEOUS PROVISIONS) (AMENDMENT) BILL 1991

Debate resumed.

MR CONNOLLY: I think we left our Scottish lady about to pour the remainder of the contents of the ginger beer bottle into her glass. When she did that, she was most distraught to find the remains of a somewhat decomposed snail in her glass - not all of the remains, of course, because she had consumed some of those with her first glass. She suffered a degree of nervous shock and sued the ginger beer manufacturer. At the end of the day the House of Lords found that the ginger beer manufacturer was liable because it ought to owe a duty of care to a person who it could foresee could be harmed by its negligent act. The negligent act was to allow the snail to enter the ginger beer bottle. Interestingly, the High Court of Australia was somewhat in advance of the English law through another case - I think it was *Grant v. Australian Knitting Wools*. That actually involved a retailer in South Australia who sold a gentleman underwear which resulted in a skin rash.

As I say, bizarre facts are found throughout the law in this area. *Cavalier v. Pope* was itself not a particularly bizarre set of facts. The plaintiff's husband was the tenant or occupier of a house. The plaintiff was injured when a chair in which they were sitting went through some rotten floorboards. The normal principles of law, the normal principles of negligence, even perhaps before *Donoghue v. Stevenson*, would have suggested that you could recover, because the landlord was negligent in letting a house with rotten floorboards. However, the House of Lords at the time, in 1906, found otherwise. Lord Maughan said, "... there is no law against letting a tumbledown house". Also, Lord James said, "... no duty is cast upon a landlord to effect internal repairs unless he contracts to do so". So, in effect they were saying that, if you are renting premises and the premises are unsafe, unless you have it in the lease, it is just tough luck; you can fall through rotten floorboards.

Although, as I say, that was not a particularly interesting set of facts compared to snails in bottles and underwear that causes irritation, there was a rather more interesting case in the English High Court in 1940, namely, the case of

Davis v. Fooks, which went on the same principle that you cannot succeed in an action for negligence if you are leasing premises. In that case a young couple on their wedding night expired in their bed as a result of the landlord's negligence in repairing a gas heater. They were gassed to death.

Mrs Grassby: They went with a smile on their faces.

MR CONNOLLY: Perhaps, Mrs Grassby, they did. So, even in this area we can find some bizarre facts. Obviously that rule was out of step with modern law. In 1985 the Supreme Court of South Australia in Parker v. South Australian Housing Trust, in fact, rejected the rule in Cavalier v. Pope; but there was always doubt as to whether that would be applied in courts in other jurisdictions. It is interesting to note that the law has been altered in other jurisdictions - in England by the Defective Premises Act 1972, and in Victoria by the Occupier's Liability Act 1983. It is entirely fitting and appropriate that we in this Territory should also, by statute, abolish this clear anachronism, and we welcome the Government's move in that direction.

We commend the Law Reform Committee for its work in drawing this matter quickly to our attention, and we note with pleasure the passing of an iniquitous, but perhaps in some factual situations amusing, principle of the common law.

MRS NOLAN (9.34): I rise to speak very briefly in this debate tonight on this Bill before the house. The law relating to occupier's liability was looked at prior to self-government by the Australian Law Reform Commission. As we have already heard this evening, it was, in fact, report No. 42, "Occupier's Liability", and that was reported on in 1988.

As with many other commission reports, the Commonwealth ignored the recommendations. Before the commission's report was finalised, the High Court of Australia in the case of Australian Safeway Stores v. Zaluzna, which Mr Connolly referred to, determined that the common law principles of negligence should apply to the facts of occupier's liability cases. This decision resolved many of the difficulties of occupier's liability law. However, the law in this area is not as clear with respect to a special rule that arguably still applies to the landlords.

The commission recommended that the common law rule in Cavalier v. Pope, which provided that a landlord is not liable in occupier's liability, should be abolished if it applies in ACT law. The ruling of Cavalier v. Pope derives from an English case decided in 1906. I am not going to continue on and talk about that case, as the house has already heard a little about it this evening.

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It is a technical rule which confers an immunity on landlords in respect of normal occupier's liability, even where the landlord is otherwise responsible in law for the state of the premises. For example, tenants could be responsible for the personal injury to people, whether a dinner guest, a shopper in a store, or even a burglar who came onto their leased premises. If the defect in the premises that causes the injury is the landlord's responsibility - perhaps faulty wiring - the tenant could be held to be, in fact, responsible.

Mr Speaker, this is an ambiguity in the law. The Government issued a reference to the ACT Community Law Reform Committee on 21 September 1990 to review the laws in force in the Territory with respect to the status of the rule in *Cavalier v. Pope* and whether the general principles of negligence apply in determining occupier's liability cases.

An issues paper prepared by the law reform unit of the Department of Justice and Community Service was issued and, in fact, was widely circulated. In its report on this issue, the committee recommends that legislation be enacted to remove any doubts in regard to landlord immunity within the ACT. Further, it recommends that the courts of the ACT should apply the common law principles of negligence in determining occupier's liability cases. The Bill effectively abolishes the immunity that a landlord may have had as a result of the rule in *Cavalier v. Pope*.

Courts in the ACT will now know with certainty that all occupier's liability cases will be determined by applying the ordinary common law principles of negligence. Landlords, tenants and real estate management services will know their respective obligations. I think that is a very important point, Mr Speaker; in fact, all parties will be clearly able to understand just what those obligations are. The law will be simple, clear and consistent.

The Alliance Government is pleased to accept the recommendations of the ACT Community Law Reform Committee's report on occupier's liability and, in fact, the Bill demonstrates the Alliance Government's commitment to effective and sensible community law reform in the ACT. I commend the Bill.

MR COLLAERY (Attorney-General) (9.38), in reply: Mr Speaker, my task, in view of those very interesting and comprehensive comments from other members of the house, is only to thank the committee on the record for the work that its members have done. It is a broadly based committee and the names of the committee members appear on the inside cover of the reports. I also wish to draw to members' attention the fact that the committee is serviced by a relatively small secretariat and the names of those people are also recorded there. On behalf of the Government, and I

am certain everyone else, I again thank those officers who put in more than their paid time, I am sure, to get law reform up and running in this Territory and to provide competent secretarial assistance and research help to the committee.

Mr Speaker, I think that this debate has been a non-fractious debate. It is certainly good to see that happen in this Assembly and I think it puts a good stamp on law reform. I am very confident that, whether we disagree or not on the products of the committee from time to time, the debates will be, I hope, as informed as the debate has been tonight. I thank members and commend this last Bill to this house.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

New South Wales Attorney-General

MR COLLAERY (Attorney-General) (9.40): I move:

That the Assembly do now adjourn.

I propose to take advantage of my opportunity to speak. I was denied the courtesy, as you will recall, so I think I will set a different standard now and I will speak first.

I want to record tonight, in just a few brief words, the resignation of my colleague the New South Wales Attorney-General, John Dowd.

Ms Follett: I thought you were talking about Dr Kinloch.

MR COLLAERY: I will record that, too, if you like; but I will deal with Mr Dowd first. I want to publicly record the assistance Mr Dowd gave me from shortly after the time I became Attorney-General in this Government. Mr Dowd went out of his way to assist me to understand the processes of the Standing Committee of Attorneys-General. He was kind enough to provide me with a few other insights into the balance of play in that committee. He is a person whom I have known beyond and before that role, of course, and I want to record in personum the great debt that I believe the country owes to a man as illustrious as Mr Dowd.

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Mr Dowd was for a long time actively involved in human rights affairs in his State and nationally. He was a member of the International Commission of Jurists, and it was in that context that I came to know his work involved in, of course, East Timor, and latterly, of my more direct knowledge, his involvement with the refugees coming from West Papua - known as Irian Jaya to the Indonesians. I found it very refreshing to be with Mr Dowd, at all times, and I also, of course, to continue the pun, enjoyed the refreshments that he and I both shared from the noble grape. He was an excellent confidant at times when I sought his advice about the ways and forms of approaching issues, particularly in dealing with such sensitive areas of government as dealing with judges and magistrates, how to deal with appointments, and how to raise issues in government where there may be perceived to be conflicts of interest.

I regret Mr Dowd's resignation. I want to record that it was my personal view that he set a human face to the New South Wales Government. I also want to record that I think the New South Wales Government will be without a very strong human image to their Cabinet. It was my view, in the last six months, that Mr Dowd may well have felt uncomfortable with some decisions and directions that were being taken, but certainly he is a person of integrity. I also was very pleased to be present when he recorded his taking of silk recently - silk, of course, which he took via the bar process in New South Wales and not via any appointment to himself. I think that did him great credit. He waited a long time for that and I think it was a very fine occasion to see an Attorney who did not appoint himself a silk and resisted that inevitable pressure and temptation to join those ranks.

I thank Mr Dowd publicly for the support he gave me and, indirectly, the people of this Territory, and for the courtesy and the hospitality he offered as New South Wales Attorney-General.

White Collar Crime

MR STEVENSON (9.44): On 15 April 1991, Leon Zwier was accorded full partnership of the established law firm, Arnold Bloch, Leibler & Associates. A request was recently made to me by the Victorian Law Society to supply documents concerning Leon Zwier. I did this, and I believe that inquiries are being made into the matter in Victoria.

On 17 June 1985, Alexander Gajic filled out a court document in relation to the liquidation of Joyfrey Nominees Pty Ltd. This document was a questionnaire for directors and officers. Under question 3(b), "What happened to those assets?", Gajic wrote in his own hand:

Contract to some video titles, however rights ended when company (Joyfrey) went into liquidation. Masters are to be returned to the United States.

In direct contradiction of this statement, Gajic was, in fact, effecting a deception by having the title to the major asset of the company converted to another company, Sienna Pty Ltd. Upon the successful completion of this corporate sham, the bill for Simons and Baffsky's services in representing Gajic and Sienna Pty Ltd was sent to Harold Schekeloff, who then paid the bill for Gajic's legal costs.

As I mentioned earlier, many criminals seek to improve their public image. Such was the case with Alexander Gajic when he contacted a professional public relations firm in Melbourne to arrange, on behalf of a Gajic company, Self Storage Company Pty Ltd, to sponsor the annual Channel 10 television nerve deafness appeal in Victoria. In a letter to Gajic on 26 March 1986, the public relations firm stated:

I believe that your association with such an organisation as the 10 network would create and achieve positive television coverage and lend additional credibility and public awareness to your own venture.

As it turned out, such sponsorship did not proceed.

The effect of the liquidation of Joyfrey Nominees Pty Ltd was to evade \$47,000 tax and to avoid the payment to creditors of tens of thousands of dollars. Despite the attention that Mr Gajic has brought upon himself and his companies and associations, no criminal charges have been laid for these illegal activities. These circumstances would appear to warrant the involvement of the Deputy Commissioner of Taxation, and any failure by his department to investigate would be only a further example of a failure by authorities to enforce existing laws.

Even when law enforcement agencies are involved in screening people, abuses of the system can take place, as was evidenced last week when the Australian Federal Police report indicated that the business migration scheme, though being set up with the best of intentions, is itself being abused by corrupt influences. It is a poor commentary on law and order in Australia when we hear the recent statement by Tony Hartnell of the Australian Stock Exchange admitting that few corporate criminals are brought to justice.

The statement and final report by the Costigan royal commission, recommending that any business which appears to be racketeer-influenced should be dealt a severe blow, appears to have been sadly overlooked by those developing law enforcement strategies for Australia into the twenty-first century. This area has been addressed in the US with the

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passing of the racketeer-influenced corrupt organisations legislation, or RICO laws. The essence of the legislation is that corporate offenders accused under the RICO statute can be brought before a tribunal and their business practices examined. It is not required under the statute that the matter be conducted as a full criminal trial, but merely that the business activities of the persons involved need to be reviewed because of their connections and associations with alleged crime syndicates.

I have shown that there is a problem that needs to be solved. I believe that the eyes of the community have turned to the ACT in anticipation that this Assembly has the ability to understand the use to which the ACT is being put, and that we are assisting in that use while ever we fail to legislate against X-rated videos. If we fail, then we are leaving the door open for the further inroads of organised crime into Australian society. Mr Speaker, I thank the Alliance for granting leave in this matter earlier on today.

National Heart Week : Canberra's Heart

MRS GRASSBY (9.48): I rise to speak on the importance of acknowledging National Heart Week. We all know the importance of a healthy heart, but few of us really make the necessary adjustments in our lifestyle to ensure a strong and healthy heart - that is, until the Heart Foundation spends thousands of dollars on advertising to get the message through. Heart Week indirectly tells us a message about life in general. None of us can survive for long without a healthy heart, and no community can survive when its heart is breaking. There are people in Canberra today with very heavy hearts, and this Liberal Government opposite me is responsible.

Take the health system. Do Mr and Mrs Citizen in Canberra really know what is to become of them and their family if they are faced with a health problem? Not any more, thanks to Mr Humphries' policies of "close 'em up and move 'em out". Our elderly, and the chronically sick and disabled, the most vulnerable people in the community, are disheartened by the actions of this hard-hearted Alliance Government.

I recommend that Mr Humphries take a good long look at the state of his own heart. Is it so hardened now that only major surgery in a Sydney heart hospital can save it? Where is the heart of Canberra's community? Yes, you guessed it, in the neighbourhoods. But what has happened to this heart? It has been ripped out by its arteries; that is what has happened to it. All the warning signs were given to the Alliance Government. "Do not embark on the road to sure death or you will pay the price", has been the catchcry from the community. Is not this also the same message of the Heart Foundation, "Look after your heart"?

How has the Alliance Government looked after the heart of Canberra? It has fed itself on junk policies; it has not listened to the warnings; it wants to live the high life and go for the quick buck. We all know what happens to people who live on a diet of junk and ignorance. They end up on the operating table or, worse still, suffer a sudden heart attack. I suggest that the Alliance should be undergoing surgery at this moment; but, Mr Speaker, it is too late and the fatal heart attack is not far away.

People in Canberra are sick at heart. They were used to enjoying the good schools, hospital systems and green spaces that came with the neighbourhood concept. What, may I ask, is wrong with that? We inherited a healthy heart. Our forebears and the planners of Canberra wanted this community to be special. It was so - until this heartless Alliance Government decided to go in with the surgeon's knife and carve up a healthy heart.

Dr Kinloch is perhaps the only individual in the Alliance with a heart. We know that for sure because he had a change of heart. But was the casino really the heart of the problem for him, or is he just too soft-hearted to stay in the Alliance and follow his own convictions, knowing that the Alliance is wrong because of all the issues that are striking fear into the hearts of the people of Canberra?

Canberrans once thought they could be represented by a community based party called the Residents Rally. But look what has happened to them, led by bleeding-heart Bernard; they have no policies and no power. Mr Duby, over there, is not only heartless - I am sorry that he has left - but also as cold-hearted and cold-blooded as the poor fish he killed at Casuarina Sands. Why continue with the pretence of calling this once beautiful part of Canberra after the casuarinas? They have curled up their toes and are dying. Let us call this area "The Folly", because no longer can it be called either "The Sands" or "Casuarina".

No, Mr Duby could not wait for some sensible advice from good-hearted people to be properly aired and analysed, Mr Speaker. I put it to Mr Duby that he and I know that blasting the weir was not necessary. The \$60,000 was burning a hole in his pocket and he just had to spend it as fast as he could. The Heart Foundation must be envious. What could they have done with \$60,000? Surely a lot better than Mr Duby. All the people who spent summer days and evenings at Casuarina Sands were relaxing, drawing strength from the calmness and beauty of the area and exercising both body and mind - true recipes for a healthy heart. There are people all over Canberra who feel that the Alliance has dealt them a mortal blow to their heart.

MR SPEAKER: Mrs Grassby, I hate to interrupt, but your time has expired.

Arts

MR HUMPHRIES (Minister for Health, Education and the Arts) (9.53): Mr Speaker, those were touching words from Mrs Grassby. She reminds me of that character from the *Wizard of Oz* with her large heart, but no brain.

Mr Speaker, I want to talk about not hearts, but arts, tonight. I want to make reference to two arts activities which occurred in recent weeks and which I think should not pass without being observed and noted by this Assembly. One was one of the junkets that we discussed earlier this evening, which I made to Sydney to open an exhibition of work by Canberra artists at the University of Sydney. That was a very important exhibition. It was important because it was the first of its kind ever to be undertaken by artists auditioned by Studio One, here in the ACT.

Studio One, as members will know, is at Kingston. It is a very important space for both professional and amateur artists in the ACT. Some 77 artists' works were exhibited at that show which I was pleased to open in Sydney, and, of those 77 artists, 45 came from Canberra itself. Many of those people, in fact, are heavily involved in the arts scene here in the ACT. Some are heads of workshops at various places in the ACT, particularly the School of Art, and the work exhibited at that show was of a very high level and, I think, reflects very well on the arts in the ACT.

It is regrettable, Mr Speaker, that very often tourist publicity which is generated about the ACT tends to promote the built environment of the ACT or, in the arts sense, the national assets, such as the National Gallery. It fails to alert people to the fact that the ACT has an enormously rich artistic activity and background. There is a quite extraordinary level of artistic endeavour and achievement going on in the ACT, and it is a pity that people could not be reminded of that in tourist promotions, because anybody with any interest in the arts would find a great plethora of interesting places to visit in the ACT in that respect.

The other artistic event of interest I wanted to mention was the turning of the first sod for one of ANCA's two studios being created in the ACT. ANCA stands for Australian National Capital Artists. Members will be aware of the problem expressed previously in this place, that there are no or few artists' spaces in the ACT. It was a matter of some concern which has been dealt with now by the allocation of \$1.9m from a Commonwealth grant made a couple of years ago towards the establishment of such purpose-built spaces for artists.

There are to be two sites for those spaces; one in Dickson for, if you like, the clean or non-industrial artists, and another at Mitchell, the first sod of which I turned a couple of weeks ago, for the industrial-type artists. Those spaces are extremely important. There simply are not enough spaces of that kind in the ACT. It is important for the Government to make those sorts of spaces available. Unfortunately, it is not possible to create those sorts of spaces out of the private market because, quite simply, it is very hard, particularly for establishing artists, to find the money to support the rent necessary for large studios, particularly of the kind needed by sculptors and metalwork artists and so on.

I do encourage members to visit one of those two sites. They are both interesting places and will become more interesting as time goes by. I want to particularly thank the reference groups and ANCA itself for the work that they have done in establishing this important concept. Many months of very hard work has gone into those projects and I am sure that that hard work will be paid off when the ACT gains two very significant cultural assets as a result of that work.

Victims' Rights

MR STEFANIAK (9.58): I rise to mention a topic which I think is most apt, given that it was raised, and slightly incorrectly raised, by Mr Connolly. It is particularly apt because we do have the ACT Community Law Reform Committee here tonight, and one of their current inquiries is into the most important area of victims and victims' rights. It is pleasing to see that Mr Connolly, on behalf of the Labor Party, has probably turned them around and now they are fully supportive of looking after victims' rights, but he is wrong in saying that it is their initiative.

I would point out to members and to Mr Connolly that in October 1988 my party passed a police and justice policy which had four clauses in relation to victims' rights - clauses 26 to 29. We, of course, are in favour of victim impact statements and the rights of victims being addressed, and we have been for some three years now. The Labor Party has been a bit tardy in this regard. In 1989, when the Follett Government was in power in this Assembly, I went to see the then Chief Minister to try to see whether she would introduce victim impact statements and similar measures to assist victims into courts.

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I do not really believe she understood, and I think there were a number of people perhaps on the left of politics at the time who did not. I recall that, when I raised the issue as a matter of public debate in August and September 1989, a couple of letters were sent to, I think, the *Chronicle* from some women's refuges stating that they did not see the need for victim impact statements as they misguidedly thought that they would be detrimental to women victims. They really, basically, did not understand.

I am pleased to see, Mr Speaker, that with Mr Connolly coming into the Assembly and appreciating, I think, as an experienced lawyer the necessity for reforms in the area of victims and victims' rights, together with the ACT Community Law Reform Committee being established and the very comprehensive reference it is now undertaking, the issue of victims' rights is being well and truly addressed. I certainly look forward to their report because I think it is utterly essential that victims cease to be the forgotten people in our criminal justice system.

MR SPEAKER: Order! It being 10.00 pm, the Assembly stands adjourned until Wednesday, 1 May 1991, at 10.30 am.

Assembly adjourned at 10.00 pm

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ANSWERS TO QUESTIONS

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 307

Arts Development Grants

MR WOOD - asked the Minister for Health, Education and the Arts on notice on 12 December 1990:

In respect of grants to the performing arts in the ACT from the Community Development fund (CDF) or similar source

1. Who were the applicants.
2. What level of funding did they seek.
3. In each case, what recommendation did the Arts Development Board (ADD) make.
4. To which applicants, groups or individuals, did you give Ministerial approval, and for what amounts.

MR HUMPHRIES - the answer to Mr Woods question is included in Attachments A, B and C:

1. The applicants are listed in column 1
2. The amount they requested is in column 2
3. The ADD recommendations are in column 3
4. My decisions are in column 4

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ATTACHMENT A

1991 ARTS DEVELOPMENT PROGRAM
OPERATIONAL AND PROJECTS APPLICATIONS OVER \$10 000
Performing Arts Category

1 2 3 4

Name of 1991 1991 1991
Applicants REQ ADD MIMS
REV DEC

DANCE

AIDE Dance (ACT) 41 450 41 450 41 450

Canb Dance Theatre 75 340 Nil Nil

Meryl Tankard 175 000 169 000 169 000

THEATRE

Canb Philharmonic

SOC. Inc 44 840 13 000 13 000

Canb Repertory

SOC. 40 000 24 000 24 000

Canb Theatre Co. 219 350 Nil 185 000*

Canb Youth Theatre

Co. 92 000 80 000 80 000

EUREKA: Theatre

Co 63 840 63 000 63 000

Jigsaw 25 364 6 500 6 540

Krause, Bettina 13 000 Nil Nil

Rawil Productions 21 430 deferred to projects
under \$10 000

Skylark Puppet 65 000 50 000 50 000

Splinters 22 780 deferred to projects
under \$10 000

Stagecoach 46 000 42 000 42 000

TAU 107 286 63 000 63 000

Opera ACT 55 000 50 000 50 000

Women on a

Shoestring 21 936 21 000 21 000

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1 2 3 4

Names 1991 1991 1991
Applicants REQ AD MIMS
REV DEC

MUSIC

Aust Chamber Choir 31 800 9 000 9 000

Aust Chamber Choir

- Canberra Mozart

Orchestra 33 200 Nil Nil

Aust Chamber

Orchestra 35 000 35 000 35 000

ACT Recorder

Workshops 12 334 Nil Nil

Canberra Choral _

Society Inc. 21 000 18 000 1B 000

Canberra City

Opera 60 435 Nil Nil

Canberra Symphony

Orchestra Inc. 189 000 155 000 155 000

Canberra Youth

Orchestra Sec. 60 000 40 000 40 000

Gaudeamus 27 000 14 000 14 000

* The Canberra Theatre Company has now advised me that they will cease to operate in 1991 and I am therefore in the process of revoking this grant

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ATTACHMENT B

1991 ARTS DEVELOPMENT PROGRAM
PROJECTS (UNDER \$10 000) AND INDIVIDUAL APPLICANTS
Performing Arts Category

1 2 3 4

Name of 1991 1991 1991
Applicants REQ ADD MIMS
REV DEC
ACT Assoc for
Drama Education 5 760 Nil Nil
ANU Choral Society 3 255 2 000 2 000
Belconnen Community
Centre Inc 7 500 4.000 4 000
Canberra City
Opera 10 000 Under Awaiting

Consideration ADD

Advice

Canberra Community
Arts Front 9 650 Nil Nil
Canberra Festival 5 200 application -
withdrawn

Canberra Jazz Club .2 400 2 000 2 000
Canberra New Music
Ensemble 10 000 7 000 7000

Capella Corolla 5 208 Nil Nil
Circlet Youth Arts
Centre - Lowdown
Magazine 2 500 2 000 2 000
Circlet Centre -
ASITEJ Aust 1 500 Nil Nil
Crooked Mirror Co 9 000 Nil Nil

Drum, John & Cahill,

Peter 10 000 Nil Nil
Harlequin Puppets 9 934 Nil Nil
Harvey Lawrence 2 730 2 730 2 730
International
Theatre Institute 500 500 500

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1 2 3 4

Name of 1991 - 1991 1991

Applicants RED ADD MIMS
DEC DEC

Marguerite Pepper
Productions (with

Cathy OSullivan) 10 000 Nil Nil

Monaro Folk Music
Society 560 Nil Nil
Monaro Folk Music
Society 10 000 Nil Nil

(refer to Festivals)

Multicultural Youth _
Theatre 8 000 6 000 6 000
National Circus
Association of
Australia 500 Nil Nil
Oriana Chorale 4 000 Nil Nil
Paterson, Elizabeth
(with Skylark) 930 Nil Nil
Pellinor Pty Ltd 2 000 2 000 2 000
People Next Door 4 000 4 000 4 000
Rawil Productions 10 000 8 000 8 000
Salamanca National
Script Centre 500 500 500
Scout Associaton
of Australia ACT
Branch 5 644 Nil Nil
Southside Community
Services Inc 3 630 Nil Nil

Splinters 22 780 2 300 2 300

Sullivan, Louise 9 100 Nil Nil

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ATTACHMENT C

1991 ARTS DEVELOPMENT PROGRAM
CAPITAL AND EQUIPMENT APPLICATIONS
Performing Arts Category

1 2 3 4
Name of 1991 1991 1991
Applicants REQ ADB MIMS

REV DEC
ACT Council of
Cultural Societies 2 397 2 000 2 000
Belconnen Musicians
Inc 3 250 Nil Nil
Canberra City
Opera 10 900 Nil Nil
Canberra Repertory
Society 18 920 13 000 13 000
Canberra Symphony
Orchestra Inc 3 000 Nil Nil
Canberra Youth
Orchestra Sec.
Incorporated 4 500 3 400 3 400
Canberra Youth
Theatre Co Inc 1 350 Nil Nil

City Uniting Church 7 917 Nil Nil

Community Radio
2XX Inc 15 000 Nil Nil
Skylark Puppet
and Mask Theatre
Association Inc 1 400 Nil Nil

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MINISTER FOR HEALTH, EDUCATION AND THE -ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 327

Surgical Waiting Lists

MR BERRY - asked the Minister for Health, Education and the Arts on notice on 12 February 1991:

1. What are the current numbers on waiting lists (by specialty) for people waiting for surgery in ACT hospitals for the months of October and November.
2. Will the Minister provide the information requested as a matter of urgency in order that the people of the ACT can be informed of the state of ACT hospital services.

MR HUMPHRIES - the answer to Mr Berrys question is:

Booking lists for people waiting for surgery in ACT hospitals for the months of October and November are not available. Until 1991 booking list statistics were collected on a three monthly basis.

The available booking list statistics for September and December 1990 are attached.

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ATTACHMENT A

SURGICAL BOOKING LISTS BY SPECIALITY IN ROYAL ERRS (NORTH AND SOUTH) AND CALVARY HOSPITALS

Dec Sept

1990 __ 190

Orthopaedic 142 238
Otorhinolaryngology 183 135
(Ear, Nose and Throat) __.
Gynaecology 204 165
Thoracic/vascular 42 64
Oral./Maxillofacial 141 90
Neurosurgery 121 94
General Surgery 247 180
Urology 84 112
Paediatric 90 69
Plastic/Reconstructive 220 221
Ophthalmology 84 89

TOTALS 1558 # 1457

Around eighty of these cases have been included even though the patients have previously cancelled their surgery and it is not known whether they still wish to be booked in.

Calvary's booking list figures have now been included in September and December 1990 figures, in recognition of its expanding role.

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MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 332

**Community Development Fund
Funding**

MS FOLLETT - asked the Minister for Health, Education and the Arts upon notice on 12 February 1991:

For each separate funding category of the Community Development Fund (CDF) administered within the Ministers portfolio, what was -

(1) The name of every organisation which received funding from the CDF in

- (a). 1989/90 and
- (b) 1990/91

(2) The name, purpose and funding amount for each project for which the organisations at (1) above were funded.

MR HUMPHRIES - the answer to Ms Folletts question is:

- (1) (a) See Attachments A and B
- (b) See Attachments C and D

(2) See Attachments A, B, C and D.

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Attachment A

COMMUNITY DEVELOPMENT FUND -.FUNDING - 1989-90

OPERATIONAL GRANTS

NAME OF ORGANISATION PURPOSE AMOUNT
IN \$

1. Arts Council of The Act. To provide a core 85,000
operation and an
Incorporated basis for
the literary program
and the community arts

program for the Ore in 1990.

2. Arts Council of the Act To assist with cost of 25,000
Incorporated salaries and operating
expenses for the
publication of Muse
in 1990.

3. Australian Association To assist with 31,800
for Dance Education salaries for the
(ACT Branch) Inc. Ore in 1990. _.

4. Canberra Choral Society To assist with the 12,000
Incorporated costs and operating
expenses of the
Ore in 1990.

5. Canberra Contemporary To assist with the 93,000
Art Space Incorporated costs of salaries
and operating expenses
of the. Erg in 1990.

6. Canberra Dance Theatre To assist the Erg 12,000

with the salary costs of
a part-time administrator
for 12 months in 1990.

7. Canberra Philharmonic To assist with the 12,000
Society Incorporated costs of salaries
and operating expenses
of the Erg in 1990.

8. Canberra Repertory To assist with costs 20,140
Society Incorporated costs of salaries and
operating expenses of
the Ore in 1990.

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9. Canberra Symphony Orchestra Incorporated To assist with 145,000 costs of salaries and operating expenses of the Erg in 1990.

10. Canberra Theatre Company To assist with 205,000 costs of salaries and operating expenses of the Erg in 1990.

11. Canberra Youth Theatre Company To assist with 77,910

the costs of salaries Incorporated and operating expenses of the Ore in 1990.

12. Canberra Youth Orchestra Society To assist with 31,800 the costs of salaries Incorporated and operating expenses of the Erg in 1990.

13. Crafts Council of the ACT To assist with the 65,000

the ACT Incorporated costs of salaries operating expenses of the Erg in 1990.

14. Gorman House Community Arts Centre Inc. To assist with 36,000 the costs of salaries and operating expenses of the Erg in 1990.

15. Kingston Art Space Incorporated To assist with 27,500 the costs of salaries and operating expenses of the Ore in 1990.

16. Megalo Screenprint Incorporated To assist with the 45,000 costs of salaries and operating expenses of the Ore in 1990.

17. Meryl Tankard co Inc To assist with the 157,300 costs of salaries and operating expenses of the Ore in 1990.

18. photocells Inc To assist with the 43,000 costs of salaries and operating expenses of the Ore in 1990.

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-3

19. Stagecoach Theatre To assist with the 40,000 School Inc costs of the Ore in 1990, and to assist with fees of a musical director and theatre designer for a production in 1990.

20.,Studio One Inc To assist with the 44,500 costs of salaries and operating expenses of the Ore in 1990.

21. TAU Community Theatre To assist with the 59,000 Assoc Inc costs of salaries and operating expenses of the Ore in 1990.

22. Arts Council of the To assist with the 32,000 ACT Inc costs of salaries and operating expenses associated with the Tuggeranong Valley Community Arts Project 1990.

23. Aug Childrens Towards cost of the 10,085 Television Foundation Foundations activities in 1990.

24. Canberra Theatre Trust Towards meeting the 426,000 operating costs of the Ore in 1989-90 financial year.

25. Canberra Theatre Trust Towards meeting the 370,000 operating costs of the Erg in 1989-90 financial year.

26. Canberra Theatre Co Ltd To assist in the 100,000 costs of refurbishing the Childers St Theatre building by the Erg in 1989-90 financial year.

27. Canberra Theatre Co Ltd To assist with the 205,000 costs of salaries and operating expenses of the Ore in 1990.

28. Australian National To meet costs 205,000 Capital Artists Inc associated with the establishment of the Studio Spaces for Visual Artists facility in 1989-90 financial year.

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PROJECTS OVER \$ 6 000

AMOUNT

NAME OF ORGANISATION POSE IN

1. Australian National To assist in meeting the costs 8 000
Playwrights Centre of running the 1990 Playwrights
Incorporated Conference by the Centre.
 2. Australian National To assist the Organisation 26 000
word Festival with publicity, promotion and
Incorporated printing costs, venue and
equipment hire and expenses
for writers attending the
Festival in 1990.
 3. Australian Chamber To assist in meeting the costs 8 000
Choir Incorporated of soloists and orchestral
players for the production of
"Le Vin Herber by the
Organisation in 1990.
 4. Australian Chamber To assist the Organisation in 27 000
Orchestra Pty. Ltd. staging its 1990 Canberra
Program.
 5. Eureka! Theatre Company To support the Organisations 30 100
Six Pack, lunch time season of plays in 1990.
 6. Gaudeamus Incorporated To assist with administrative 12 000
costs of the Organisation, including the salary of an administrator in 1990.
 7. Jigsaw Theatre Company Towards the cost of staging a 35 000
Incorporated multimedia Cabaret/Variety event by the Company in 1990.
 8. Opera ACT Incorporated To assist with costs associated 46 500
with the staging of an opera by the Organisation in 1990.
 9. Skylark Puppet and Mask To assist with the costs 47 500
Theatre Association associated with staging the Incorporated production "FIREBIRD" by the
Organisation in 1990 and towards the salary of an administrator in 1990.

 10. Women on a Shoestring To assist with staging of the 14 000
Incorporated production "WAITING FOR ANNETTE"
by the Organization in 1990.
- People Next Door To assist in meeting the costs 11 000
of hiring the Playhouse Theatre and printing of promotional material
associated with the 1990 production of "Frankensteins
Shadow".

1735

PROJECT GRANTS UNDER \$ 6 000

AMOUNT

NAME OF ORGANISATION PURPOSE IN

1. Arts Law Centre of To-assist in meeting the costs 4 000
Australia Inc. associated with the Centre
providing legal and accounting
advice and assistance to
members of the ACT arts
community on arts related
matters in 1990.
2. Australian National To assist in meeting the 1 500
University Choral orchestra costs for a major
Society (SCOUT) concert to be presented by the
Society in 1990.
3. Australian National To assist in meeting the costs 2 500
Word Festival Inc. associated with the program of
events for the second
Australian Feminist Book
Fortnight to be conducted by
the Organisation in Canberra
in 1990
4. Belconnen Community To assist in meeting the fee 3 000
Centre Inc. costs for an artistic
co-ordinator and performers
for community based cabaret to
be conducted by the Belconnen
Community Arts Committee in
1990.
5. Belconnen Community To assist in meeting the costs 4 000
Centre Inc. associated with the Belconnen
Community Arts Committee
staging two community arts
projects, "Inside Story" and
"Visions" in 1990.
6. Belconnen Musicians To assist in meeting the fees 560
Inc. of the program presenter for
the Concert Band Orientation
Program to be conducted by the
Organisation in 1990.
7. Canberra New Music To assist in meeting the 4 000
Ensemble production and mastering costs of compact discs for "The
Locust Tree in Flower" in 1990.
8. Canberra New Music To assist in meeting the costs 3 000
Ensemble associated with staging one concert by the Ensemble in
1990.

1736

30 April 1991

PROJECT GRANTS UNDER \$ 6 000 (Continued)

AMOUNT

NAME OF ORGANISATION PURPOSE .IN

9. Cape Distribution Pty Ltd To assist in meeting the costs 1 000 associated with the production and distribution of a catalogue of new and existing small press titles in 1990.
10. Capella Corolla To assist in meeting the costs 4 500 associated with staging a Canberra season of two concerts by the Organisation in 1990.
11. Circlet Youth Performing Arts Centre Inc. To assist in meeting the costs 2 000 associated with the centre Producing "Lowdown" magazine in 1990.
12. Ms Judith Clingan To assist in meeting the costs 3 000 associated with composing music for "The Canberra Cycle" in 1990.
13. Fourth Australian Sculpture Triennial Inc. To assist in meeting the costs 2 000 associated with conducting the Triennial in 1990.
14. International Association of Theatre for Children and Young People (ASSETS) Australia To assist in meeting the 1 000 operating costs of the Organisation in 1990.
15. Mr Phillip Mackenzie To assist in meeting the costs 2 900 associated with research, pre-publication, printing and distribution in 1990 of an anthology of poetry about Canberra.
16. Massaro Folk Music Society Inc. To assist in meeting the costs 1 300 of the projects "Dancing in the Park" and "Country Dancing" to be conducted by the Society in 1990.
17. Ms Felicity Moore To assist in meeting the costs 6 000 associated with conducting a non-selling retrospective exhibition of the work of Canberra artist Pat Flood in Canberra in 1990.
18. National Association for Visual Artists Inc. To assist in meeting the 1 200 Organisations costs in maintaining the Individual Artists Database in 1990.

1737

PROJECT GRANTS UNDER \$ 6 000 (Continued)

AMOUNT

NAME OF ORGANISATION PURPOSE IN

19. Mr Mark OConnor To assist in meeting the costs 3 000 associated with writing the lyrics for "The Canberra Cycle" in 1990.
20. Redoubt Magazine To assist in meeting the costs 2 000 of writers and artists fees for a special Canberra issue of the Magazine in 1990.
21. Salamanca Script To assist in meeting the ACT 500 Resource Centre component costs of the Centres operations in 1990.
22. Writers Against Nuclear Arms (WANT) To assist in meeting the 3 000 administrative and travel costs and writers fees associated with the Third WANT Symposium in 1990.

1738

30 April 1991

INDIVIDUAL GRANTS

AMOUNT

NAME OF ORGANISATION PURPOSE

1. Ms Louise Carmichael To assist in meeting the 1 300 purchase cost of a fume extraction system for Ms Carmichael in 1990.
2. Ms Helen Cotter To assist in meeting the 3 000 purchase costs of trumpets for Ms Cotter in 1990.
3. Ms Florence Grant To assist in meeting Ms 3 000 Grants costs in completing the manuscript with the working title "Straddling Two Worlds" in 1990.
4. Ms Marie Hagerty To assist in meeting the 2,250 purchase costs of working materials for Ms Hagerty in 1990.
5. Mr Stephen Harrison To assist in meeting the 2 250 purchase costs of working materials for Mr Harrison in 1990.
6. Mr David Hodges To assist in meeting the 2 395 purchase cost of materials for Mr Hodges for a research project trip to Central Australia in 1990.
7. Ms Bettina M Krause To assist in meeting the costs 2 000 associated with writing a one-act play with the working title "De Save in Prison", in 1990.
8. Mr Peter Lockwood To assist in meeting the 1 200 purchase cost of advanced equipment for Mr Lockwood in 1990.
9. Ms Hero Nelson To assist in meeting the 2 500 purchase cost of advanced - equipment for Ms Nelson in 1990.
10. Ms Merely Opperman To assist in meeting the costs 2 250 associated with working with a group of migrant women and children in 1990, utilising clay in a project with the working title "Art as a Language".

1739

INDIVIDUAL GRANTS (Continued)

AMOUNT

NAME OF ORGANISATION PURPOSE IN

11. Ms Katherine Pepper To assist in meeting the costs 1 100
associated with staging an
exhibition by Ms Pepper in
1990.

12. Ms Quirts Rea To assist in meeting the 660
purchase cost of a small
industrial vacuum cleaner for
Ms Rea in 1990.

13. Ms Ellen Robertson- To assist in meeting the costs 1 000
associated with researching a
childrens book with the
working title "The Hysteria
Plant" in 1990.

14. Ms Slushy Young To assist in meeting the 2 500
purchase cost of a lathe for
Ms Young in 1990.

1740

30 April 1991

CAPITAL AND EQUIPMENT GRANTS

AMOUNT

NAME OF ORGANISATION - PURPOSE

1. Belconnen Musicians To assist in meeting the 2 900
Inc. ,purchase costs of timpani and
bass drum percussion
instruments for the
Organisation in 1990.
2. Canberra Dance Theatre To assist in meeting the 2 200
Inc. purchase costs of a 12 channel
lighting desk, dimmer rack, 3
phase extension lead and
control cable for the
Organisation in 1990.
3. Canberra Potters To assist in meeting the costs 3 500
Society Inc. associated with constructing a
shed and undercover work area
for the Society in 1999.
4. Canberra Repertory To assist in meeting the 7 000
Society Inc. purchase costs of a lighting
console and dimmer rack for
the Society in 1990.
5. Canberra Symphony To assist in meeting the costs 4 000
Orchestra Inc. of music stands and musicians
chairs for the Orchestra in
1990. .
6. Canberra Youth Theatre To assist in meeting the 3 200
Company Inc. purchase costs of 14 theatre
lights for the Organisation in
1990.
7. Gorman House Community To assist in meeting the costs 4 160
Arts Centre Inc. of new seating for the Ralph
Wilson Theatre in 1990.
8. Gorman House Community To assist in meeting the 3 540
Arts Centre Inc. purchase costs in 1990 of
lighting equipment for Gorman
House.
9. photocells Inc. To assist in meeting the costs 1 000
associated with upgrading the
exhaust system servicing the
darkroom facilities at
photocells in 1990.
10. TAU Community Theatre To assist in meeting the 2 000
Association Inc. purchase cost of a 36 channel
lighting console for the
Theatre in 1990.

1741

Attachment B

ACT BOARD OF HEALTH

COMMUNITY DEVELOPMENT FUND - FUNDING- 198990

Name of Purpose Amount

Organisation in \$

1. Abortion Information and support 40 156

Counselling service available to women

considering\seeking

termination of pregnancy

plus experienced

counselling for women

with unplanned pregnancies

and post operation counselling

2. ACT Cancer Assist cancer sufferers with 27 192

Society the overall management of

their cancer; coordinates

and implements activities

to increase community

awareness of cancer and

encourage lifestyle changes

to reduce cancer; and

promotes personal

responsibility,for early

detection.

3. ACT Cancer Coordination of Childrens 12 000

Society Cancer Services; plus

(Childrens adolescents and childrens

Support) groups for those who have lost

a parent, sibling or relative

from cancer.

4. ACT Hospice Provides support to 30 000

Society palliative care patients and families in their homes. Ongoing

bereavement support is also provided.

5. Alcohol and Karralika (therapeutic 232 372

Drug communities based at Foundation Fadden and Isabella Plains).

ACT

1742

30 April 1991

6. Alcohol and Office and administration. 20 856

Drug Provides residential ,
Foundation treatment/rehabilitation
ACT programs for persons
addicted to alcohol or other
drugs; runs educational
programs for drink driving
offenders.

7. Assisting ADM Halfway House 35 226

Drug provides a residential
Dependents program for alcohol and drug
Inc affected persons reentering
the general community.

8. Childbirth Provides education and 11 897

Education physical and emotional
Association preparation to expectant
parents to give them the
opportunity to actively
participate in childbirth;
making it a rewarding and
satisfying experience.

9. Drug Contribution to Crisis 12 543

Referral and Detoxification Centre
Information
Centre (Drib)

10. DRIB General Operations. 94 820

provides street based counselling access, educational sessions, court
assessments and reports, drug and AIDS information, and general support and
assistance with welfare needs.

11. Family Provides professional 88 867

Planning training and resources, to Association community health professionals,
in the area of sexuality and reproductive health, to ensure that family planning
services are available in the wider community.

12. GROW Provides help, support, 7 866

Canberra guidance and friendship for people seeking to rebuild their
lives after breakdown or for those seeking to prevent a breakdown; daily support and
activities and short-term residential support where necessary.

1743

13. Health Fosters consumer points of 1 200
Care Consumers view on health issues; raises.

Association public awareness and provides
information. about the needs
of people in pain, including
self-management of pain and
strategies for dealing with
specific issues.

14. Medea, Offers information, support 118 336
Inc. and accommodation for women in
psychological and emotional
distress. House provides a
link between hospital and home.

15. Mental Provides administrative support 29 236
Heal-L-h to three groups concerned with
Association mental illness: the ACT
ACT Association for Mental Health,
the Canberra Schizophrenia
Fellowship and the Manic
Depressive Support Group;
provides services to families
of people suffering psychiatric
disability.

16. Nursing Promotes breastfeeding to 2 658
Mothers individual mothers and nursing
Association professionals; provides
counselling, support and
practical assistance
to mothers; and is involved
in health professional and
community education.

17. Pregnancy Telephone and face-to-face 14 882
Support counselling for women and
Service ACT girls, faced with pregnancy
causing a problem, including
adoption, post abortion and
grief counselling; and referral,
practical assistance,
information/education
to secondary & post-secondary
students.

1744

30 April 1991

18. Psych. Psychiatric Rehabilitation aims 38 321

Rehabilitation to improve the quality of life

Services of people with psychiatric disorders by enabling them to participate to their maximum potential in recreational, social, vocational and educational pursuits. Northside Contractors is a registered business providing casual part-time work to people with a psychiatric disability: yard maintenance, car washing, furniture removal, carpentry, basic property maintenance, cleaning and clerical tasks.

19. Richmond Provides a seven-place residential 38 863

Fellowship rehabilitation halfway house

Halfway in Downer for young adults

House with psychiatric disabilities; and associated services.

20. SE NSW Provides education and information 17 000

and ACT to schools and local shows about

Hydatid hydrated disease and how it can Control be reduced.

1745

Attachment C

COMMUNITY DEVELOPMENT FUND - FUNDING - 1990-91

OPERATIONAL GRANTS
AMOUNT

NAME OF ORGANISATION PURPOSE

1. Arts Council of the ACT Inc Towards costs of salaries and 95 000 operating expenses of the Council in 1991.
2. Australian Association for Dance and Education (ACT Branch) Inc To assist with the salaries of 41 450 the Executive Officer and Administrative Assistant for the Association in 1991.
3. Canberra Choral Society Inc Towards costs of salaries and 18 000 operating expenses of the Society in 1991.
4. Canberra Contemporary Art Space Inc Towards costs of salaries and 97 400 operating expenses of the Organisation in 1991.
5. Canberra Repertory Society Inc Towards costs of employing 24 000 professional directors for the Societys 1991 program.
6. Canberra Symphony Orchestra Inc Towards costs of salaries and 155 000 operating expenses of the Organisation in 1991.
7. Canberra Youth Theatre Company Inc Towards costs of salaries and 80 000 operating expenses of the Company in 1991.
8. Canberra Youth Orchestra Society Inc Towards costs of salaries and 40 000 operating expenses of the Society in 1991.
9. Crafts Council of the ACT Inc Towards costs of salaries and 68 750 operating expenses of the Council in 1991.
10. Gorman House Arts Centre Inc Towards costs of salaries and 45 020 operating expenses of the Organisation in 1991.
11. Kingston Art Space Inc Towards costs of salaries and 32 000 operating costs of the Organisation in 1991.
12. illegals Access Arts Inc \$24 000 each Towards costs of 48 000 salaries and operating expenses associated with the Community Arts Program and the Access Arts Program conducted by the Organisation in 1991.

1746

30 April 1991

OPERATIONAL GRANTS (Continued)

AMOUNT

NAME OF ORGANISATION PURPOSE IN

13. Meryl Tankard Company Towards costs of salaries and 169 000
Inc operating expenses of the

Company in 1991. .

14. Muse Inc Towards costs of salaries and 30 000

operating expenses of the

Organisation in 1991.

15. photocells Inc Towards costs of salaries and 45 000

operating expenses of the

Organisation in 1991.

16. Skylark Puppet and Mask Towards costs of salaries and 50 000

Theatre Association Inc operating expenses of the
Organisation in 1991.

17. Stagecoach Theatre Towards costs of salaries and 42 000

School Inc operating expenses of the

Organisation in 1991.

18. Studio One Inc Towards costs of salaries and 47 615

operating expenses of the

Organisation in 1991.

19. TAU Community Theatre Towards costs of salaries and 63 500

Association Inc operating expenses of the

Organisation in 1991.

20. Tuggeranong Valley Towards costs of salaries and 38 000

Community Arts operating expenses of the

Association Inc Organisation in 1991.

Canberra Theatre Trust Towards meeting the operating 525 000
and entrepreneurial costs of
the organisation in 1991.

Canberra Theatre Trust Towards meeting the operating 425 750
and entrepreneurial costs of

the Organisation in the

1990-91 financial year.

1747

PROJECT GRANTS (UNDER \$10 000)

AMOUNT
NAME OF ORGANISATION PURPOSE IN

1. Ainslie Village Ltd To assist with artists fees 2 000
for a community arts project creating fabric banners for new buildings at the village
in 1991.
2. ANU Choral Society Towards costs of professionals 2 000
engaged in staging an Handel Oratorio in 1991.
3. Arts Law Centre of To assist with costs 4 200
Australia associated with the Centre
providing legal and accounting advice to ACT arts
organisations and artists in 1991.
4. Belconnen Community Towards costs of marketing the 4 000
Centre Inc venue as a new theatre space
in Belconnen in 1991.
5. Belconnen Community To assist with artists fees 2 500
Centre Inc for workshops in traditional
Cambodian song and dance for
young Cambodian women in 1991.
6. Belconnen Community To assist with: 5 000

Centre Inc (i) Artists fees for a
community writing project
(\$1 000)
(ii) Artists fees for a youth
community arts project
(\$1 000)

7. Canberra Jazz. Club Inc Towards the costs of 2 000
professional tutors at a jazz
workshop in 1991.
8. Canberra New Music Towards the costs of holding a 7 000
Ensemble series of concerts in 1991.
9. Carclew Youth Arts Towards the costs of producing 2 000.
Centre Inc "Lowdown" magazine in 1991.
10. EUREKA! Theatre Company Towards costs of presenting 28 500
Inc the "Spring Four Pack" series
in 1991.
11. Gorman House Arts Towards costs associated with 4 000
Centre Inc ACT participation in National
Arts week in 1991.

1748

30 April 1991

PROJECT GRANTS (UNDER \$10 000) (Continued)

AMOUNT

NAME OF ORGANISATION PURPOSE IN

12. Havelock House To assist with artists fees 2 000
Association Inc for a community arts writing
and drawing project for
Havelock house residents in
1991.
13. International Theatre Towards the costs of the 500
Institute Institutes operations in
1991.
14. Migrant Resource To assist with artists fees 4 000
Centre Inc and administrative costs of a
multicultural arts project for
childcare workers in 1991.
15. Moore, Felicity St John To assist with costs of 650
transport, insurance and
packing for the Pat Flood
Retrospective Exhibition at
Manly Art Gallery in 1991.
16. Multicultural Youth Towards the production costs 6 000
Theatre of "Come Away" in 1991.
17. National Association To assist with the costs of 1 000
for the Visual Arts the artists Unit in providing
assistance to individual
artists in the ACT in 1991.
18. National Association To assist with the costs of 1 200
for the Visual Arts the visual arts industry data
base in 1991.
19. OConnor Family Centre To assist with the artists 2 000
Inc fees for a community arts
project in 1991 involving
women at home with small
children.
20. Pellinor Pty Ltd Towards the costs of the 2 000
publication of "Theatre
Australia" in 1991.
21. People Next Door Towards the costs of a 4 000
production in 1991.
22. Rawil Productions To assist in the production of 8 000
Samuel Becketts "Happy Days"
in 1991.
23. St Mary in the Valley To assist with artists fees 5 000
Anglican Church for a community arts project
creating hangings for the
parish in 1991.

1749

PROJECT GRANTS (UNDER \$10 000) (Continued)

AMOUNT	NAME OF ORGANISATION	PURPOSE	IN
24.	Salamanca National Script Centre	Towards the costs of running the Salamanca National Script Centre in 1991.	500
25.	Splinters	Towards the costs of workshop expenses in 1991 for an environmental event.	2 300
26.	Splinters	Towards the costs of developing a sponsorship package in 1991.	2 300
27.	Woden Senior Citizens Club Inc	To assist with costs related to the annual performance program for 1991.	350
28.	Writers at Mims Canberra Hotel	To assist with writers fees for the "Writers at Mims Canberra Hotel" project in 1991.	2 500
1750			

30 April 1991

CAPITAL AND EQUIPMENT GRANTS

AMOUNT

NAME-OF-ORGANISATION .ECO E IN

1. ACT Council of Towards the purchase of a new 2 000
Cultural Societies Inc piano.

2. Bronze Works Inc Towards the purchase and 10 000"

construction of steel
super-structure to hold
mechanised lifting equipment.

3. Canberra Repertory Towards cost of replacement of 13 000
Society Inc Theatre seating in Theatre 3,
Acton.

4. Canberra Youth Towards the purchase of a 3 400
Orchestra Inc computer.

5. MUSE Inc Towards the costs of a hard 477
disk for an Apple Macintosh
computer.

6. Strathnairn Ceramic Towards costs of studio 6 000
Studio Co-Operative building extension at
Strathnairn.

Australian National To meet the following costs 720 000

Capital Artists associated with the
establishment of the Studio
Spaces for Visual Artists

Facilities in the 1990-91 financial year: Fees charged by ACT

Public Works for Mitchell site - \$68 000 Land purchase for
Mitchell site - \$77 000

Bank Guarantee - \$21 000

To meet the next instalments of costs and fees: Construction of Mitchell \$554 000

1751

INDIVIDUAL GRANTS
AMOUNT

NAME OF ORGANISATION PURPOSE IN

1. de Hussey, Rozlyn Towards the purchase of a 3 000 glass firing kiln.
2. Edgar, Suzanne Towards the costs associated 3 000 with the completion of first novel in 1991.
3. Grant, Colin Towards the costs of art 1 800 materials for an exhibition in 1991.
4. Harvey, Lawrence Towards the costs of 2 730 establishing a computer music facility.
5. Hooted, Fiona and Towards the cost of equipment 3 000 Vignando, Carmine for a joint exhibition in 1991. -
6. Hope, Professor A D Towards the cost of 1 000 secretarial services to complete works in progress in 1991.
7. Horsfield, Dorothy Towards the costs associated 3 000 with the completion of first novel in 1991.
8. Hurlers, Clint Towards the costs of materials 1 800 and rental of equipment involved in researching and producing photographs and a limited edition catalogue for an exhibition in 1991.
9. Jones, Pets Purchase of an electronic 2 300 knitting machine and related equipment.
10. Mannus Lewis Towards the costs of purchase 3 000 and installation of a sliding table saw.
11. Paterson, Elizabeth Towards the costs of 7 000 developing a script with a dramaturgy and two actors for a project based on itinerant performers in 1991.
12. Perry, Elizabeth Towards costs of purchase of a 3 000 loom.
13. Smith, Christopher Towards costs of art materials 1 800 for an exhibition in 1991.
1752

30 April 1991

PROJECT GRANTS OVER \$10 000
AMOUNT
NAME OF ORGANISATION PURPOSE IN

1. Arts Council of the Towards cost associated with 18 000
ACT Inc on behalf of the production of "About Face"
About Face Theatre by About Face Theatre in 1991.
2. Australian Childrens Towards costs associated with 11 852
Television Foundation the Foundations activities
during 1991.
3. Australian National Towards costs associated with 8 000
Playwrights Centre Inc conducting the 1991
Playwrights Conference and
operating costs of the
Organisation in 1991.
4. Australian Chamber Towards costs of presenting a 9 000
Choir Inc contemporary choral work by
the Organisation in 1991.
5. Australian Chamber To assist the Organisation in 35 000
Orchestra Pty Ltd staging its 1991 Canberra
program.
6. Blast Magazine To assist Blast Magazine in 8 000
producing its 1991 magazine
through:
 - (a) \$3 000 for printing and
production costs to
increase the number of
pages of Blast magazine.
 - (ii) \$4 000 for an increase
in payment to contributors.
 - (iii) \$1 000 for advertising and
promotion of the magazine.
7. Canberra Philharmonic Towards costs of employing a 13 000
Society Inc professional lead
singer/actor, the musical and
artistic directors and
orchestral costs for "Annie",
to be staged by the Society in
1991.
8. Canberra Stereo Public Towards purchase of tapes and 10 000
Radio Inc recording costs incurred by
the Organisation in 1991.
9. Club Fed Towards costs associated with 10 646
mounting a design furniture
exhibition in Canberra, Sydney
and Melbourne by Club Fed in
1991.
1753

PROJECT GRANTS OVER \$10 000 (Continued)

AMOUNT

NAME OF ORGANISATION PURPOSE IN

10. EUREKA! Theatre Towards costs associated with 34 500
Company Inc the production of the "Summer
Four Pack" by the Organisation
in 1991.
11. Gaudemus Inc Towards costs of staging the 14 000

new childrens opera
- "Kilcallow Catch" by the
Organisation in 1991.
12. Jigsaw Theatre Towards costs of staging 6 500
Company Inc "Sandcastle Culture" by the
Organisation in 1991.
13. Opera ACT Inc Towards costs associated with 50 000

the staging of "Tosco" by the
Organisation in 1991.
14. Studio One Inc Towards costs associated with 1 500

the printing of catalogues for
the "Sun, Moon and Steel"
touring exhibition conducted
- , by the Organisation in 1991.
15. Women on a Shoestring Towards costs associated with 21 000
Inc the production of "She Was
Before" (working title) by the
Organisation in 1991.

1754

30 April 1991

Attachment D

ACT BOARD OF HEALTH

COMMUNITY DEVELOPMENT FUND - FUNDING- 199 091

Name of Purpose Amount

Organisation in \$

1. Abortion Information and support 42 967

Counselling service available to women

considering\seeking

termination of pregnancy

plus experienced

counselling for women

with unplanned pregnancies

and post operation counselling

2. ACT Cancer Assist cancer sufferers with 32 352

Society the overall management of

their cancer; coordinates

and implements activities

to increase community

awareness of cancer and

encourage lifestyle changes

to reduce cancer; and

promotes personal

responsibility for early

detection.

3. ACT Cancer Coordination of Childrens 14 840

Society Cancer Services; plus

(Childrens adolescents and childrens

Support) groups for those who have lost

a parent, sibling or relative

from cancer.

4. ACT Hospice Provides support to 32 100

Society palliative care

patients and families in

their homes. Ongoing

bereavement support is also

provided.

5. Alcohol and Karralika (therapeutic 248 638

Drug communities based at

Foundation Fadden and Isabella Plains).

ACT

1755

6. Alcohol and office and administration. 22 316

Drug Provides residential
Foundation treatment/rehabilitation .

ACT programs for persons
addicted to alcohol or other
drugs; runs educational
programs for drink driving
offenders.

7. Assisting ADDING Halfway House 37,692

Drug provides a residential
Dependents program for alcohol and drug
Inc affected persons reentering
the general community.

8. Childbirth Provides education and 6 000

Education physical and emotional
Association preparation to expectant
parents to give them the
opportunity to actively -
participate in childbirth,
making it a rewarding and
satisfying experience.

9. Drug Contribution to Crisis 13 421

Referral and Detoxification Centre
Information
Centre (DRIB)

10. DRIB General Operations. 101 457

provides street based
counselling access,
educational sessions, court
assessments and reports, drug
and AIDS information, and
general support and
assistance with welfare needs.

11. Family Provides professional 95 008

Planning training and resources, to Association community health professionals,
in the area of sexuality and reproductive health, to ensure that family planning
services are available in the wider community.

12. GROW Provides help, support, 8 417 Canberra guidance and friendship for
people seeking to rebuild their lives after breakdown or for
those seeking to prevent a breakdown; daily support and activities and short-term
residential support where necessary.

1756

30 April 1991

13. Medea, Offers:information, support 126 620
Inc. and accommodation for women in
psychological and emotional
distress. House provides a
link between hospital and home.
14. Mental Provides administrative support 35 000
Health to three groups concerned with
Association mental illness: the ACT
ACT Association for Mental Health,
the Canberra Schizophrenia
Fellowship and the Manic
Depressive Support Group;
provides services to families
of people suffering psychiatric
disability.
15. Nursing Promotes breastfeeding to 2 844
Mothers individual mothers and nursing
Association professionals; provides _
counselling, support and
practical assistance
to mothers; and is involved
in health professional and
community education.
16. Pregnancy Telephone and face-to-face 15 924
Support counselling for women and
Service ACT girls, faced with pregnancy
causing a problem, including
adoption, post abortion and
grief counselling; and referral,
practical assistance,
information/education
to secondary & post-secondary
students.

1757

17. Psych. Psychiatric Rehabilitation aims 41 003

Rehabilitation to improve the quality of life

Services of people with psychiatric disorders by enabling them to .

participate to their maximum potential in recreational, social, vocational and educational pursuits. Northside Contractors is a registered business providing casual part-time work to people with a psychiatric disability: yard maintenance, car washing, furniture removal, carpentry, basic property maintenance, cleaning and clerical tasks.

18. Richmond Provides a seven-place residential 41 583

Fellowship rehabilitation halfway house

Halfway in Downer for young adults

House with psychiatric disabilities;

and associated services.

19. SE NSW Provides education and information 16 500

and ACT to schools and local shows about

Hydatid hydrated disease and how it can

Control be reduced.

1758

30 April 1991

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 333

Health Promotion Fund Funding

MS FOLLETT - asked the Minister for Health, Education and the Arts on notice on 12 February 1991:

For each separate funding category of the Health Promotion Fund (HPF), what was

(1) The name of every organisation which received funding from the HPF in (a) 1989-90 and (b) 1990-91.

(2) The name, purpose and funding amount for each project for which the organisations at (1) the above were funded.

MR HUMPHRIES - The answer to Ms Folletts question is:

In 1989-1990 the ACT Health Promotion Fund allocated the following funds:

HEALTH

\$3 754 to the Alcohol and Drug Service for the "QUIT. for Life." campaign to support the National Health Sprint, ACT Racing Club.

SPORT AND RECREATION

\$30 000 to the ACT Racing Club for replacement of the tobacco company sponsorship of the Sprint race held on Black Opal Stakes Day. The race called the National Health Sprint was sponsored under the "QUIT. for Life." banner.

ARTS AND CULTURE

\$20 000 to Hayes and Sjoquist for the "QUIT. for Life." sponsorship of the 1990 Rock Eisteddfod.

1759

In 1990-91, up to 1 March 1991 the following allocations from the ACT Health Promotion Fund have been approved.

Health

\$33 -200 to the ACT Community Health Association for the Healthy Cities project from August 1990 to December 1990.

\$121 954 to the National Heart Foundation, ACT Division for the Smoking Education project over a 2 year period.

\$21 500 to the National Heart Foundation, ACT Division for the Heart at Work project.

\$22 000 to the Canberra Baby Collective for the production of an ACT guide to parenting called Canberra Baby.

\$10 000 to the Restaurant and Catering Association, being a contribution to the development costs of a training package Health Issues in the Hospitality Industry.

\$2 500 to Canberra ASH to produce a guide to smokefree restaurants in the ACT.

\$16 755 to the ACT Steering Committee on Health Promotion in the Workplace to investigate and enhance health promotion activities in the workplace.

\$7 900 to the Australian Nutrition Foundation to evaluate the Nutrition Time Carnival for ACT Schools and Colleges.

to Southpaw Stroke Club to develop a program for people affected by stroke and their carers.

\$47 168 to Galilee for the health education component of the LIFT project, a skill development and training project for young people.

\$4 730 to the Health Advancement Service, ACT Board of Health for the Healthy Takeaway Food Conference.

\$83 370 to the Health Advancement Service; ACT Board of Health to develop an ACCESS Centre for use by community groups who need computing and marketing resources over a 2 year period.

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\$4 220 to the Still Birth and Neonatal Death Support Group (SANDS) for the production of an information booklet, grieving kit and establishment of a resource rehearsal;:-

\$8 020 to the Tobacco Interagency Committee to conduct activities for the World Health Organisation No Tobacco Day in May 1991.

\$6 749 to Australian Red Cross for the Fun in the Sun project to promote key health issues for young people in the ACT.

\$2 600 to Australian Red Cross Youth Health Project and the Belconnen Youth Centre to produce a young parents information package.

\$22 900 to the ACT Cancer Society (\$11 000) and National Heart Foundation, ACT Division (\$11 90.0) to support young people affected by the introduction of the Tobacco (Amendment) Act 1990.

\$80 886 to the ACT Community Health Association for continued support of the Healthy Cities project over 18 months to June 1992.

\$48 650 to the ACT Cancer Society for QUIT and Sun Smart campaigns, in support of Health Promotion Fund sponsorship agreements.

\$6 240 to the National Heart Foundation, ACT Division for the Healthy Heart campaign, in support of Health Promotion Fund sporting sponsorship agreements.

\$22 400 to the Community Nutrition Section, ACT Board of Health for nutrition campaigns, in support of Health Promotion Fund sporting, recreational and arts sponsorship agreements.

Sport And Recreation

\$30 000 to the Canberra International Motor Raceway Management for sponsorship of the 1990 Canberra International Motor Racing Show. The Show was sponsored under an anti-drink driving campaign.

\$25 000 to ACT Basketball for sponsorship of the 1990 and 1991 Canberra Capitals Basketball Team, under the QUIT campaign.

\$10 000 to the ACT Soccer Federation for tobacco company sponsorship replacement for 1990.

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\$23 170 to ACT Rugby Union for sponsorship of Walla Rugby in 1991, 1992 and 1993 under the Healthy Heart campaign

\$52 500 to the Canberra Cannons for sponsorship of the Cannons Basketball Team in 1990, 1991 and 1992 under the QUIT campaign.

\$5 000 to the Australia Day Sports Carnival Committee for sponsorship of the 1991 Australia Day Sports Carnival under the Sun Smart campaign.

\$23 448 to Walking for Pleasure for sponsorship of the ACT Walking for Pleasure program. The program is sponsored under the Sun Smart campaign.

\$10 000 to the ACT Tennis Association for Sun Smart sponsorship of the 1991 ACT Womens Tennis Championships held in February.

\$5 000 to the Veterans Branch of the ACT Tennis Association for Sun Smart sponsorship of the Britannia and Crawford Cups to be held in April 1991.

\$18 559 to ACT Volleyball Association for sponsorship of the Pro Beach Volleyball project held in Canberra City in January 1991. The project was sponsored was under the Sun Smart campaign.

\$10 000 to the ACT Yachting Team for Sun Smart sponsorship of the Challenge team to compete in the Lexicon Cup.

\$15 000 to Sportsfit for sponsorship of the 1990 Australian Mountain Bike Championships under the Head Safe campaign.

\$10 000 to the ACT Racing Club for sponsorship of the establishment of a sport training course at the Canberra TAFE for young people.

\$5 000 to the Southern Canberra Gymnastic and Judo Clubs for health and nutrition sponsorship of the canteen and sign for the new Gymnastic and Judo facility on the Southside of Canberra.

\$12 000 to the ACT Bowls Association for sponsorship of the 1991, 1992 and 1993 junior lawn bowls program. The program is sponsored under a nutrition message.

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\$6 150 to the ACT Athletics Association for sponsorship of the 1990 ACT Corporate Gaffes.

The Games were sponsored under an injury prevention campaign.

\$71 924 to the ACT Cricket Association for tobacco company sponsorship replacement and extension of the sponsorship in 1991, 1992, and 1993.

The ACT Cricket Association is sponsored under the Sun Smart banner.

\$10 000 to the ACT Showjumping Club for Healthy Heart sponsorship of the 1991 World Cup Showjumping event held in Glebe Park.

\$33 000 to the ACT Racing Club for QUIT sponsorship of the 1991 National Health Sprint held on Black Opal Stakes Day.

\$22 000 to the ACT Hockey Centre for sponsorship of the junior hockey player development program in 1991. The program is sponsored under an anti-smoking campaign.

\$6 000 to the ACT Triathlon Association for Heart Health sponsorship of the ACT Triathlon Team competing in ACT and NSW.

Some of the above allocations will involve expenditure over several financial years.

Arts And Culture

\$8 400 to the Arts Council of the ACT for the Health and Healing culture project involving patients from Royal Canberra Hospital North.

\$18 000 to Austere FM 104.7 for sponsorship of a community phone-in over three months to promote and discuss health issues in conjunction with health organisations.

\$4 200 to Women on a Shoestring for performances of the production Over the Hill in workplaces and community centres in the ACT.

\$11 580 to Independent Video for production of three community service commercials for the following community groups;

1. Conflict Resolution Service
2. ACT Red Cross Society (First Aid

Classes) and 3. Pedal Power ACT.

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\$4 890 to the Crafts Council, ACT for the development and implementation of occupational health and safety seminars for crafts people in the ACT.

\$5 000 to Home Front Belles Australia for the Home Front Community Writers project to assist survivors of domestic violence and incest.

\$10 000 to the Canberra Festival for Sun Smart sponsorship of the Capital Day during the 1991 Canberra Festival.

\$12 000 to the Skylark Puppet and Mask Theatre for production of Hip Hip Hippo, a childrens puppet production which explores various health issues.

\$17 250 to TAU Theatre Company to research, workshop and produce Empty Arms, a theatrical production addressing issues faced by mothers who have given their babies up for adoption.

\$10 000 to Milton OBrien Media Productions to produce a 30 minute video for children aged 8-16 years, covering health, safety, recreational and environmental issues.

\$13 001 to the Royal National Capital Agricultural Society for tobacco company sponsorship replacement of the Canberra Show Art and Craft Awards and sponsorship of the Canberra Times colour wrap promoting the Canberra Show. The entire project was sponsored under a nutrition campaign.

\$25 000 to Hayes and Sjoquist for QUIT. for Life. sponsorship of the 1991 Rock Eisteddfod.

Research

To date there have not been any allocations made from the Fund under this category.

Administration

A total to date is not available as funds are to be reimbursed to the administering body on a quarterly basis. Reimbursement of the ACT Board of Health for the first two quarters of 1990-91 has not yet been made due to complications arising from administrative restructuring. However, the estimated amount owed to the ACT Board of Health to the end of December 1990 is \$24 473.

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MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 344

Public Relations Staff - Health, Education and the Arts

MS FOLLETT - asked the Minister for Health, Education and the Arts on notice on 20 February 1991:

What are the numbers and classification levels of staff engaged in public relations, media, advertising, promotional and related tasks in (a) the Ministers office; (b) the Ministers department; and (c) each agency for which the Minister has responsibility.

MR HUMPHRIES - the answer to Ms Folletts question is:

(a) 1 Private Secretary (ASO 6)

(b) 1 Director Public Relations (Journalist Grade A2)
2 Journalists Grade A1
1 Teacher Level 2 (Secondary)

(c) ACT Board of Health:

. Public Relations Unit:

1 Director (Journalist Grade A2) 1 Journalist (Grade A1) 1 Promotions officer (ASO 5) 1 Signwriter/artist (ASO 3) 1 Administrative assistant (ASO 3) and 1 Temporary clerical assistant (ASO 1)

. Royal Canberra Hospital:

1 Journalist (Grade A1) r i

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MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 348

**Ministerial Staff - Health, Education
and the Arts**

MS FOLLETT - asked the Minister for Health, Education and the Arts upon notice on 20 February 1991:

What are the numbers and classification levels of the ministers personal staff, including consultants employed in the Ministers office.

MR HUMPHRIES - the answer the Ms Folletts question is:

Number Title Classification

1 Senior Private Secretary SO Or B

1 Private Secretary ASO 6

1 Executive Assistant ASO 5

1* Executive Assistant ASO 2

2* Department Liaison Officers ASO 6

Teacher L1

(Master teacher)

* Staff of the Ministers Department

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30 April 1991

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 352

**Public Relations Consultants - Health.
Education and the Arts**

MS FOLLETT - asked the Minister for Health, Education and the Arts upon notice on 12 February 1991:

What consultants have been or are engaged in public relations; media, advertising, promotional and related tasks in (a) the Ministers office; (b) the Ministers Department; and (c) each related agency for which the Minister has responsibility.

MR HUMPHRIES - the answer to Ms Folletts question is:

(a) Nil

(b) Burson-Marsteller Preschool Task Force
Publications Strategy

Burson-Marsteller Publicity Strategy

Burson-Marsteller Publication Strategy

Burson-Marsteller Public Relations
Counselling

(c) Nil

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MINISTER OF HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 353

Ambulance Service

MR BERRY - asked the Minister for Health, Education and the Arts on notice on 21 February 1991:

In response to my Question on Notice No 282 the Minister provided for the six month period to 22 October 1990, details (on a shift by shift basis) of all shifts on which there had been less than four fully staffed ambulances available. Will the Minister now provide those figures for the period from 22 October 1990 to 21 February 1991.

MR HUMPHRIES - the answer to Mr Berrys question is:

An examination of the operational records of the ACT Ambulance Service has indicated the following ambulance vehicle status during the period 22 October 1990 to 28 February 1991:

October 1990 9 day shifts 3 ambulances fully crewed
(from 22.10.90) 1 day shift 2 ambulances fully crewed
9 night shifts 3 ambulances fully crewed
November 1990 8 day shifts 3 ambulances fully crewed
7 night shifts 3 ambulances fully crewed
December 1990 9 day shifts 3 ambulances fully crewed
1 day shift 2 ambulances fully crewed
6 night shifts 3 ambulances fully crewed
January 1991 7 day shifts 3 ambulances fully crewed
1 day shift 2 ambulances fully crewed
2 night shift 3 ambulances fully crewed
February 1991 7 day shifts 3 ambulances fully crewed
(until 28.2.91) 5 night shifts 3 ambulances fully crewed

The detail breakdown of those figures given above are attached.

As I have advised Mr Berry on a number of occasions before, whilst the Service is resourced to provide the agreed crewing minimum of four on-duty ambulances at anytime, there have been occasions where through no fault of the Service itself, rostered staff have been unavailable to present for work. In these situations, the Service attempt to recall staff who may wish to work overtime. The Director of the ACT Ambulance Service has further advised me that during the day-shift periods, there are always a number of senior officers and officers allocated to other duties, who are available to crew ambulances should the demand present. In regard to the night shift cover, on those occasions where there have been only three ambulances immediately available, they have been adequate to meet the demand made upon the Service.

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The Government is not intending in any way to reduce the number of ambulances available. Indeed the Government has indicated on a number of occasions that-it is-prepared to consider and fund additional resources for the Service, should they be required. The Service is being monitored closely and to date, the Director has not applied to me for additional resources.

This is because the Service is adequately staffed, and appropriately resourced in vehicles and equipment. Further, the Service is nearing the completion of a major upgrading from a previous transport orientated function to a current highly sophisticated pre-hospital emergency ambulance service.

As a result of this work which has enjoyed full staff participation and acceptance throughout, some staff have experienced the normal stresses related to change in the workplace and a number of staff have been required to change roles within the Service, as their previous positions have become irrelevant to the functions of a modern service and,thereby, have been abolished.

It is because of this environment that the Service is managing, and well in my opinion, an unusually higher than normal staff absenteeism. I must again emphasise however, that this is a transient situation which will be corrected through the appropriate management strategies which are in place and are working.

The Service has the full support of the Government and I would ask Mr Berry to commit a similar level of support and assistance to the Service, from the opposition party, instead of the current strategy of attempting to undermine the public confidence in the top quality and reliable ambulance service enjoyed by the community.

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Electronic data for this page is not available. It is included in the printed Hansard.

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**MINISTER FOR FINANCE AND URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 407

Casuarina Sands

Mrs Grassby - asked the Minister for Finance and Urban services on 17 April 1991.

(1) Was the contract to demolish the Casuarina Sands

Weir signed before the Alliance Cabinet decided decided to formalise the demolition decision.

(2) What was the cost of the clean-up operation at

Casuarina Sands following the oil spill which took place there during the demolition project.

(3) What was the damage cause to the flora and fauna at

Casuarina Sands as a result of the oil spill at the demolition site. _.

Mr. Duby - the answer to the Members question is as follows:

(1) No. The Cabinet decision to remove the weir was

announced by the ACT Government on 21 February 1991. The formal execution of the contract to carry out the demolition occurred on 28 February 1991.

(2) The cost to the ACT Government of cleaning up the

spill was approximately \$750 for wages and \$250 for materials:

(3) The total amount of oilspill is estimated at

between two and three litres. Because of the small volume of oil and the quick action taken to remove it, no apparent damage has occurred to flora and fauna.

It should be noted that the photograph that appeared in the Canberra Times on 12 March 1991 was not in fact oil scum but an environmentally harmless wood wool product that was deliberately placed behind the boom to provide protection against oil spills.

1775

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 409

Annual Report - Urban Services

Mrs Grassy - asked the Minister for Finance and Urban Services -

(1) Are you aware that the 1989/90 Annual Report for the

Department of Urban Services wholly contained draft, unaudited financial statements.

(2) Are you aware that the 1989/90 Annual Report for the

Department of Urban Services contained no figures at all pertaining to the Natural and Cultural Resources program.

(3) What steps are you taking to ensure that, future Annual

Reports for the Department of Urban Services will contain fully audited financial statements for all areas and programs covered by your Department.

Mr Duty - the answer to Mrs Grassbys question is as follows:

(1) and (2) The Annual Report of the Department of Urban Services includes a letter of transmission from the Secretary advising that the Report contains draft, unaudited financial statements and that at the time of printing no figures were available for the Natural and Cultural Resources program.

(3) The delays in the completion of the Departments unitary and aggregate financial statements have been due to several factors as outlined in my approval to extend the time for the submission of the statements as tabled in the Assembly on 20 February 1991. The reasons given are:

. the complexity of the Departments operations, particularly in terms of the range of appropriation, trust account and agency services financial accounting structures;

. the guidelines for the preparation of the statements were not issued until September 1990;

. the unusual accounting period - 11 May 1989 to 30 June 1990 - which requires more manual extraction of data and the calculation of account balances, and the requirement for a second comparative statement for the twelve month period 1 July 1989 to 30 June 1990.

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Recognising that the Department has had to put together program statements and unitary statements for the first time - the aggregating was previously undertaken centrally - with no allocation of specialist resources - it was inevitable that delays occurred.

The above information has been provided to the Chairman of the Standing Committee on Public Accounts as part of the Governments submission on the Auditor Generals Report Number One, 1990-91.

I would expect that the difficulties experienced in preparing the 1989-90 financial statements will have been overcome, and that the financial statements for this financial year will be prepared in accordance with the requirements of the Audit Act and the annual report guidelines.

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**MINISTER FOR FINANCE AND URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 410

Paving - Nangari Street, Civic

Mrs Grassy - asked the Minister for Finance and Urban Services on 17 April 1991

(1) How much did the new paving work along Mangan Street in Civic cost the ACT taxpayer.

(2) Can you explain this unnecessary expenditure during this period of budgetary restraint.

Mr DUBY - the answer to the Members question. is as follows:

(1) The cost of paving in Mangan Street is

\$31,000.

(2) The old pavement in Mangan Street consisted of

concrete and gravel.

The gravel section was being scoured away creating safety hazards to pedestrians. Subsidence together with general usage and upheaval due to tree roots has led to an increase in public complaint and claims against the ACT Government from personal property damage and personal injury.

The new pavement has also upgraded an important area within the city business district.

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30 April 1991

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION WITHOUT NOTICE

Yamba Drive -- Proposed Vehicle Bridge

MR MOORE - asked the Minister for Health, Education and the Arts without notice on 16 October 1990:

Can you tell us the estimated cost of the proposed vehicle bridge over Yamba Drive as part of the Woden Valley Hospital remodelling. Additionally, can you clarify whether the bridge over Yamba Drive will be a footbridge or a vehicle bridge.

MR HUMPHRIES - the answer to Mr Moores question is:

The Transport Plan for the Royal Canberra Hospital (South) site was produced in December 1990 by the traffic consultants engaged as part of the master planning team for the Hospitals Redevelopment Project.

The Transport Plan was produced after a detailed analysis of traffic and car parking needs associated with the consolidation of Royal Canberra Hospital (North) on the Royal Canberra Hospital (South) site, and included consultation with all relevant ACT Government Authorities.

The Transport Plan recommends that all car parking associated with the Royal Canberra Hospital (South) site should be contained within the current site boundaries, ie the area bounded by Yamba Drive, Hindmarsh Drive, Palmer Street, Gilmore Crescent and Kitchener Street. Therefore, as car parking is not now required on the western side of Yamba Drive, as assumed in the preliminary planning phase of the project, there is now no requirement for any type of bridge across Yamba Drive, in relation to the provision of access to the hospital from car parking areas.

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MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION TAKEN ON NOTICE 18 OCTOBER 1990

School Closures - Belconnen

MRS GRASSBY - asked the Minister for Health, Education and the Arts:

If the closure of primary schools in Belconnen goes ahead, what will be the number of so-called vacant spaces in Belconnen schools following those closures?

MR HUMPHRIES - the answer to Mrs Grassbys question is:

As result of the closing of the Cook Primary School and the withdrawal of surplus places achieved by twinning arrangements at Spence/Melba Primary Schools, 985 student. places were eliminated by the School Reshaping Program in Belconnen. Therefore based on the number of surplus places in Belconnen in June 1990 (3 853 places) the number was reduced to 2868 at the end of 1990.

The question of further excess space in schools, the consolidation of schools and better use of school buildings will be part of the brief of the special task force which the government has established to examine the long term restructuring of the ACT schools system.

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30 April 1991

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION WITHOUT NOTICE

Woden Valley Hospital

MRS GRASSBY - asked the Minister for Health, Education and the Arts without notice on 20 November 1990:

What is the Government doing to relieve the increased suffering to cancer patients at Woden Valley Hospital caused by the lack of carparking now that the carparks are filled with construction work site buildings?

Will he make sure that there is adequate carparking for very ill patients who have to attend the clinic for cancer treatment?

MR HUMPHRIES - the answer to Mrs Grassbys question is:

At present the majority of parking loss has been on the northern end of the site. This appears to have had only minor impact on the southern car parking area used by patients of the Oncology Service and is generally only 705 utilised. The large unmarked carparking area, on the southern boundary of the campus, is to be marked to provide some 250 plus additional car-parks. This will offset the loss of parking on the northern end of the site.

All parking will be on campus, not off campus as happens on many major hospital sites, although this may mean that some patients, visitors and staff will have to walk further to other hospital service areas.

While it is recognised that some parking difficulties could be experienced at Royal Canberra Hospital South, these disruptions must be expected, to enable the construction of the new Principal Hospital for the ACT. In an effort to keep any disruptions to a minimum, and as part of the development of the project, a Traffic Consultant has been engaged. The Consultant will address the temporary and long term traffic requirements of the hospital, including parking.

Both Management and the Project Office are aware of the current carparking issues, that have arisen during the redevelopment of the Hospital, and are addressing them.

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MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION WITHOUT NOTICE

Royal Canberra Hospital

MR BERRY - asked the Minister for Health, Education and the Arts without notice on 20 November 1990:

- (1) The steam boilers at Royal Canberra Hospital at the Acton site are being replaced by hot water boilers. This exercise is being carried out with great haste with staff being required to work overtime to ensure that the boilers are in place by Christmas. Did this replacement need to take place since the Minister has announced that the hospital is to close by the end of next year?
- (2) What are the cost of the boilers and the cost of the labour to install them

MR HUMPHRIES - the answer to Mr Berrys question is

- (1) I understand the project results from an Australian Construction Services inspection which identified the presence of asbestos material at the site. Following detailed investigations for removal of the asbestos, the steam generation and distribution system was included, as a high proportion of the asbestos problems existed within the plant rooms and reticulation system.

The most cost effective approach to asbestos removal and the supply and installation of steam/hot water generation equipment was selected with the contract for works commencing in August 1990. The work is necessary, given Royal Canberra Hospital North will continue to provide patient services until at least the end of 1991 and, in the longer term, for other tenants and possible future uses of the site. In addition, any overtime worked on the project applies to the contractor and not hospital employees.

- (2) The total project cost for asbestos removal, installation of four hot water boilers and associated pipe work is approximately \$1.951 million. On completion of the project recurrent costs will be reduced by approximately \$290 000 per annum, as the need for dedicated 24 hour boiler attendant coverage will no longer be necessary.

In addition, work on the project was delayed due to withdrawal from the contract by the subcontractor HUNTS Boilers in January 1991. However, the contract arrangements are now in hand and the project is expected to be completed by 31 March 1991.

30 April 1991

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

- QUESTION WITHOUT NOTICE

Hospitals - Waiting Lists

MR BERRY - asked the Minister for Health, Education and the Arts without notice on 21 November 1990:

- (1) Is the Minister aware that a patient on the waiting list for neurosurgery on his back was put on the methadone program for pain relief while waiting for a bed in the ACT Hospital System?
- (2) Does the Minister support the use of addictive drugs to keep patients out of pain while they wait up to twelve months for surgery?

MR HUMPHRIES - the answer to Mr Berrys question is:

- (1) I am unable to substantiate, without specific details about the case, that a patient on the booking list for neurosurgery on his back was placed on the methadone program for pain relief while waiting for a bed in the ACT Hospital System.

It is not the policy of the Alcohol and Drug Service methadone program at Royal Canberra Hospital South to utilise the program for the treatment of pain relief. This Service provides support for the rehabilitation of abusers of addictive drugs.

- (2) The use of addictive drugs for pain relief is subject to close professional supervision. Any specialist or medical practitioner who wishes to place a patient on a course of addictive drugs for pain relief for longer than three months would need to apply to the Medical Officer for Health for approval. The application may then be submitted to the Drugs Advisory Committee for confirmation before the doctor can continue a course of treatment.

In addition, I am advised that patients are rarely on the booking lists for longer than twelve months. If a patient has been booked for this period of time they are either medically unfit or surgery has been delayed at the patients request.

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MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION WITHOUT NOTICE

Royal Canberra Hospital - Stationery

MR MOORE - asked the Minister for Health, Education and the Arts without notice on 22 November 1990:

- .(1) What arrangements have been made to supply the new Royal Canberra Hospital South with their own headed stationery and how much is the-stationery expected to cost?
- (2) Is it the case that headed stationery for Woden Valley Hospital was actually ordered very recently with a run of around one million pieces of stationery?

MR HUMPHRIES - the answer to Mr Moores question is:

- (1) Since its renaming on 1 November 1990, Royal Canberra Hospital South has been supplied with new Royal Canberra Hospital letterhead. One hundred reams of the Royal Canberra Hospital letterhead (for use by both campuses) has been printed at a total cost of \$2 076.

In addition, existing stocks of old letterhead to the approximate value of \$5 000 have been converted to notepads, thereby eliminating a wastage of paper.

- (2) In the three months to November 1990, 8 950 sheets of

letterhead stationery for Woden Valley Hospital was ordered. This was in accordance with the ACT Board of Healths policy of wasting out existing stocks before reordering stationery.

30 April 1991

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION WITHOUT NOTICE.

Hospice

MR BERRY - asked the Minister for Health, Education and the Arts without notice on 27 November 1990:

Have consultants been appointed with a brief which includes advice on where in the ACT health system, a hospice should be located?

MR HUMPHRIES - the answer to Mr Berrys question is:

The ACT Government is receiving the widest possible range of advice on the development of health services for which significant new directions have been forged in the last decade. For this reason, two external consultants were appointed in November 1990 to provide advice on the future direction of palliative care services, including the location, size and design of a hospice.

These consultants are highly respected in the area of palliative care. Professor Ian Paddocks is the only Professor of Palliative Care in Australia and is the President of the hospice Association, and Dr Ruth*Redpath is the Vice-President of the Hospice Association.

The need for external consultants was confirmed by concerns raised by the current lack of medical direction in this specialist area in the ACT and the need for a more integrated service.

The Consultants report will be considered in conjunction with the Hospice/Palliative Care Working Party Report by the Development Committee and Planning Committee. These Committees have been established to review the range of interests associated with the Hospitals redevelopment Program and provide advice on the overall development of the hospital system.

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**MINISTER FOR HEALTH, EDUCATION AND THE ARTS
LEGISLATIVE ASSEMBLY QUESTION
QUESTION TAKEN ON NOTICE 13 FEBRUARY 1991**

Autistic Childrens Unit

MR STEVENSON - asked the Minister for Health, Education and the Arts:

My question ...concerns the needs of the handicapped, particularly those young children attending the autistic childrens unit at Hughes Primary School ...Is there inadequate cooling. Would the situation also exist in winter with inadequate heating, and what operating funds have been allocated for the operation of that autistic childrens unit, and if these situations are correct what can be done?

MR HUMPHRIES - the answer to Mr Stevensons question is:

No. Although the classrooms used by the Unit were built in the early days of the school, cyclical maintenance procedures monitor ventilation, insulation and heating.

Cooling and heating provisions are adequate for normal weather conditions.

Additional portable fans and heaters are provided on request during extreme weather conditions.

The Unit is funded on a needs basis and caters for up to 8 children. Provision is made for:

one full time teacher, one full time assistant, materials and equipment, and taxi transport for all children both to and from the Centre

It is considered that the Unit is amply staffed and resourced for its current function.

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30 April 1991

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION TAKEN ON NOTICE ON 19 FEBRUARY 1991

Rabies

MR MOORE - asked the Minister for Health, Education and the Arts:

I wonder if you can tell us what the incubation period for rabies is?

MR HUMPHRIES - the answer to Mr Mooses question is:

The incubation period for rabies is usually between 2 to 8 weeks. Occasionally it may be as short as 10 days or as long as 1 to 2 years. The incubation period of any one case depends on factors such as:

the severity of the wound;

the site of the wound in relation to the richness or otherwise of nerve supply and distance from the brain; the amount of virus introduced into the person; and any protection provided by clothing.

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MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION TAKEN ON NOTICE ON 14 MARCH 1991

Psychiatric Day Care Centre

MRS GRASSBY - asked the Minister for Health, Education and the Arts:

Will the Psychiatric Day Centre services currently shared with the Psychiatric Unit at Woden be duplicated at the new location, or will the users of the day care unit have to go without these services in this new location? Will the clients have all the services such as the bus that is used for touring to areas for these people, and every other service?

MR HUMPHRIES - the answer to Mrs Grassbys questions is:

I understand core services currently provided at the Woden Psychiatric Day Centre will continue to be provided at the same level in the new day centre location. In particular, clients will have good access to a bus service and kitchen facilities will also be provided.

In addition, the day centre over the last two years has placed more emphasis on developing independence in clients. Services previously provided through the hospital such as midday meals and pharmaceuticals were discontinued some time ago to allow clients to manage more independently.

1788