



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

17 September 1991

Tuesday, 17 September 1991

Suspension of standing and temporary orders	3339
Questions without notice:	
Land tax legislation	3342
Government Service - staff numbers	3343
Department of Urban Services - employment of disabled persons	3344
Land tax	3345
Ministerial vehicles	3346
Industrial relations policy	3347
Stromlo High School	3347
Appropriation Bill 1991-92	3348
Subordinate legislation	3363
Scrutiny of Bills and Subordinate Legislation - standing committee	3363
Associations Incorporation Bill 1991	3364
Registration of Births Deaths and Marriages (Amendment) Bill 1991	3373
Electricity and Water (Amendment) Bill (No 2) 1991	3374
Water Rates (Amendment) Bill 1991	3396
Sewerage Rates (Amendment) Bill 1991	3396
Stock Diseases (Amendment) Bill 1991	3397
Guardianship and Management of Property Bill 1991	3400
Unparliamentary language	3401
Personal explanation	3404
Adjournment:	
Legacy	3404
Amnesty International	3405
Legislation program	3406
Answers to questions:	
Health - work force restructuring (Question No 430)	3407
Emergency services (Question No 482)	3409
Physiotherapy service - Weston Creek (Question No 484)	3410
Health portfolio - consultants (Question No 556)	3412

17 September 1991

Tuesday, 17 September 1991

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

SUSPENSION OF STANDING AND TEMPORARY ORDERS

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

That so much of the standing and temporary orders be suspended as would prevent:

- (1) any business before the Assembly at 3.00 p.m. this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 1991-92;
- (2) debate on any motion before the Assembly at the time of interruption being adjourned until the question "That debate on the Appropriation Bill 1991-92 be adjourned and the resumption of the debate be made an order of the day for the next sitting" is agreed;
- (3) at 3.00 p.m. on Thursday, 19 September 1991, the order of the day for resumption of debate on the question that the Appropriation Bill 1991-92 be agreed to in principle, being called on notwithstanding any business before the Assembly and that the time limits on the speeches of all leaders of parties be equivalent to the time taken by the Treasurer moving the motion - That the Bill be agreed to in principle; and
- (4) debate on any motion before the Assembly at the time being adjourned until a later hour that day.

MR KAINE (Leader of the Opposition) (2.31): Mr Speaker, I would like to speak to this motion. The Opposition has had no prior notice of the Government's intention to move this motion.

Ms Follett: Yes, you did.

Mr Connolly: Yes. Robyn says that you did.

MR KAINE: Well, let me say, Mr Speaker, that it is complete news to me. I do not have any objection in principle to most of what Mr Berry is proposing; but, without having seen it in writing, it is very difficult to say whether I accept it or whether I do not.

There was one particular point to which I do take exception, and that is the setting aside of the standing order that prescribes that the first speaker from the Opposition shall have unrestricted time to respond. Mr Berry is proposing that that time be restricted to the same amount of time taken by the Treasurer in presenting her paper. That is, in my view, an unreasonable setting aside of the standing orders. She might decide to present her budget in five minutes, for all I know, and I am not prepared to accept such a proposition without fully exploring the circumstances of it. So, I would have to say that, in principle, I do not agree with setting aside the standing orders on such a broad basis as is now proposed by the Deputy Chief Minister.

MR COLLAERY (2.33): Mr Speaker, we do not have the motion before us. It has been read out, but it has not been circulated in the chamber. It is difficult, in those circumstances, to know what standing order Mr Berry is seeking to suspend.

MR SPEAKER: I ask that copies of the motion be distributed to the members. Copies are coming; but, of course, it is a suspension of the standing orders on this basis.

MR BERRY (Deputy Chief Minister) (2.33), in reply: Unless somebody else wishes to speak, I will speak on the matter. It is regrettable that the Leader of the Opposition is not able to comment on the basis of having been informed of the motion, but I understand that this matter was taken up with parties and groups within the Assembly. Mr Speaker, the major issue of concern that was raised by the Leader of the Opposition was the amount of time that he could speak - - -

Mr Kaine: That is one matter; just one.

MR BERRY: I will respond to the major issue of concern that you raised, Mr Kaine, and that was the amount of time that you would have to speak on the subject. The motion quite clearly says, "that the time limits on the speeches of all leaders of parties be equivalent to the time taken by the Treasurer", but I will give you my unconditional guarantee that if you require extra time to respond there will certainly be no blockage of that by the Government.

Mr Kaine: Is everybody else in the Assembly going to stand behind your guarantee?

MR BERRY: One thing that I can do, Mr Kaine, is count; and I know that, between us, you will be able to speak for as long as you like.

MR SPEAKER: I would like to put the question at this time.

Mr Moore: Wait till we look at the motion, Mr Speaker.

MR SPEAKER: In fact, Mr Berry has closed the debate. Have members had time to read it? You can speak by leave to this, if you wish.

17 September 1991

Mr Humphries: Can we amend it by leave?

MR SPEAKER: Yes. An amendment can be moved from the floor.

MR HUMPHRIES (2.36), by leave: Mr Speaker, I would certainly wish to amend this motion. I move:

- (1) omit "3.00", substitute "3.10".
- (2) omit "and that the time limits on the speeches of all leaders of parties be equivalent to the time taken by the Treasurer in moving the motion - That the Bill be agreed to in principle".

MR COLLAERY (2.37), by leave: Mr Speaker, the Residents Rally supports the motion moved by Mr Berry. It clearly gives me, as party leader, equal time with Mr Kaine. I think we should somehow get down to that process, and I do not think we need any manoeuvrings on that issue. I am quite prepared. I have spoken to the Chief Minister. She has a lengthy speech to give, and I am certain that there is no ploy afoot whatsoever whereby she might speak for only five minutes and then reduce the speaking time for us all. She is going to give a normal, customary budget speech and I think we should get on with this motion and pass it.

MR MOORE (2.37), by leave: Mr Speaker, what the Liberal Party is doing here is just a bit of political manoeuvring and grandstanding. Quite clearly, the motion provides for the Chief Minister to make her speech, to deliver the budget in an appropriate way, and then to give members the opportunity to respond in an appropriate way. I indicate now that I will be supporting the motion, and voting against the amendment.

MR SPEAKER: Mr Humphries, leave was required to move each of your amendments. I assume that leave was granted to put forward both of them, as proposed by Mr Humphries.

Question put:

That amendment No. (1) (**Mr Humphries'**) be agreed to.

A vote having been called for and the bells being rung -

MR SPEAKER: Order! I have been advised by Mr Stevenson that he will not be here for the first half of the sitting day due to illness in the family. Please proceed with the vote.

The Assembly voted -

AYES, 8

Mr Collaery
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Mrs Nolan
Mr Prowse
Mr Stefaniak

NOES, 8

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

Question so resolved in the negative.

Amendment No. (2) (**Mr Humphries'**) negatived.

Original question resolved in the affirmative, with the concurrence of an absolute majority.

QUESTIONS WITHOUT NOTICE

Land Tax Legislation

MR KAINE: I would like to address a question to the Treasurer. It has to do with the land tax Bill that will be debated later in the week. I am advised that on at least five occasions the Real Estate Institute corresponded with the Chief Minister and Treasurer in an attempt to put their views on that Bill. On one occasion only they had the benefit of a staffer attending a meeting. On no other occasion did the Chief Minister respond to any of their approaches or any of their correspondence. Is this typical of the so-called consultation that this Government carries on in connection with its legislation?

MS FOLLETT: I thank Mr Kaine for the question, Mr Speaker. There is no doubt that I have had correspondence from the Real Estate Institute on the matter of the land tax Bill that has now been put before the Assembly. I cannot advise whether it was on five occasions, as Mr Kaine has indicated in his question. In fact, I do not think it was five occasions.

I thought that it was appropriate that we should get the Bill before this Assembly as a matter of priority, simply because of the amount of doubt and debate that was around on the issue. I believe that, we having put this Bill before the Assembly, much of the criticism of it can now be dispelled because we have quite clearly taken into account some of the significant matters that have been raised on the issue of extending land tax to investment residential properties.

17 September 1991

In particular, as Mr Kaine would be aware, we have addressed the issue - which was raised in a great deal of the correspondence on this matter - of people whose work obliges them to be absent from the ACT for a period and who, in those circumstances, have become, as they term themselves, involuntary landlords. So, that matter has been dealt with in the Bill itself, as has the general matter of exemptions from land tax on compassionate grounds - another matter that Mr Kaine raised during question time.

So, I am happy to consult with the Real Estate Institute if that is what they wish. I am not aware that they have actually requested an appointment with me, but I could be wrong about that. I am sure that members opposite know that I am generally happy to debate any issue that comes before this Assembly and to consult with groups within the community on any issue that they wish to be consulted on. The Real Estate Institute is absolutely no different in that respect from any other group. I have met with a number of groups on this issue.

Government Service - Staff Numbers

MR COLLAERY: My question is directed to the Chief Minister in her role as Minister responsible for the public service and for youth affairs. Chief Minister, as you are aware, the size of the Territory's public service has been of considerable public interest in recent times. I ask whether you can inform the house - even in round terms - how many public servants are employed by the Territory Government? If your briefing material gives break-ups of full-time, casual and so on, that would be helpful, but the round figure would be appreciated; and, as well, in that figure, the number of youth trainees under the youth trainee scheme.

MS FOLLETT: I thank Mr Collaery for the question, Mr Speaker. I should advise that I will be dealing in round terms because I do not have a detailed answer on the precise numbers of public servants. The figure that I am most familiar with is roughly 22,000, and that includes, of course, all classes of people employed by the Government Service - bus drivers, nurses, gardeners, and so on, as well as the people that we might think of as more traditional types of public servants. Under the traineeship arrangements, I believe that our current allocation - and it is a figure that I would need to check - is 12.

MR COLLAERY: I ask a supplementary question, Mr Speaker. Ms Follett, if you do not have the precise figures, and have only round figures - and I must concede that that is all we could ever get - would you not concede that, if you

do not know the figures with any level of accuracy, you cannot say, in appropriation terms, that you know your current liabilities in superannuation, long service leave, and regular recurrent wages, and therefore cannot claim to have a balanced budget?

MS FOLLETT: Mr Collaery, like everyone else, is going to have to wait and see on the budget, Mr Speaker.

**Department of Urban Services - Employment of
Disabled Persons**

MR DUBY: Mr Speaker, my question is directed to Mr Connolly, the Minister for Urban Services. It refers to the receipt by the Department of Urban Services of an Employer of the Year award, presented by the Prime Minister actually, for the employment of disabled persons within the community. At the outset, may I ask Mr Connolly to convey my congratulations and, I am sure, the congratulations of the rest of this Assembly to the Motor Vehicle Registry of the Department of Urban Services for the excellent work that it has done in that regard. My question concerns the level of employment of disabled persons within Urban Services, and it is twofold: Can Mr Connolly give an undertaking that the level of employment of disabled persons at the Motor Vehicle Registry will be continued; and can he indicate his support for the continuation of a target level of employment of disabled persons within Urban Services of at least one per cent of the work force - a figure which was implemented, I believe, some 12 months ago?

MR CONNOLLY: I thank Mr DUBY for his question. The award that he referred to was indeed in recognition of a program that he implemented when in government and which he deserves some credit for. Earlier this year there was a proposal, shortly after the Labor Party assumed government, from within the department to cut back somewhat on the level of employment of disabled persons. I understand that one person who had been previously employed passed away and that there was a proposal not to replace that person.

After receiving representations from Ms Maher, in fact, I ensured that that person was replaced by another disabled worker to continue that admirable program. As I am at present advised, that program is continuing and will continue. I think it is appropriate for government agencies to lead by example in these areas, and certainly the Labor Government is inclined to continue with that excellent program.

Land Tax

MR HUMPHRIES: My question is addressed to the Treasurer. I refer her to an article in today's *Melbourne Age* concerning the Victorian position with land tax. The Victorian Premier is quoted in an article in that paper as having said:

... as people are considering whether this is the time to reinvest, they know that at least two things, land tax and WorkCare (costs), will continue to go down.

My question is: Firstly, does the Treasurer acknowledge, as her colleague in Victoria acknowledges, that the imposition of land tax is a disincentive to invest, in this case, in the ACT; and, secondly, does she see a long-term goal of her Government being to reduce the level of land tax applicable in the Territory in order to encourage investment?

MS FOLLETT: I should say at the outset that I have not seen the *Melbourne Age* article that Mr Humphries has referred to in his question. Nevertheless, I think I understand the gist of it. Mr Humphries has asked whether land tax could be regarded as a disincentive for investment. If that were the case, it would be a disincentive that is shared by every State and Territory in Australia.

It is a fact that land tax applies to investment property throughout the length and breadth of Australia, and that, if it on its own were to be regarded as a disincentive, we should perhaps have seen that reflected in investment levels in those States where the land tax is high. I am not aware that that is the case, and I am particularly not aware that it is the case in Queensland where I think the land tax is amongst the highest, if not the highest.

So, I think that, as far as investment goes, in land and in anything else, there are a range of factors that potential investors must take into account. Not least of those factors is, of course, the capital gain that they will get on their investment. I know that that is a big factor in residential investment decisions. And, of course, there is also the taxation position that their investment will put them into. Again, the residential investment puts investors into a very good taxation position. I believe, from the reading that I have done, that that is another key factor in their making a decision on whether or not to invest in land.

Mr Humphries asked further whether it would be a long-term goal to reduce the level of land tax. Along with every other leader in every other State or Territory, I would like to reduce all taxes; but the fact of the matter is that governments face a continuing, if not expanding, requirement to provide services to the community. And, at

least with this Government, the provision of high quality services and the protection of our community are the prime aims at this time. I think that Mr Humphries has asked me to forecast what might be some possible future policy by a possible future government, and I do not think there is a great deal of point in speculating on it in that way.

Ministerial Vehicles

MR MOORE: Mr Speaker, my question is addressed to the Chief Minister. I note that Mr Humphries has asked you the following question on notice, which is No. 445 on the notice paper:

- (1) What is the Executive's policy on the use of ministerial cars.
- (2) What is the Executive's policy on the size and engine capacity of ministerial cars.
- (3) Has the Chief Minister asked her ministers to use small cars with small engine capacities. If not, why not.
- (4) What guidelines have been established for the use of ministerial cars.
- (5) What insurance guidelines currently apply to the use of ministerial cars.

My question is: What is your policy on the size, use and engine capacity of the vehicle of the Leader of the Opposition; and does the V8 Statesman used by Trevor Kaine, which was also used by Gary Humphries and, of course, still has six hours owing to Craig Duby, fit into whatever guidelines that you are proposing?

MS FOLLETT: Mr Speaker, it is my understanding that the car which is currently allocated to the Leader of the Opposition was, in fact, purchased for him at the time that he was Chief Minister. I believe that I was, indeed, offered that car when I again became Chief Minister. I did not want it and I am not going to take it. The reasons are, as Mr Moore rightly points out, that it is a very large car with a large engine capacity and, for reasons of conservation, I prefer not to use a car with a large engine capacity.

The fact is, also, that it was a quite expensive car to purchase, and I prefer a less expensive car. I think that is appropriate to the scale of government that we have here in the ACT, and I think it is also generally the case that the community does not wish to see its elected representatives in large cars. Mr Speaker, I do not think that the community wishes to see people conspicuously enjoying the fruits of office. I have made it very clear

17 September 1991

that I believe that the whole of the government administration should operate in a lean and efficient manner, and I think it is only appropriate that all of us in the Assembly should also operate in a lean and efficient manner and that we should be seen to be operating in that fashion. I do not go in for the big car syndrome, and I do not think that, in general terms, it is appropriate for this Assembly.

Industrial Relations Policy

MRS GRASSBY: I would like to ask Mr Berry a question in his capacity as the Minister responsible for industrial relations. What is this Government's policy in relation to the New South Wales Government's industrial relations policies?

MR BERRY: Thank you very much for that very - - -

MR SPEAKER: Order! That question is out of order in that it asks a Minister for the policy of the Government.

Stromlo High School

MRS NOLAN: Mr Speaker, my question is directed to Mr Wood in his capacity as Minister for Education. Mr Wood, on Thursday, 15 August, you stated that the decision on the amalgamation of the Stromlo and Holder campuses would be made in not in excess of one month. Will you now advise this Assembly what the decision is and how it was arrived at, given that the Weston Creek community has waited longer than the time you stated?

MR WOOD: Yes, I can make the decision known. I have earlier today advised the players in this matter - namely, the schools and the proponents in the community concerned about the future of their schools - that our decision is that the decision of the former Alliance Government effectively doomed Holder High School and that the consolidation as announced will proceed; and that by 1993 that consolidation will be effected on the Stromlo High School campus. We consulted with the community, as you know. I think most of you would have seen the survey form that was sent out to the - - -

Mr Jensen: No, Bill; you never sent me a copy.

MR WOOD: It was a fairly simple form.

Mrs Nolan: I got one.

MR WOOD: Mrs Nolan asked for one. Perhaps I could have sent one, as a matter of courtesy, to everybody. We sent those to every parent of students in years 7 to 9 at what is effectively Stromlo High School, on the two campuses, and we sent it to children in the feeder schools - in year 6 at the primary schools.

Mr Humphries: To their parents.

MR WOOD: Yes, to their parents. We got just over half the forms back - only 53 per cent - which was a surprise to me. I had expected a much higher return. As we expected from the meetings that various ones of us attended, the response was mixed - and I will make all the information available to the Assembly and to the media. The result of the survey was mixed. If we include those residents who did not return a form, opinion about retaining Holder High School was evenly split. If we consider the forms that were returned, and specifically those from the Holder catchment area, a majority of parents wanted the school to remain open.

But there was a very significant factor that flowed through, and that is that, when we looked at the intentions of parents of year 6 students, it was clear that they were voting with their feet. They were simply not supporting Holder High School; they were going to the Waramanga campus. This is also clear in the year 7 enrolment intentions that, as a matter of course, had been taken at the primary schools. As a result of that it became clear that, even in the moderate term, even within a year or two, Holder High School could not be sustained. It may have been different had the former Government not acted as it did; but it is clear that what was already perhaps a fairly difficult situation for the future of Holder High School became impossible, that we would have had the Watson High School situation revisited, and that consolidation had to proceed.

MR SPEAKER: Order, Mr Wood! On the basis of the suspension of standing orders agreed to earlier, I now call on the Treasurer to present the Appropriation Bill.

APPROPRIATION BILL 1991-92

MS FOLLETT (Chief Minister and Treasurer) (3.00): Mr Speaker, I present the Appropriation Bill 1991-92. I move:

That this Bill be agreed to in principle.

Mr Speaker, the 1991-92 budget is a landmark in this Territory's adjustment to self-government. It demonstrates that through a disciplined approach to financial management we can make real progress towards social reform, and real progress towards this Government's fundamental objective to provide a fair and just community for the people of the ACT.

17 September 1991

The keynote for this budget is increasing efficiency to protect our community's future. After two years of self-government it is time we got the fundamentals right. Unprecedented cutbacks in Commonwealth funding have forced this Territory to make a rapid adjustment to the realities of living within our means. In the three short months since my Government again took office, we have taken tough decisions to ensure that priority service delivery to the community will be protected. Every program allocation has been carefully scrutinised. We have made substantial progress towards achieving a leaner and more efficient bureaucracy.

We are not borrowing for this budget. We have kept increases in taxation to a minimum. In particular, we have avoided hurting the local business sector which has borne much of the brunt of the national recession. We have stood by our fundamental commitment to social justice and we have again opened up the budget to the views of the people of the ACT.

The 1991-92 budget is a realistic solution to the need to live within our means. My Government has produced a balanced recurrent budget which represents the soundest possible investment in the Territory's future.

Commonwealth Funding

No State or Territory has ever before faced a collapse in Commonwealth support of the magnitude that the ACT has this year. The ACT has been treated with unprecedented severity. It has not been given the same assistance for phasing in Grants Commission relativities which has been provided to other States and which continues to be provided to the Northern Territory some 13 years after self-government. Commonwealth general purpose and special assistance, which represents half of our total recurrent and capital income, has been cut by 8 per cent in real terms. This contrasts with maintenance of real terms funding to the States.

The reduction in Commonwealth funding to be imposed on the ACT in 1991-92 is even greater in per capita terms, given that the ACT's population growth is now higher than any State's. Leaving aside the \$53m previously withheld by the Commonwealth, the reduction in the ACT's general revenue funding base is almost 20 per cent in real terms in a single year. This is the first time that the Commonwealth has failed to maintain its funding levels to a smaller State or Territory at least at the same money level as for the previous year.

Our treatment by the Commonwealth is even harder to bear when we consider the way in which the Commonwealth threw money at the ACT in the years immediately prior to self-government. There was little attempt to tackle the problems and efficient management of the Territory. The

Commonwealth handed over a Territory overfunded by almost \$136m relative to the States. And now the Commonwealth has decided to pull the rug from underneath us. It is clear that, even with severe cutbacks this year, the ACT faces further reductions as transitional allowances included by the Grants Commission decline. Clearly, the task of framing this budget has been mammoth.

Economic Conditions

I turn now to the ACT's economic conditions. Against this harsh reduction in Commonwealth funding, it is heartening that the direct impact of the recession has not been as severe in the ACT as elsewhere. The ACT continues to experience the lowest unemployment rate in Australia. Commonwealth public sector employment, high labour force participation rates and higher growth in earnings have cushioned the decline in private sector activity that has occurred across the national economy.

Whilst major indicators confirm that private sector investment has fallen in the ACT, just as elsewhere, there are early signs, particularly in relation to housing, that ACT private sector activity is rebounding with considerable pent-up demand.

The recession has weakened growth in our own revenues. Anticipated collections from payroll tax and business franchise fees, especially the petrol franchise fee, have dropped. The recession has increased pressure on a number of high-cost government services; in particular, public hospital use and demand for public housing have increased sharply.

The Commonwealth expects its own employment to increase this year by 2.8 per cent Australia-wide. This should have a positive impact on the local economy and provide employment stability at a time when the ACT Government must necessarily reduce its work force. Employment is likely to increase by 1.5 per cent. The growth in the ACT's population is expected to slow from about 2.8 per cent to 2 per cent in 1991-92, but will still remain above the growth rate for most States.

There is room for optimism about the ACT economy. Private sector activity has shown resilience. The long-term potential of our economy is sound, with growth rates and economic performance comparing favourably with those of most other regions.

The 1990-91 Budget Outcome

The outcome of the 1990-91 budget, framed and presided over by the previous Government, has added to the difficulties we now face. The Alliance Government was unable to contain recurrent expenditure within the estimated levels. The blow-out in health expenditures contributed significantly to this outcome. The outcome of the 1990-91 recurrent

17 September 1991

budget was a deficit of \$6m. It should not escape attention that funds to cover the previous Government's deficit have been found from the surplus produced by my Government's budget of the year before.

On the capital budget side, spending on capital works fell short of expectation by over \$14m. However, the proceeds of the first Gungahlin land auction were paid late and the outcome was a shortfall of \$1.3m.

Reassessment and Consultation

These were the hard facts which my colleagues and I faced when we again took office three months ago. Since then we have had to reassess completely the directions taken by the previous Government on a whole range of fronts.

No matter how rapid or substantial the adjustment needed in our spending, I do not believe that progress can be made unless social justice objectives are given the highest priority and the community is involved in the process of adjustment. No matter how strong the rhetorical justification that may be given for particular budget measures, they will not succeed if the community believes that these measures are unjust or unfair.

That is why my Government has, once again, sought community input into budget decisions. As you know, we undertook a survey of ratepayers and invited suggestions from the community on the budget strategy statement. We have held discussions with groups such as the ACT Council of Social Service, the Canberra Association for Regional Development and the Trades and Labour Council. We have also met with many other individuals and groups in the community.

The response has been encouraging. There is a strong community spirit in the ACT and an understanding by a great many people of the Territory's financial circumstances. Attacking perceived waste came high on many people's agenda. Suggestions covered a broad range of expenditures, including roads and footpaths, waste management, education and TAFE, health and ACTION. I refer you to Budget Paper No. 2 for a detailed examination of the responses.

The Government has considered each of those responses in the preparation of this budget. As a whole, they have helped to shape the direction we are taking. Their emphasis on reducing the costs of administration has reinforced my Government's determination to get the fundamentals right in this budget.

1991-92 Budget Overview

This budget is built on the solid foundation of a disciplined approach to financial management. In my statement to the Assembly in July, just six weeks after taking office, I set out my Government's commitment to a balanced recurrent budget as the cornerstone of a

responsible approach. This has not been an easy commitment to deliver. However, it has been met in a realistic and socially just manner. We have bridged the \$17m gap on the recurrent budget that remained in our budget strategy statement. We have produced a balanced budget without compromising priority services to the community.

Mr Speaker, let me remind you of the elements of our strategy. First, we have concentrated on public sector efficiency. We have focused on achieving real reductions in the costs of administration and improving returns from our business enterprises so as to protect the community, as far as possible, from reductions in the level of service delivery.

Second, we are not borrowing any new money for budget dependent activities in 1991-92. This will greatly reduce our debt servicing commitments in future years. Each dollar borrowed adds around 19c per annum to future recurrent budgets for the next 15 years. Third, we have limited, as far as possible, any increases in taxation. We have been particularly conscious of the need to protect the private sector from the effects of further taxation measures. This strategy has clearly worked.

Total expenditure in 1991-92 will be \$1,294m. Recurrent expenditure will be \$1,069m, and capital expenditure \$225m. As part of our financial management strategy, we have set up a trust account to accumulate provisions from which to fund our future superannuation liabilities. The fund will stand at \$75m at the end of 1991-92.

A different perspective is provided by looking at the broader public sector transactions as classified by the Australian Bureau of Statistics. On that basis, the shortfall between total ACT public sector outlays and revenues and grants received was \$88m in 1990-91 and is estimated at \$38m in 1991-92. This is an improvement of close to 60 per cent.

Using Bureau of Statistics classifications again, the total public sector net financing requirement has been reduced by one-third to \$72m. This figure includes repayments of \$35m in advances and \$5m in domestic borrowings. This refutes predictions which received much publicity a few months ago, that the ACT net financing requirement would increase to over \$200m this year. Further details of the ABS classifications are included in Budget Paper No. 4.

Public Sector Efficiency

The key element in my Government's approach to expenditure reduction has been a steadfast commitment to reducing the cost of administration while protecting government services to the community. In response to the community's call for a leaner bureaucracy, we have tackled unnecessary duplication, we have ensured that efficient practices are introduced, and we are eliminating waste.

17 September 1991

The measures that we have adopted to reduce expenditure fall into three main categories. The first of these can be summarised as across-the-board reductions in administrative costs. I announced some of these measures in my July strategy statement. They include a decision not to index administrative expenditure for prospective cost increases. Spending on external consultants has been reduced by 25 per cent across the board. Expenditure on travel has been reduced by 20 per cent across the board - a doubling of the amount identified in my strategy statement. Vehicle costs have been reduced by 5 per cent, on top of the 10 per cent reduction in vehicles last year.

Progress has been made towards implementing the crucial decision to make targeted reductions in salary expenditure of \$6m in 1991-92 and \$10m in a full year. Agencies have been asked to reduce salary expenditure in administrative areas. This is clearly an area where we can achieve a leaner bureaucracy without affecting service delivery. In carrying out this major adjustment, we accept that there will need to be close and ongoing consultation with unions. These processes have commenced with the Trades and Labour Council and the unions involved. Relevant award provisions are being observed.

We have also taken a decision to consolidate many of our corporate services into a single corporate services bureau within the Department of Urban Services. This, together with other rationalisations in common services, will produce savings of \$1.85m this year.

The second approach is to make more effective use of our existing corporate infrastructure. By making better use of government owned buildings, such as the North Building and the former Woden TAFE building, we will reduce office rental costs by \$1m this year and \$4m in a full year. The introduction of new telephone technology will cut our communication bills by over \$1m a year. The installation of better energy management facilities will enable substantial savings to be realised in energy costs.

The cost of this new technology, and other similar initiatives, will be covered by a special pool of money put aside for restructuring purposes. From a large number of proposals submitted by departments, the Government has selected 20 restructuring initiatives, with a total cost of almost \$10.5m over three years, aimed at producing substantial benefits to the budget in the medium term.

Each restructuring proposal has been examined to ensure that the investment of money now will produce at least a 25 per cent return on that money each year. Total ongoing savings of over \$3.6m per year will be in place by 1994-95. In this context, the Government has decided to invest in a number of improvements in information technology, including

the first stage of a human resource management system across the whole ACT Government Service. This automated system will reduce administrative costs significantly and allow better management of staff. It will help us avoid the unexplained staff increases which occurred under the former Government.

The third approach we have taken to reducing costs has been to put a number of high cost areas under the spotlight. In line with reactions from the community, we have looked carefully at roads maintenance, health, education and TAFE to find scope for efficiencies. In each of these areas we have been able to contain expenditure by ensuring that available resources meet our highest priority - efficient delivery of high quality services. I will detail the significant changes we are making in each of these areas later. I want to pay a tribute to the public servants of this Territory, the people at the driving edge of these efficiencies. They have responded magnificently in what is necessarily a trying time.

Reduced Borrowings

The second thrust of our strategy has focused on the need to restrict borrowings. My Government is determined to avoid burdening the future of our community with debt to be financed in the years to come. In 1991-92 there will be no new borrowings for general government purposes. Instead, my Government has decided to bolster the capital budget with \$37m of the \$53m provided from the Commonwealth as special assistance. This will have an immediate impact on our debt servicing commitments, which will be reduced by \$2.3m this year and by over \$7m in the following year.

In this context we also reviewed the previous Government's proposed capital works program. As a result, I believe we will be able to minimise our borrowing requirement in 1992-93, perhaps even avoiding borrowing for a second year in succession. We will still provide a robust capital works program that will meet the community's needs.

One further decision will impact heavily on our level of debt. This year my Government will repay over \$30m of borrowings from the Commonwealth. We will pay out a \$25m Commonwealth advance, made in lieu of semi-government borrowings taken up in 1988-89, by using Consolidated Fund reserves. A further \$5.4m of maturing Commonwealth advances will be repaid from sinking fund reserves. The combined effect of this early repayment of debt will produce additional savings of \$2m in 1991-92 and \$3.2m in future years.

Let me reiterate: We have achieved a balanced recurrent budget with no new borrowing. Further, we have reduced the level of outstanding debt. This is a fundamental achievement, and one which sets the Territory on course for a sound future.

17 September 1991

1991-92 Initiatives

As I said at the outset, my Government has adopted a disciplined approach to financial management in this budget to ensure that our priority services are protected. I have a strong commitment to keeping the promises that I made to the community in the past, and only making further promises which I can keep. I believe that this is essential if we are to provide stable government for the Territory at a time of great financial strain. Our focus in this budget is on putting our existing structures in order. We have not sought to introduce vote catching new programs which would threaten the rapid adjustment this Territory is undergoing.

The Government has therefore confined itself to introducing a limited range of high priority initiatives this year. These new programs will cost \$2m this year, and \$2.8m in a full year. By rearranging our priorities within existing resources, other important needs of the community have been addressed.

Employment and Training

In the area of employment and training, my Government believes that improving the skills base of our work force is fundamental to future economic growth. Teenage full-time unemployment in the ACT, which has averaged 20 per cent in recent months, is far too high. Accordingly, the budget contains a number of initiatives aimed at improving training and employment prospects, particularly for young people.

We will provide some 60 full-time priority places for ACT school leavers in high demand associate diploma courses at TAFE. These places will not only respond to labour market demands for specialised skills but also offset the universities' inability to cater for all students wishing to gain admission. We have re-established an enrolled nurses training program to be run by ACT TAFE.

The ACT Government Service will double its intake of trainees under the Australian traineeship scheme this financial year, with further substantial increases in the following years. By using the Federal subsidy to further develop trainees' skills and provide them with extra work placements, we aim to help them become more saleable in today's competitive job market.

Funding of \$200,000 in a full year will be provided to set up a new venture and development assistance program for young people. This program will support young unemployed people by providing grants to help them seek job skills outside the mainstream training and education systems. Funds will be made available to non-government organisations to run programs addressing job skills and related issues such as self-esteem and assertiveness; and to encourage non-government organisations to open up business opportunities for young people.

These measures will encourage young people, and the community itself, to play a key role in deciding how to redress some of the difficulties faced by young people in getting a job. My Government will also provide \$215,000 in a full year to boost funding for a number of existing programs which target the needs of young people. Funding to Involve and Jobline will increase the opportunities available in those non-government organisations for work experience through voluntary and casual employment. An expansion of the Streetlink program will add an employment focus to the existing program.

Negotiations are under way with the Commonwealth regarding the possible collocation of some of the Streetlink staff with a youth access centre. This is a major step in improving coordination and cooperation between the two governments.

Additional funding of \$127,000 in a full year will also be provided for programs designed to assist women entering the work force. This will expand employment options for women, especially in non-traditional areas and in small business, and improve women's access to training. One initiative of which I am particularly proud is the decision to pilot traineeships for mature-aged women entering the work force.

Finally, funding of \$70,000 will be provided to enhance the advisory and research capacities of tripartite consultative labour relations forums and the further implementation, by the Trades and Labour Council, of training under the Occupational Health and Safety Act.

Industry

My Government is particularly concerned to foster local industry. The ACT Tourism Commission is restructuring its activities to focus more on marketing the ACT as a tourist destination. The key objective is to streamline operations so that more resources can be directed into mainstream marketing activities.

As part of our emphasis on local business, my Government is able, in this budget, to offer two particular concessions to sectors of the business community. The first of these follows acceptance of a Treasury report on the impact of payroll tax on the computer industry. While employment agents in the computer industry will remain liable for payroll tax, they will now benefit from exemptions currently provided to other employers under the service contract provisions of the Payroll Tax Act.

Employment agents will be exempt from payroll tax where a contractor is engaged for less than 90 days in any financial year, or where the contractor is an employer in his or her own right. Second, my Government has re-examined the previous Government's hard line attitude towards liquor licensees caught by the transition to the quarterly payment of liquor licences. We have decided that

17 September 1991

current licensees will not bear any additional financial burden as a result of the transition to the quarterly payment scheme. New licensees will be required to pay the tax in advance. This will ensure that they do not accrue outstanding taxation liabilities.

Social Justice

Turning to social justice, I am pleased to announce that my Government will establish a new program in response to problems identified during the inquiry by the Standing Committee on Social Policy into behavioural disturbance among young people. Over \$210,000 in a full year will be provided to introduce a structured daily activity program for young people with moderate behavioural difficulties.

Additional resources will be provided this year to fund the continuing move of residents from Bruce Hostel into the community. The Housing Trust will provide up to 10 houses for this initiative. This confirms the Government's commitment to the Special Premiers Conference decision to restructure services to provide ordinary life opportunities for people with disabilities.

Within Corrective Services, the attendance centre program will be expanded. A greater emphasis on rehabilitation will be provided through the centre in an effort to reduce the number of offenders in our community going to gaol. It should also reduce future costs significantly. I am also pleased to announce that my Government is today releasing its promised review of concessions for public comment. The establishment of a human rights office will proceed, with a target opening date of 1 December this year.

Housing

Adequate housing for all members of our community is fundamental to this Government's objective of a fair and just society. The ACT Government's contribution to public housing under the Commonwealth-State Housing Agreement will increase this year by 25 per cent to \$6.5m, bringing total Commonwealth and ACT funding to \$24m.

This year the ACT Housing Trust will introduce a range of measures to stimulate the construction of dwellings and reduce the growing waiting lists. Housing commencements will increase from 91 last year to 203 this year, including 89 aged persons units, 37 flats and 77 houses. Total expenditure on public housing acquisition will be in excess of \$36m.

The redevelopment of the Melba Flats site will be completed this year and the first residential blocks should be available for sale from July 1992. Home ownership assistance will this year allow about 220 new loans to be provided to people who do not qualify for private mortgage finance. Private sector residential rental bonds will be regulated and protected through the establishment of the Office of Rental Bonds.

Health

The allocation for health in this budget will maintain the full range of high quality services during the difficult transition from three public hospitals to two. Additional funding of \$6.7m has been provided this year to assist with relocation costs, unavoidable short-term duplication and management of the change. The Board of Health has offered substantial productivity improvements. In particular, the board will commence an integrated day surgery service at Woden Valley Hospital. The improvements will allow the board to reduce the number of beds required to be opened and staffed, and to pull back from last year's spending level, which included an unauthorised \$6m overexpenditure.

The Board of Health will be attempting to maintain elective services at current levels. Overall admissions will be at or above 1989-90 levels. Work will proceed on the \$38m diagnostic and treatment block at Woden Valley Hospital. The \$14.5m obstetrics block, which includes a birthing centre, will be opened in November. Expenditure this year on the redevelopment project will be \$32m. Management information systems in health will be upgraded to assist the board in monitoring and controlling health expenditure.

Although the Government has made the announcement previously, I wish to confirm that the Acton Peninsula site will be retained in public ownership and for public purposes. Specifically, my Government has decided in principle to locate non-acute public health facilities on the site. This will include rehabilitation and aged care, convalescent and hospice care services, as well as the Queen Elizabeth II Home for mothers and babies. Forward planning for a hospice on the site will begin this year, with a view to starting construction in 1992.

I am pleased to announce the establishment of an integrated palliative care service in the ACT. This service, which will cost \$434,000 in a full year, will ensure the continuation of existing home based palliative care as well as the creation of a single integrated service for the ACT. Importantly, the Government and the Board of Health will be working with New South Wales toward a strategy for health care and service delivery across the region, including the Queanbeyan District Hospital.

Education

We have a quality government education system which is the envy of every other State and Territory. My Government will not let that quality be eroded. We have already reopened Cook and Lyons schools. Teacher-student ratios have been maintained. Supplementary resources in areas such as reading recovery and English as a second language will continue to be provided. The allocation to government schooling will be affected by the overall restraint on

17 September 1991

administrative and support staff and non-salary expenditure. A strong commitment to the provision of more cost-effective support services will be required in order to maintain quality.

My Government will not abandon the non-government schools in the ACT. As I mentioned earlier, my Government has stepped in to reverse a decision included in the forward estimates of the previous Government, but not announced, to withdraw \$1.6m in assistance for non-government schools in 1991-92 and \$1.9m in a full year. We will continue to fund non-government schools at 50 per cent of the Commonwealth rate. However, some non-government schools which have been receiving additional support under a special cushioning arrangement will be brought into line with other non-government schools. The savings will allow us to meet the ACT's share of higher salaries in non-government schools which result from new teacher career structures.

In line with my Government's commitment to social justice, we will promote the participation of low income families in secondary education. The means test for eligibility in the junior secondary bursary scheme will almost double, bringing it into line with the Commonwealth's criteria for the health care card. This change, which will cost \$130,000 in a full year, will assist a wide group of low income families in both government and non-government schools.

The allocation to TAFE consolidates the adjustments necessary to bring TAFE funding more into line with the standard elsewhere in Australia. The rolling three-year funding agreement provides TAFE with a firm base for planning and provision of public and vocational programs. The agreement provides for a reduction of \$2.5m in recurrent budget support to TAFE this year. Further reductions of \$1.9m will follow in the next two years.

These reductions will be substantially offset by strategies which the institute already has in place. These include increases in student fees announced under the previous Government, the achievement of higher productivity, especially in non-teaching areas, and various entrepreneurial activities. The Government is confident that the TAFE can adjust to its reduced level of budget funding without significantly reducing current levels of service. The initiatives I have announced earlier with respect to school leavers and enrolled nurses will help ensure that overall enrolments in 1992 should be comparable to the level in 1990-91.

Police

Funding for police services is estimated at \$53.4m. This represents a modest adjustment downwards as a result of a better understanding of the national versus community policing tasks of the Australian Federal Police. On coming back to office, the Government raised with the Commonwealth

the need to review the number of positions fully paid for by the Commonwealth. The Commonwealth has agreed to fund an additional 42 police personnel, almost doubling the previous figure. Beyond this, police funding is subject to the same level of restraint in administrative staff and non-salary expenditure as applies to all government programs.

Urban Services

The Government has taken note of community concerns regarding the level of expenditure on some of our city services in recent years, particularly roads and footpaths. Efficiencies will be pursued in all programs. Areas identified for savings include motor vehicle registries, occupational licensing, building control, waste management, administration of capital works and staff overheads.

Expenditure on roads will be reduced by \$1.8m. This will be achieved by reducing the level of road and footpath maintenance, line marking and sign replacement, as well as adopting changed standards and techniques. At the same time, the Department of Urban Services will commission an independent evaluation to examine the longer term consequences of various levels and types of road maintenance.

ACTION funding will be reduced by \$2.1m this year. This signifies the Government's commitment to improving the efficiency of the bus service. At the same time, service delivery to the Tuggeranong Valley will be improved and direct services from the outer suburbs of Canberra to the city and an inner-city shuttle service will be introduced.

Funds will be provided in 1991-92 to continue the Government's commitment to removing loose asbestos as quickly as possible. Some reductions to the administrative costs of the program have been made. The Government will be further reviewing the costs of the program. In addition, my Government has decided to reopen the Ainslie Waste Transfer Station at weekends, at a cost of \$200,000 in a full year. Facilities for recycling garden waste and disposal of household garbage will both be available.

Capital Works

My Government's approach to capital works spending has achieved a careful balance between competing needs. We need capital works expenditure to provide improved public facilities. It also stimulates economic activity. On the other hand, we need to minimise borrowings. We have settled on a new program for budget funded agencies involving commitments of \$131m. This will bring total commitments, including works in progress, to \$302m, compared to \$308m last year. Expenditure this year will be \$127m.

17 September 1991

The program includes \$54m for the balance of commitment for the hospitals redevelopment project. Work on the project, at a total estimated cost of \$171m in June 1991 dollars, will have a major impact on the program over the next four years. A significant boost to construction activity will also be provided by the Housing Trust, which will spend over \$31m on constructing new dwellings this year. Including works undertaken by ACTEW, total government construction expenditure is expected to be \$181m this year, compared with \$200m in 1990-91.

Progress continues on a casino for the ACT, with tenders closing at the end of September. In response to the report of the Select Committee on Cultural Activities and Facilities, I wish to renew my Government's commitment that the premium from the operation of the casino will be used to enhance community facilities in the ACT.

Revenues

As I said earlier, our strategy for achieving a balanced budget has not relied heavily on increasing revenues. But, given the rapid adjustment forced by the Commonwealth retreat, some new measures have been unavoidable. I have already announced the introduction of a natural gas levy. Tobacco licence fees have been increased to 50 per cent, keeping in line with New South Wales arrangements.

We have carefully reviewed our earlier decision to make investment properties liable for land tax from 1 August 1991. In the light of community concern, we have decided that there should be relief for ACT residents temporarily posted out of Canberra because of the requirements of their employment.

In addition, some stamp duties will be adjusted to raise \$2.9m in 1991-92 and \$4.3m in a full year. Amongst these changes is an increase in stamp duty on commercial leases from 35c to 50c per \$100. Liability for the payment of duty on leases will be shifted from the lessee to the lessor. This will allow the Territory to broaden its tax base by taxing all rented commercial property, including some Commonwealth rented accommodation.

The rate of duty on general insurance policies, other than motor vehicle policies, will be increased from 7 per cent to 10 per cent. Duty on the transfer of motor vehicles will increase from 2 per cent to 2.5 per cent. These increases should have minimal impact on economic activity within the Territory. Some relief will be provided by the Government's decision to abolish stamp duty on residential tenancy agreements. Collection of this tax involves a large administrative effort for a low return in revenue. We are all better off without it.

In respect of other revenue, the Government has successfully negotiated with the New South Wales Government an increased share of revenues from the sale of New South Wales Government lottery products in the ACT. The ACT now receives the same share of sales as the New South Wales Government. Unfortunately, Victoria has refused to do likewise and continues to retain 25 per cent of the tax revenue raised in the ACT on lotteries other than Tattsлото. We have consequently limited the Victorian contract to 12 months and will actively pursue the issue.

Tax from lotteries is estimated to total more than \$8.5m in 1991-92. The Government is determined that its business enterprises will operate efficiently, provide quality service at reasonable prices, and give an adequate return to the owners - the people of the ACT. The return from its business enterprises will increase this year by \$8m to \$20m. The requirement for payment of a dividend will be extended this year to the Milk Authority, the TAB and Totalcare Industries. The dividend from ACTEW will increase to \$19m from \$12m last year.

Traffic fines in the ACT will be brought into line with New South Wales. This change is aimed more at improving road safety than revenue, and rectifies an anomaly of longstanding concern to the police and others who see the effects of road accidents. In addition, we have decided to extend the licence cancellation arrangements applying to non-payment of parking fines to traffic infringement fines as well.

Conclusion

In conclusion, this budget addresses the fundamentals. It makes major strides towards increasing the efficiency of government operations. At the same time, it protects our community services. Through a disciplined approach to financial management, my Government has demonstrated that our agenda for social reform can continue, no matter how tough the financial circumstances.

In this budget, we have come to terms with the realities of an unprecedented withdrawal of Commonwealth funding, and we have done it without imposing unacceptable burdens on business and without compromising services to the community.

We have shown that the ACT can live within its means and we have avoided leaving a legacy of debt. We have delivered a balanced recurrent budget in a realistic and socially just manner. My Government will always strive to increase efficiency through fiscal discipline, not as an end in itself but as a means to achieving social reform.

17 September 1991

I present the explanatory memorandum to this Bill, together with the following associated budget papers:

Budget 1991-92 - Media statements.
Budget Overview 1991-92 (Budget paper No. 2).
Budget Speech 1991-92 (Budget paper No. 1).
Capital Works 1991-92 (Budget paper No. 6).
Environmental Budget Statement 1991-92 (Supplementary budget information paper No. 2).
Financial Relations between the Commonwealth and the ACT 1991-92 (Budget paper No. 7).
Municipal Budget 1991-92 (Budget paper No. 8).
Program Information and Estimates 1991-92 (Budget paper No. 5).
Review of ACT Government Concessions - Public discussion paper, September 1991.
Summary of Financial Information 1991-92 (Budget paper No. 4).
Women's Budget Statement 1991-92 (Supplementary budget information paper No. 1).

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

SUBORDINATE LEGISLATION Papers

MR BERRY (Deputy Chief Minister): Pursuant to section 6 of the Subordinate Laws Act 1989, I present the following subordinate legislation in accordance with the schedule of gazettal notices for determinations and exemptions:

Motor Traffic Act - Determination of fees - No. 81 of 1991 (S93, dated 12 September 1991).
Tobacco Act - Exemptions -
 No. 79 of 1991 (S91, dated 12 September 1991).
 No. 80 of 1991 (S91, dated 12 September 1991).

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

MRS GRASSBY: I present reports Nos 14 and 15 of 1991 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement on the reports.

Leave granted.

MRS GRASSBY: Report No. 14, which I have just tabled, was presented out of session on 27 August 1991. Report No. 15 details the committee's comments on nine pieces of subordinate legislation, 21 Bills and the Government's response to its comments on the Associations Incorporation Bill 1991. I commend the reports to the Assembly.

ASSOCIATIONS INCORPORATION BILL 1991
Detail Stage

Consideration resumed from 11 September 1991.

Clause 1

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.45): On the last day this matter was before the Assembly I moved the adjournment - which is why I now have the call - on the basis that Mr Collaery had circulated certain amendments and then later he undertook to do some further work on them. I have seen the amendments in their current form. They are acceptable to the Government and, indeed, make a constructive contribution to the Bill. So, I foreshadow that we will be supportive of that.

I propose that we take the clauses up to clause 72 in one hit so that Mr Collaery can then move his amendments. Is that an appropriate procedure to suggest?

MR COLLAERY (3.46): I may have an amendment to clause 64, depending upon the Scrutiny of Bills Committee report, which I am just checking. So, could we do clauses 1 to 63 together?

Clauses 1 to 63, by leave, taken together, and agreed to.

Clause 64

MR COLLAERY (3.46): Clause 64 creates a strict liability offence in the event that a public association, through any misadventure or any reason whatsoever, leaves an unintended hiatus in the position of public officer. In more simple language, that means that, where a voluntary association's public officer dies, departs or resigns and the rest of the committee members are off on holiday and do not fill the position within 14 days of that death, departure or resignation, they are strictly liable; they are deemed to have committed an offence, punishable by a conviction and a fine not exceeding \$200.

Offences of strict liability should be very rare indeed in modern legislation. I must concede that this one got past me, as Attorney. It came to my notice only when Professor Whalan drew attention to it at the Scrutiny of Bills Committee stage. I believe that we are indebted to Professor Whalan. The Scrutiny of Bills Committee reported on this matter to the current Attorney, Mr Connolly, and his response to the committee was that he did not propose to change the provision, due to the importance, as I think he put it, of the enjoiner on associations to provide a public officer at all times.

17 September 1991

Of course, that is important. There must be someone to sue; there must be someone to serve documents on legally. I can see Mr Stefaniak nodding, because he, as a lawyer, understands that. But, of course, normally you have strict liability offences in matters of acute public interest, such as environmental pollution issues where there is a great deal of importance in the public saying, in effect, "You are deemed to have committed the offence".

I think this is an overreaction. It is part of the problem within this Bill of trying to balance out the activities of little voluntary associations with the bigger clubs and the monster licensed clubs as well. I propose to move an amendment that inserts the words "without reasonable cause" in subclause 4 of clause 64 after the words, "If the committee". I anticipated the Attorney giving in on this, since he is such a humanitarian lawyer, and realised only this morning that just for once his Law Office prevailed over him - over his better sense. On reflection, he might give a little bit of discretion to the Minister administering the Act so that an offence will not be proceeded with as of strict liability.

I concede that, when we eventually divide this Act so that a good part of it applies to voluntary associations and the rest of it applies to the big, more commercial organisations, Mr Connolly's point in relation to the top category becomes valid. But I feel that, whilst we do not have that dichotomy, it is pretty excessive for law-abiding citizens to find themselves strictly guilty of an offence and convicted and fined accordingly. In my case, touch wood, that would make me a first offender. I think they are very significant issues for people in the community. I now move the following amendment:

Page 30, line 7, after "committee" insert "without reasonable cause".

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.53): Mr Speaker, the Scrutiny of Bills Committee did, in report No. 14, point out that this was a strict liability offence - as is the proper function of the Scrutiny of Bills Committee; it searches for these provisions which are considered undesirable and draws them to the attention of the house without perhaps necessarily saying that they are impermissible. I responded to the committee by suggesting that I did not see the need for an amendment. Clause 64 requires that all committees of associations appoint someone to fill a vacancy of public officer within 14 days of the vacancy occurring and, if that is not done, it creates an offence with a penalty of up to \$200.

The committee expressed the concern that that provision might result in a person being found guilty of an offence in circumstances in which he or she might have no knowledge of the vacancy having occurred and so no power to arrange a replacement; for example, a person who is overseas at the time.

I advised the committee that, after consultation with the Director of Public Prosecutions, we took the view that prosecution for such an offence under those circumstances would be contrary to normal prosecution policy and extremely unlikely; that it is not absolutely necessary to structure the law to positively exclude every extraordinary circumstances; and that there was an important underlying policy in the Bill that all incorporated associations should at all times have a public officer and thus it was important to have a provision like clause 64 to require that, under pain of potential prosecution - and, of course, as Mr Collaery would acknowledge, a \$200 offence is, in the scheme of things, a very minor matter.

Mr Collaery has now formally moved an amendment - I think I have in front of me somewhere the precise form of his amendment. It certainly is helpful in these circumstances if an amendment can be provided with somewhat greater notice than when it appears on the floor of the house, and I would suggest to all members who are proposing amendments at detail stages that it helps enormously if we can have them in advance.

The Government does not want to be inflexible in this situation and, although not conceding that it would have been inappropriate to leave the Bill in its present form, I am happy to accept Mr Collaery's insertion of "without reasonable cause", which operates, as he says, to turn what was otherwise a strict liability offence into an ordinary offence with a standard defence.

It is, of course, as he indicates, a problem with this legislation that we are covering everything from the small stamp collecting club with a dozen members and no assets to large, multi-million dollar operations with many thousands of members, and I would agree with him that, in the case of the large, multi-million dollar business, to all effects and purposes, probably a strict liability offence is quite appropriate; but for the small stamp collecting club it may be seen as a bit harsh.

So, we are prepared to accept this amendment; but, in doing so, wish to reiterate that we do not think that the previous structure of the Bill was harsh or oppressive. However, in order to facilitate debate and indicate our preparedness to accept reasonable propositions from non-government members, we will accept this amendment.

Amendment agreed to.

Clause, as amended, agreed to.

17 September 1991

Clause 65

MR MOORE (3.58): Mr Speaker, I thought I would take this opportunity to present some of the positive aspects of this Bill, particularly with reference to clause 65, on the disclosure of committee members' interest. I have with me a series of complaints concerning the Research Students Association's child-care arrangements with regard to family care services. There is a range of complaints in respect of that organisation, including one concerning difficulties with a committee member's interest.

This sort of conflict of interest in a voluntary association is the sort of business that this Bill is about tackling. I believe that the conflict of interest of a member in the particular situation referred to would have been resolved had this law been in place - and that particular situation would have involved the possibility of a penalty of some \$2,000. This Bill provides the tools with which to deal with associations such as this one when they get out of order.

I am aware of a series of situations where this same association, at annual general meetings, has not followed its constitution as an incorporated body. This legislation will provide a situation whereby associations can be held by law - quite strong law - to acting appropriately in terms of their annual general meetings and constitutions. As far as I am concerned, this particular organisation has not acted in an entirely appropriate manner. It is important to understand that, while people generally become involved with these associations with the very best intentions, they can lose sight of their responsibilities to others. In this particular case I believe that some of the problems may be due to personalities.

Nevertheless, it is important that organisations observe their responsibilities. In this case, the Research Students Association and Family Day Care Incorporated have responsibility for family day care arrangements - and they have a monopoly over these arrangements on the north side of Canberra. Where such a monopoly exists with reference to provision of funding through the Federal Government, it is even more important that things are carried on above board, because quite large sums - over \$100,000 - are involved.

Whilst I believe that in the vast majority of cases those funds have been distributed equitably and appropriately, certainly a number of situations and a series of complaints have been brought to my attention, which include the failure to stay within the realms of what an incorporated body can do and the failure to stay within the organisation's constitution. Therefore, this particular clause in the Bill is of great importance, and I believe that it is appropriate for it to receive members' support.

Clause agreed to.

Clauses 66 to 72, by leave, taken together, and agreed to.

Clause 73

MR COLLAERY (4.02): Mr Speaker, I move the following amendment:

Page 33, line 25, omit the penalty at the end, substitute the following subclauses and penalty:

"(2) The committee of an association prescribed for the purposes of section 75A shall ensure that the prescribed number of copies of the documents referred to in paragraphs (1)(a) and (b) are available for perusal by members of the association immediately before and during the annual general meeting.

Penalty: \$2,000."

Briefly, the reason for it is that I am of the view that, if we are going into this detail in the running of the associations, we should go to the next step and ensure that a copy of the accounts is circulated at the beginning of a meeting.

Ironically, last night I was at a fairly well attended public meeting of a fairly well-known association - in fact, one that has given the Attorney and the Assembly a little bit of a serve today. I noticed that at that association meeting no accounts were circulated and everyone there - a roomful of people - voted to pass the annual accounts. It was a completely correct and proper association with an excellent honorary auditor, but the fact remains that you see this constantly and you are asked to take people on trust. People are often too embarrassed to put their hands up and say, "Can we have a look at it first?", because everyone knows each other.

I move this amendment for that reason and no more. It is a matter of convenience. It ensures that the prescribed number of copies are available. Of course, that is a matter that the Attorney can look to when he is dealing with those matters in the regulations. That is reviewable in itself, I suppose, under the subordinate laws legislation. So, I commend this amendment as a commonsense provision to take away a little bit of embarrassment and to fix up proceedings at a lot of these shows.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.04): Mr Speaker, having seen these amendments, which were circulated some time ago by Mr Collaery, the Government is quite happy to accept this. It sets up basically a two-stage process whereby the large associations are to be

17 September 1991

dealt with fairly rigorously, in keeping with the moves in the corporations law package, but more flexible arrangements will apply to smaller associations. The Government is prepared to accept this amendment.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 74

MR COLLAERY (4.05): I move:

Page 34, line 20, omit the penalty at the end, substitute the following subclause and penalty:

"(5) Subsection (3) does not apply to an incorporated association prescribed for the purposes of section 75A.

Penalty: \$2,000."

Briefly, this corrects and brings into line a situation that would otherwise result in an unintended effect. I think it is a machinery amendment. I believe that the Attorney has graciously indicated that he is going to agree to this; so I will not address the house any further.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.06): Yes, indeed. This is consequential on the previous amendment and we are happy to accept it.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 75 agreed to.

Proposed new clause 75A

MR COLLAERY (4.06): I am proposing that a new clause, 75A, be inserted after clause 75. I move:

Page 34, line 31, after clause 75 insert the following new clause:

Auditor of prescribed associations

"75A. (1) An incorporated association, being an association prescribed for the purposes of this section, shall appoint an auditor who is registered as an auditor pursuant to the Corporations Law, being a person who is not -
(a) an officer of the association;
(b) a partner, employer or employee of an officer of the association; or

- (c) a partner or employee of an employee of an officer of the association.

Penalty: \$2,000.

"(2) An auditor of an incorporated association shall report to the members on the accounts required to be laid before the association at the annual general meeting and on the association's accounting records and other records relating to those accounts.

"(3) An auditor shall, in a report under this section, state -

- (a) whether the accounts are in the auditor's opinion properly drawn up -

- (i) so as to give a true and fair view of matters required by subsection 72(2) to be dealt with in the accounts;

- (ii) in accordance with the provisions of this Act; and

- (iii) in accordance with proper accounting standards;

- (b) if, in the auditor's opinion, the accounts have not been drawn up in accordance with proper accounting standards -

- (i) whether, in the auditor's opinion, the accounts would, if drawn up in accordance with proper accounting standards, have given a true and fair view of the matters required by subsection 72(2) to be dealt with in the accounts;

- (ii) if, in the auditor's opinion, the accounts would not, if so drawn up, have given a true and fair view of those matters - the auditor's reasons for being of that opinion; and

- (iii) if subparagraph (ii) does not apply - particulars of the quantified financial effect on the accounts of the failure to so draw up the accounts;

- (c) any defect or irregularity in the accounts and any matter not set out in the accounts without regard to which a true and fair view of the

matters dealt with by the accounts would not be obtained; and

(d) if the auditor is not so satisfied as to any matter referred to in paragraph (a) or (b), the auditor's reasons for not being so satisfied.

"(4) It is the duty of an auditor of an incorporated association to form an opinion as to each of the following matters:

(a) whether the auditor has obtained all the information and explanations that the auditor required;

(b) whether proper accounting records and other records have been kept by the association as required by this Act;

and the auditor shall state in the auditor's report particulars of any deficiency, failure or shortcoming in respect of any matter referred to in this subsection.

"(5) An auditor of an incorporated association has a right of access at all reasonable times to the accounting records and other records of the association and is entitled to require from any officer of the association such information and explanations as the auditor desires for the purpose of auditing the association's accounts.

"(6) The auditor's report shall be attached to or endorsed on the accounts and shall if a member so requires, be read before the association at the annual general meeting, and is open to inspection by a member at any reasonable time.

"(7) An auditor of an incorporated association or an agent of the auditor authorised by the auditor in writing for the purpose is entitled to attend any general meeting of the association and to receive all notices of and other communications relating to any general meeting that a member is entitled to receive and to be heard at any general meeting that the auditor attends on any part of the business of the meeting that concerns the auditor in the capacity of auditor and is entitled so to be heard notwithstanding that the

auditor retires at that meeting or a resolution to remove the auditor from office is passed at that meeting.

"(8) If an auditor of an incorporated association becomes aware that the association or the committee have made default in complying with section 69 or the provisions of section 73 relating to the laying of accounts before the annual general meeting of the association, the auditor shall immediately inform the Registrar by notice in writing and if accounts have been prepared and audited, send to the Registrar a copy of the accounts and of the auditor's report on those accounts.

"(9) Except in a case to which subsection (7) applies, if an auditor, in the course of the performance of duties as auditor of an incorporated association, is satisfied that -

- (a) there has been a contravention of this Act; and
- (b) the circumstances are such that in the auditor's opinion the matter has not been or will not be adequately dealt with by comment in the auditor's report on the accounts or by bringing the matter to the notice of the committee of the association;

the auditor shall forthwith report the matter to the Registrar by notice in writing.

"(10) In this section -
'auditor' means an auditor of an incorporated association prescribed for the purposes of this section."

Briefly, members are aware of it now; but, for the record, it is the view of my political grouping at least, and I believe that other members will agree, that the test for an auditor should be different at the top end of the club spectrum. I was reminded of that just today, Mr Speaker, when I looked at the balance sheet of the Southern Cross Club for the year ended 30 June 1989 which I have. At the end of that year the club held, according to documents before me, \$7,548,711 in members' funds. That is a big sum, Mr Speaker. That is reflected by an even greater sum in terms of non-current assets. That exemplifies the reason why this club, and most other clubs, quite properly use a company auditor.

17 September 1991

A company auditor is habituated to dealing with sums of that magnitude and accounts of that complexity. The dichotomy of this piece of legislation allows the Attorney to create a top level of association. At the moment, I think, the prescription is \$150,000 in assets or turnover. The Attorney may wish to review that from time to time to take into account current financial situations.

I commend the provision to the house. It is, in fact, an adoption from the modern corporations law of the Commonwealth - from memory, clause 332. I do thank the draftsman who has worked a variant of the corporations law into this Bill at my request. I commend to the Assembly the extra test of accounting for the larger prescribed associations.

Proposed new clause agreed to.

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

Bill, as amended, agreed to.

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES (AMENDMENT) BILL 1991

Debate resumed from 15 August 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR STEFANIAK (4.09): This Bill is another which was developed by the previous Government. I think the current Government has merely endorsed it and brought it forward. Basically, it arises from a joint review and makes a number of amendments.

The main amendments are to section 34. As a result of this Bill, certain categories of deaths will now become subject to investigation by the coroner. We think it sensible that the coroner be notified if somebody dies as a result of an operation of a medical, surgical, dental or like nature; similarly, although this might have been put in because it is rather trendy, if somebody dies in a prison, remand centre or lockup. I do not think we have had anyone die in a local prison all that recently. At any rate, if someone does, certainly that should be subject to notification to the coroner too, because, basically, coronial inquests deal with deaths caused by anything other than natural circumstances.

The coroner should be involved in anything where there might be the slightest suspicion or the slightest hint of wrongdoing or, indeed, negligent practice. This Bill merely tightens up the procedure there. Accordingly, the Liberal Party has absolutely no problem with what was basically an Alliance Government Bill.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.11), in reply: Mr Speaker, I am pleased to see that there is little debate on this matter. It basically arises because the Registration of Births, Deaths and Marriages Act does not reflect the impact that modern medical technology, in particular invasive procedures, can have on modern life. The Coroners Act was amended in 1990 to reflect changes in the reporting of deaths to the coroner where invasive medical or diagnostic procedures had been involved, but that Coroners Act amendment cannot really commence until the Registration of Births, Deaths and Marriages Act is consequently amended.

This is really, in essence, a minor technical amendment which has been supported by all the government agencies. It is a bipartisan measure coming across from the change of government. I do not know whether I would endorse Mr Stefaniak's suggestion that an issue such as deaths in custody is a trendy issue. That aside, I am pleased that the Liberal Opposition is supporting this Bill which, although minor in nature, is of significance, and I wish it a speedy passage.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ELECTRICITY AND WATER (AMENDMENT) BILL (NO. 2) 1991

[COGNATE BILLS:

WATER RATES (AMENDMENT) BILL 1991
SEWERAGE RATES (AMENDMENT) BILL 1991]

Debate resumed from 12 September 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Water Rates (Amendment) Bill 1991 and the Sewerage Rates (Amendment) Bill 1991? There being no objection, that course will be followed. I remind members that, in debating order of the day No. 3, they may also address their remarks to orders of the day No. 4 and No. 5.

17 September 1991

MR KAINE (Leader of the Opposition) (4.13): Mr Speaker, the Liberals, in opposition, oppose these Bills.

Mr Connolly: Even though the Liberals in government wanted to do it. That would be right.

MR KAINE: It is very interesting. I was waiting for Mr Connolly or one of his mates to jump in on that basis, because the Liberals, when in government, moved to establish these Bills because ACTEW was going to be corporatised. Now, this Government has decided not to proceed with the corporatisation, and yet they are handing over from the Minister to ACTEW - a government agency - the right and the power to make decisions on matters affecting the consumer out there.

Mr Connolly: It is all right for a company but not for a statutory authority.

MR KAINE: I know that Mr Connolly is going to be pretty obtuse about this, but the fact is that when we were moving to corporatise we were putting this body on a commercial basis. It had to make its decisions, within the general guidelines of government policy, as to how it was going to operate and supply power, water and sewerage services to the community at reasonable prices. Under those circumstances it was appropriate that commercial decisions, as I said, within the context of government policy, be made by the corporatised body. That is why we put these three Bills into effect.

What you have not done, Mr Connolly, is to think it through. You decided not to corporatise this body. Once you decide not to corporatise, you have to revisit the question of whether the Minister ought reasonably divest himself of the responsibility for making decisions about the scales of fees and charges. You have not thought it through. You step back a bit and agree to go ahead with the corporatisation of ACTEW and we will agree with the Minister abdicating from the responsibility of setting fees and charges that affect the consumer out there.

You want it both ways. You do not want to corporatise; you want to take \$19m out of ACTEW so that it affects their ability to carry on their business, but you want to divest yourself of the responsibility as a Minister and the consequences of making decisions as a Minister about things like this and to give it to the board of ACTEW.

Well, the Liberals, in opposition, say to you Mr Connolly, "It is not on". If you will not allow them to get on with the business and run their enterprise in a commercial way, we will not agree with you that you should divest yourself of the responsibility and pass it on to the people who are managing ACTEW. You cannot have your cake and eat it, and that is why we do not support these Bills.

Having refused to corporatise this body, having refused to give them the authority and the power to carry on their business on a commercial basis - you do not want to do that - you want to sit there as a Minister and take your salary but not take the decisions that go with it. If you can convince me that that is reasonable and fair, then we Liberals, in opposition, will change our view.

The simple fact is, Mr Speaker, that we do not agree. The basis on which these Bills were prepared has been removed and there is no justification any more for the Minister abdicating his responsibility on that matter. That is why we no longer support these Bills.

MR MOORE (4.17): Mr Speaker, I find myself very closely aligned with the Liberals on this particular issue, but the methodology that I have chosen is to move the amendments to ensure that the Minister does retain the responsibility; that in fact the Assembly as a whole retains the responsibility of any possible changes to the basic water allowance that is provided to people in Canberra. The notion of a basic water allowance is not just related to environmental considerations, although that is an important factor that I will come back to. The basic water allowance is also a revenue raising device.

Many people are currently using around the basic water allowance of 455 kilolitres of water. I fit into that category, having used a little bit over it. I had to pay, as I recall, something like \$4 or \$5 for excess water. That, of course, adds to the revenue. What it also tells me is that I have to take more care in ensuring that I use less water.

I am in a sense declaring an interest. As in the case of many people in the inner city, we have English-style gardens. That is a characteristic of our neighbourhood and it is part of the reason why it has a heritage listing. It is more difficult to keep non-native gardens alive without using a significant amount of water. There is a conflict, if you like, between the conservation of water and the conservation of a heritage style.

This is something that is not dealt with particularly well by a simple cut in water. It will put the onus on owners like me to ensure that we find methods like drip irrigation or drip systems in order to keep our gardens alive. I should point out that this is not the first cut in the basic water allowance; there have been a number of cuts in the last few years. I should also add that I always water my gardens with a timer. It is not a case of allowing water to run down the gutters, as we see around Canberra on numerous occasions. It is appropriate to draw to people's attention their responsibility in terms of water conservation. For that reason, I have accepted a reduction in the basic water allowance from 455 to 350 kilolitres.

17 September 1991

What I do not accept is the notion that a decision that affects so many people in Canberra, and affects them so significantly, not only in terms of water but also in terms of what it is going to cost them, should be made by the Electricity and Water Authority and be disallowed simply by a Minister without any reference at all to the Assembly. The decision should be made by the Assembly and the decision should not be one which the Assembly simply has the right to disallow.

It is of such significant impact to the people of Canberra whenever the basic water allowance is changed that this Assembly should debate the issue - and it should not have to debate it on the back foot. It should be the responsibility of the Minister to bring forward, as a change to legislation, the basic water allowance. That decision should follow the normal process of going through Cabinet - the initiative having come from the Electricity and Water Authority - and then coming to the floor of this house. That having been done, the Assembly as a whole can determine whether we are going to change the water allowance.

It may well be that there are very good environmental reasons in two or three years' time to drop the basic water allowance again. It will not be good enough to do it just as a fundraising device. However, if the Minister or the government of the time considers that that is the most important reason and they can argue and convince the Assembly that that is the appropriate way to go, then that is also taken into account by the amendments that I have circulated. It is a movement of responsibility.

I accept what this Government is trying to achieve in terms of water conservation in this particular instance and in terms of the financial disincentive for people to use water to excess. The conservation consequences, of course, have to do with the possible building of yet another dam for the ACT. If we can avoid that, or even if we can delay that, it is our responsibility to do so.

Because of the way the three Bills are drafted, my proposed amendment conveniently brings into line a basic water allowance and identifies it as 350 kilolitres of water. The other Bills refer back to a basic water allowance, so any further amendment will not require the presentation of three Bills. It will require only the presentation of the one Bill, just as I am amending just the one Bill. It will require an amendment similar to the one that I am proposing.

I would like to thank the Parliamentary Counsel for drafting this for me on very short notice - in less than 24 hours - taking exactly what I asked and turning it into an appropriate amendment. Once again this reflects the contribution the Parliamentary Counsel makes to this Assembly. I know that all of us appreciate that effort. It is important that we say that on many occasions because of the many times that we have that support.

I urge members of the Assembly not to make this a disallowable instrument. Just take today, for example. If a subordinate law on electricity and water was passed today, it could get buried; it could get buried very easily. Yet, this has such an impact on the people of Canberra. The average increase to people's costs across Canberra will be some \$20. There are in the order of some 100,000 households in Canberra. Considering the number of very small units and residential dwellings, there will be some people for whom this will mean an increase in their annual budget of hundreds of dollars. So, it is a decision that we must not take lightly.

I have made it very clear that I support the specific drop in the water allowance from 455 to 350 kilolitres and my amendment has been drafted in that way. We as an Assembly should, I think, be able to go to the public and say, "Yes, there are very good reasons why we have supported that. There are very good reasons why we do not want to be involved in building another dam, although it would provide extra capital works".

Mr Jensen: You would not support it because of the borrowings, Michael. Make up your mind.

MR MOORE: I think members realise that I said that in jest. I think it is very important for us to realise our responsibility to be able to go into the community and argue, "Yes, we have very good reasons for dropping the basic water allowance from 455 to 350 kilolitres". I think most of us know the arguments for that, and I support it.

What I do not support is the notion that this decision should be made in any other forum than this Assembly. It really is our responsibility. We should keep it that way. I urge members to look carefully at the amendments that I have circulated and the spirit in which I have put them. I ask you to support them. In that way we can achieve our goal.

MR STEFANIAK (4.25): I am pleased to say, Nimby, that the Liberal Party is going to support your amendments and that will enable us also to support the Bill. We have had a quick little chat about that, and that is what we are going to do; so well done.

In relation to this matter, one does have to look at the Labor Party's decision not to go ahead with the corporatisation of ACTEW. That step, if taken, would have raised about \$12m extra dollars for the ACT, because of the efficiencies it would have brought to ACTEW's operation this financial year. I think the estimate of money coming into ACT coffers after that would have been \$20m. Surely, in our financially strapped ACT at present, that would have been a very welcome sum of money for this Government or, indeed, any government in terms of trying to balance the budget.

17 September 1991

I was interested to hear Mr Berry indicate, when the former Chief Minister, Mr Kaine, was speaking, that they still have not decided whether they are going to go ahead with it. I suppose that is heartening. I thought it was painfully obvious when the Labor Party took power that they were shelving it; that they had no intention of going ahead with the corporatisation of ACTEW. I reiterate what I said when they made that decision back in mid-June: Do not be blinkered by your stupid ideology; do what is best for the ACT. I think that would be the corporatisation of ACTEW.

MR DUBY (4.27): Mr Speaker, some of the comments made by Mr Stefaniak in his address are quite relevant to the status of ACTEW, as the largest government employer and the largest government entity in the ACT, in relation to the financing of quite a number of issues within the ACT Government. I noticed in the Bill brought down earlier this afternoon by the Chief Minister that the level of contribution, if you want to put it that way, that has been extracted from ACTEW is some \$19m. That is a large increase on the amount of revenue obtained from them in the past. I take Mr Berry at his word when he says that the decision about the corporatisation of ACTEW has not yet been finalised.

Mr Berry: No. No decision has been made.

MR DUBY: Well, no decision has been made, or a decision has not been finalised, or whatever; it is immaterial how you want to put it, I guess. What you are saying is that you are not going to make a decision, I guess.

I would like to think that, with those figures in mind, the whole issue of corporatisation is something which should be identified. It is clear that ACTEW is already a reasonably efficient public authority. However, further extraction of funds from ACTEW cannot continue at this rate without providing ACTEW management with the possibility of behaving as a corporate citizen and making sound financial and management decisions about the way that it should operate.

There is no doubt in my mind that, if the current rate of exploitation of ACTEW assets continues - the expropriation of assets - it will go from an organisation which currently funds itself, in effect, in terms of its income, to being a borrower. That raises the issue of how on earth ACTEW, at the end of this decade, for example, having gone from an organisation with a very sound financial base to one which probably will be in debt to the tune of some \$90m, is going to be able to raise \$100m of further debt to service a new dam.

The issue we are talking about here, I think, is a very simple one. There is no question that ACTEW has the legislative authority to set charges for water, electricity and sewerage services. That is under the Electricity and Water Act, section 48. That very simple statement, I

think, shoots Mr Moore's argument down in flames. His claim that the Assembly members should be the people who determine the amount of water that is available to the community, on the simple basis that somehow he fears that it is a revenue raising item being put forward by the Government, is sheer nonsense. Because this matter is so important, as you say, to the community, why do you then not argue that the Assembly should set the rates for electricity charges, or the rates that we charge for our water and sewerage?

Mr Moore: It is excess. It is not the rate.

MR DUBY: No. The excess water charge is an integral component of the charges that are set by ACTEW as the water and sewerage rates. It is a totally different issue. When customers know that they can save money by using water carefully, they will use less water. It is quite appropriate that ACTEW management, with the power of disallowance set with the Minister, should be able - it was one of the things that I was quite pleased to see coming under corporatisation of ACTEW - to set the appropriate levels of water which are available and which are paid for under the water and sewerage rate.

People somehow seem to think that a certain amount of water, at the moment 455 kilolitres per year, is free. There is no such thing as free water. It is simply that, under the charging structure, 455 kilolitres per year has been the amount set as being an appropriate level of water usage within this community. I think people know that if we can reduce the amount of water that is used by each household we can defer the requirement for an additional water supply dam and the related capital works, which will cost in excess of some \$100m. There is no question about that; it is going to be required. It is going to have to come. It is like tomorrow; it will be here one day. That necessity will be there. So, what we need to do is provide people with the incentive to use water carefully.

As I said, the current basic allowance before excess water charges apply is 455 kilolitres per customer per year, and over the long term about a third of domestic users use less than 455 kilolitres. There is very little incentive for those customers to use less water. This announcement that the level would be reducing from 455 to 350 kilolitres per year has been in place for some time - since June 1990. I accept Mr Kaine's point of view that it was introduced as part, perhaps, of a corporatisation process for ACTEW, to provide its management with the facilities to address these issues. But in my view we should simply leave what is essentially a commercial decision to be determined, first of all, by the board and management of ACTEW, and, secondly, as a court of final appeal, by the Minister.

17 September 1991

If there are going to be variations to the level of water consumption, I do not believe that we should be having matters of a technical nature brought before this Assembly so that people can grandstand and say, "No, no; I have saved someone's rhododendrons by not allowing ACTEW to take a sensible commercial decision". I believe that ACTEW should be able to set a basic water allowance, subject to disallowance by the appropriate Minister.

Before ACTEW was created, water and sewerage rates were announced according to the timing of the Federal budget, and rates in respect of that part of the financial year which had elapsed by the time of the budget announcement were, in effect, a retrospective impost. Various subsections of the Water Rates Act and the Sewerage Rates Act provided, in effect, that the announced charges applied in respect of the rating year that began on the 1 July immediately proceeding the date of the announcement. I do not think that has any further particular relevance because water and sewerage rates are not announced in the budget context.

I agree with the Government's proposal in this regard. I note that it is already, currently, a disallowable instrument.

Mr Moore: It is not a disallowable instrument. You should read the legislation before you stand up.

MR DUBY: I am sorry; I beg your pardon. I note that, following the amendment that is to be put by the Minister, it will be a disallowable instrument. I regard that as ample precaution against outrageous imposts upon the community. The proposal is one that I, as Minister, would have put forward and I would have expected, frankly, unanimous support from the Assembly. Of course, that takes into account the changes which were to be imposed upon the structure and management of ACTEW anyway. I think this is an important factor. I think we all acknowledge that water levels should be reduced. To argue about who has the right to determine the appropriate level is to take it away from experts who are far better qualified in this regard than people who are, frankly, politicians in the Assembly.

Mr Moore: No. Let the experts come up with the argument; then we can understand what they are on about.

MR DUBY: I have heard the experts - - -

Mr Moore: Craig, that is the whole basis of democracy. It is at stake. You did not want self-government. Why don't you resign?

MR DUBY: I can hear Mr Moore rabbiting on. He always manages to mouth off whenever any amendment that he puts up is being opposed by other people. He interjects constantly. The simple fact is that the experts do put it up and the level of control is there in the relevant and

appropriate Minister. The Minister and, I would imagine, the Cabinet of the day will have the final say in this regard. Whether the water level should be 350 or 370 kilolitres per household should not be debated on the floor of the Assembly.

If you want to apply that argument, Mr Moore, why do we not then debate the level of charges that ACTEW imposes for electricity and water? I forget that you are an expert in all matters and that you would expect that your input would be of far greater import than that of those who know what they are doing. I suggest, Mr Moore, that for once in your life you let people who know what they are doing get on and do it.

MRS NOLAN (4.38): Mr Speaker, I will be fairly brief in speaking in this debate this afternoon. I do believe that there is one particular issue, one particular area, that needs to be mentioned this afternoon in this debate. I refer in particular to the Water Rates (Amendment) Bill 1991. As a residential user of water, I believe that the reduction from 455 to 350 kilolitres is a sensible way to go. It certainly provides an incentive for all of us to conserve and save water wherever we can.

But, unfortunately, in this proposal there is one sector of our business community that has been severely disadvantaged, and that is the accommodation and tourism industry. There is no doubt that the accommodation industry, the hotels and motels, have no way of controlling the amount of water that is used in those properties.

Mr Moore: Yes, they can. They can put water savers on their showers.

MRS NOLAN: Fine. Mr Moore mentions water savers. All sorts of things can be done in relation to cistern flushing, et cetera; but we know that an individual guest in an individual room determines how much water he or she uses. I believe that the tourism industry in this city has been significantly disadvantaged in more recent times. Additional costs have been there continually. I think it would have been appropriate to give consideration to the accommodation industry.

I have had representations from many in the accommodation industry and I have written to the Chief Minister in relation to this issue. I know many in the accommodation industry who have done that already. I would like to urge that consideration be given to business impact when these sorts of decisions are taken. I sometimes think there is a very real need to have a residential rate, if you like, and a rate in relation to business. I would have thought that, in this particular case, that could have been considered.

17 September 1991

That was the particular point I wanted to make this afternoon. I think it is one that needs to be noted; it needs consideration. I urge that in future the impact on accommodation houses in this Territory be weighed up. For just a small property you are talking about several hundred dollars. For the larger properties, of 150 or 160 rooms, they are going to be up for a quite significant amount of money. There is no doubt that they cannot always pass that on to the consumer, because room rates in the ACT are very much governed by room rates around the ACT. We all know that there has been a significant downturn in visitor numbers. Fewer visitors are visiting the ACT. It is just one additional impost on that industry. I would hope that in future better consideration is given to the impact on business.

MR JENSEN (4.41): Mr Speaker, as I understand it, we are speaking in the in-principle stage. Is that correct?

MR SPEAKER: That is right.

MR JENSEN: Mr Speaker, I will make some general points in the in-principle stage and I foreshadow that I propose to move an amendment which is currently being adjusted. There is an amendment in my name circulating. It is in the process of being slightly amended and will be moved in the detail stage.

I want to make some points in relation to the general issue of water usage in the ACT. I think it is very important to remember that the ACT is currently identified as being the highest average daily and average yearly domestic user of water of any capital city in Australia. I am quoting from a *Weekend Australian* report of 14 September 1991, from page 8, which some members may have seen on the weekend. Reading from the top, in alphabetical order, Adelaide has a figure of 301, Brisbane has a figure of 450, Canberra of 480, Melbourne comes in with 270, Newcastle 220, Perth 330, and Sydney 300.

Melbourne, Newcastle and Sydney are, in fact, industrial cities; whereas the ACT is not, by any stretch of the imagination. The situation is that the national capital quite clearly is using a lot more water than many of the other capital cities. As I notice my colleague Mr Moore has acknowledged, there is a requirement to review that issue. It is very interesting that here we have a continuation of the current regime, the old regime, of charging for water usage around Australia. Basically, you charge a flat fee, with a very limited figure for excess water.

It is interesting to note that in 1985 Newcastle was looking down the barrel of having to spend \$70m-odd to construct a new dam to provide the necessary water supply for that area. However, they have now restructured their charging system and that has effectively meant that the dam has still not been built. Newcastle, by virtue of the

system that they instituted, was able to reduce quite considerably the amount of water that it was using. This year, instead of running at a deficit, the Hunter Water Board has just turned in a \$10m profit to the State Government on its operations.

In Newcastle they provided a base charge of \$80 and then charged 71.8c per kilolitre for every kilolitre from 0 to 1,000 kilolitres. In Perth the base figure is \$113.40, and they operate a sliding scale. The first 150 kilolitres are free, and right up to in excess of 1,950 kilolitres the charge is 96c per kilolitre. They are a little bit ahead of the times, because in the same article they refer to Canberra as having a \$200 base charge, with the first 350 kilolitres free, and a charge of 53c per kilolitre above that. It would seem that they have anticipated the vote of the Assembly today.

At this stage, obviously, much more work needs to be put into how we adopt a charging system for our water if we are going to reduce the per capita water use in the ACT. There are a number of options, Mr Speaker, that the Government can take in relation to reduction of the per capita water use in Canberra. The first thing they can do, Mr Speaker, is install water savers to all showers and dual flush cisterns in all new and refurbished Housing Trust homes. When you look at the percentages, a quite considerable amount of water that we use in the ACT - it is the same in other States - gets flushed down the loo. A quite considerable amount is also used on our gardens.

In the ACT that is first-class water. It is water that has had to be treated. It has some fluoride in it, but it has had to be chemically treated and it has had to be transported. Each litre of water that you have to treat and transport and deal with through a sewerage system costs a quite considerable amount of money in energy use. We are finding that, the more water we use, the more energy we use to shift it around our system and to treat it.

In relation to the Housing Trust, another area that they could go to would be the installation of microwatering systems in the gardens, particularly in those units that are being developed for aged persons units. They could operate on some form of time system similar to one that I have at home. I might indicate here that in the whole time that I have been in Canberra I have yet to receive an excess water bill. I think that is something that it is appropriate for the Housing Trust to investigate. I notice Mr Connolly nodding in agreement.

I am sure Mr Connolly is aware, because it was started during the days of the Alliance Government, that ACTEW is constructing in the Tuggeranong Valley a model home which picks up the issues related to not just energy use but also water use. I think that is something that young new home buyers in the ACT should consider. We also have to consider the move towards solar power for hot water within our area; but that is another debate.

17 September 1991

Those of us who have lived in Canberra for some time often wonder, as we drive to work or drive home at night, why, having had three or four days of heavy, soaking rain, the sprinklers are madly beetling away, pouring water onto grass that is already pretty well overdone. People who use our parks often find that they have been considerably overwatered. In fact, I have had a number of complaints over a number of years about that issue. There seems to be a need for Mr Wood's department, which handles the watering of our parks and gardens, to look into that matter.

As David Young often says on his radio program, there is a requirement to establish a watering regime whereby you water to run-off, stop for a period, and then start again. In most cases that is only 15 minutes. How many times have we driven round the streets of Canberra and seen water, literally litres of it, tumbling into our drainage system, into our stormwater system, because people have forgotten to turn off the tap or because they think that the more they put on the greener it is going to be. That may be the case, but they are also wasting a lot of water. That, Mr Speaker, is something that the Government should do for its parks and playgrounds.

Another thing that I think the Government should consider working on - I know that Public Works have been looking at the issue - is the use of more native grasses around the ACT in some of our parks, particularly on the sides of roads. I understand that one of the problems in the past has been the availability of seed. I believe that that is now pretty well under control and that by 1992 there should be more extensive work in that regard.

Another issue that I would like to raise in this debate - I have raised it with both responsible Ministers - is the use of water tanks at home, as opposed to using the treated water that we have at the moment. As I understand it, the cost of a water tank is often exceeded by the cost of the building permits required to install it. I think it is important that both Mr Connolly and Mr Wood look at that issue. I think I have actually got a letter from Mr Connolly about that. I think it is very important that people be encouraged to do that. There has been some concern expressed in the past about problems associated with the gunk that develops and falls on our roofs in an urban environment. I think that a bypass valve can be fitted to the tank that enables the first bit of rain to be removed via the bypass valve into the stormwater system. So, that solves that problem.

There is one final issue that I would like to talk about in relation to the charging system that we have at the moment. I received a phone call from a young mother in Tuggeranong who was complaining bitterly about the fact that she, as a mother with four children, had received an excess water bill of \$20. In itself, that may not seem much. However, her complaint, and I think it is a legitimate complaint,

was that there are a number of people out there who are not using their water allowance of 450 kilolitres per annum and she was in fact subsidising and being required to pay for that water that was not being used.

I started my comments today by talking about the need to relook at the charging system. Old habits die hard, and it may be that we have to look at how we actually charge for usage so that we are not in a situation where those that use do not actually pay and where those that do not use pay a base charge and nothing else, and in fact the water usage is uneven. On that basis, Madam Temporary Deputy Speaker, I close my remarks in the in-principle stage and indicate once again that I will be proposing some amendments to the legislation.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.54), in reply: In rising to close the in-principle stage of this debate, I must comment on the diverse range of comments that we have had. This Bill, or this package of Bills, Madam Temporary Deputy Speaker, basically does two things: It reduces, or moves to reduce, the basic water allowance from 455 kilolitres to 350 kilolitres as a conservation measure, and it makes certain structural or procedural changes to allow that type of reduction to be carried out by the Electricity and Water Authority.

The Bill was something that came up under the former Government. Mr DUBY, as Minister, some 12 months or more ago, made the announcement of a reduction of the basic water allowance from 455 to 350 kilolitres. The Labor Party, then in opposition and some 18 months away from an election when opportunistic politics perhaps would have been the logical thing for an opposition to do, did not cavil at that. I think we asked a few questions to get a basis for why you were doing that and accepted that it was a sensible conservation measure.

When the Bill was introduced into the house today we had the most extraordinary range of views. The Liberal Party, all speakers, did not even express a view on the issue of the reduction of the water allowance. They are not interested in the conservation measure. The former Chief Minister, and failed Chief Minister, who could not balance a budget, unlike the excellent Chief Minister and Treasurer presently occupying the chair, spat the dummy about corporatisation. He did not offer a view on the key issue of reduction of the water allowance and argued that, while it was okay to give this type of power to initiate a change to a government owned enterprise structured in one form, it is fundamentally improper to give the same power to a similar government owned enterprise structured in a slightly different way. The Government, I must say, failed to comprehend what the former Chief Minister was talking about in those remarks.

17 September 1991

It did not get any better with Mr Stefaniak's speech, which again adopted the magic pudding approach that if you corporatise a body you can extract vast sums of money from it. He said that if we corporatised ACTEW there would be another \$12m, whereas our taking of another \$7m from ACTEW is dreadful and improper and the end of civilisation as we know it.

I was reminded, on hearing that during the early stage of the debate on corporatisation, that \$12m seemed to be springing up from every corporate entity. We had statements from, respectively, Mr Humphries and Mr Stefaniak, talking about \$12m to be found through corporatising ACTEW and through corporatising Mitchell, and I was just waiting for a statement from the Liberal Opposition that we would make \$12m if we corporatised Natex. It seemed that \$12m was the standard profit to be made from corporatising every entity. It is the ultimate magic pudding approach to budgeting; you just run around turning authorities into corporations and \$12m springs up from nowhere.

Mr Moore then foreshadowed his amendments. He takes a similar grave exception to vesting this power in the authority, and he would prefer that the Assembly - - -

Mr Duby: And the Minister.

MR CONNOLLY: And the Minister. Either, indeed. I was going to come to Mr Duby's speech because it brought a breath of fresh air and sanity to the debate to that date. There is a major and fundamental problem with the proposal that Mr Moore has put, as it stands, and that is that the amendment which will set the basic water allowance at 350 kilolitres will come into effect when that amendment is passed by this Assembly, and the result will be that the basic allowance will be 350 kilolitres from the date the amendment becomes law. The Government has clearly announced that we propose to phase in the reduction in the water allowance. It may well have been the former Government's intention - - -

Mr Duby: No; you are just being wimps.

MR CONNOLLY: We are being wimps, Mr Duby says. We do not think phasing in a major change is being wimpish; we think it is being extremely sensible. We want to phase it in because we do not see this to be a revenue measure. We believe that if this reduction is phased in people will take sensible precautions to reduce the water consumption, much along the lines of the precautions that Mr Jensen outlined. Mr Jensen ran through a range of activities that households or organisations can take - simple measures like installing drip irrigation systems that dramatically reduce water consumption.

So, the Labor Government's Bill is not - it must be stressed - a Bill about revenue; it is a Bill about reducing consumption. This was acknowledged by Mr Moore, Mr Jensen and Mr Duby; but the Liberals wanted to talk about corporatisation. Robyn Nolan did mention conservation measures, but other members of the Liberal Party seemed to focus solely on corporatisation. The reason the Bill is necessary is that we have, for many years, worked on the assumption that water was plentiful and unlimited in the capital territory. It is not. If we do not do something to modify our consumption of water, we will run out; we will need a new dam within the decade. That will present two challenges to the Territory, and the first is financial. We would have to borrow, on current dollars, at least \$100m to build a dam. That would add massively to the cost of water because it would be passed on to consumers by way of interest.

The other fundamental problem is that the ACT, through the far-sighted measures of successive Federal governments and Territory governments, when you move out of the urban areas, is essentially national park. Namadgi is our pride and joy in this Territory. We are in a remarkable situation that so much of our land area is national park. A new dam, almost by definition, would have to be put somewhere in that national park area and I can just see the reaction of the Canberra community, justifiably, if an irresponsible Assembly in this generation refused to take a sensible conservation measure and so forced upon future generations the appalling decision of having to put another dam in the Namadgi National Park.

So, there is no argument. The conservation measure is necessary, it is essential, and it is sensible to phase it in to make it clear that it is not a revenue measure.

Mr Jensen: They did it in Newcastle.

MR CONNOLLY: Mr Jensen says that it has been done in other areas; you can reduce water consumption. Clearly, it can be done. He indicated that there is a need for the Government to take some action on energy conservation. I hope Mr Jensen has got already to page 68 of Budget Paper No. 2 where he will see the energy management program initiative that is being undertaken by Urban Services to move in this direction. It is clear that this is an issue that governments are looking at.

Mr Wood's area, of course, is responsible for turning the sprinklers on and off. Mr Jensen indicated that there is a problem when it rains and the sprinklers are on. I was woken up last night with a bit of a thunderstorm at about 3 o'clock in the morning and I could hear it starting to rain. I thought of Mr Wood who, no doubt, at the time was springing from his bed and running around the Territory turning off the sprinklers.

Mr Humphries: Dressing first.

17 September 1991

MR CONNOLLY: Dressing first, of course. I think it is generally agreed, even by the Liberals, through Robyn Nolan, but not by the Leader of the Opposition, that we need to move to reduce the water allowance. The sensible proposal, we would argue, is that it be done by the authority having the power to set the allowance, which means that we do not have to come back to this Assembly from time to time. It can be done flexibly; it can be introduced. The Minister, I think, ought to retain the power to overrule that if the authority is proposing something preposterous, but at the end of the day I think the Assembly should have the final say.

Interestingly, both Mr DUBY, in his remarks, and I in my original remarks assumed that the Assembly would have the ultimate control. When I checked with the Law Office and asked whether this determination was a disallowable instrument, the answer was, "Well, it is somewhat unclear; it probably is not". I think it is sensible that this Assembly make it abundantly clear that at the end of the day the Assembly can overturn such a variation. That is a proper and fair and democratic proposal, and I think it should answer Mr Moore's concern that we are abdicating responsibility.

Mr Moore says that it is not as satisfactory, if it is a disallowable instrument, as if the Assembly had to initiate debate on the subject. I would remind the Assembly that last year the Alliance Government accepted a private member's Bill which was moved from the Labor Opposition and which provided for the deemed disallowance of subordinate legislation unless there is an affirmative vote of the Assembly supporting the move. What that means is that if ACTEW proposed a silly reduction in water allowance, if ACTEW proposed as a dastardly revenue measure to reduce the allowance to - - -

Mr DUBY: Or an irresponsible government proposed an increase.

MR CONNOLLY: Or an irresponsible government proposed an increase. Let us take it the other way, that ACTEW proposes to reduce it to 20 kilolitres; the Minister thinks there is some revenue in this, so the Minister agrees, and it is tabled. All that has to happen is that one member moves disallowance. Then, unless the Assembly affirmatively votes to support that subordinate law, it will be disallowed. It would be then incumbent upon the government that wants to keep the silly regulation to bring the debate on, find time for the debate and marshal support to get the subordinate legislation through. So, given the way that we have reversed the subordinate laws disallowance provision, I would say to the Assembly that a disallowance provision in this legislation would satisfy the legitimate concerns of members of this Assembly that we are otherwise abdicating a power to an arm of the Executive Government.

I had circulated my own amendment to clarify that, but I understand that Mr Jensen had independently come to the same conclusion. The Government is prepared, I can foreshadow, to support Mr Jensen's amendment on that, which will basically make it clear that the Assembly, at the end of the day, has control over this. That really answers Mr Kaine's argument, to the extent that there is an argument from Mr Kaine. What Mr Kaine is saying is that it is a good thing to give a power to what he calls a Territory owned corporation which is a public authority structured in manner X, but a dastardly thing to give the same power to ACTEW, which is a statutory authority constituted in form Y.

It is basically a minor difference in structure. They are still a publicly owned authority, they are still performing a public function, and I cannot see any logic in your distinction between ACTEW and a statutory corporation. To the extent that you are concerned about the Assembly losing a power, I would suggest that the amendment that has been foreshadowed by Mr Jensen answers that because it makes it clear that the Assembly can disallow. I hope that in the detail stage we can come to a speedy resolution of the diverse views that were indicated in the earlier debate.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3

MR MOORE (5.07): I rise, having run a series of debates and negotiations on this matter over the duration of this debate for the last half-hour or so. This ought not be necessary. The situation is that this legislation was tabled last week and brought on for debate four days later. I gave drafting instructions yesterday for my amendments. As I said, parliamentary counsel provided them for me today. The instructions for Mr Jensen's amendments, I understand, were provided earlier today and parliamentary counsel were able to support this parliament once again with a very quick response. It ought not be necessary. This business of bringing legislation on one week and then debating it the following week, unless it is a matter of urgency, is entirely inappropriate.

The main purpose of my amendment was to ensure that the Assembly as a whole could deal with the debate on the water levels. I chose to go about that in one way and Mr Jensen chose to go about it in another way. It is quite clear to

17 September 1991

me, from discussion, that the numbers are going to be with Mr Jensen. Rather than spend time on quite complicated and difficult amendments to amendments and that sort of procedure, I will indicate to my colleagues, particularly members of the Liberal Party who were going to support my amendments, that I will allow Mr Jensen to put his amendments and I will not put the amendments that have been circulated in my name. We are going to achieve the same goals. I think it is most important that we proceed with the debate in the detail stage without wasting any more parliamentary time.

Clause agreed to.

Clause 4

MR JENSEN (5.10): I move:

Page 2, line 6, proposed new subsection 48(1A), omit "Authority", substitute "Minister".

I will speak briefly on this. It is our firm view that it is the Minister who should be responsible for the overall operations of an organisation like ACTEW. It is on that basis that the Rally is proposing this amendment. I would like to reiterate something that Mr Moore indicated in debate just a moment ago. The drafting instructions were provided to Parliamentary Counsel's Office this morning. I reiterate as strongly as possible Mr Moore's remarks about the excellent, sterling support that was provided by that office to enable this amendment to go ahead today. I would also like to thank Mr Moore for his good sense on this issue and for withdrawing his proposal.

Question put:

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

The Assembly voted -

AYES, 10

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

NOES, 6

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

Question so resolved in the affirmative.

MR JENSEN (5.16): I move:

Page 2, lines 9 to 15, omit paragraph (b), substitute the following paragraph:

- "(b) by omitting subsection (2) and substituting the following subsections:
'(2) A determination under subsection (1) shall, unless disallowed under section 49, take effect on the date specified in the determination, being a date not earlier than 14 days after the date on which the determination was published in the *Gazette*.
'(2A) A determination under subsection (1A) shall take effect on the date specified in the determination.'".

Very briefly, this picks up the change from 30 days to 14 days in a slightly different way from the Government. I commend the amendment to the house.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 5

MR JENSEN (5.16): I move:

Page 2, lines 16 to 19, omit the clause, substitute the following clause:

Disallowance of determinations

- "5. Section 49 of the Principal Act is amended -
(a) by omitting '30 days' and substituting '14 days'; and
(b) by adding at the end the following subsection:
'(2) A determination under subsection 48(1A) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.'".

I will speak very briefly. We want to make sure that the Assembly retains control over any determinations made by the Minister in relation to the setting of this water allowance. Quite frankly, this is the place where control should be. I once again commend this to members. I thank them for their clear support for this and the previous amendments.

17 September 1991

MR MOORE (5.18): What Mr Jensen has suggested puts into effect what I was trying to achieve and what I would have achieved in a different way and in a more appropriate way. In Mr Connolly's very persuasive argument he drew attention to the Subordinate Laws Act that we debated last year. That does turn the onus back onto the Government to carry the debate through if a motion for disallowance is moved. I do not think it is quite as strong as what I had proposed; nevertheless, I think it is acceptable. It means that the Assembly as a whole takes the responsibility for this.

One thing that I do want to take issue on, and it comes up here in particular, is the notion that Mr Duby has that we should let the experts decide. If we are always going to let the experts decide, we will form a sort of academic oligarchy for a government. I guess that that is what Mr Duby would run. He would always allow his department to tell him, because they are the experts. His department would tell him what they want and what to do.

That is the sort of argument he put and that is the sort of level on which Mr Duby operates; but it is something we will not have to put up with for too many more months. The reality is that a democracy works in a certain way. We as an Assembly, with the responsibility we have as the elected representatives of people, need to take into account the recommendations of experts and the range of experts. It seems to me, Mr Duby, through you, Madam Temporary Deputy Speaker, that, for every expert we can find on one issue, almost invariably we can find one that has the opposite point of view.

The person who is most effective in finding experts with the opposite point of view, as a rule, is Dennis Stevenson, who seems to search the world. He can always find somebody with a PhD who will advocate whatever it is that he is pushing.

Mr Kaine: Lawyers usually can. We have three or four lawyers here. They all have a different view on everything.

MR MOORE: Exactly. The Leader of the Opposition interjects that we have three or four lawyers here. They can always provide expertise in their points of view, but almost invariably there are four different points of view. The notion of accepting what the experts say would certainly remove us from the responsibility accepted by those of us who were elected to this parliament on a serious footing. We took the responsibility seriously, unlike you, Mr Duby.

MR DUBY (5.21): Madam Temporary Deputy Speaker, I must respond to this unwarranted outburst. I have never heard such a load of claptrap in all my life. Members can be assured that I will not continue this debate much further. However, I must answer and refute some of the misconceptions of what I stated in the original in-principle debate that are clearly held by Mr Moore. Mr Moore, in the in-principle debate, raised the issue that this matter of varying the supposedly free level of water - supposedly free, I repeat - that is supplied could be treated by a government as a revenue issue. I suggested to Mr Moore that nothing could be further from the case; that this was a conservation issue.

Mr Moore: Wrong.

MR DUBY: It clearly is a conservation issue, Mr Moore; I can assure you of that. According to the argument that Mr Moore puts forward, that then implies that we should not listen to what those who are expert in a particular area advise the appropriate Minister to do - advice as to what action the Government should seriously contemplate and implement if it is decided, in the political sense of things, that that is the way to go.

According to Mr Moore's argument we would not, for example, have a third-party insurance premium advisory committee because that clearly is something that can be determined by this Assembly. We do not need to listen to the experts on levels of third-party insurance premiums; let the Assembly decide; we are experts on that level. According to his argument, the Government would not listen to good advice about levels of fees and charges for motor vehicle registration, or a whole range of issues that apply to imposts on the community.

The simple fact is that Mr Moore has been caught short. He tried to make out that this is a revenue issue. He has tried to make that out in the press releases that he has issued in the last couple of days. As usual, you have tried to grandstand. You have tried to grandstand for your leafy layabouts in Reid. That is what you have tried to do, because they have all complained to you, "How are we going to water the garden?". That is what it boils down to. I can read you like a book, Mr Moore. If this has nothing to do with conservation - - -

Mr Moore: Your reading level must be about age two.

MR DUBY: In comparison, yes. I might not be able to read between the lines, but I can certainly diagnose the pictures, and that is exactly what has happened. This has been a grandstanding effort on your part. I can hear it now. When his neighbours come to him and complain, "Oh, Michael, how did you let that awful government introduce

17 September 1991

this charge? Look at my excess bill", he will say, "Well, I tried; I tried; I tried; but all the other people would not let me; they would not listen to my eminently sensible argument". Well, we can read you like a book. We know exactly what you are on about.

I never suggested that we should let all legislation, all types of revenue measures, et cetera, be determined by experts. What I said was that the appropriate Minister should listen to the advice of his relevant public servants. He should then take it through the normal political process and get approval for those fees and charges, et cetera, in terms of the Cabinet concept. Then it should be brought to the parliament. Then, if the parliament so decrees, it can be disallowed, instead of allowing, God help us, people like you, Mr Moore, to be setting these levels independently.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.25): After listening to that acrimonious little debate between Mr DUBY and Mr MOORE over the role of experts, I wanted to rise to remind the house of the definition of an expert, which is that an *ex* is a has-been and a *spurt* is a drip under pressure.

MR MOORE (5.26): Thank you, Mr Connolly, for your contribution to the debate. It is one I heard in Adelaide a long time ago. Probably we heard it from a similar source.

I would like to take issue with Mr DUBY on a couple of small matters, without the acrimony, because he did raise the concept of reading. Had he read the original Bill, he would have seen that the disallowance was left with the Minister, and just the Minister. There was no requirement whatsoever for the matter of the water levels set to come before the parliament, contrary to the suggestion Mr DUBY has just made.

When I raised this issue, I raised it in two ways: One was that the parliament should have a responsibility in this matter. Indeed, that has been taken up by the parliament. The amendments we are seeing now are having that effect. I wonder whether it would have happened had I not raised the issue publicly. That is the first thing.

Secondly, Mr DUBY argues that this is just a conservation matter. Mr DUBY probably did not read the explanatory memorandum that came with the Bill. It pointed out there that the effect of this would be to raise \$2.2m in a full year. So, to separate the revenue side from the conservation side is, I think, inappropriate, apart from the acrimonious little debate we had before.

If we look at it sensibly, both things are true. Of course, it is a conservation debate. I would agree with you in this debate that it is primarily about conservation and that the money raised is, in effect, a disincentive. So, I agree with you in that concept, but it is about both. The point I was trying to make is that we have to make sure that at no stage does the setting of the water level become a matter relying just on revenue raising. The emphasis must always be, as I accept that it is here, on conservation.

Amendment agreed to.

Clause, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

WATER RATES (AMENDMENT) BILL 1991

Consideration resumed from 12 September 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

SEWERAGE RATES (AMENDMENT) BILL 1991

Consideration resumed from 12 September 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

17 September 1991

STOCK DISEASES (AMENDMENT) BILL 1991

Debate resumed from 12 September 1991, on motion by **Mr Wood**:

That this Bill be agreed to in principle.

MR DUBY (5.30): This piece of legislation has been long overdue. I have lost my speaking notes, I think. I remember talking to the Director of Conservation some six months ago about what he regarded as one of the major achievements of self-government. He actually quoted the Stock Diseases (Amendment) Bill, which he knew would be coming up.

People have tended to trivialise legislation of this nature. They say that something to do with the rural industries of the ACT is clearly of no importance. The bottom line, of course, is that I doubt very much whether this piece of legislation would have seen the light of day from the Commonwealth Parliament before the turn of the century.

Rural industry is a strong part of the local economy here in the ACT. Some figures have always stuck in my mind. The ACT, about 12 months ago, if I remember correctly, had in the order of 144,000 head of sheep and something like 14,000 head of cattle within its boundaries as part of our rural industry. They are not extensive herds or flocks in comparison with the rest of the nation, but they are sufficient to have an impact within the ACT community. I think the Minister, in his presentation speech for this Bill, said that the value of rural production in the ACT is some \$25m - a not insignificant amount - and it is something which many of our rural community are dependent upon.

This piece of legislation, as I said, is long overdue. It brings the ACT into line with part of a trace-back system which was brought into place through the efforts of the Commonwealth Department of Primary Industries and Energy. It has been introduced and I believe it is now in place in the surrounding districts of New South Wales. The system enables the track-back of diseased stock, from the wholesaler who takes the stock from the abattoir, back through the abattoir, and back, indeed, to the very property in question. In the past this has not been able to be done. That trace-back system is complemented by a stock tail tag register and also by the provision of government inspectors who have access to the records, not only of the producers but also of the transporters and the processors in the livestock industry.

This particular proposal, I note, is something which the previous Alliance Government would have brought into place had circumstances and time permitted. I know that there was extensive consultation with the New South Wales Government and with the ACT Rural Lessees Association.

This Bill will, as the Minister said, meet contemporary requirements for animal disease control, in line with comparable legislation in all other States of the country. I think it complements a national link in the protection not only of our rural industries but also, at the end of the day, of our consumers. I guess that that also goes right through into the area of export industry.

I am sure that every member of the Assembly will support this legislation. It is something which has been long overdue, as I have said. Among the descriptions of certain Bills, it ranks as a quiet achiever. Something which has been needed for a long time is now, thankfully, about to be put into place.

MRS NOLAN (5.35): Mr Speaker, very briefly, the Liberal Opposition supports this Bill. It is legislation that brings the ACT into line with the rest of Australia. As the Minister said in his tabling remarks, it should be seen as an important part of the south-east region of New South Wales.

Many people often forget about the part the rural industry plays in the ACT economy. Those of us in the Assembly with a rural background are very aware of the gross annual value of rural production. Essential legislation to protect that income by providing effective disease control is very important.

We are lucky here in the ACT that the local product has remained, for the most part, disease free. Rural producers should be commended for this. I believe that they recognise very much their responsibility to ensure identification of cattle presented for either sale or slaughter which can then be provided for the tracing of and the isolation of animal disease outbreaks.

Mr Speaker, I did say that I was going to be very brief in relation to the Bill. However, there is one particular point I would like to make. I would like to use this opportunity to remind members about the rural community. Mr DUBY mentioned the numbers of sheep and cattle in the Territory. I think those figures were a little old, but they do show the significance of the numbers. I think there are about 57,660 hectares of rural land in the ACT. I think it is important that we remind people that we are more than a city-state, if you like. The rural community, I believe, must have ongoing support and needs recognition by governments for the contribution it makes to the ACT economy.

Mr Speaker, I would also like to remind members of what is happening in New South Wales presently in relation to rural legislation. Currently, they are looking to restrict the use of travelling stock reserves by walking sheep and goats as a measure to prevent the transmission of footrot. In fact, the proposal is currently in place for legislation

17 September 1991

and has been handed down in the house. I understand that it has not been passed at this point in time, but it supports the footrot strategic plan launched by the New South Wales Agriculture and Fisheries Department in November 1988. That plan aims to eradicate footrot from New South Wales, in line with similar initiatives by other States.

I urge the Minister to take that on board. He should be aware of exactly where New South Wales is in relation to that. It is very important that we pursue that matter and bring down our legislation very close to when that is brought down, or it could cause some concern. Mr Duby mentioned some figures. In relation to sheep, we are talking about a considerable number of sheep in the Territory - some 140,000. I think it is very important that we pursue that matter and see that legislation is brought down. Going back to this particular Bill, it is a little overdue, perhaps, but it is at last here with us and we welcome its introduction into the house.

MR JENSEN (5.39): I will speak very briefly on this. I fully support the comments made by my colleagues Mr Duby and Mrs Nolan about the importance of the rural industry in the ACT. Albeit a very small group, they are dedicated leaseholders. Unfortunately, for many years, particularly in recent times, they have lacked security of tenure for their land. Over a period of time this has caused them some concern. I trust that with the implementation of the draft Territory Plan and government policies, and the acceptance of certain issues related to the continuing role of rural lessees in the ACT, that matter will be resolved; that they will have a greater tenure and will continue to provide a major part of the lifestyle within the ACT.

I think it is heartbreaking when good farmers who have responsibility for stock find that the failures of others less committed than themselves cause damage and destruction to stock as a result of poor farming practices in relation to disease. This Bill will enhance the ability of the ACT Government Service to quickly get on top of any problem that may arise in the future. On that basis I commend the Bill to the house and wish it a speedy passage.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (5.41), in reply: I thank members for their comments and I acknowledge with them the value of the rural industry within the ACT. It is not large compared with Australia, nor is the ACT compared with the rest of Australia; but I think it is quite significant, internally, for our welfare, our production and the conditions in the Territory economically. Mrs Nolan urged us to keep up with what is happening in New South Wales, and indeed we will with this legislation. It follows what is happening around Australia, including New South Wales, and as the rest of Australia moves forward in this area so will we.

I think it is worth mentioning that departmental officers at the moment have received funding of something like \$10,000 from the Federal Government to develop a plan for the control of exotic disease, should it break out. That plan incorporates the need to consult and to be consistent with what happens in New South Wales.

Mr Jensen said that we should pay some regard to rural lessees in the ACT, and we certainly do. Some of those carry their stock on fairly marginal land, I would think, and they and the Government - our departmental officers - need to work to see that the land is not overstocked. I do not think we benefit anybody if we overstock the land. I have seen some places where I think the grazing has been rather more intense than it ought to have been. At the same time let me emphasise that I have seen many areas - it is probably the majority of the cases - where the stockholders are carrying out their work of grazing their sheep or their cattle in excellent conditions and with great respect for the land. That is what we would all wish. Mr Speaker, I thank those members for their comments, and we can move on to the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

GUARDIANSHIP AND MANAGEMENT OF PROPERTY BILL 1991

[COGNATE BILLS:

GUARDIANSHIP AND MANAGEMENT OF PROPERTY
(CONSEQUENTIAL PROVISIONS) BILL 1991
COMMUNITY ADVOCATE BILL 1991
CHILDREN'S SERVICES (AMENDMENT) BILL (NO. 2) 1991]

Debate resumed from 12 September 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Guardianship and Management of Property (Consequential Provisions) Bill 1991, the Community Advocate Bill 1991 and the Children's Services (Amendment) Bill (No. 2) 1991? There being no objection, that course will be followed. I remind members that in debating order of the day No. 7 they may also address their remarks to orders of the day No. 8, No. 9 and No. 10.

17 September 1991

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

That the debate be now adjourned.

MR BERRY (Minister for Health and Minister for Sport) (5.44): This group of legislation which was intended to be - - -

MR SPEAKER: Order! We are looking for an adjournment, if that is the wish of the Assembly. We have to vote on it, if that is the case.

MR BERRY: No, I was speaking to the motion to adjourn.

MR SPEAKER: You cannot speak to the motion that the matter be adjourned. I thought you were accepting the adjournment.

Question put:

That the debate be now adjourned.

The Assembly voted -

AYES, 10

NOES, 6

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

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

Question so resolved in the affirmative.

UNPARLIAMENTARY LANGUAGE

MR SPEAKER: On Wednesday last, in response to a comment made by the Leader of the Opposition, Mr Berry used the words "A bit of hypocrisy there". I understood at the time that the words were withdrawn; but, having reviewed the *Hansard*, I note that they were not. I therefore call on Mr Berry to withdraw those words.

Mr Berry: I withdraw.

MR SPEAKER: I also note that on Thursday, 12 September, Mr Duby used the words, "That is an outright lie". When asked later on for an unqualified withdrawal, Mr Duby responded: "Unqualifiedly, absolutely. It was not meant as a lie; it was clearly an untruth, though". I regard those words as unparliamentary, and therefore call on Mr Duby to withdraw.

Mr Doby: I withdraw, Mr Speaker.

MR SPEAKER: During the debate on the Gaming Machine (Amendment) Bill on Thursday, 15 August, I undertook to review a request I made to the Chief Minister that she withdraw an accusation and imputation against Mr Stevenson. Ms Follett had stated in debate that she thought it regrettable "that Mr Stevenson has sought to smear the industry in that way, to smear the Revenue Office by implication". I have reviewed the *Hansard* report of the proceedings and also reviewed the general comments made in the debate on that Bill.

Members may recall that earlier that afternoon Mr Berry was required to withdraw a statement that one member, and by implication others, was a "smear merchant". Mr Berry withdrew that statement. I believe that the distinction between the comments of Mr Berry and those of Ms Follett is fine but significant. Having reviewed the record, I have concluded that Ms Follett's comments do not warrant withdrawal. In effect, she claimed that Mr Stevenson had sullied or defamed the reputation of a club industry and those who administer it, not a member of the Assembly.

I take this opportunity to remind members of the need to observe the rule of relevance in debate. Having reviewed the comments made by all members in that debate, I note that at certain stages one member virtually called on other members to comment on wider issues relating to gambling in society and the recommendations of the Select Committee on the Establishment of a Casino. As a result, other members obviously felt the need to respond to those comments.

Mr Stevenson's comments in the debate did range very widely, dealing with matters in the States of Victoria and Western Australia, which had questionable relevance to the Bill before the Assembly. It must be noted, though, that, following points of order, Mr Stevenson did draw his remarks back to the need to ensure that there were tamper-proof gambling machines in the ACT.

I remind members that the relevancy rule is of fundamental importance in the conduct of proceedings of the Assembly. Without it, our proceedings could become a nonsense, and it is very likely that disorder could ensue. There are also occasions when the rule is relaxed, such as when the Assembly agrees to have a cognate debate or when the question before the Assembly is "That the Assembly do now adjourn".

Mr Berry: I raise a point of order, Mr Speaker. My point of order is in relation to debate which is recorded in the proof copy of *Hansard* of 12 September at pages 52, 53 and 54. It began with a statement by Ms Maher that the Chief Minister had told a lie. She later on said that she withdrew "lie", and she then said that the Chief Minister had misled the house. A point of order was subsequently drawn to your attention by me.

17 September 1991

Ms Maher then went on to say, "I withdraw 'lie' and I withdraw 'She has misled the Assembly'. I will say that she has told an untruth". After some debate by other members, she then went on to say, "I will withdraw in that I consider that Ms Follett has been given the wrong information". To satisfy order in this place, I think Ms Maher should confirm that all of those statements add up to an unequivocal withdrawal of the words she used in relation to the Chief Minister.

MR SPEAKER: I take your point of order, Mr Berry. I think it is a small point. Ms Maher, would you make an unqualified withdrawal on that point?

Ms Maher: May I speak to the point of order?

MR SPEAKER: Certainly.

Ms Maher: Mr Speaker, I will withdraw the statement that it was a lie or untruth or misleading, but I wish to say that I have here a letter to the Chief Minister, which came up through me and which I signed off before we were kicked out of government. The letter ends by saying:

It is recommended that:

- (a) agree to the list at Attachment A of individuals and organisations to be approached for appointment to the Consultative Committee on Domestic Violence.
- (b) agree to the Terms of Reference at paragraph 10.
- (c) sign a letter to Mr Collaery seeking his views on terms of reference and members (Attachment B).
- (d) (Following Mr Collaery's response) sign letters of appointment (Attachment C).

Mr Speaker, I had asked that these be put through the relevant Ministers urgently, before the Government changed. As you can see, that was not done. I seek leave to table that letter, and I will withdraw my statement to Ms Follett.

Leave granted.

PERSONAL EXPLANATION

MRS NOLAN: Mr Speaker, I seek leave to make a short statement under standing order 46.

MR SPEAKER: Do you claim to have been misrepresented?

MRS NOLAN: Yes, I believe that I have been.

MR SPEAKER: Please proceed.

MRS NOLAN: Mr Speaker, it is in relation to last week when private members' business, and in particular Mr Stevenson's Publications Control (Amendment) Bill, was brought on in the chamber last Wednesday morning. An adjournment was then sought by Dr Kinloch. In reference to that adjournment, he made mention of the fact that he was aware that I was not here or was not to be in the chamber.

Most members, or certainly some members, were at a meeting on 12 July of the Commonwealth Parliamentary Association. In particular, I am aware that Mr Stevenson and Mr Jensen were there. A decision was taken that I would be away over those particular dates.

As well, the previous week the normal meeting to discuss business of the week was held on the Thursday. It was convened by Mr Berry and at that point in time it was also quite openly discussed that I was not going to be in the chamber the following week. In fact, I made arrangements to have Mr Humphries be my replacement in any discussions and consultations held with him during that time.

It is unfortunate that neither Mr Stevenson nor Dr Kinloch is in the chamber this afternoon. I consider that it was totally inappropriate to use that as an excuse to ask for the Bill to be adjourned. I ask for an apology from both of those members because I think it was totally incorrect to go down that path.

ADJOURNMENT

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

That the Assembly do now adjourn.

Legacy

MR JENSEN (5.57): Mr Speaker, I wish to make some brief comments. Members who were active around the city and suburbs last week would have been made aware, if they had not already known, that Legacy badge day was operating on Thursday and Friday, as I understand it - certainly on Friday. I think it is appropriate that we once again

17 September 1991

acknowledge the role played by Legacy as an organisation supporting the sons and daughters of members of the armed services of Australia - their fathers, and mothers in some cases - who served overseas and who paid the supreme sacrifice. I think it has already been indicated in this house that my colleague Mr Collaery is a legatee. I encourage all members of the Assembly, if they are given the opportunity, to support the work of this worthy organisation.

Amnesty International

MR COLLAERY (5.58): I will not detain the Government from its festivities - rightful festivities, I suppose, because putting a budget together is a lot of work. Naturally, I can imagine what their party room was like in their budget Cabinet deliberations, so they deserve a break. They really deserve a break. I am not sure who the victors are who are going into the festivities tonight; but, anyway, I wish them all well - victors and vanquished.

Mr Speaker, I rise to talk on a more important topic, just for a few minutes, and that is that we have had trouble maintaining our section of Amnesty International in the Assembly because of work pressures, the change of government and changes of staff, because the Assembly staff assist so much in organising it. With countries like Papua New Guinea reintroducing the death penalty, as they have horrendously done in the last few weeks, with resort to violence continuing in our communities, with human rights violations occurring in many parts of the world - parts that concern minorities who live in Australia - I firmly encourage all members of the house to restate their interest in Amnesty.

I ask them to support my call for Amnesty to have a meeting, next week if possible, at which we can revitalise the chapter in the chamber and immediately start some work on some very pressing concerns of civil rights, particularly the rights of a very brave and courageous woman in Burma who certainly faces clandestine death as a result of her continued house detention. I believe that we need to do work on the Burmese situation. The human rights of people in Papua New Guinea and Bougainville, and the activities and the rule of law there, need to be examined. Of course, Amnesty is a peaceful non-political humanitarian force. I would enjoin members who wish to get involved to come along to Amnesty. If anyone wishes to take over the chapter and run it, well and good. Perhaps we could meet next week, Mr Speaker.

Legislation Program

MR BERRY (Deputy Chief Minister) (6.00), in reply: Mr Speaker, I rise to put on record some concerns of the Government about the way that the legislation program of the Government has been interfered with this day. Other members have known for some time that this legislation would be coming on. It is well known to be important legislation which has wide support. The Government intended to bring this legislation on and was prepared to tolerate a debate at the in-principle stage of those pieces of legislation which are listed.

Mr Speaker, about an hour before the legislation was due to be debated, Mr Collaery informed me that he would not be supporting the in-principle debate. I have since been informed that there are some concerns about details of the legislation - details which, I suggest, ought to have been dealt with in the detail stage of the debate. We ought to have got through the in-principle stage.

Now that this matter has been made an issue of public record, I fear that there will be some arguments about the in-principle stage to justify the position that some people have taken in this place.

This is an issue of great importance to the community. It was identified, I think in 1989, by the Law Reform Commission as an important issue for the community and I do not think it does members of this house any good to walk away from early debate of this sort of legislation.

Mr Speaker, the Liberals opposite have taken the view that they have not had time to consider the matter at length. I wish they had told us that when they made up their mind about the issue at around lunchtime, so that we could have brought on replacement legislation at short notice. The Residents Rally's position, of course, was unclear until we came to the house, which makes it impossible for the Government to responsibly bring forward other pieces of legislation for debate.

There are significant pieces of legislation to be dealt with. Some are mere machinery matters, it is admitted; but they are on issues about which due notice ought be given to the opposition members before they are brought on. It would not have been responsible for the Government to have brought on those items of legislation for debate this evening. I apologise to the attendants of the Assembly and to you, Mr Speaker, for the disruption that this has caused. It was, indeed, something done without notice.

Question resolved in the affirmative.

Assembly adjourned at 6.04 pm

ANSWERS TO QUESTIONS

MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 430

Health - Work Force Restructuring

MR HUMPHRIES - Asked the Minister for Health

- (1) Does the Minister intend to proceed with the Alliance Governments initiatives to reduce over-manning in the health system. If not, why not ?
- (2) What is the extent of overmanning and job duplication in the health system
- (3) If the Minister intends to further reduce the size of the health workforce, what areas will be targeted ?
- (4) What is the current size of the Board of Health workforce ?

MR BERRY - The answer to Mr Humphries question is as follows:

- (1) No. The Labor Government will pursue implementation of efficiencies achieved through Structural Efficiency Principle (SEP) agreements which, together with the 1991/92 budget driven initiatives will result in a further streamlining of processes, increased productivity, and enhanced quality of care in the ACT health system.
- (2) The ACT Health system has undergone significant restructuring which has resulted in the elimination of inefficiencies including over-staffing and job duplication. Major gains have been realised in most areas of work through multiskilling and broadbanding achieved under SEP agreements.

In an environment created under the Accord between the ACTU and the Federal Labor Government, respective ACT Governments have been able to approach restructuring, which in the absence of wages decisions achieved under the Accord, would not have been available.

Like other enterprises, further scope for efficiencies is being examined in non-service delivery areas, particularly administrative support. Workforce efficiencies will continue to be achieved where necessary and in accordance with relevant Award conditions.

3407

- (3) The current size of ACT Health's workforce is around 5,500 (head count)
- (4) The optimum size of the health workforce is that which provides an acceptable and affordable public health system. As Labor proceeds with its hospital plans, SEP and other initiatives through all areas of ACT Health will ensure appropriate staffing levels are achieved in consultation with the Union movement.

3408

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 482

Emergency Services

Mr Stefaniak - To ask the Minister for Urban Services - With regard to the ACT Emergency Services (Police, Fire and Ambulance)

(1) Under the current ALP Government, which current emergency services facilities will be maintained at their present location.

(2) What numbers of personnel and what levels of equipment necessary for the provision of their particular service will be maintained.

(3) Has the government considered the possibility of locating emergency services in order to maintain the spread of these services throughout the ACT while cutting administrative costs.

(4) If so, where will these amalgamated services be situated, what cost will be incurred in that co-location procedure and what savings will this ensure in future years.

(5) If not, why not. Will the Government undertake to investigate the need to colocate these services in order to maintain the level of provision of those services throughout Canberra. Will the government undertake to investigate the administrative and other cost savings which could be made by such co-location.

Mr Connolly - the answer to the Members question is as follows:

1- 5 A review of the ACT Fire & Emergency Services (ACT Fire Brigade, Rural Fire Service & ACEmergency Service) is currently being conducted. The final report from the consultants is expected soon. The terms of reference include the identification of potential improvements in the delivery of services any overhead savings. Accordingly, the need for the current Fire and Emergency Services facilities will be examined on receipt of the report.

The AFP, ACT Region, Rescue Squad is currently housed within the AFP Wesson Services Complex. It is not envisaged that this arrangement will change.

The Government has already taken steps to ensure that the Ambulance Service operates from four ambulance stations at all times.

MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION 484

Physiotherapy Service - Weston Creek

Mr Stefaniak asked the Minister for Health - With regard to the provision of physiotherapy for the aged in the Weston Creek area:

1. Will the ALP Government undertake to provide an accessible physiotherapy service for the elderly in the Weston Creek area. How will that be achieved.
2. What would be the cost and extent of availability of such a service to the elderly as an adjunct to and using the facilities of the physiotherapy service being provided for school age children at the Child Health Care Centre at Holder.

Mr Berry - The answer to Mr Stefaniaks question is:

1. Following a decision of the Alliance Government, Weston Creek Health Centre closed in January 1991 and the Physiotherapy Service transferee to Phillip Health Centre.

The Physiotherapist at Phillip Health Centre provides a physiotherapy service to the Woden/Weston area. Woden is accessible by the same buses that travel through Weston Creek and the distance between bus stop and Health Centre is roughly comparable in Woden and Weston.

Private transport is used by the majority of clients who attend Phillip Health Centre, as-was the case with Weston Creek Health Centre, but in some circumstances clients may need to use the special transport provided by Community Services.

Phillip Health Centre, having a larger range of services, is able to provide a more comprehensive community health service to its clients than Weston Creek could with its very limited range of services.

A recent survey has shown that of the clients who attend Physiotherapy at Phillip Health Centre, 52% are on a pension or benefit and 57% of those are on an aged pension. This is a higher proportion of aged than any other Canberra Health Centre Physiotherapy clients.

3410

17 September 1991

2

Space at Weston Creek is no longer available to provide a full physiotherapy treatment service. The Physiotherapist is however providing a consultation service and liaising with community groups in the area.

As a result of the Alliance Governments decision services at Weston Creek Health Centre were cut, the building gutted and refurbished for the Independent Living Centre. The Labor Government was not returned early enough to reverse this decision.

2. Space is not available at Holder Primary School for community physiotherapy services. Special Physiotherapy services for children require a different set of equipment and facilities to those for the aged.

3411

MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION 556

Health Portfolio - Consultants

Mr Kaine - asked the Minister for Health on Notice on 7 August 1991:

1 In the period from 6 June 1991 to 6 August 1991, what consultants were employed by (a) the Minister; and (b) each agency in the Ministers portfolio.

2 For each consultant employed, what was (a) the purpose; (b) the duration; and (c) the cost of the consultancy.

Mr Berry - the answer to Mr Karnes question is as follows:

1(a) The Minister has not employed any consultants in the period from 6 June to 6 August 1991.

1(b) A full list of consultancies for ACT Health indicating the purpose and cost of each consultancy is attached. The period covered is from 1 June 1991 to 31 July 1991 as this is the accounting period for which information is readily available. All expenditure listed in the Attachment has been paid within this time period. Some of the consultancies listed are not completed and are identified in the Attachment by the word "Ongoing".

3412

17 September 1991

A.C.T. HEALTH

Cost of Consultants Fees Pairs Fn Services Rendered From 1 June 1991 to 31 July 1991

Name of Consultant Purpose Duration Cost to Date

TASK Staff Selection Service Complete \$66,685

The Reark Group Research For Advertising Changes to Complete \$8,950

Hospital Services

Claire Bunday Training Courses Consultancy Complete \$5,250

Adept Software Data Transfer Requirements Complete \$500

Walter & Associates Internal Audit Control Complete \$4,430

Professor Geoff Bishop Shared Obstetrics Care Seminar Complete \$595

NAP Monitor Electronic Media Monitoring Ongoing \$1,679

Rochford Bancroft & Assoc 90/91 Annual Report Complete \$3,660

Peter Fox Weekend Training Workshop Complete \$1,500

Kim Sattler Collation & Analysis Youth Research Complete \$480

Project

Coopers & Lybrand Management & People Skills Prog Complete \$25,747

Beclex Pty Ltd Organisation & Development Complete \$3,406

Deaf Society of NSW Deafness Awareness Training Prog Complete \$310

Mr E OBrien Chairperson Staff Appeal Board Ongoing \$2,142

Inverell District Health Staff Training Complete \$544

Service

Health Computing Service New Pay Consultancy Complete \$400

Management & Technology Information Technology Strategic Complete \$16,500

Consulting Plan

Management & Technology Feasibility Study Health Centre Complete . \$7,300

Consulting

Ron Brown & Associates Forward Management Plan Complete \$12,000

Alcohol & Drug Service

Peter Perfreyment H.I.V. Update Complete \$2,800

Tower Computing Services Computing Consultancy Complete \$1,800

3413

A.C.T. HEALTH

Co Tech Management Preparation of Script for Complete \$150
Ophthalmologists
Kizclip Pty Ltd Public Relations Ongoing \$7,833
Elaine Harris Casemix Development Ongoing \$1,442
Judy-Anne Dawson Casemix Development Ongoing \$2,164
Employee Assistance Staff Counselling Service for Ongoing \$59,167
Program Financial Year Ending June 1992
Premiere Service Managing Organisational Change Ongoing \$8,000
Communique Solutions Public Relations Ongoing \$8,000
Messenger Financial Redundancy Counselling Complete \$150
Services
Cameron Weighs Redundancy Counselling Complete \$150
Civic Securities Pty Ltd Redundancy Counselling Complete \$150
D & H Computing Computing Consultancy Complete \$320

Effective Business System: Computing Consultancy Ongoing \$895

Premedical Pty Ltd Womens Health Information Complete \$973
Strategy
Family Planning Womens Health Information Complete \$973
Association Strategy
Harris Van Meegan Staff Selections Services Complete \$625
Consultants Pty Ltd
rattan Dugbaza Non- English Speaking Youth Complete \$2,100
Research Project
Anne Walls & Associates Nurse Career Structure Complete \$675
HL Consultants Pty Ltd Respiratory Medicine Complete \$1,150
Lee Armstrong Computer Consultancy Complete \$1,920

3414