



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

26 November 1991

Tuesday, 26 November 1991

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

PETITIONS

The Clerk: The following petitions have been lodged for presentation, and copies will be referred to the appropriate Ministers:

Non-Government School Funding

TO THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

The petition of the undersigned shows that:

They believe that:

the decision to cut funding to the Canberra Grammar School, Canberra Church of England Girls' Grammar School and the A.M.E., without prior consultation, is unfair to parents who choose these non-government schools, and destabilising to the schools themselves.

They are concerned that:

this discriminatory attack on some parents represents a real threat to all parents who choose non-government schools for their children and contradicts the concepts of social justice and equity espoused by the Follett Government.

Your petitioners therefore request the Assembly to restore to the three schools the funding in place before the Budget and to ensure that an independent inquiry is undertaken to develop an equitable system of funding for the education of all ACT children.

By **Dr Kinloch** (from 5,000 residents).

Organochlorines

To the Honourable Chief Minister and Members of the ACT Assembly

The petition of the undersigned expresses extreme concern over the current state of regulations in the ACT that provide for the use of organo-chlorine pesticides for the control of termites in the ACT.

The risk to the health of workers, the community and the environment is far too great to allow the practice of applying organo-chlorines to continue.

Your petitioners want you to exclude the use of organo-chlorines in the ACT by way of Legislative or Regulation alteration immediately to protect the health of people and the environment alike.

By **Mr Wood** (from 619 residents).

Petitions received.

QUESTIONS WITHOUT NOTICE

Payroll Tax

MR KAINE: I address a question to the Chief Minister and Treasurer. I ask whether the Chief Minister and Treasurer agrees with the proposition to do away with payroll tax as part of a financial restructuring, as proposed in the Hewson program for reform?

MS FOLLETT: Mr Speaker, I thank Mr Kaine for his question. I think that I have made my views on Dr Hewson's proposal fairly clear. I truly believe that for the ACT, which is the area that I represent, Dr Hewson's proposals would see wholesale unemployment in the public sector. Because of the size of the public sector in our economy, it would lead also to a massive downturn in all of our industries and to a rise in unemployment there as well. For the ACT, what Dr Hewson has proposed would be an utter disaster, viewed on that basis alone.

There are, of course, other grave problems with Dr Hewson's proposal. On the issue that Mr Kaine has specifically asked about - payroll tax - I should say, first of all, that it would be a great pleasure for me to abolish payroll tax; but I would do so only if I could find another source for the \$85m or so current revenue from payroll tax in the ACT. At present, it is patently obvious to me that nobody has come up with a viable alternative to payroll tax.

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Another particularly pertinent point in relation to payroll tax, as I am sure Mr Kaine knows, is that small businesses do not pay payroll tax. Small businesses do not have a payroll in excess of half a million dollars, which is the threshold for the payment of payroll tax. A vast number of ACT businesses fall into the category of small business. So, even if payroll tax were to be abolished, they would not benefit from a 7 per cent reduction in payroll tax, because they do not currently pay it. On the other hand, they would, of course, be required to pay a 15 per cent goods and services tax. So, how anybody could possibly argue that small businesses would be better off under that regime and would employ more people, I simply fail to see.

Because of the predominance in our business sector of small businesses, the abolition of payroll tax would seem to me to put them on the same basis for doing business as large businesses. Whilst they might benefit from the abolition of the 7 per cent payroll tax, they would be put in exactly the same tax position as big business. It seems to me that that would be very much to their disadvantage.

I think that there are grave problems with the scheme that Dr Hewson has outlined. My interest, of course, is in the impact of Dr Hewson's proposal on the ACT. It is my firm belief that it would be disastrous for the ACT if Dr Hewson were ever to come to power - I do not believe that he will - and if he were ever to implement this posterous proposal that he has outlined.

MR Kaine: I have a supplementary question, Mr Speaker. Since the Treasurer clearly demonstrates her absolute ignorance of the general proposals put forward by Dr Hewson, I again ask the question: Are you in favour, or not in favour, of the abolition of payroll tax through adjustment of the Commonwealth-State financial relationship? You did not answer the question, and I ask it again.

Mr Berry: I take a point of order, Mr Speaker. The question has been fully answered.

MR SPEAKER: That is not a point of order, Mr Berry. It is up to the Chief Minister to decide whether she wishes to take the question further or not.

MS FOLLETT: Mr Speaker, I believe that I have answered the question.

Draft Territory Plan

MR MOORE: Mr Speaker, my question is directed to Mr Wood as Minister for Planning. In the house the other night - I will not reflect on a vote - I quoted from page 73 of the Planning Report of the Draft Territory Plan:

pending proposed joint studies with the NCPA, the Territory Plan cannot at this stage incorporate a comprehensive strategy for the ACT's longer-term development.

Mr Speaker, as you will recall, I moved an amendment in order to provide, in some way, for a long-term strategy for the ACT's development. Since that amendment was defeated by a vote of Labor and Liberal, Mr Wood, can you tell us, with reference to planning, what you are doing to establish some kind of longer-term development strategy in the absence of one?

MR WOOD: The statement in the draft Territory Plan is a comprehensive long-term strategy. Let me first emphasise that the plan remains a draft. That must be clearly understood. It is not something written in concrete that is not going to change.

The draft plan already incorporates numbers of strategies that are carried over. It was indicated that there were no comprehensive strategies. I have looked at that question before. Since Mr Moore raised it, I have been looking most carefully at the strategies from existing plans that are being incorporated, to see whether there are any holes. I agree that it is important that Canberra maintain its reliance on properly prepared planning strategies. There is no question about that, and we will see that it happens. If the draft plan does not encompass all the strategies, I can assure you that the final plan certainly will.

MR MOORE: I have a supplementary question. How can you expect people to respond to a draft Territory Plan that contains the words "cannot at this stage incorporate a comprehensive strategy of the ACT's longer-term development"? How can you expect people to respond to a plan that has no longer-term basis - a draft plan, in other words?

MR WOOD: People can respond very simply. They can respond at great length to that plan because it does not lack detail, Mr Moore. It does not lack vision for the future. If you believe that there are holes, I invite you to make your submissions - you were able to make them most readily to me - and we will consider everything that is proposed to us.

Health Budget - Staff Reductions

MR JENSEN: My question is directed to Mr Berry in his capacity as Minister for Health. I remind the Minister of his answer to a question by Mr Humphries in this Assembly last week. It would appear that there is possibly going to be a delay in finalising the staffing levels within the Department of Health - if there was any information at all in the answer that we got last week. Is the Minister confident that he will be able to achieve the expenditure targets for salaries set for his department by the budget?

MR BERRY: Mr Speaker, the question that has been raised by Mr Jensen relates to discussions which will occur between Board of Health management and staff within the health system. I think Mr Jensen understands that this is, by its very nature, a very sensitive process because it involves unions joining with management to identify and, where possible, agree to savings within the health system. He asks whether I am confident that the Board of Health will meet its budget.

Mr Jensen: Salaries budget, I said.

MR BERRY: Salaries budget. I will talk in terms of its budget. I have to say that, in terms of employees, agreement has been reached between the TLC and ACT Health on a process for addressing the health unions' concerns. In particular, you may be aware, Mr Jensen, that ACT Health has created the position of union liaison officer to work in that process. This officer's role is to assist not only the TLC, but ACT Health as well, by examining proposals relating to changes in staffing profiles and acting as a conduit between the council and ACT Health. The officer also plays a vital role in assisting health unions to reach a common understanding and position by coordinating their responses to proposals for formal consultation.

The Government is committed to ensuring that savings in health are achieved; but it has to be accepted that, to achieve this, the consultative process has to be a sound one and all unions must be involved in the process. So far, that has proved advantageous to both the health unions and the Board of Health management, and I am sure that the outcome in the ACT Board of Health budget will be a satisfactory one. But I want to emphasise that the Government's budget for health is a tight budget, and it will require a great deal of dedication by managers within the health system to deliver that budget.

The Board of Health has said to me that it will live within budget, and I am prepared to accept that the board means what it says. Unlike some other members of this Assembly, I am prepared to let the board get on with managing the health system. I am prepared to make sure that they are given the sort of space that they need to manage the ACT health system, including their budget. I am confident that the board will do their best. They have said that they will, and I expect a good outcome.

MR JENSEN: I ask a supplementary question. In view of the fact that there was no clear indication in the answer given by the Minister that the positions have been identified, I ask: Does the Minister believe that there is sufficient time now to enable the salaries budget of the Health Department to be met, or are we likely to see another blow-out in the health budget?

MR BERRY: The supplementary question, Mr Speaker, was very much the same as the initial question, and it requires the same answer. Mr Jensen again seeks to interfere, I suggest, in the process of - - -

Mr Humphries: He wants to know what is going on. That is his prerogative. He is a member of parliament. He is entitled to know.

MR BERRY: May I have a bit of order, Mr Speaker?

MR SPEAKER: Yes, Mr Berry. Please proceed.

Mr Kaine: We would like a bit of ministerial responsibility. When are we going to get that?

MR BERRY: You will get all the ministerial responsibility that you can stand, Mr Kaine. Coping with competent and loyal Ministers is something that you would not be able to manage.

Mr Jensen: Mr Speaker, I take a point of order on the grounds of relevance.

MR SPEAKER: Thank you, Mr Jensen. Please come to your conclusion, Mr Berry.

MR BERRY: In relation to staffing questions, I say again to Mr Jensen that the Board of Health have said to me that they will deliver on the budget, and I accept their undertaking.

Non-Government School Funding

MR HUMPHRIES: Mr Speaker, my question is addressed to the Minister for Education. I understand from media reports that the Minister has agreed to conduct an inquiry into the funding of non-government education in the ACT. I welcome that change of heart by the Government. I wonder why yesterday it was too late for an inquiry, when today it is not. My question is: Who will conduct this inquiry, and what will its terms of reference be?

MR WOOD: I have not put out a media report as such, save in the sense of giving an interview to one of the television stations ahead of the MPI. I will debate these matters in the MPI discussion, Mr Humphries.

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Government Flats, Northbourne Avenue

MR STEVENSON: I direct a question to Mr Connolly on behalf of the residents of the government run flats along Northbourne Avenue. These include Lyneham Flats, Owen Court, Condamine Court, Northbourne Flats and also the flats closer to Civic. Some residents have been concerned about rumours of possible redevelopment along Northbourne Avenue. Is the Minister aware of any negotiations, either official or unofficial, which could possibly result in any of the flats I have named being affected by development proposals?

MR CONNOLLY: If Mr Stevenson had read the *Canberra Times* of a week or so ago, he would have noted the statements that the Chief Minister had made in relation to the ACT's initiative under the better cities program, which is focusing in the first instance on redeveloping a block of flats owned by the Housing Trust near the tourist information centre at Dickson - the Dickson flats.

Indeed, what the ACT Government is intending to do as part of the better cities program - an initiative of the Federal Labor Government, which is getting on with the job rather than merely talking about it, which is all that people opposite can do - is not to flog off publicly owned flats to private sector mates but, rather, to redevelop as a public housing precinct very run down, poor quality, late 1950s and early 1960s public flats which are really most unpleasant. They leave a lot to be desired, aesthetically. They have provided accommodation for many years, but their time has now come.

The Housing Trust is talking with the tenants of the affected flats and the proposal, which I think was referred to in that article, is that - - -

Mr Humphries: What does Ellnor think about all of this? Have you asked Ellnor?

MR CONNOLLY: Mrs Grassby is very enthusiastic about upgrading public housing. When Mrs Grassby was the Minister responsible for public housing, she did a lot to improve the quality of the public housing stock in this Territory. That commitment is being carried through by this Government. This is not a case of flogging off public housing assets to private sector developers. Rather, it is a case of upgrading those particular blocks of flats.

The intention, which I think was referred to in that article, is that the existing tenants of the first block will be found alternative and appropriate accommodation in the area - in the area where they have lived for many

years - then the first block will be redeveloped, which will provide more and better quality accommodation for the public tenants of the second block, and so the redevelopment proposal will go ahead.

It is abundantly clear to anyone who looks at the state of some of the flats that were built in the late 1950s and early 1960s in Canberra that they leave a lot to be desired and that it is appropriate, as part of redeveloping the inner parts of Canberra, that we upgrade the quality of our public housing in the inner city area. This Government is proud to be part of a project of upgrading the quality of the public accommodation in the inner city areas in collaboration with our colleagues in the Federal Government.

Chapman Hostel

DR KINLOCH: My question is addressed to Mr Connolly in his role as Minister for Community Services. I have talked with some very worried parents of residents of Chapman Hostel and the respite care centre in Finness Crescent run by Intellectual Disability Services, and there is a letter on this subject in the *Canberra Times* today. The parents have several concerns - including, they claim, an inadequate number of nursing staff but, more specifically, medical and personal problems for female residents when there are no female staff, especially nursing staff, on duty. These parents would also welcome parental representatives on a board of management, which I understand was an initiative when Mr Collaery was Minister. Could the Minister undertake to look into and respond to these matters?

MR CONNOLLY: I thank Dr Kinloch for the courtesy of giving us some advance notice that he would be asking this question, so that we can respond in some detail. After I have responded I offer Dr Kinloch the opportunity to speak to officers of my department, who can fill him in on further detail. When a new career structure was introduced in August 1990 for staff working within IDS, IDS nursing resources were transferred to the ACT Board of Health as a part contribution to establishing the Community Nursing Service's intellectual disability program. So, the program that was once run within IDS solely is now split across the two portfolios - my colleague Mr Berry's health portfolio and mine.

The transfer occurred only after the nursing needs of IDS residents were assessed and parents were consulted. IDS's own staff were able to pick up many of the duties that had previously been undertaken by nurses, such as management roles. However, IDS has contracted the Community Nursing Service to ensure that residents' nursing needs are met.

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The proposed budget reduction for community nursing, which Mr Berry has answered some public questions on, is a matter, of course, between Treasury and the Board of Health.

With regard to the sex of the IDS staff: The IDS work force is predominantly female and I am advised that it would be on only rare occasions that there would be no female staff rostered to work at Finnis Crescent. Dr Kinloch raised the appropriateness of a respite care service with female clients and no female staff. That is an issue to which perhaps some more care and attention needs to be given, so that in rostering arrangements we ensure that we do not have only male staff present when there are female clients. However, as I say, overwhelmingly the staff is in fact female.

Committees of management have been established and are operating for all IDS hostels, villas and houses. Parents have been involved from the outset in these committees of management. We hope that in the future some of the parents will take on the role of chairing some of the committees of management. So, we are determined that there be appropriate participation by the parents of the clients.

Parking Tickets - Taxis

MR DUBY: My question is directed to Mr Connolly, the Minister for Urban Services. I have been approached by a number of constituents employed in the taxi industry who are concerned at the dedication being displayed by parking inspectors, in particular with regard to taxis. They are concerned that some inspectors seem to be more than enthusiastic and less than flexible in relation to cabs. In particular, the problems they have been having occur while they are attempting to drop elderly and infirm passengers off where the passengers have asked to go right up to the destination. This often involves a no-standing zone. Inspectors are issuing tickets to drivers even though their motors are still running and they have not even left the vehicle. I understand also that a number of approaches have been made to your office and also to Parking Operations to resolve the situation, apparently without success. First of all, are you aware of the problem? Secondly, can you give an undertaking to investigate the complaint and perhaps give a direction to the Parking Operations office to be a little more flexible towards the worthwhile taxi drivers of the city?

MR CONNOLLY: No doubt the staff in Parking Operations are an eager and enthusiastic staff working for an eager and enthusiastic Minister.

Mr Collaery: Self-praise is no recommendation.

MR CONNOLLY: It was praise from Mr Duby. I certainly will take up Mr Duby's concerns. As Mr Duby would be aware, having held the office, it is not uncommon for the phone to be ringing fairly constantly with complaints about parking matters. Generally speaking, issues which involve an exercise of discretion tend to be left for Parking Operations, which decides whether or not to waive a ticket. The parking inspectors are subjected to quite a bit of abuse from members of the community. None of us like getting parking tickets and staff often do cop a bit of abuse.

I must say that I am not familiar with the circumstances that Mr Duby raises by way of complaint. If elderly persons are being dropped off by taxi drivers and motors are still running, it does seem a little rich. I will certainly investigate the matter and report back to Mr Duby.

Non-Government School Funding

MR COLLAERY: I ask the Treasurer whether she regards the appropriations made in her budget for non-government schooling to be fair and reasonable.

MS FOLLETT: Yes, of course I do.

Alcohol Abuse

MR STEFANIAK: I refer the Minister for Health and Minister for Sport to his statement last week in relation to the Government's so-called four-point plan to counter alcohol abuse, and specifically to his plan to use Health Promotion Fund money for part of that program, in relation to binge drinking by the young. Is it true, though, Minister, that you are in fact proposing to use \$471,000 per annum from that fund for that program, which would be over half of the money available to that fund?

MR BERRY: No.

Government Computing Service

MRS NOLAN: My question to the Chief Minister refers to the ACT Government Service. What controls over consumables currently operate within the ACT Government Computing Service?

MS FOLLETT: I thank Mrs Nolan for that question. It concerns a matter on which I do not have any information with me, but I am happy to take the question on notice and to make sure that Mrs Nolan gets a full reply to it.

ACTION Buses - School Hire

MR HUMPHRIES: My question, which is addressed to the Minister for Urban Services, relates to ACTION hiring buses to schools for excursions. What is the maximum number of children ACTION permits to be carried on buses hired by schools?

MR CONNOLLY: I thank Mr Humphries for the question. His office was kind enough to notify me in advance that he might be interested in the matter. I would not have been able, off the top of my head, to tell you the maximum number of persons permitted on the various types of buses. The capacity varies according to bus type and configuration. The basic types are the rigid buses and the articulated buses. The basic seating capacity for rigid buses is 43 seated, plus 22 standing, being a total of 65 persons. Articulated buses have a seating capacity that varies between 59 and 71 and, with standing capacity, can carry a total of 110 persons. Those figures are conservative compared with loading capacities that are used elsewhere.

Any passenger overcrowding on ACTION's commuter and school services is reacted to by any or a combination of the following responses: In the case of school services, ensuring that users are aware of the capacities and recommending alternative and possibly better services, replacing a rigid bus with an articulated bus or operating an augmented service, that is, putting an extra bus on; where special hires occur, ACTION staff advising the potential hirers of the best configurations of buses for the number of passengers planned to be carried - and ACTION drivers, who are very safety conscious, are usually very quick to point it out if they feel that the safe capacity of a bus is exceeded.

After being notified of the question, I made some inquiries about whether there were any known incidents of problems. ACTION sources were unable to tell me of any. But, if Mr Humphries is aware of any incidents of safety standards being exceeded, I would certainly ensure that an investigation occurred and that Mr Humphries was advised of the outcome.

MR HUMPHRIES: I ask a supplementary question. Is the Minister saying that the maximum carrying capacity on ACTION buses is the same irrespective of whether the bus is being used for taking children to and from school at the beginning and end of each day or whether it is being hired by schools for excursions?

MR CONNOLLY: I am advised that when schools hire a bus for an excursion they are asked how many children will be going and they are given a bus that meets that safety standard. So, schools are told the safety standard which - - -

Mr Humphries: There is supposed to be a maximum number of kids it can carry?

MR CONNOLLY: Yes, 43 seated plus 22 standing, making a total of 65 persons for a rigid bus, and the other figures I gave for articulated buses.

Mr Wood: They normally do not stand on excursions.

Mr Humphries: That is the point I am getting at. He is saying otherwise.

MR CONNOLLY: Normally, one would expect that the children would have seats. That is expected. But they are the safety standards, which are conservative by - - -

Mr Humphries: There is a lower capacity for hire buses?

MR SPEAKER: Order, Mr Humphries, please!

MR CONNOLLY: There is a safety standard. The schools are told what the seating capacity is. I would be happy to make officers available to take Mr Humphries through this in greater detail - even to take him for a ride on a bus, if he would like.

Asbestos Removal

MR JENSEN: Can the Minister for Urban Services advise what provisions are in the contracts for asbestos removal from residences in the ACT to protect and compensate residents for damage caused during the asbestos removal process? Will the Minister table the contracts in the Assembly or at least make them available for public inspection, particularly those sections relating to compensation to house owners?

MR CONNOLLY: I certainly have not got the contracts with me. I can see no difficulty in providing such contract information to the Assembly. Generally speaking, persons are compensated. Occasionally there are disputes with individuals who feel that their garden, pet or what have you is subjected to inappropriate treatment. The policy is that the department goes in and does the work or has the work contracted and the people come back into the house. Their house ought to be in the condition it was in when they left.

Mr Moore: Minus the asbestos, of course.

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MR CONNOLLY: Yes. Mr Moore hastens to remind me that it ought to be in the condition that it was in, minus the asbestos. I will certainly obtain the contract provisions and provide them to Mr Jensen either in the house or otherwise.

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

Land Tax

MS FOLLETT: On 21 November Mr Moore asked a question without notice relating to the possible quarterly collection of land tax and the cost of such a possible quarterly collection. I have a fairly lengthy answer. I seek leave to incorporate it in *Hansard*.

Leave granted.

Answer incorporated at Appendix 1.

Health Budget - Staff Reductions

MR BERRY: Mr Speaker, on 21 November Mr Kaine asked a question without notice in relation to staff changes in the Department of Health. I have a lengthy answer. I seek leave to incorporate it in *Hansard*.

Leave granted.

Answer incorporated at Appendix 2.

Adolescent Ward

MR BERRY: Mr Speaker, I also have a response to a question raised by Ms Maher on 20 November. It is in relation to the adolescent ward. I seek leave to incorporate the answer in *Hansard*.

Ms Maher: It is not going ahead.

MR BERRY: You will be able to read it in the transcript.

Leave granted.

Answer incorporated at Appendix 3.

**SUBORDINATE LEGISLATION
Papers**

MR BERRY (Deputy Chief Minister): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I table the following subordinate legislation in accordance with the schedule of gazettal notice for an exemption and notice:

Building Act - Adoption of Building Code of Australia (S105, dated 1 October 1991).

Tobacco Act - Exemption No. 100 of 1991 (S135 of 1991, dated 22 November 1991).

**PREMIERS AND CHIEF MINISTERS MEETING
Ministerial Statement and Paper**

MS FOLLETT (Chief Minister and Treasurer) (3.03): Mr Speaker, I seek leave to make a statement on the meeting of Premiers and Chief Ministers in Adelaide.

Leave granted.

MS FOLLETT: I thank the Assembly. Mr Speaker, last week I attended a meeting in Adelaide of Premiers, Chief Ministers and the president of the Australian Local Government Association. I would like to provide a brief description of the various outcomes of the meeting and their implications for the ACT.

Our discussions in Adelaide will lead to significant advances in micro-economic reform and national efficiency. They will also have a number of important beneficial effects on the everyday lives of people in this community. In particular, our agreement on gun control and anti-violence measures is a significant step in containing levels of violence in our society.

I am especially pleased to report the decision taken on a matter which I initiated - that of taking immediate action to ensure the portability of domestic violence restraining orders across borders. The ACT's special relationship with New South Wales makes this reform particularly important for us in containing levels of domestic violence in the community. A further important measure to control domestic violence is the agreement by State and Territory leaders that, where a protection order is made against a violent offender, all firearms and other dangerous weapons in the possession of that person are to be confiscated automatically during the currency of the order. Mr Speaker, this important mechanism is already in place in the ACT.

Agreement was reached on a range of other gun control and anti-violence measures, including a proposal from the Commonwealth for the establishment of an annual award for the most effective and practical contribution to reducing violence in the community.

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In the area of micro-economic reform, Premiers and Chief Ministers received a report from the chairman of the National Electricity Grid Management Council, Mr John Landels, on the progress of the council's work. The council has considered a draft national grid protocol and a timetable on the need for additional generating capacity. The draft protocol will be used as a basis for a round of public consultations starting next month. Progress made by the council is particularly important to the ACT, as we are its sole consumer member. At the Adelaide meeting, I emphasised the need to establish a firm timetable for improved consumer access to the electricity grid.

I received an assurance from Mr Landels that the council will be pursuing the process for direct arrangements between customers and generators and will advise State and Territory leaders of the timetable for this at our next meeting.

Mr Speaker, to turn to regulatory reform: An agreement was signed to implement mutual recognition of goods and qualifications between jurisdictions. Under the agreement, goods which can be sold lawfully in one jurisdiction can be sold freely in other jurisdictions. Similarly, occupational qualifications will be recognised across State and Territory borders. This arrangement creates a common market for goods and services in Australia's States and Territories. For the ACT, it is particularly important in view of our close relations with the surrounding region of New South Wales.

An agreement was also signed to establish a national framework for regulating building societies and credit unions, sometimes referred to as non-bank financial institutions. This is another important initiative in terms of micro-economic reform. Through measures to ensure the stability and security of these institutions, the agreement will enhance consumer protection and investor confidence.

A further outcome of the Adelaide meeting was agreement to a national scheme for regulating and registering light vehicles. This will result, for the first time, in uniform rules of the road across Australia.

State and Territory leaders also agreed to finalise with the Commonwealth an intergovernmental agreement on the environment. The completion of this agreement is essential to ensure effective intergovernmental cooperation in environmental matters. For the first time, all levels of government in Australia will set out their roles and responsibilities in environmental policy and management matters.

The Adelaide meeting also resulted in significant outcomes on issues relating to the reform of the Australian federation and intergovernmental financial arrangements. State and Territory leaders reaffirmed their commitment to an arrangement for tax sharing with the Commonwealth and endorsed the establishment of a council of the federation as an ongoing forum to examine taxation issues, the allocation of responsibilities for providing services, and other issues requiring intergovernmental consideration.

Details of the outcomes of the Adelaide meeting are contained in a communique released at the end of the meeting. I shall table this document for members' information.

I should like to conclude, Mr Speaker, by noting that the discussions in Adelaide were conducted in a cooperative and productive spirit. We reached significant and far-reaching agreements across a wide span of issues which are essential to the country's social and economic well-being. But we also recognised that the further reforms now needed to the way we go about government in Australia will be best progressed by the involvement of the Commonwealth Government. We have therefore written to the Prime Minister proposing mechanisms to achieve this involvement. Mr Speaker, I believe that we can look forward to further benefits to the ACT from our cooperation with the States, the Northern Territory and the Commonwealth Government.

I present the following papers:

Premiers and Chief Ministers Meeting - Adelaide, 21-22 November 1991 -

Communique

Ministerial statement, 26 November 1991.

I move:

That the Assembly takes note of the papers.

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

NON-GOVERNMENT SCHOOL FUNDING Discussion of Matter of Public Importance

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

The need for an urgent inquiry into the funding of non-government education in the Territory.

MR HUMPHRIES (3.09): I raise an issue that is obviously of concern to citizens of the Territory and appears to be of concern even to the Government at the present time, although there has been some period - - -

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Mr Wood: I do not know why you get that impression.

MR HUMPHRIES: Perhaps we will come to that part of the debate shortly. It does appear, to quote some poetry, that there has been some movement at the station because the word has got around that there seems to be a bit of a problem with non-government education.

Mr Kaine: Old Regret has got away and they do not know about it yet.

MR HUMPHRIES: They do not know about it. The horse has well and truly bolted. There appears to be something here that has got the Government jittery. I suspect that it is the moves that were announced yesterday by members of the Opposition to deal with the problem of inequities in the non-government school funding arrangements in this Territory. I think it shows that pressure does pay off and that the Opposition in this case has succeeded in gaining an important concession from a reluctant Government - and "reluctant" is very much the word I emphasise.

I understand, and it is open to the Minister to correct me if I am wrong, that there will be some sort of announcement during this MPI about plans the Government has to proceed with an inquiry into non-government education. He certainly indicated that earlier today, and I suspect that we are going to see details of it later.

Ms Follett: No, you are not.

MR HUMPHRIES: We will see about that.

Mr Berry: Seek leave to move a motion.

MR HUMPHRIES: I intend to. Give me time, Mr Berry. Stay calm; I know that a bit of action on the question of non-government education is a very exciting thing to happen. I know that you are a bit panicky. I know that the old knuckles are going a bit white at the moment. But do not worry; we will get to that matter very shortly.

I have foreshadowed a motion, which I understand is being circulated at the moment, dealing with the question of an inquiry into non-government education funding procedures in the ACT. I will not read that into the record, because it will appear in due course. I believe that this represents a very important step towards restoring a measure of equity to an area that thus far has not experienced equity in any large measure. The reconsideration of the arrangements the Territory uses to fund non-government schools is greatly overdue. While I was Minister for Education I moved, through the release of a green paper on non-government education, to look at this question. I was unable to complete that exercise because of the change of government, and I am concerned that the present Government might drop the ball on this subject if not prompted to take action.

There is no question that we need to examine this area very carefully, and the matter of public importance, I believe, is appropriate. The question of funding of non-government schools in the Territory has been a vexed one for some time. A number of non-government schools have, for a number of years, made submissions to successive Federal and ACT governments about the appropriateness of arrangements being used in the Territory. For example, concerns have been expressed by the Canberra Grammar School, that is, the boys grammar school, about the appropriateness of its classification for Federal Government purposes as a category 1 school - a school receiving the minimum amount of Federal Government subsidy.

The ACT for many years has used Federal Government categories as the basis for its own funding of those schools. The question needs to be asked whether that is an appropriate course of action. The submission I make, and it is inherent in this matter of public importance, is that those categories are not appropriate, that the ACT should move to its own local or idiosyncratic method of funding which reflects local requirements and local needs and abandon the Federal Government's guidelines and categories as a basis of funding of ACT non-government schools.

Funding changes are very much in the wind, with the announcement last week of Dr Hewson's package; but, unfortunately, we have to wait a year or so before that can come into effect with the return of a Federal coalition government. In the meantime, we can certainly examine the appropriateness of our own arrangements in that respect, and I believe that this is an appropriate first step.

A number of particular issues would have to be examined by an inquiry such as that which I have foreshadowed in this MPI. One question that is particularly important to the preschool sector and gives rise to the reference to preschools in the MPI is the iniquitous situation in which non-government preschools find themselves in the ACT relative to non-government preschools in other States and Territories.

My advice - I would not swear to it absolutely, but I believe that it is accurate - is that the ACT's non-government preschools are the only ones in the entire nation that do not attract a measure of government funding. While I was Minister, the Montessori Society approached me about rectifying this problem. I regret that there was not time to deal with that matter before leaving office, but I believe that an inquiry such as that which I am foreshadowing now will be an appropriate way of examining that question.

I certainly understand the problems the Territory faces with respect to funding of anything at the present time. I know that it is difficult for us to find money for essential services; but I believe that in engaging in the

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process of adjustment to meet State-type levels of funding in the Territory, to the extent that we see that as appropriate, we must also be aware that there are certain levels of funding that are lower than State standards and that we ought to be considering raising to those State standards. I have mentioned on previous occasions that the two areas that particularly stood out in the eyes of the Commonwealth Grants Commission were the funding of mental health services and non-government education. I submit that we should examine the appropriateness of our present arrangements and improve the standing of non-government education vis-a-vis the rest of the education sector.

Going back for one moment to preschools, I remind the Assembly that ACT non-government preschools are the only ones in the country that are not funded. The situation is particularly bad for the Montessori preschool system because that system takes children from ages three to six, and in the final year, that is, five- to six-year-olds, they are in equivalent streams to those they would be in if they were in kindergarten at a primary school in the government or non-government sectors. What that means is that those children would attract funding if they were in the kindergarten stream in a non-government primary school or in a government primary school; but, being in the Montessori preschool system, they do not attract funding. That is clearly inequitable. The Montessori Society has made a number of submissions over the years, and I believe that it is high time this Assembly examined that question.

However, there is a much more important issue, with respect, and that is the question of non-government primary and secondary education. It has clearly been a matter of contention between the governments of the Territory and the non-government sector for a number of years and it is time government acted on this question. The first problem we encounter is the appropriateness of using Federal Government categories as the basis of funding ACT non-government schools. I have a table that appears in a submission made to the Labor Government by the non-government schools in the Territory; it sets out a comparison of fees for non-government schools. These are schools in category 1, that is, the level of least Federal Government funding. They are the schools that are deemed to be the most well-off.

All these schools are in the same category. They include schools such as Abbotsleigh in Sydney, the Kings School, Knox Grammar, Newington College, Scots College, Sydney Grammar School and Trinity Grammar School. All those schools I have quoted - in fact, all the schools in that schedule - charge levels of fees considerably above those charged by Canberra Grammar School. Canberra Grammar has the lowest level of fees charged in that category, with annual fees of \$4,860. That compares with \$7,900-odd for Sydney Grammar, \$7,900 for the Kings School, \$6,400 for Abbotsleigh, et cetera.

I think that indicates quite clearly that, if the marketplace, as it were, for education of this kind is any indication, there is clearly a very different socioeconomic class of people, if I might say so, using Canberra Grammar from those that use the other schools mentioned. I seek leave to table that paper.

Leave granted.

MR HUMPHRIES: It indicates quite clearly that there is a very real question of whether a school such as Canberra Grammar is most appropriately placed in category 1 at all. It is in a league with schools which, I submit - and I do not say this with any disrespect to the schools concerned, either in the ACT or outside it - are in a category that is inappropriate for the standing of that school. That school ought to be in a lower category.

The other point is that, with the decision this Government has made to cut funding to those three non-government schools, a situation will accrue where those three schools are less well funded than any other schools in their category across the country. Indeed, in the case of the Canberra Church of England Girls Grammar School and the AME School, those schools would be less well funded in category 3 than are some schools in category 1 in other places in Australia.

That must be a matter that any sensitive government should have regard to. I hope we will see that from the Government. I hope we will see movement by this Government towards taking some account of that problem. It is obviously a matter of grave concern to the non-government sector. They have argued for some time that we should not be using Federal Government categories, and I submit that now is a good time to assess whether or not we need to use those categories.

A number of questions need to be asked about, in particular, the decision made by this Government a few months ago when it brought down its budget. First of all, what evidence does the Government have that makes it believe that the three schools whose funding it has cut have the resources to survive the cut? The Minister winks at me. He thinks it is self-evident, I gather, by the tone of that wink, that there is some capacity on the part of those three schools to sustain cuts of this order - cuts of something like \$500,000 in a year. I say that that is baloney. I have seen no evidence of that. The schools concerned argue strenuously that there is no evidence of that. I think it is incumbent on the Minister to show the Assembly and the people of this Territory what evidence he has that would justify that conclusion. Clearly, there is none.

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The second question is: Did the Government know before it took the decision how these three schools would compare in their funding with all other level 1 and level 3 schools in Australia? I doubt that they did. I doubt that they had any thought about that matter. I doubt that any question of equity crossed their minds as they were considering this question in their budget. They saw these three schools as easy targets - schools whose funding could be cut because only the rich would bleat and they would therefore get away with this, politically speaking. That is an inequitable arrangement for any government to adopt as a basis for its cuts, and it is particularly heinous in this case, with those schools having their foreshadowed arrangements - that is, the arrangements they had been led to believe would be in place - cut out from underneath them by this Government's decision. It is clearly wrong; it is clearly in need of reconsideration.

I believe that the motion I will put after the MPI will deal with that question. Is the Government content with the fact that Canberra Grammar School will receive the smallest grant of any school in Australia, by a very significant margin, if these cuts go ahead? I suspect that they are content with that, but I believe that the rest of the community will not be. The matters mentioned in this motion are very important, and I will refer to them later, in the substantive debate on the motion.

Mr Berry: Why don't you seek leave to move it now?

MR HUMPHRIES: I will get leave, Mr Berry. Do not worry about that. The fact of life is that we need to know the details of the Government's inquiry. I look forward to hearing those details from Mr Wood. It is not good enough for him to respond in a knee-jerk fashion to the pressure put on him by the Opposition and say, "We will have an inquiry".

Mr Wood: No pressure; don't worry about that.

MR HUMPHRIES: The timing is funny, is it not? The timing is peculiar. The day the Opposition moves a motion to deal with this problem, the Government starts to move. What was the phrase Mr Berry used the other day? Was it "moving with the speed of a drunken sloth"? I think that is a pretty accurate description of this Government. We need to know what is going on. We cannot get those sorts of answers in question time. I hope the Minister will make them forthcoming - - -

Mr Wood: You have not asked in question time.

MR HUMPHRIES: I did ask in question time. I asked what arrangements we had for terms of reference and the charring of this inquiry. I was told, "Wait until later". Let us see the Minister put up his information about this so that we can get on with the business of making sure that schools in this Territory, whether they are government or non-government, are funded on the same equitable basis.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (3.24): Mr Humphries has had some inkling of what may happen and the Government can state that it will agree to an inquiry. We do not have any anxiety about that; we do so quite willingly.

Mr Humphries: You did not a few weeks ago.

MR WOOD: You did not ask me a few weeks ago.

Mr Humphries: I asked the Chief Minister a few weeks ago.

MR WOOD: That is a very interesting question, Mr Humphries. Eight weeks ago you had a conversation with the Chief Minister. Her response, as she recalls it, was, "Okay, present your proposal. We will wait and see your proposal". That was eight weeks ago. We have never had a proposal from you. We are not rushing to an inquiry, because we are confident about our processes. The Opposition believed that an inquiry would have some benefit. We indicated then that we would wait and see, and we can announce today that we will run the inquiry. It is a great piece of nonsense on the part of Mr Humphries to propose, as a matter of public importance, the need for an urgent inquiry into the funding of non-government education.

Mr Humphries: You just agreed to it. Is there not a need there? Why have you agreed if there is no need?

MR WOOD: Let me pick out the written words for emphasis. The MPI refers to an urgent inquiry. The budget was brought down 10 weeks ago today. Mr Humphries comes back today and says, "Let us have an urgent inquiry". There is absolutely no urgency on his part about an inquiry. In fact, he has had to be pushed and prodded and poked by other people to raise this matter here. There is no urgency, on the part of the Rally or the Independents in this Assembly, for an inquiry.

Let me repeat: The Government is confident about its processes and procedures in drawing up the budget. We do not feel that we have an urgent need, or any need, to run an inquiry. I was not going to say of my own accord "Yes, we will have an inquiry", because we are confident about what we have done. We want to be open about what we want to do. If you want to raise it, we will respond. This is an open government. This is a government that is prepared to allow the community to comment on what happens. We are quite prepared to run an inquiry procedure because we are confident that at the end of it there will be justification for what we have done, and maybe some good information will come out of it.

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Let us get away from the nonsense about an urgent inquiry - I note that the reporting date indicates that it will proceed at a proper pace - because for 10 weeks you have had the opportunity to raise this and you have not taken that opportunity. Other than today, you certainly have not asked a question at question time or proposed anything by way of correspondence or discussion with me. You have taken no steps to suggest to me that you need an inquiry. You had that conversation with the Chief Minister, and she said, "Put it up, and we will consider it". We will run an inquiry and we will do it with more enthusiasm - - -

Mr Kaine: It is noteworthy that the Chief Minister is not here to tell us what she said.

MR WOOD: I have had a conversation. I will do it with more enthusiasm than Mr Humphries has shown. Let me make one thing quite clear: The budget decision in respect of the removal of the cushioning, which forms part of the third recommendation of the motion I presume Mr Humphries has circulated, will stay. There will be no suspension of the removal of that cushioning. The budget decisions will hold, and that has to be, of course.

While agreeing to an inquiry, the Government wants to make it clear that it does so on the basis that it has confidence in its processes; it does so claiming most strongly, with every justification, that budget decisions were taken in the full knowledge of all the necessary information. I do not want you to suggest at any time or to think that our acceptance of this inquiry is based on any lack of confidence in what we have done. We have proceeded properly, justly, and in every way in full knowledge. The inquiry is not to be seen as any acknowledgment of anything else on the part of the Government.

Mr Speaker, I have seen what looks like a motion on this subject that has been circulated. It has no name on it.

Mr Humphries: I told you that I was moving it; so, of course it is mine.

MR WOOD: All right, it is yours. The Government will not accept this motion. Obviously, we need to discuss proposed terms of reference with a whole range of people. We will talk to you about terms of reference.

Mr Kaine: You have had eight weeks to do that, Bill.

MR WOOD: No, we have not. You have had 10 weeks to do something about it and you have done nothing. You have heard what I have expressed. You are completely disinterested.

Mr Humphries: You are misleading the Assembly.

MR WOOD: You are completely disinterested in this proposal.

Mr Berry: Mr Speaker, on a point of order: Mr Humphries interjected, saying that Mr Wood had misled the Assembly. I ask that you order him to withdraw that.

MR SPEAKER: Yes, I ask you to withdraw that, Mr Humphries.

Mr Humphries: Mr Speaker, I intend to take up this matter after question time, to prove that what I have said is quite true. But I withdraw, if that is what the Minister wishes.

MR WOOD: Let us not have any misunderstanding. You might go back to *Hansard* and read the questions you have asked, if you have asked any. Look at what you have said in any debate. Go back and check your correspondence on this matter, and see where you stand on it. If you have a substantive proposal, I would expect to see something in writing. This is the first we have seen - after 10 long weeks.

We are going to take it up, although we will not accept the terms proposed here. I am not rejecting all of the points raised; they are obviously the sorts of things an inquiry would be looking at. The third point obviously means that we will automatically reject this. In any case, points one and two, while quite reasonable terms of reference, need a deal of further consideration. They do not cover every aspect, and there is some further work to be done.

DR KINLOCH (3.32): Having heard Mr Humphries and Mr Wood, I want to strip down what I have heard. What I have heard is this: Mr Humphries proposes an urgent inquiry and, basically, the Government accepts that, although they do not like the word "urgent". That seems to be what has been said. I therefore welcome the Government's acceptance of Mr Humphries' proposal. There may be argument by many people about the particular terms of the inquiry, and that lies ahead; but may I, for the Rally at least, accept the proposed inquiry.

We welcome the non-government schools inquiry. After all, as part of the Education Department there is a non-government schools office. It is a crucial part of education in the Territory and deserves the same kind of attention that, for instance, the Hudson inquiry or the recent restructuring inquiry gave, although I must say that I am highly disappointed about the outcome of the restructuring inquiry. I hope that this inquiry into non-government schools will produce a much better report than the one we have recently had about so-called restructuring, which does not even address the question of teachers and the whole range of problems related to teachers in the Territory. That was completely left out of the report. I hope that in any study of non-government schools the place of teachers will be looked at.

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The Rally is happy to accept this inquiry, despite its limited range. But I would argue that there are a lot of other things to be looked at in connection with non-government schools. It could be that, between Mr Humphries and Mr Wood, the possibility of looking at these could be looked at. Let me go through them.

I welcome the suggestion that we need to look most carefully at these categories - category 1 down to category 10 - as they relate to Canberra. Canberra has a particular situation. Our schools form a particular part of the education system in this country. We are very much a pioneering system. We have some remarkable new initiatives in Canberra. Our population is not similar in all respects to other States. Certainly, we need to look at this.

One of the problems with the removal of the cushioning - which I hope will be returned by the end of today - to these three schools is the inadequacy of those categories. If those categories had not been picked up holus-bolus and made use of in the local scene, we would not have the problem we have today. We have only to look at the AME School to see the degree to which category 3 is inappropriate for the needs of that school.

There are some other things that could be considered in a non-government schools inquiry. The first is the appropriateness or otherwise of single-sex schools, or possibly the degree to which non-government schools offer a needed alternative to the mixed schools all through the public system. A report on non-government schools might be able to say to the government school system, "You offer no alternatives; you have only mixed-sex schools. What about having in the public sector some all male or all female schools? Why should they be limited to the non-government sector?". That is something that could come out of a non-government schools inquiry.

The second point is whether or not the three Anglican schools adequately provide places for all Anglican families in the diocese. Only on anecdotal evidence do I understand that that is not the case. Is there, therefore, a need for more Anglican schools, to try to cope with the large number of Anglican families in the diocese? I understand that some families cannot get in, especially if they do not have sufficient funds. That should not be the rationale for getting into a religious school. It should be based on religious motives, denominational motives.

Thirdly, there is the question of the relative merits of an examination system, based in New South Wales, as contrasted with the assessment system in the ACT. Possibly, and I will try to be open-minded about this, there could be at least one public school, state school, government school, that has another kind of examination system, just for contrast. Similarly, I would argue that within a school that has an old-fashioned and passe system - that is, the

Canberra Grammar School, which has an unfortunate system that they should throw out - perhaps they ought to offer both that one and another one. In other words, an investigation of the non-government schools would be a way to look at the excellence or otherwise of various assessment systems.

Fourthly, there is a need, on the question of non-government schools, to look at the question of schools for increasingly significant religious groups other than Christian. Setting aside the AME School, which is a non-denominational or secular school, at the moment, as far as I can see, we have only the various brands of Christian schools. Could this inquiry see whether there is room in the Territory for Buddhist, Hindu, Islamic, Jewish and other religious groupings? This is true in Sydney and Melbourne. Surely, in the national capital the non-government school system must not be limited to only one part of the Australian experience. I am struck by recent magazine articles about the wide range of religious groupings other than Christian now in Australia.

Fifthly, there is the question of social equity and social justice vis-a-vis non-government schools. This would be a good time for a report on the degree to which non-government schools, whether Christian or non-Christian, religious or secular, maintain open, low-cost or free places for students from families which would like to be part of independent education but cannot afford it. I am sure that Christian schools in particular will say, "Our schools are open to all. We do not judge people on the basis of their income. Above all, we want free, open schools for a wide range of people who can come to us". Is there social justice and social equity in these schools? Possibly, they need to build more in order to take in such people.

Sixthly, in looking at non-government schools, I would raise questions about the effectiveness of religious education. I am not going to comment on Catholic education, which I am not competent to discuss; but I do hear criticisms, especially about the three grammar schools, that their religious education is either low grade or inefficient. That may be wrong and, if so, I would be glad to hear it. But, when looking at non-government schools, this would be a chance to have several people on the panel who would look at the very core of what such schools are about. The very core of a Catholic education system is to give a Catholic education, and one senses that in Catholic schools. I do not sense it in some of the Anglican schools I go to, and I have a keen interest in those schools. I want them to be better than they are, and I wonder how many of the staff could adequately analyse the Thirty-Nine Articles.

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I especially welcome item 3 of Mr Humphries' proposal, and I will conclude with it. The Rally endorses that section, which states:

This Assembly calls upon the ACT Government to suspend proposed cuts to three non-government schools pending the outcome of this inquiry.

MR DUBY (3.41): At the outset let me say that I endorse entirely the comments that have been made by Mr Humphries in relation to the inequitable treatment the non-government schools in question have received at the hands of this Government.

Mr Berry: Craig DUBY, you will do anything to get a vote.

MR DUBY: No; it is absolutely true. The treatment they have been dealt is shoddy, frankly. On any standard, it is clear that the treatment has been dealt out on a political basis rather than on anything to do with funding or education. The argument is plain. The decision has been made in caucus: "We need half a million from somewhere to pay for the reopening of the Lyons school. Where can we get it? We cannot get more money into the Education Department system, so we will take it from somebody who cannot fight back. Who will we take it from? We will take it from those people whose children go to the grammar schools. They are all Liberal or non-Labor voters anyway; we are not losing any votes".

Mr Wood: That is your opinion; it is not ours.

Mr Berry: I know a few who go there.

MR DUBY: That is the logic. It is as plain as the nose on Mr Berry's face that that is the way the decision has been made.

Some of the comments made by Dr Kinloch were very interesting. A number of the matters he said should be looked at do warrant investigation. However, it appears to me that Dr Kinloch is counting his chickens before they hatch. The motion that is going to be moved by Mr Humphries is not binding on the Government. The Assembly can call upon the Government to do such and such. It is not obliged in any way either to hold the inquiry or to suspend the proposed cuts to the schools' funding pending the outcome of the inquiry.

During his address to the Assembly Mr Wood, the Minister, in no way indicated what the Government was going to do. We seemed to hear, "Yes, we are going to have an inquiry", or "Are we or aren't we?" or whatever. I am most disappointed, because the responses Mr Wood gave in question time today and when he began his speech to the

Assembly indicated that the Government was going to take on an inquiry of some kind into this issue. However, we have no references at all that the Government has said they are going to look at. We have no timeframe that it is going to report by a certain date.

I hate to say it, but what it means is that this minority Government is asking the other members of the Assembly to take it on trust. It is fairly apparent, from the way people at these non-government schools have been treated, that you cannot trust this Government. The people at the schools had guarantees - cast-iron guarantees, they imagined - that their funding levels would be maintained for a certain time. Yet this Government has come along and said, "We do not care about that. We are simply going to tear those up. If you do not like it, stick it". That is the sort of approach Mr Wood has taken today: "Trust me. I am going to have an inquiry. I cannot tell you what it is going to look into. I cannot give you the terms of reference".

Mr Kaine: "And I don't think it's urgent".

MR DUBY: "It is certainly not urgent, and I do not know when it is going to report". Could Mr Wood give us some indication of what he is going to do? I am hoping to hear another government speaker get up and say, "These are the things we will look at. These are the things we will investigate".

Mr Berry: We gave you an undertaking of one speaker on MPIs.

MR DUBY: Yes, and I know why. You have nothing more to say on the subject. If you had only given some indication of what you plan to do in relation to this inquiry, Mr Wood, perhaps the other members of the Assembly could take you at your word.

Mr Wood: Sit down and I will tell you, when Mr Humphries moves his motion.

MR DUBY: We have that on the record. If I sit down, Mr Wood is going to tell us when Mr Humphries introduces his motion. This will be very interesting. On that basis, the Government provides the other members of the Assembly with almost no alternative but to support the motion. It is almost as if you are backing us into a corner to say, "Support this motion". In my view, it is clear that you have no intention whatsoever of having any sensible or reasonable inquiry into these matters. There is a need for an inquiry into the dirty deal those non-government schools have received from this Government, and I look forward to hearing Mr Wood's answers to the questions I have asked.

Mr Humphries: Mr Speaker, if I might intervene for one moment, perhaps I could seek leave to move my motion at this stage. Members can then speak to both matters at the same time, if that is approved by the Assembly.

MR SPEAKER: Once the motion is moved, the MPI is off the books.

Mr Humphries: It need not matter in that sense, Mr Speaker, if we were speaking to the motion rather than the MPI. I am quite happy to do that, if other members agree.

MR SPEAKER: Please move your motion then, Mr Humphries.

**NON-GOVERNMENT SCHOOL FUNDING
Motion**

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

That:

- (1) This Assembly calls upon the ACT Government to appoint a Board of Inquiry under the Inquiries Act 1991 to inquire into all aspects of government funding of non-government preschool, primary and secondary education in the ACT, with particular reference to, inter alia:
 - (a) the relationship between funding levels of government and non-government schools;
 - (b) planning and provision of capital resources including debt servicing and disposal of surplus property and facilities;
 - (c) the practicability and cost effectiveness of greater co-operative resource sharing between government and non-government schools; and
 - (d) alternative options for government funding which reflect equity and which facilitate the exercise of parental choice of schooling, in particular for children from lower socio-economic backgrounds;
- (2) Such Board of Inquiry should report by May 31, 1992; and
- (3) This Assembly calls upon the ACT Government to suspend proposed cuts to three non-government schools pending the outcome of this inquiry.

MR STEVENSON (3.47): There is no doubt that an inquiry is needed and, indeed, that it is urgent. Why is it urgent? It is urgent not because, as Mr Wood suggested, no-one had done anything previously but because the Labor Party has continually rejected the logical arguments presented by members in this Assembly. The Chief Minister is pretending to have a rather puzzled look on her face. You have continually rejected the approaches. It now becomes urgent at this late time to do something about it. We all thought, because of the blinding logic of the principle and the disagreement there was about what you have done, that you would change and do what is reasonable.

The funding cuts of 20 to 50 per cent are not backed up by logical reasoning. Though the Labor Party may deny it - what else can they do in public?

Mr Berry: The grammar schools would be nervous having you onside, Dennis.

MR STEVENSON: Mr Berry makes a rather juvenile crack. I must make the point that what we get again and again from Labor Party members in the Assembly is cracks that certainly would not be put up with at school, and they should not be.

It is unfortunate that people in this community do not understand just what the members they have elected to the Assembly do in this Assembly. This is one of the reasons why I think it would be an excellent idea if we broadcast what is going on. Let me tell you: People do not know, and they should know. It is something that most people would never put up with in their schools, and they should not. Yet we get it from grown people in this Assembly again and again.

Mr Berry: How about a bit of relevance.

MR STEVENSON: The relevance is that the cuts are ideological cuts. They are not logical; they have never been able to be supported, and they will not be able to be supported in an inquiry. It really is to do with freedom of choice and other factors. When you listen to some of the members of the Labor Party speak you would think, "Do we have any non-government schools? Are there any students in Canberra going to these schools?". Is it one per cent of the population you do not need to be concerned about?

I think it is worthy of note - we know this, but who else knows it? - that one-third of ACT schoolchildren attend non-government schools. Less than 10 per cent of ACT Government recurrent funding goes to non-government schools. Where is the equity in that? Has the Labor Party ever approached this matter? It is beyond logic. Parents in Canberra want the taxes they pay towards education to go to the education of their children. How can you suggest that simply because the parents want some freedom of choice they should not get that funding for their children? Where is the logic?

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Let someone in the Labor Party address this during the debate on the motion put forward by Mr Humphries. I commend him for it. It is unfortunate that it had to come to this. Mr Humphries makes the point, quite correctly, that it was not until it came to this that the Labor Party, with an attempt at face saving, tried to say, "We agree with an inquiry". Yet Mr Wood berated Mr Humphries for bringing it on in the first place and suggested that an inquiry was not needed and that there had been full consultation. Where is the truth of the matter?

Mr Wood said that there had been consultation. Once again, it is consultation that is in the mind of the Labor Party, not in the minds of the people who want to be consulted. How can there be consultation if the people you supposedly need to consult with do not know that they had any and do not know what you are proposing? You have suddenly sprung it on people.

We thought it was necessary to ask people in Canberra what they thought about the proposed budget cuts to the three schools. Some people may have thought that the majority would not agree that there should be equitable funding for non-government schools. Yet our surveys show that the majority of people in Canberra are fair in their understanding and in the value they place on money going to fund all education, not just government-run education. Our surveys showed that 59 per cent oppose the budget cuts to non-government schools; 35 per cent support them.

I wonder how many of those people know the real funding situation. There is no doubt that some people in this community feel that non-government schools get extra money on top of that which goes to government schools. We know that the reverse is true. They do not get a fair go. They do not get the same fair go that parents who send their children to government schools get.

Mr Wood said that the decision by the Labor Party to hold an inquiry was not based on any lack of confidence on the part of the Government, or words to that effect. I suggest that the decision was made because Mr Wood and the members of the Labor Party know full well that this Assembly will vote to hold an inquiry. Any suggestion that the Labor Party would not hold that inquiry is an absurdity, a nonsense, and has nothing whatsoever to do with a democracy.

Mr Wood: We need not take any notice of the Assembly, if we so choose.

MR STEVENSON: That is the point I make. Mr Wood says, "We need not take any notice of the Assembly".

Mr Wood: If we choose.

MR STEVENSON: "If we choose". What that means is that Mr Wood thinks that five Labor members in this parliament - leaving aside the fact that it is soon going to be abolished because it is unconstitutional, with the High Court challenge - should be able to dictate what happens, and I use the word "dictate" advisedly. Many politicians in Australia are becoming petty dictators.

It is fascinating that one-third of the people in Canberra whom we have surveyed - it is not extensive yet, but it will be - believe that we live in some sort of dictatorship or tyranny as against some form of democracy. I wonder why the other two-thirds believe that we live in some sort of democracy when Mr Wood says that they do not have to take any notice of what the majority of people in this Assembly want; they do not have to take any notice of what the majority of people in Canberra want; they will do what they like. As we well know, though they will continue to deny it in public, it is an ideological decision on their part to attack certain non-government schools, and it will spread if it is not stopped now.

I suggest that the Assembly has no confidence in the Government, as it is called - the Labor Party - in this matter. As to the terms of reference proposed by Mr Humphries, paragraph (c) states:

the practicability and cost effectiveness of greater co-operative resource sharing between government and non-government schools;

I was absolutely amazed that Mr Wood rejected that one out of hand.

Mr Wood: You want to listen. Unplug your ears.

MR STEVENSON: Did you agree with (c)?

Mr Humphries: He meant the other one. I think he meant (3).

MR STEVENSON: He meant (3)? I take it back, if that is the case. I think that would be an excellent idea. If there is a situation where non-government and government schools can share resources and that is agreed upon by the parties involved, what a wonderful idea that is. Point (3) states:

This Assembly calls upon the ACT Government to suspend proposed cuts to three non-government schools pending the outcome of this inquiry.

That is the one Mr Wood rejects out of hand. Why does he reject that out of hand when the Government, the Labor Party, have already said that they will not take such an action against non-government schools? I have raised in this house before the promises made by Mr Wood and the Labor Party to maintain funding at previous levels, yet now Mr Wood says that that is rejected out of hand.

I suggest that the Labor Party should take note of what the majority of people in this community want. They do not agree with your ideological cuts to three non-government schools. The majority of people in this Assembly do not agree with your ideological cuts to non-government schools. We think, most people think, and most people in non-government schools think, that there should be an inquiry and that, pending the outcome of that inquiry, you should not go ahead with your dictatorial attitude.

MR KAINE (Leader of the Opposition) (3.58): I think that to some degree Mr Berry's comment earlier, that we do not need everybody in the Assembly to speak on this subject, is a valid one. The arguments have been put quite forcefully already. But it should be noted that this debate need never have taken place and the subject need never have become a matter of public controversy had the Labor Party not acted in an ideological way in developing its budget. I do not think any reasonable person could argue that the inquiry along the lines now proposed should not take place.

The interesting thing is that the Labor Party will not itself take on this kind of inquiry. It continues this myth that it is a consultative government. I have dealt with the three great myths, and I will not go into that again. The last of them is, "We are a consultative government". In fact, they are not a consultative government. They are great at consulting when they want to do something to justify their own position.

They did not mind at all spending \$50,000 to do an inquiry simply to confirm that the Royal Canberra Hospital should close. The three schools that have lost their funding could have used that \$50,000 quite satisfactorily. They do not mind giving \$70,000 to the Trades and Labour Council to make it easier for them to influence the Government in what they want done. I do not know how they can justify that. It was very carefully hidden in the budget papers and it was not obvious that that was what it was for. The schools that have lost their funding could use that \$70,000 very satisfactorily.

The Government does not mind spending money when it wants to justify its own position, but when it comes to things of broader concern they talk about it but they will not do it. Mr Humphries had to force the Government into an inquiry into hospital beds. We have talked about hospital beds for years. Mr Berry constantly attacked us when we were in government. He said that we were destroying the fabric of society by reducing the number of beds in our hospitals. That was an absurdity and a total outright lie. But the first thing he did when he got into government was reduce the number of beds in our hospitals.

Mr Berry: I raise a point of order, Mr Speaker. Mr Kaine just made the outrageous imputation that I told a lie. I require that that be withdrawn.

MR KAINÉ: I withdraw that, Mr Speaker. It was a misinterpretation of the truth.

Mr Berry: On the point of order, Mr Speaker: It has to be withdrawn unequivocally.

MR SPEAKER: That is a qualified withdrawal, Mr Kaine. Just withdraw.

MR KAINÉ: If he does not like being told that what he said was not true, then I will withdraw it. But it is on the record and he knows that it is true anyway. I withdraw it.

It is interesting that it is not until Mr Humphries, with the support of the other members of the Opposition, forces upon the Government an inquiry to determine what the situation really is with our hospital beds that the Government does anything about it. They talk about it and they stand on their dignity, but they will not act until they are forced to.

Here is another case. The simple fact is that, despite Mr Wood's defence of his leader, the Chief Minister was approached by Mr Humphries eight weeks ago on this matter and she agreed that she would look into it. Mr Wood accuses us of not taking any further initiative. We were waiting for the Chief Minister to respond. All she had to do was to come back and say "In principle, we agree; just give us your terms of reference", and this would have been off the table. She did not do that. In fact, on only the last sitting day she withdrew her agreement and said, "We will not do it". This is the first sitting day on which we could put forward this proposal. We find once again that it is only when they have their backs to the wall and are forced by the opinion of this Assembly, backed by public opinion, that they are prepared to undertake such a study.

When you look at the terms of reference, how could any government that has a claim to equity reject any of the terms of reference of this inquiry? There is nothing there that could be deemed to be inequitable or interpreted as being inequitable in any way. We want an inquiry to look into the relationship between the funding levels of government and non-government schools; the planning and provision of capital resources, including debt servicing; the practicability and cost-effectiveness of greater cooperative resources sharing between government and non-government schools; and alternative options for government funding which reflect equity and facilitate the exercise of parental choice. Where in there is there anything inequitable? This Government claims to be a social justice government, but they have to be forced into doing something about it.

Once we get down to the end of this motion, we come to the crux of it. Term of reference No. 3 is the catalyst. If this Government had not acted so inequitably, if they had not acted without the consultation they shout about, there would not have been an issue on the table. So, it has to be included as a term of reference. For the Minister or anybody else in the Government, confronted with 12 members of the Assembly who say "We agree on this", to say "We will not accept your terms of reference" shows a gross arrogance, a gross disregard of the political process, a gross disregard of what democracy is supposed to be about.

If they are not about to respond to the wishes of 12 of the 17 members of this Assembly, one has to ask: To whom do they respond? They respond only to the Caucus of the Labor Party. They respond to the faceless men out there. They are not interested in public opinion. Mr Berry came up with a throwaway line when Mr Duby was on his feet: "Oh, you are only looking for a vote". When you backed off a few minutes ago and agreed to conduct an inquiry, you were looking for a vote, because you knew that the weight of opinion was against you. The only way you thought you could salvage yourselves was to say, "We agree that there should be an inquiry. Do not tell us about your terms of reference, do not tell us what you want the inquiry to cover, do not tell us that it is urgent; but of course we will conduct an inquiry".

Mr Stevenson made the point very eloquently: It is the responsibility of this Government to respond, as they claim to do, to the wishes of this community. They are not free to respond only to the initiatives of the Labor Party and the interests they serve, whatever they are. Perhaps they might put them on the table one day and tell us whose interests they are serving. They are certainly not serving the interests of the community on this issue. It is a sad commentary that the Opposition has to force such an inquiry, that it has to force this Government to go out and consult. They claim that they do it constantly, but they do it only when this Assembly imposes the requirement on them. They reject this proposal and the terms of reference at their political peril.

MR COLLAERY (4.06): Mr Speaker, I want to inject some caution into this debate. When the Labor Party stood for election in 1989, its non-government schools policy stated:

An ACT Labor Government will continue to provide recurrent and capital funding to non-government schools according to current practice.

If you read the budget papers you will see that the current practice has been changed. That is the essential situation. So, whatever it is, it is a breach of an election pledge.

The speech today by Mr Stevenson demonstrated to me all that is potentially unhelpful in the continuation of a divisive community debate on non-government funding. Mr Stevenson, I thought, aptly indicated why we need to be very cautious with this inquiry, its nature and scope, and whether it invites comments from all of those elements in the community who are for and against non-government schools. The Rally sees that it should support the motion as it stands; but it is for the government of the day to decide the form of the inquiry and who sits on it.

This issue is seen by the ideological protagonists as an election issue, and I very much regret that. I think our community has moved far enough along in this debate not to want to see the DOGS phoenix rise again. I am very concerned to hear Mr Stevenson's speech, the acclamations of support, and the extreme demagoguery of Mr Stevenson on the issue. It is a worry that we are corporately giving Mr Stevenson another issue to campaign on. An inquiry in this Territory is long overdue, and it should be held. But we have a 100-year-old party such as the Labor Party making an election pledge and walking away from it.

The Rally will be moving a substantive amendment to the Appropriation Bill. We have other views about where this matter should be resolved finally for the Territory. We have great fears about the exposes that are going to come out of this inquiry about the so-called assets of the rich schools - the playing fields, the alleged privileged position - and the counter-arguments from the other side. We feel unhappy and apprehensive about where the inquiry will go and the wounds it will open over the Christmas-election period. We are supporting the motion because there must be a form of inquiry. The timing of it, in our view, is unfortunate. Unless the Government gives in and commits itself to restoring the funding prior to the inquiry - - -

Mrs Grassby: No way.

MR COLLAERY: Mrs Grassby says, "No way". I am disappointed to hear that, because that might take a lot of the heat out of what will be an unfortunate debate during the Christmas season of peace and goodwill. I promise you, after hearing Mr Stevenson, that you are letting us in corporately for a very heavy debate.

We propose to move a substantive amendment to the Appropriation Bill which will set another basis for a final resolution of these concerns in the Territory. Whilst we will support this motion, we are going to speak on the Appropriation Bill about the better sense of following the Rally's idea of allowing the non-government school sector once and for all to litigate the issue and secure a final politician-free basis for budget decisions in that schedule to the Act.

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There is ample evidence, in our view, for the non-government school sector to do what that sector did in North America and put beyond doubt the bases upon which governments fund the non-government sector. The first step in those famous North American Supreme Court actions was to investigate the causal relationship between the decision taken and the ideology that may have influenced it. There is ample evidence in the statements of the Labor Party that it feels antipathetic towards those schools. Secondly, there is legitimate expectation from the promise of the current practice being maintained and a breach of that promise.

Above all, there is the clear comparative basis in the funding in school systems interstate and the decisions taken here. For instance, you have on one line a comparison between \$189 within category A here and the next step up is more than \$300 interstate, stretching to \$700, when our cost of living index is higher than in all those jurisdictions in significant areas. There is now, as determined in veterans' affairs, social security and other test cases, an unreasonableness of such a measure as to import an error of law.

We believe that the decisions taken in this area, as has occurred in Canada and the United States, must be finally litigated and a standard set by the courts for governments to determine a fair basis for funding. That has been done elsewhere in veterans' affairs, social security and other sectors. It must now be done in that venue, in our view, in preference to a board of inquiry.

We do not know whether we will gain support for our amendment to the Appropriation Bill, but we are prepared to support this motion now. We trust that, contrary to what Mr Stevenson and some of the protagonists want, we will not have an open, unpleasant, divisive community inquiry where the person appointed to head it hears evidence from a whole lot of competing concerns. I wonder whether it is really in the interests of some of those non-government schools to have information on their assets and their spending subpoenaed and brought forward in an emotive fashion.

Of course the Labor Party has jumped at this inquiry. I can predict to the letter how the protagonists on the Labor side will deal with this issue of non-government schools. There will be a very strong attempt to separate the Catholic systemic and other schools from the group who are most concerned at the moment. This inquiry will be divisive. It is an inquiry that must happen in one form or another if the non-government schools affected are not prepared to litigate in the Supreme Court to get the final decisions their confreres got in North America.

MRS NOLAN (4.14): I am going to be very brief in this debate. I think we have heard several, probably nearly all, political speeches, and I am not sure that that will give the issue of the relationship between the funding of government schools and the funding of non-government schools any credibility whatsoever. I think it is important that the inquiry be held. The crucial issue, though, in relation to the motion put by Mr Humphries this afternoon, is that the Government should agree to suspend the proposed cuts to the three non-government schools, pending the outcome of the inquiry. We can look at where we go from there.

Mr Wood: You are prejudging the inquiry.

MRS NOLAN: I suggest to Mr Wood that the issue has been about not only reducing funding for those three schools but also reducing it very abruptly. They were not consulted; they were not told what was going to happen. Like all non-government schools, they have to do their planning some considerable time in advance. That has not happened in this case. They were not able to do that. They found out one or two days after the media had broached the issue that this was going to happen in the budget. It was totally inappropriate. In the view of many people, it could have been handled a lot better. I am sure that that is part of the problem.

It is an issue that has been around for some considerable time. I am the parent of two children who go to non-government schools. I am the first one to declare my interest in this issue. I am very aware of the problems that non-government schools in this Territory have been having for some considerable length of time. I have been involved in those schools for some years, and I will continue to be involved for some years to come. It is a very significant issue. The crucial part of this motion relates to suspending the funding cuts and then next year making sure that the people are advised about what is going to happen to their funding. It should not be something that is done one day and put in place on 1 January next year.

We can talk at length about the issues involved, such as categorisation. The ACT is the only State or Territory that abides by the Commonwealth guidelines, as Mr Humphries mentioned earlier. That is another issue that needs to be addressed, and there are others. I point out to Dr Kinloch that I have concerns about how wide this inquiry should go. Either it is about funding or it is about all sorts of other things. I happen to believe that the non-government schools should have as much autonomy as possible, just as I believe that the government schools should have as much autonomy as possible.

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I would be a little concerned if we as a legislature passed a motion that provided for an inquiry into whether religion is taught satisfactorily in a school. I do have to put that on record because I think it is a very relevant point. The same comments apply to the issue of single-sex schools. It is entirely up to the schools whether they want to have a coeducational school or a single-sex school. People have preferences. That is about freedom of choice and freedom of the individual.

I put on record my support for this motion, but I think section (3) is the crucial issue. That has to be passed, and I hope the minority Government will then take notice of what this Assembly is saying.

MS MAHER (4.17): The Labor Party says that it is big on social justice and equity. Where is the social justice in cutting funds to non-government schools? Already Canberra Grammar is giving parents notice that fees for term one next year will go up by 8 per cent. Already parents are having to take their children out of these schools. Where are the children going? They are going into public schools, where the Government will have to fund their total education. So much for social justice and having a choice. When the issue of school closures was more current, the Labor Party was big on being able to have a choice. It was appropriate then, but now that it is inconvenient they have changed their minds.

People should be able to have a choice. Many parents and families sacrifice luxuries and everyday essentials so that they can have the choice of giving their children the education they want them to have. I have heard it said that these three schools in particular have more facilities than a lot of the other schools in the ACT. If the Government could provide those facilities and standards of education for all schools, our children would be better off right across the ACT.

I agree with the establishment of an inquiry. As Mrs Nolan has stated, point No. 3 in relation to the suspension of the proposed cuts to the three schools is very important. The slashing of funds to non-government schools discriminates against the children in those schools, and it cannot be tolerated.

MR JENSEN (4.19): I will speak very briefly because I have made some comments on this issue in the past. There are a couple of points I was not able to make at the time that I would like to make this afternoon. Firstly, I will follow up on a comment made by my colleague Mr Collaery in relation to the Labor Party reneging on its promises and policies. Let me remind them of a media statement they released on 20 September this year, under Mr Wood's name, which quite clearly indicated that the arrangements that applied at the time the Labor Party policy was written were being changed. If that is not breaking party policy, I do not know what is, and I think it is very important to get that on the record.

I also recall asking Mr Wood what action he was taking to cater for the likely rush of former students from non-government schools who may be required, because of the increase in fees, particularly at the AME School, to go to the government schools. I seem to recall a statement in the media by the principal of one of the schools in Belconnen that they were making arrangements to enable parents to come to their schools for discussions to make sure that the program their children had been following in the non-government schools was available for them in the schools in Belconnen.

For Mr Wood to brush that off as if he was brushing away one of Australia's famous bush flies is very flippant. It is most unlike Mr Wood, who normally approaches these issues in a very firm way. I took that as a very interesting comment on the concerns that may have been expressed within the Labor Party in this area.

It is also important to note that on 21 November I placed on notice a question to Mr Wood which asked for a breakdown for the 1991-92 budget of the funds, both recurrent and capital, being provided for both government and non-government schools in the following categories of students; preschool, primary school, high school and secondary college. I asked whether the Minister would provide this information and, if not, why not. I admit that that was only five days ago, and I will give Mr Wood a chance to put that information together. Knowing Mr Wood, I am sure that that question will be answered pretty sharply.

We have also heard in the past, and the matter has been raised in this place, about the letter from Senator Susan Ryan dated 15 May 1985, which quite clearly indicated that there would be no sudden changes of the sort that will be wrought upon the system by the changes proposed by Mr Wood. We all know how similar letters were used by the Labor Party in debates in this place and in the public arena about other promises given by Commonwealth Ministers in relation to funding and the provision of facilities for schools. It seems to me that in one case it is okay but in the other case it is not. It is almost a case of deciding what suits you and being very selective in your approach, as we often see with members of the Labor Party as they selectively quote statements from other members.

Finally, I point out that we all pay our taxes and it is appropriate, I believe, for the taxes to be spread evenly. Let me refer to one element of choice that used to annoy me when I was president of the P and C in a public school and a member of the board at the same time. There were times when single parents would come to members of the board and to the principal seeking time to pay their voluntary contribution. They wanted to pay their voluntary contribution because they knew how important it was to the school, but they were in dire straits. They were prepared to come to the school and ask the question.

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What really annoyed me was that families with both parents working, earning very good salaries, driving expensive cars, would say, "Sorry, we are not going to pay any fees. It is not compulsory. It does not matter whether we can afford it or not. We do not believe that it is necessary to pay these fees. Therefore we will not pay them". Yet in some cases there were single parents who were seeking just a little time to pay their fees. Quite frankly, I found that inequitable, and it used to annoy the heck out of me. I believe that it showed a most selfish approach to the provision of education for our children.

I close by echoing the concerns of my colleague Mr Collaery in relation to the possible reopening of this divisive issue within the community. I do not think anyone wants to see the issue of secular and non-secular education approached in a confrontationist way. Our role and responsibilities as legislators and members of this community are to make sure that everyone gets an equitable slice of the education cake and that proper consultation takes place before decisions are made about cutting. I do not believe, from my information, that proper consultation took place in this case.

It is unfortunate that Mr Wood made these decisions before there was a proper review of the process for allocating funds. What Mr Wood was saying was that he was not prepared to listen to the proposals that were being put forward, that they had made their decision and that was all there was to it. It is quite clear that, now that their attention has been drawn to the groundswell of opinion, they have seen that they have to review their approach and do something they should have done some time ago; that is, complete the inquiry that had been started and the assessment that was going on between the parties before they made this inequitable decision.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (4.26): The point has been made numbers of times, quite falsely, that this inquiry is being forced upon the Government. It is not being forced upon the Government. In fact, it has been forced upon Mr Humphries to raise the matter. That is where the force is. Let us be clear about that.

A great deal has been said about equity. I have not heard Ms Maher, Mr Jensen, Mrs Nolan or anybody else raising the equity of taking nearly \$2m in a full year away from all non-government schools. You very carefully stayed away from that point. You very carefully did not mention the "equity" of hitting the schools with the greatest need. That does not seem to come under the definition of "equity".

Mr Collaery raised a valid point. There are dangers in this inquiry. It can open deep wounds, old wounds. It can raise issues that I thought had been settled long ago. It is possible, as he said, that some people can do considerable damage to the community by the way they react to this. I agree with Mr Collaery on that. It is one of the factors that were in my mind, one of the factors that caused me to wait to see whether Mr Humphries or anybody else was serious about an inquiry. The Government is going to mount an inquiry, and I will talk to my colleagues in this Assembly about it.

The Government will reject the proposal as moved by Mr Humphries. I did say earlier, although someone did not hear me, that in general those terms of reference are the sorts of things that would be included, but they can be refined. Dr Kinloch has a whole range of matters he would like to talk to the Government about. We will listen to him. Obviously, these are not the perfect terms of reference because they do not cover all the things we might like to cover; so let us work on the terms of reference.

Mr Duby asked me about the details. Mr Duby knows that I do not have those details, because I have not been attending to them. We have been sitting here for 10 long weeks waiting for Mr Humphries to show that he really has an interest in this. I will now act to establish this inquiry rather more quickly than Mr Humphries acted. I will not take 10 weeks to do it. You can be sure that I will move as quickly as I am able, to get it up and running. Ahead of that time, I will be able to respond to Mr Duby and others about who is going to run it, what the terms of reference will be, and what the reporting date might be.

MR HUMPHRIES (4.30), in reply: In closing this debate, let me respond to some of the issues that have been raised. I think most points have been covered very well and I do not need to go over them again. It is good to see that a bit of heat on the Government has produced something at long last. The Government pretends to be very nonchalant about this proposal, as though it is water off a duck's back. I note that throughout most of the discussion of the MPI all government members were present in the chamber, which is a very unusual occurrence in this place. Obviously, something was stirring them up to get down here to the chamber. Something was going on that caused them to come down here and listen to this debate, for a change.

I also note that we have heard the Minister say on several points, "There is really nothing in these moves today that has caused us to move for this inquiry. We are not really being pressured into making this decision. We would have made it anyway at about this time". If I had not foreshadowed very clearly yesterday in the media that there would be a motion in these terms today, does anyone seriously believe, listening to this debate, that there

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would have been a move from the Government to proceed today with an inquiry? Of course there would not. What we are seeing today is this Government responding under pressure to a move they should have made some months ago. They should have made this move, even before they made the decision in the budget to cut non-government school funding for those three schools by half a million dollars.

I want to put very clearly on the record, by way of a statement under standing order 46, the facts about what happened with respect to my consultation with the Government on this question. I went to see Ms Follett some eight weeks ago and I put to her the value of the Government initiating an inquiry into non-government education funding. I did not put it on the basis of "I have an idea that I want to move and I would like your support for it". I put it on the basis that there would be an inquiry initiated by the ALP Government as its way of dealing with the political issues that had arisen from this debate. That was the basis on which I put it to Ms Follett.

In response, Ms Follett, the Chief Minister, said that she would consider my idea. That was the response she gave. I was by myself at that meeting. I do not have any witnesses to what was said, but that is what was said. I left the meeting expecting to hear something back from the Government about the worthiness or otherwise of my proposal. Nothing transpired for some two or three weeks. I then spoke to members of the Government on the floor of this chamber in the last sitting period, and said: "Have you considered my request? What is your position?". The first time I asked that question, I was told, "We have not decided yet". The second time I asked, which was on the last sitting day of the last sitting period - - -

Mr Wood: When did you ask?

MR HUMPHRIES: You might not have been one of the people I asked, Mr Wood. I tend to ask the real decision makers in this Government - the two sitting in the front over here. I asked them, "What is the decision on the inquiry?". I was told, "We will not initiate an inquiry at this stage. We will leave that up to you. We will see what you do". That was on the last sitting day of the last period.

In this sitting period we have moved the motion. It is more or less the first opportunity we have had since the matter was last raised with the Government and the idea of an inquiry by the ALP Government was rejected. That is the situation. It is completely untrue to say that this matter has not been acted upon in 10 weeks. I put it to the Chief Minister eight weeks ago. I was expecting a response before now and I have not had the courtesy of receiving one - at least not until the end of the last sitting period.

The terms of reference we have before us are entirely appropriate. No-one has taken issue with them in any serious way. They are important and touch on the meat of this issue. There was a suggestion from my friends in the Residents Rally that there is a danger in some of these terms of reference. I am not sure quite what they are getting at. These issues were raised with me and Dr Kinloch in a discussion on the appropriate course for this matter, and I do not recall any concerns being raised then - or at least none that were not resolved - about the way in which the terms of reference should be worded. So, I am not clear what the point is.

Mr Connolly: You cannot even agree amongst yourselves. You keep changing the grounds.

MR HUMPHRIES: We will have agreement on this motion, Mr Connolly; do not worry. We have a motion that covers the issues appropriately. It will lead to an inquiry, if the Government takes it up, which will get to the heart of the issue, and that is the equity or non-equity in non-government school funding over the last few years. Our consultation with the non-government school community, which stands in stark contrast to the lack of consultation by this Government on that question, will lead us to a satisfactory outcome.

Finally, let me say that the ALP Opposition said during the debate on school closures last year that this was a contentious issue. They said at the time that the school closures debate was dividing our community. I believe that that was the expression they used last year in the school closures debate. What has the Government done in this debate if not divide the community? Is that not what it has achieved by this debate? Is not that divisiveness exactly the product of this debate? Is that not the intended consequence of this debate? Was that not exactly what this Government wanted? It wanted to be seen to be taking on the "rich schools" but not the "poor schools", so-called. That was its object in this exercise, and it was a callous, calculated and dishonourable thing to do.

This Government stands condemned for that course of action. I believe that this inquiry, if it is properly conducted under terms of reference similar to these, will produce a message such as that. I commend this motion to the Assembly.

Question resolved in the affirmative.

APPROPRIATION BILL 1991-92

[COGNATE PAPERS:

NEW CAPITAL WORKS PROGRAM 1991-92 - REPORT OF STANDING
COMMITTEE ON PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
GOVERNMENT RESPONSE
ESTIMATES - SELECT COMMITTEE - REPORT ON THE
APPROPRIATION BILL 1991-92 - GOVERNMENT RESPONSE]

Detail Stage

Consideration resumed from 19 September 1991.

MR DEPUTY SPEAKER: Members, we are circulating an order of procedure for you to go through. I understand that it is the wish of the Assembly to debate this order of the day concurrently with order of the day No. 2, Planning, Development and Infrastructure - Standing Committee - Report - New Capital Works Program - Government Response - Ministerial Statement, and order of the day No. 3, Estimates - Select Committee - Appropriation Bill 1991-92 - Government Response - Ministerial Statement. There being no objection, that course will be followed. I remind members that in debating Executive business order of the day No. 1 they may also address their remarks to orders of the day Nos 2 and 3.

Standing order 180 sets down the order in which this Bill will be considered. That is, in the detail stage, the schedule must be considered before the clauses and, unless the Assembly otherwise orders, the schedule will be considered by proposed expenditure in the order shown.

Schedule - Part II

ACT Legislative Assembly

Proposed expenditure - Division 10 - ACT Legislative Assembly, \$3,808,300

MR COLLAERY (4.40): I appreciate the support from the Clerk in this difficult annual exercise and I appreciate the patience of members. Mr Deputy Speaker, I want to address the Legislative Assembly funding on one or two fronts. I recognise that expenditure on politicians is not popular. I want to direct my remarks more to those in this building who are non-politicians.

I have made it clear to the Speaker in a note to him that I am very concerned about the security in the building, as is my colleague Mr Kaine. Mr Kaine made some public remarks not long ago. There are unfortunate people in the community who have obsessional tendencies, and history shows that every parliament in this country requires security. In the chamber security is provided by our

effective attendants. We have had incidents in the chamber. I recall seeing one of our now recently departed journalists put into a headlock in the journalists row. I think it was an attempt to get at me as Attorney over domestic violence issues. We have seen other intrusions in the chamber.

Whilst the public probably do not feel sympathetic towards politicians - I accept that - the fact is that we have a number of staff and other people about us who share our vulnerability but who are not paid, and do not necessarily have the aspirations that we have, to take those risks. I believe that it is totally unprecedented in this nation for the security of this building to be turned off in part of the dark hours. I have been to a number of parliaments in this nation, to conferences, to visit friends and the like. I have always seen guards there, even when I have attended late night meetings. Because you are not known in those places you are always interrogated. The guards check what you are carrying and so on.

That is not so in this place. On several occasions late at night in this building I have run across people wandering around. In fact, on two occasions they have been people who came to political branch meetings on the fifth floor. On one occasion Mr Jensen and I met a person carrying a wine glass. That was at 10 or 11 o'clock at night. He got in the lift and got off at the third floor. I do not know whom he was visiting, but he was very cheery. He referred us to the Iraqi war and the Woden branch, as I recall it.

I believe that it was the day that Mr Connolly brought members of a branch in to see how he was going, but they did not seem to be too right wing in their comments on the fifth floor. Those branch meetings are held on public property. Many of them drag on, and when you are waiting for the lift you cannot help hearing a few snatches about this and that. Funnily enough, it is not Mr Kaine or me they are talking about. It is most illuminating to see branch meetings in the new suite opposite the lift.

I trust that the Labor Party know who is present there and that they will look towards the security. If they do not, then I believe that it is the Speaker's responsibility. I wrote to the Speaker recently and expressed concern about that. As members know, I was bailed up in the lift by an obviously inebriated person who abused me all the way through the foyer here on the night of an Estimates Committee hearing. You know who it is. I will go no further. The abuse was such that a guard came across to see whether everything was okay.

Ms Follett: We do not know who it was.

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MR COLLAERY: I am not going to help. I will not use privilege to name the person. It was an unfortunate situation. It is not on. Some of us are involved in quite fractious issues in the community. Some of us are involved in human rights issues and in ethnic community matters. If members wish to come to my home, they will see carved in every gum tree bar two the Ustasha symbol. You should know in this house that there is a great deal of reaction to those of us who take strong lines on human rights issues. You leave our staff and the public servants who work in this building exposed. I say again that it has no precedent elsewhere in this land.

I do not know the level of access given to Mr Connolly - I presume that it is the same as I had - to NCA documentation of great sensitivity. I do not know what he does with it in the dark hours. I do not know whether the authorities that supply quite sensitive information to the Attorney in this Territory are aware that during certain of the dark hours this building remains unguarded. I will go no further. I will not tell Mr Connolly what time limits should be on the safe and on the security containers that I believe he probably uses in his suite. It is a disgrace.

The Executive have not provided sufficient security for their own Ministers - or security for documents, if they are not concerned about their Ministers. It will woe betide you if some of our hardworking staff and the public servants in this building are injured because of a most unfortunate incident - which can happen, as we all know. Those who were at the demonstrations concerning Timor, the Balkans and China will know that some people are deeply distressed and disturbed about issues. It is no time for us to have cancelled the security on this building. I am glad that my comments are on the record. I trust that I will never be proven dead right.

The next issue I want to raise is the failure to put into the Estimates a provision for electorate offices for members. I think the next Assembly will be far better if we can get out of the public service trap we are in. We know that the public service organised this chamber. They organised it for an opposition and a government. Yet, even before the election, Mr Kaine and I were talking publicly about the need to look at more collegiate working structures for this chamber. The public service went ahead and arranged "them and us" seating in this chamber. They arranged the make-up of it. You can see how they quartered us. We are the third entity named on the signboard out in the plaza. It lists the ACT Administration, something else and then down below, by the way, your local politicians. The local people probably will not think much of that.

In this building we are trapped by the public service; we are trapped by the bureaucracy. We need to get out of this building. It costs more than \$300-odd a square metre. I believe that it would be economically sound for a number of

us, after the next election, to be quartered in our own electorate offices in anticipation of either a Hare-Clark electoral system or single-member electorates, whatever comes about. I am confident that it will be Hare-Clark.

The failure to make a provision in the Estimates for electorate offices means that those of us who want to go elsewhere will be footing our own bill. Of course, the major parties have an advantage there. By and large, they have a good financial base. Certainly, Ms Follett has substantial support from the good people in the north of Canberra, particularly in one of the clubs. I envy her because of that; she is lucky. For me, it would be a very heavy burden. This matter should have been examined. I am critical of the fact that we have made no forward provision for electorate offices. We should not be waiting on the outcome of the referendum, which of course will determine the complexion of the Assembly following the next.

Next year people should be able to get out of this building, with its very large costs. There should be a common room for politicians, as exists in other parliaments. It might break down some of the barriers. We should be able to come in on sitting days and attend to our business, and go back to the footpath-type offices that we really should have in representing the people, instead of being quartered here like some new breed of politicians that exists nowhere else in the country.

The next issue on the Assembly front is the provision of motor vehicles. I believe that if that has to be, if it is appropriate, economically sound and so forth - and I believe that those arguments have been advanced - it would be appropriate to ensure that the difference between the Senior Executive Service, who come down in their iridescent large sedans, and the - - -

MR TEMPORARY DEPUTY SPEAKER (Mr Jensen): Order, Mr Collaery! Your time has expired.

MS FOLLETT (Chief Minister and Treasurer) (4.50): I would like to respond very briefly to the comments that Mr Collaery has made. Firstly, I address the reduction in security expenditure for the Assembly. It is the case that funds have been reduced right across the ACT Government Service. We expect all of the departments to cope with that situation. We expect all of them to deliver the same level of services with less funds. It seems to me only fair that we should also ask the Assembly itself to accept a level of reduction as well.

It should not have come as a surprise to anybody that we have taken the action that we have in relation to security, because it has always been the position of my party, my colleagues, that the security arrangements which were instituted without consultation, without agreement, were totally unwarranted and overly expensive. It is very regrettable that we went through a farcical situation with

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the issuing of little plastic passes to everybody who visited the building, regardless of what their business was. It was also farcical that the issuing of those passes was really no guarantee of the intentions of the person making a visit. It was pro forma. It was a very silly procedure that was in fact a waste of public money.

It is also a fact that the guarding arrangements were excessive. As far as I am aware, they were made without a thorough overview of the security risk in this building. It is my belief that an open Assembly, one where people can come and go, is to the benefit of all of us. The incidents to which Mr Collaery referred all occurred while guards were on duty. I think that speaks for itself. The fact remains that the only time I suffered unpleasantness was on the floor of this chamber from a fellow member. The guards who were present at that time were not in any way able to affect the situation. So, I do not accept Mr Collaery's arguments about guards.

Electorate offices are an issue best taken up when we have electorates of our own. It is the case at the moment, very regrettably, that all 17 of us share one electorate. That will change in time. It is desirable, from my party's point of view, that that change to a system where each of the 17 members has an electorate of his or her own. In the eventuality that we do get 17 single-member electorates, it will be appropriate at that time to look at providing electorate offices. Consistent with my remarks about security, I think that the greater access the community that we serve has to members of this Assembly, the better off we will all be and the better job we can do for that community.

Mr Collaery was also going to address the provision of motor vehicles. I am not sure what his argument would have been, but I have a sinking feeling that it would have been to give us the same sorts of vehicles that our senior public servants are entitled to. All I can say again is that that would involve further expenditure of money from which the community would gain absolutely no benefit. In all three cases - the security arrangements, the electorate offices and the motor vehicles - Mr Collaery is proposing a benefit to members of this Assembly which is not reflected in a benefit to the community. I therefore believe that his comments on this part of the Appropriation Bill should be rejected.

MR STEVENSON (4.55): I felt it important to rise with regard to security. The Chief Minister has said on a number of occasions that she feels that security is inappropriate and too expensive. I think we should all remember who introduced security arrangements to the Assembly. Indeed, it was the Labor Party, on the fifth floor. You had the fifth floor blocked off.

Ms Follett: No, that is not correct.

MR STEVENSON: That is not correct? As I recall it, the Labor Party had an attendant placed on the fifth floor to make sure that no-one could get in. I know that members of the Assembly could not get in. Is it that the Chief Minister has forgotten that she introduced security arrangements? I know that she has been maintaining for so long that the security arrangements were not okay. When this matter first arose, I thought, "Isn't it amazing that the Labor Party introduced the security arrangements and now they are maintaining that they are not okay? They were the very people that initiated them in this Assembly". Indeed, there was a security guard, an attendant, up on the fifth floor.

Ms Follett: He was an attendant, not a security guard.

MR STEVENSON: He was an attendant; he was not a security guard! That is a very subtle difference. That is absolutely not okay.

Mr Stefaniak: You still could not get in.

MR STEVENSON: You could not get in; that is right. He knew what he was there for - to make sure that there was security and that you could not get in. The suggestion that he was not a security guard, that he was just an attendant, is not okay and demonstrates an absolute failure to face up to the truth of the matter. It is not okay, and anybody who knows about it would think it was not okay. Tom was one of the more fit attendants and one of the larger attendants. Everyone knows full well what his instructions were. His instructions were exactly the same as those of a security guard - "You do not let anybody onto the fifth floor area where the Labor Party are, unless one of the Labor members has agreed to let him through". Is that not true?

Ms Follett: I do not think it is, is it?

MR STEVENSON: "I do not think it is", the Chief Minister says. That was the case, but the Chief Minister will certainly have an opportunity to comment. The next thing she suggested was that Mr Collaery may have been going to suggest that members should have the same motor cars as senior public servants have. I am not sure what sort of motor cars senior public servants have, but I do recall exactly the motor cars that most of the members of the Labor Party had after - - -

Mr Berry: They do not claim old Valiants on the tax system.

MR STEVENSON: It is a Malvern Star; it is not a Valiant. Once again, does the Chief Minister forget that most of the members of the Labor Party took Fairlanes after being elected? I grant entirely that the Chief Minister took a new Ford, and it was not a Fairlane. Indeed, when she took

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another Ford, once again it was not a Fairlane. I agree with that entirely. But what about the Fairlanes? How could the Chief Minister stand up now and maintain that it is not okay to spend public money on these things? Mr Connolly never had an opportunity to get one, so I cannot say anything about him; but the other Labor Ministers took Fairlanes. It is no good Mr Berry putting his hand up. He will get a chance later, not while I am talking.

Mr Berry: I could not be bothered answering your statement.

MR STEVENSON: You could not be bothered answering.

Mr Berry: Not the stuff you put up.

MR STEVENSON: Not the stuff I put up. I think it should be answered. I think that if the Chief Minister - - -

Ms Follett: Do not worry. I will.

MR STEVENSON: The Chief Minister will answer.

Ms Follett: You are confused.

MR STEVENSON: If I am confused, I take it all back; but let us have a look at the situation with the Fairlanes and with Tom, the security guard on the fifth floor. With that, I will sit down and allow the Chief Minister to reply.

MR JENSEN (5.00): Like Mr Stevenson - - -

Mrs Nolan: Mr Jensen, I remind you of the state of the house. This is the Appropriation Bill.

MADAM TEMPORARY DEPUTY SPEAKER (Mrs Grassby): Could we have a bit - - -

Mr Stevenson: It is no good talking to us. Make the point to the Temporary Deputy Speaker, if you wish.

MADAM TEMPORARY DEPUTY SPEAKER: Excuse me, Mr Stevenson. Mr Jensen is on his feet and I would like to hear him.

MR JENSEN: Thank you, Madam Temporary Deputy Speaker. Some of the - - -

Mr Stevenson: There is discrimination.

Ms Follett: Madam Temporary Deputy Speaker, I raise a point of order. Mr Stevenson said very audibly, "There is discrimination". That is a reflection on the Chair and it should be withdrawn immediately.

MADAM TEMPORARY DEPUTY SPEAKER: Yes, I think you should withdraw it, Mr Stevenson.

Mr Stevenson: I thought it reasonable under the circumstance that Mrs Nolan had called out something and it was not until I replied that you mentioned something.

MADAM TEMPORARY DEPUTY SPEAKER: Mr Stevenson, would you withdraw it, please?

Mr Stevenson: Indeed I would.

(Quorum formed)

MR JENSEN: I am not troubled by the fact that I have lost a little bit of time, because I was not planning to speak for the full time allowed anyway. I certainly recall the early days of the Assembly. Mr Connolly, of course, was not present in those days, so I do not think it is appropriate for him to comment, if he was thinking about it. As I recall, there was an attendant on the first floor.

Mr Connolly: I was thinking about it, I confess, Mr Jensen.

MR JENSEN: Good. There was an attendant on the first floor whose main duties, as I seem to recall, were to provide assistance for members of the public seeking to make contact with members of the non-Executive part of the ACT Assembly in those early days. I seem to recall that there was an incident on the fifth floor that caused some consternation. Soon after that incident, our friend from the first floor found himself redirected to the fifth floor to provide the sort of access control that my colleague Mr Stevenson was referring to. I think that is enough said. I think Ms Follett, when she digs deep down into her memory, will probably recall that.

We could probably argue about the appropriateness of the building in which we are housed. My colleague Mr Collaery has already indicated that we are currently housed in a building for which we are paying \$300 a square metre. I seem to recall also that one of the magnanimous promises, or at least half promises, made by the Prime Minister of Australia when self-government was granted to the ACT was that we would be provided with some funds for an appropriate Assembly building. I believe that the Federal Government did that for the Northern Territory, and I think it is probably quite appropriate for us. In fact, anyone who has travelled around Australia and seen some of the magnificent edifices that shire councils have knows that this building pales into insignificance by comparison.

Mrs Nolan: We do not want them.

MR JENSEN: I am not saying that we do. I am just saying that they are better housed than we are. The issue really is the appropriateness of this building. I would have thought it quite possible for this Labor Government to extract the funds that it was proposed be given to the

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people of the ACT for a new Assembly building. The least they could do is put some of that money into the refurbishment of the South Building, which in the past has been used as a House of Assembly. That building is probably more appropriate because it is located next to Civic Square and next to City Hill. That is the way we should go. Then we could move out of this most inappropriate building.

I would be quite happy to be provided with an electorate office in the Tuggeranong Valley as a member of a multi-member electorate under the Hare-Clark system, because I believe that it is quite appropriate to provide a degree of representation to the people of the Tuggeranong Valley. In fact, I have been doing it for the last 2 years. I noted it with interest when a group of people from the Labor Party, led by that well-known local member, turned up at the Kambah shops the other Saturday morning to launch their single-member electorate proposal for Kambah.

I happened to be sitting in the background. I have been sitting there once a month for the last 2 years, providing a service to the community. I do not need a single-member electorate to do that. I can do it quite adequately now. However, it would be very useful if I, and other members, could have a focus in the area which we represent as representatives of a multi-member electorate within the ACT.

I think it would be quite appropriate to have offices in the major shopping centres where people could go by public transport. Members of parliament all around Australia are provided with such facilities. If we each had an electorate office, all we would need in this place, or in a more appropriate building, would be an office for Assembly sitting periods. We would do what most members of parliament around Australia do - go back to the electorate and keep in contact with the electorate. Ms Follett seemed to be suggesting that that sort of arrangement was inappropriate. I am not quite sure why she would say that, but I certainly detected and noted that in her voice. That arrangement would provide a most appropriate benefit to the community, because it would give them greater access to their local members.

My experience would suggest that the security pass system implemented in this place was, quite frankly, a waste of time and effort. I would not disagree one iota with Ms Follett. Quite frankly, it was a nonsense. That probably has a lot to do with the inappropriateness of this place. That does not necessarily mean to say that there should not be some system to make sure that the sorts of incidents that my colleague Mr Collaery referred to do not take place. It is not only members that we should be concerned about; it is also members' staff. As all members know, most unfortunately, staff members have been harassed by members of the public. That does cause concern to our staff. We get paid for it; they do not. That is something that we have to consider very carefully.

I am quite happy to maintain my current motor vehicle. It gets me around. It does the job that I want it to do. I am equally happy to use my own vehicle under an appropriate system. It does not fuss me, provided I can get access to the community and provide a service. It does not worry me how I do it. I do not need a large motor vehicle, and I do not think any member in this place does. I am quite happy to continue with the current system.

In closing, I would like to make some comments in relation to the provision of facilities, staff and funding for the operation of the committee system. The committee system is fundamental to the operation of this parliament, particularly a parliament with a minority government, which I believe will be the case in the ACT for some time. It is quite appropriate because we are a single chamber and there is no review process. It is clearly appropriate for the committee system to provide a process of review. It is for that reason that I have been disappointed over the years with the amount of money allocated to committees and the number of staff being provided to enable them to get on with their work and support members. I think that is most unfortunate.

One factor always cited as necessary for parliamentary reform in any parliamentary system is proper and adequate support to enable members to go about their business and provide a service for the community. I think that some of the arrangements that have been made are quite inappropriate. I will not go into them, because they have been discussed before. Equity is required so that members can have sufficient staff to enable them to do their job, which is to represent the people of the ACT. That is what we are here for, and that is what I believe we should be provided sufficient support for.

MS FOLLETT (Chief Minister and Treasurer) (5.09): Mr Stevenson has raised a couple of interesting issues which I would like to respond to. It does appear, unfortunately, that Mr Stevenson is unable to tell the difference between an attendant and a contracted security guard from Wormald. I find that extraordinary. It indicates to me that he has never spoken to either of the employees in those two categories. The attendant that we had on the fifth floor and the one on the first floor in no way had a security role. I would never require that an attendant have that sort of a role. It is outrageous to suggest that. They had the general duties of reception, of getting the mail to people, organising newspapers, receiving visitors, and so on. Having said that, I should note that they are not there now. As I said, I think it is appropriate that we as Assembly members should make some effort to live with reduced funds, as we have required all other areas to do.

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Mr Stevenson also made a remark about our vehicles, which he says were purchased by the Labor Government in 1989. That is quite untrue. He is confused. The vehicles in question were ministerial vehicles. We can deal with the matter again under program 2 if Mr Stevenson wishes, but for the moment we are dealing with the Assembly program and it is irrelevant. Those vehicles were purchased by the bureaucracy - the Government Service - prior to self-government, and they were given to the Speaker and the Leader of the Opposition as well as to Ministers. I, of course, did not take one, as you know. To have disposed of those vehicles once they had been purchased would have been a gross diseconomy.

Mr Jensen made some interesting comments. The one on which I would support him is the value of the Assembly's committee system. I would much rather see the Assembly putting its limited funds into the committee system, which achieves a result for the community and helps us all to do a better job here, than into lurks and perks for ourselves.

Proposed expenditure agreed to.

Chief Minister's Department

Proposed expenditure - Division 20 - ACT Corporate Management, \$15,212,900 - agreed to.

Proposed expenditure - Division 30 - Economic Development, \$10,159,300

MRS NOLAN (5.12): I think it is very appropriate that I place on record my concerns in relation to this area, in particular the tourism industry and the \$1m reduction in funding in this Appropriation Bill for the ACT Tourism Commission. There may be additional funds as a result of streamlining, changes in office accommodation, et cetera; but a \$1m grant which was first made in 1988 and continued in 1989 and 1990 has been removed. The tourism industry - an industry that in a time of high youth unemployment generates 8,000 to 10,000 jobs and revenue for the Territory of some \$450m - should have received that funding. I recognise that in times of financial constraints something has to be cut, but I believe that the consequences of this cut for this Territory will be quite significant. Youth unemployment in this city is already running at an exorbitant rate. I believe that it is some 17 per cent.

As a direct consequence of the reduction in tourism funding, it will be very difficult to attract as many visitors to this city. We will see a reduction in visitor numbers. It is unfortunate. I recognise that in the longer term some of the streamlining, such as the closure of the Sydney and Melbourne offices of the Tourism Commission, will channel additional funds to marketing and will enable the continued tourist promotion in the city; but in the short term those dollars just will not be there.

I am of the understanding that the closure of the two offices, which I understand will take place at the end of this month, will involve compensation pay-outs. In the case of the Melbourne office, the compensation pay-out will be in the vicinity of one year's rental. One year's rental is an exorbitant amount of money when we talk about the small amount that is currently given to tourism in this city. We only need to compare the funding of the States and the Northern Territory with that of the ACT to see that there is a significant difference.

It is unfortunate that \$1m was removed from the budget in this financial year. Once the streamlining had taken place, expenditure could have been reduced next year, if that had to be. But I think it should not have been reduced at all. I think it is very important that the tourism industry receive additional funds, not a reduction in funds. I am sure that the consequences for us in being competitive with the rest of Australia will be seen for a long time to come. It is much more difficult to attract visitors to this city and it is much more difficult for us to be competitive with the rest of Australia, given the amount of funding that tourism currently receives.

I felt that it was important that I place those few comments on the record. It is unfortunate that that reduction has happened, and I am sure that the Labor Party will see the consequences of it.

MR COLLAERY (5.16): I want to place on record again my concerns about the Economic Development Division in the Chief Minister's Department. I am not alone in the Rally, and I am not alone in the community. Prominent people in the business community express reservations about the Economic Development Division. I am personally unconvinced that we are getting enough from the efforts of that division. I am imputing no personal criticism to the parties there, but I believe that the Economic Development Division has failed. From the time that, as Acting Chief Minister, I asked to get a small business self-help advisory service going until the present Chief Minister delivered it recently, it simply has not acted in high enough gear.

I believe that some issues must cross party lines. It is in the interest of everyone in this town to give support to the small business community. I attempted to do that last Christmas, and it did not come out of those responsible. I am unhappy about it. There were more bankruptcies and more problems, and I believe that better support could have been given to small business. The Economic Development Division has broader objectives than simply helping small business. They do make some efforts, but I am unconvinced that they take a leading role in economic policy setting.

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I believe that part of that division produces very credible and excellent statistical reviews and financial studies that set parameters within which high level economic think-tank and business promotion people can operate. I do not believe that there is sufficient initiative and sufficient drive in the Economic Development Division. I regret saying that. I generally found throughout the ACT Government Service that there was a great deal of willingness, that a great deal of work was done and that a great many long hours were worked. All of that might be said about the Economic Development Division, but I remain of the view that there is something structurally wrong that means that we do not get the innovation and the drive that our new economy wants.

I think it is most important that the Government recruit to head the division someone with a proven track record. We may have to pay more, but it would be a quite justifiable cost.

Mr Moore: Do you think you want the job next February?

MR COLLAERY: Mr Moore interrupts and asks whether I am thinking of a job next February. No, Mr Moore. I am quite confident of being back here, hopefully helping reconstruct the Economic Development Division - with you, perhaps. Certainly, it would be reconstructed, and certainly we would advertise for and recruit people who have a high level of proven expertise in that area. Once again, there may be people of that type in the Chief Minister's Department at some level, but at the moment the required drive is not there.

I do not believe that there is sufficient nexus between the Economic Development Division and the best investment and best development oriented minds in the Territory. I do not want to put it any higher than that. I am disturbed about the view expressed in some quarters of private industry about the Economic Development Division. It needs a boost. I said to the Chief Minister, when she took power again, that she should look at it. I accept that she is working under constraints. For as long as we have been here, the Rally has pressed for an economic advisory council, a form of the Federal EPAC, that will give alternative economic policy settings to those provided by the ACT Treasury.

The ACT Treasury is probably so learned, so skilful and so competent that there is a danger in having some organisation so clearly pre-eminent in the economic field. It would be wise of future ACT governments to have a separate economic advisory body. I see that recently the Chief Minister moved to do something in that area; but we wait to see exactly how that is formed, who is appointed and so forth. The Government then would be able to turn to people independent of government, independent of the public service, to ask whether the main policy settings are good. It has worked for Mr Hawke with EPAC. He has been able to entrust that body with the most confidential information.

You do not read about leaks from EPAC, to my knowledge, and they have even recruited international experts to assist - people who have worked in a variety of public fiscal and private fiscal advising roles.

In the next term of this parliament very important decisions will have to be made about the superannuation fund of the Territory. I think, from memory - the Chief Minister may correct me - she has about \$76m set aside there. Those of us who find time to read the *Financial Review* see that there is a constant debate now about how governments could encourage superannuation funds, private and public, to invest differently. There is a suggestion in today's *Financial Review* that a one per cent development levy could possibly be encouraged by the Federal Government, through its overall control under the insurance and superannuation Act, for research and development and seed funding to get venture capital for innovative projects.

When you consider what the SFIT lost in the 1987 share crash, the huge sums lost to the Commonwealth super fund and the nominees and so on, you would think that maybe a one per cent venture base would seed fund some innovative economic proposals in a community. That is the sort of decision the future Chief Minister, after the February elections, will have to make. I believe that a Territory EPAC would help make those decisions, and they should not be made solely on the advice of Treasury. I repeat my comment that that advice is pre-eminent in the ACT system and I believe that it has to be balanced from outside sources.

The other issue that we need to look at, as a government, is how we can get some non-smokestack industry into the Territory. The Chief Minister recently opened a further extension at Fern Hill Park, and that, of course, must be worked on. My colleague Dr Kinloch constantly refers to the intellectual resources of this city, the extremely strong base we are getting, admittedly from government computing contracts and the rest, in the information, technology and computing area. We have clean air and we are reasonably earthquake proof. We may even need to look to incentives of the types used by the South Australian Government, such as electricity rebates and other things, to see whether we can bring clean technology to get our own silicon valley going out at Bruce. There is substantial space for expansion and there is ready public acceptance. That surely will be a challenge for the incoming government.

The final point I want to make is that it is time we started services work on the economic bridge with Queanbeyan and the surrounding shires. I know that the South East Economic Development Council, of which my colleague Mr Jensen can speak, is working hard on those issues; but surely we can find some joint venture capital works projects with the State of New South Wales.

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I am not referring to Mrs Nolan's favourite, the Kings Highway; I am referring to the question of corrective services, although that appears lost at the moment due to unilateral and non-consultative decisions made by the Greiner Government, in relation to Junee and Wagga, to my great regret. For a while there was a chance that we could look at extending some compassionate and humanitarian programs in corrective services, have joint public works and look at bridging the gap in the way we operate. It is also becoming increasingly clear in health and in education that we should now go to full-blown regional status in economic development issues, and I encourage that.

MR JENSEN (5.26): I want to raise a couple of points quickly. It is quite clear to many of us that we have the potential here in the ACT to become the education centre of not only Australia but also the south-east Pacific region. We have a highly and well educated work force in the ACT. We have a TAFE system that is in need of some upgrading, but it certainly has a base to build on. We have two universities within this city, both of which have excellent reputations. I think it is appropriate, with our location between the two major population centres in Australia, Sydney and Melbourne, that the ACT and this region become the focus for future development and expansion within Australia.

As my colleague Mr Collaery has already indicated, we have a degree of this sort of industry out at Bruce, at Technology Park. It has taken a while to get under way. We should be looking at helping to expand that. Maybe, if the Government looks at some form of joint ventures, we can get things going in other areas of the ACT, like Gungahlin and Tuggeranong, and provide that sort of focus for the development of this sort of industry within the ACT - industry that is clean and highly acceptable and that relates to the sort of work force that we have here in the ACT.

If the very fast train project could be put back onto the track, so to speak, perhaps our Federal Labor Government could adopt a more lateral approach to the funding of infrastructure development. It is quite possible that the ACT, and Canberra in particular, could become the focus for the development of that most important facility. I have heard the argument put that the possible effect of the VFT on the airlines was one of the reasons why the Federal Government chose to downgrade, to a certain degree, some of the very good ideas and concepts that came from that excellent group of people.

We must bear in mind, of course, the requirement to make sure that all the various environmental issues and problems can be resolved and sorted out in relation to the development of that project. I do not think that is beyond us; we have done it before and I think we can do it again.

But it will require a degree of initiative and drive by the Federal and ACT Labor Governments, elements within the bureaucracy and, as my colleague Mr Collaery has already indicated, the forum that has been developed for the Canberra and south-east region, the South East Economic Development Council. I attended that forum recently and listened with great interest to the plenary session of the meetings. There were a lot of very fine ideas expressed. A lot of very fine people are working towards the development of this region as a focus for this part of Australia. That is something that this Assembly should fully support and encourage.

With the long-term development of the health system within the ACT, notwithstanding some of the problems in the past, I think there is once again a potential for the ACT to provide a centre of excellence, not only for the ACT but for the region. I think we have to look wider than just the ACT and the region. You could argue that, as the national capital, we should be seeking to expand our borders into the Pacific region and should encourage the development and setting up of international companies and groups within the national capital. I think we could be the focus of that. We could, for example, have a regional law centre. Issues related to international law within the South Pacific region could be focused on the national capital. That is most important. That, of course, would bring a degree of expertise and experience to this city, and the extra employment that is going to be required.

Whatever happens to the Federal government, whether it is Liberal or Labor, I believe that there will be a requirement to make micro-economic changes within the Federal bureaucracy that will require considerable changes to the development of our bureaucracy. I think that we need to expand even further the amount of private sector involvement in the ACT from just over 50 per cent to much closer to the national average. I think we have potential, Madam Temporary Deputy Speaker, with the degree of drive and emphasis of elements within the Chief Minister's Department.

Another area that springs to mind immediately, of course, is the communications business. I am aware of some elements within both the Federal and local bureaucracies that have expressed an interest and a desire for the ACT to become a centre for the communications industry. We could become the focus for information from all over the world coming into Australia and it could be distributed from here. That is another area that I suggest fits very well with the concept of Canberra becoming an education city, like many around the world, with its highly educated work force. I think we need to push for that. I would encourage, as my colleague Mr Collaery has indicated, the establishment of the sort of forum that an EPAC-type arrangement would provide.

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MS FOLLETT (Chief Minister and Treasurer) (5.33): Mrs Nolan made some points relating to the tourism part of this program. I think it is fair enough to say that these issues have been debated several times, and I take very seriously Mrs Nolan's concern for this industry. Nevertheless, there are a couple of points that I want to make.

The first is that I believe that the restructuring of the Tourism Commission that has been undertaken will lead to much better outcomes for tourism in the ACT than would otherwise have been the case. I regret that we did not have sufficient money available to us to continue to provide the \$1m of so-called one-off funding which the commission had enjoyed for the previous two years. Nevertheless, I think that the budget reduction that they have received has perhaps escalated a process of reform and streamlining that was already in place and that that will lead to a very good marketing effort from the Tourism Commission.

I have been very much encouraged by a letter which I have received recently from the chairman of the commission, Mr Brown. It is a report on progress. Mr Brown says in his letter, under the heading "Marketing Budget": "The Commission has instituted a range of significant cost savings measures that will enable it to spend a minimum of \$1.6m on marketing in 1991-92". I find that very encouraging. That is what they spent last year - about \$1.6m. So, even at this early stage in their streamlining efforts, they are able to advise me that they will be spending a minimum of \$1.6m. I think Mrs Nolan probably is encouraged by that as well.

Mr Collaery made a number of comments about the Economic Development Division. I was surprised at his expressed concern about the division itself, because it is a concern that has not been expressed to me by anyone other than Mr Collaery on either occasion that I have been in government or, indeed, during the period that I was in opposition. In fact, I should say that I find the advice that I get from the division - their imaginativeness, their energy in going out and looking for economic development - to be of a very high standard. I am happy with the work that they do there.

I would also like to refer Mr Collaery to the nine-point plan that we have put into place for increasing development in the ACT, because it does include both the self-help advisory service that Mr Collaery had begun to initiate and, also, the very much restructured advisory committee to me which Mr Collaery, I think, was referring to in his EPAC model. I would like to assure people that that advisory committee will be very high level indeed. It will be drawn

from industry, the community and the trade unions. I expect that that advice, given directly to me, will again see further impetus to economic development in the Territory. There was little else in members' comments that I could take exception to, and I would like to thank them for their contributions.

Proposed expenditure agreed to.

Proposed expenditure - Division 40 - Audit Services, \$1,526,300

MR JENSEN (5.37): I will be reasonably brief. The independence of the Auditor-General is one of the key principles in the operation of an Assembly, particularly one like ours, with a single parliamentary house and the administration we have. The independence of an Auditor-General who reports directly to the parliament and not the Executive is, of course, one of the fundamental factors in overseeing the operation of financial matters within a budget. As we all know, matters that are looked at by the Auditor-General are referred directly to the parliament and then are considered by the Public Accounts Committee, a committee of which I have been privileged to be a member since this Assembly commenced.

There are statutory requirements that an Auditor-General is required to comply with. There are a certain number of accounts that he or she is required to audit. All the various departments, statutory authorities and bodies that the Auditor-General is required to audit are set down quite clearly. I think that generally they can be pretty well sorted out and budgeted for, unless, of course, there are problems associated with a particular department, as we have seen in the past. The Auditor-General expended more money than was required because of the problems associated with the Health Department, which has been, as we all know, a problem for a considerable number of years.

It is in the area of efficiency audits that the Auditor-General can make a major impact on the operation of the financial system within the ACT. It is this area that my colleague Mr Collaery has already referred to, I believe, in debate today. That is where there is a requirement to establish some formal process whereby the Auditor-General has some flexibility in his ability to conduct these sorts of programs. I do not think it is appropriate just to provide an amount of money and say that he can do only six efficiency audits during this particular budget period, because one of those audits may be a quite major operation as a result of an issue that arises during the year. There needs to be some flexibility in the ability of the Auditor-General to carry out his duties.

Maybe there needs to be some sort of system whereby the Assembly, and not necessarily the Executive, comes up with additional funds if the Auditor-General requires them. What I am suggesting is that the Auditor-General get a

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certain amount of money for discretionary efficiency audits like this and that there should then be a process, by way of an amendment to the Act that appoints the Auditor-General, whereby the Auditor-General is able to seek additional funds from the Assembly. That issue then can be debated quite properly on the floor of the house and the money can be allocated accordingly. The Auditor-General then can go about his or her business as appropriate.

That probably is one way in which we can provide a degree of independence - by ensuring that the Auditor-General comes to the parliament. After all, we are the people to whom he or she reports. It is important, I believe, for the Auditor-General in these situations to be able to seek money. I would expect that it would be allocated out of the Treasurer's Advance. I would suggest that an Auditor-General would be reasonably discreet in the way he went about this particular process because he himself, of course, is audited. Quite clearly, he would not want to be seen to be wasting money; it certainly would not look good on his report card at the end of the year. Provided that the Auditor-General can justify that there is a requirement for additional funds to enable him to conduct this sort of work, he should be able to do so, provided, of course, that the time is available for that to occur. I would like to see that issue taken up by the next Assembly and the next government so as to make sure that that ability is provided to the Auditor-General.

MR MOORE (5.42): Mr Jensen raises some very important points about the Auditor-General. I think it is very important to recall that the Auditor-General has demonstrated that money spent in that area has often resulted in money being saved through attention being drawn to inefficiencies within government. I think it is important for me to reiterate what Mr Jensen has said; that the Auditor-General does need to have enough money to do those efficiency audits beyond what is required of him by statute. Whilst it is important that we look into that solution offered by Mr Jensen - the next Assembly ought to - it seems to me that, in our second year of financing, we should have been able to see that the position of the Auditor-General is underfunded. That is particularly clear when we see the efficiency audits that he was forced to cut.

I think that the most important one of those was the efficiency audit that he had proposed to carry out with reference to leasing and the leasehold system. It has long been a matter of conjecture in this Territory that there were problems in the leasing system prior to self-government. Indeed, allegations of corruption were levelled prior to the last election. That would be an area, I think, where the Auditor-General could, at the very least, clear the air.

It is a great disappointment to me that that efficiency audit was not carried out. I urge the Chief Minister to consider, perhaps by way of the Treasurer's Advance, providing the Auditor-General with the extra funding that he had requested for an efficiency audit. Certainly, in the next budget, there needs to be extra funding to allow the really independent part of the Auditor-General's role to be taken on. I am aware that the Auditor-General chose to do some other efficiency audits rather than that specific one and, of course, nobody would interfere with the priorities that he sets; but in my opinion the leasing area would have a much higher priority.

Having said that, I think it is important at this stage, since this is the first time I have spoken to the Appropriation Bill, for me to say that, whilst I would urge the Government to take certain action, I recognise a very basic principle with a minority government, and that is the minority government's right to have their own budget. As much as I criticise it and make suggestions, I recognise that they have the right to their own budget.

I am sure that Mrs Nolan would have felt almost compelled, for example, to move a motion to increase the vote for the tourism section. But she, appropriately, has recognised the minority Government's right to its own budget. That has to be recognised as an important part of the role of a minority government. If you do not give them their own budget, if you are prepared to interfere with it, then the whole system of minority government is going to be brought into question. We will lose the benefits of minority governments, which we may well have for some time to come. Any moves to make amendments to this Appropriation Bill are entirely inappropriate.

MR COLLAERY (5.46): I wish to add a few comments. The independence of the Auditor-General is important in terms of the appropriation of funds. There will be a Bill before the house, at some stage, dealing with the executive independence of the Auditor-General, and I will not refer to that. But there is a clear need - as was detailed in the Auditor-General's special report No. 8 and his further report No. 9 - to appropriate funds so as to give us a separate quarantined appropriation for the Auditor-General. The same should apply to the Parliamentary Counsel's Office as well.

I believe that the role of the Auditor-General should be as independent as possible from the Executive. It is in the Executive's interest for that to occur as well. Additionally, we believe that the Chief Minister's investigations section should operate direct to the Auditor-General so that there is again a level of independence.

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We are concerned that there have not been sufficient funds, on the Auditor's claim, to complete those studies that we mentioned yesterday in the house. Clearly, there may well be a serious setback for any government which defers the funds to allow any such study and finds, to its peril, that there has been some impropriety or some loss to revenue within the areas for which the Auditor-General was not funded.

At a time when we still have not recovered a million dollars from the Rugby League, it seems strange that we cannot fund the Auditor-General to examine the very issue of the decision to make that agreement with the Bruce Stadium - a decision which, surely, must be open to scrutiny as soon as possible. The Auditor-General would be well placed, in our view, to commence an inquiry into that decision making process.

We in the Rally believe that the Government has every interest in taming the present Auditor-General, who has displayed an astounding flair for independence and a very close eye for detail. I believe that the Labor Party perceives an antipathetic figure simply because it was the Alliance Government that appointed the Auditor-General. It is unfortunate that that has occurred. The Auditor-General made critical comments during the period of the Alliance Government about matters under the control of Ministers, and I believe that he effectively discharged the independence required of him. I think there is something less than candid in the Government's comment that it cannot find the funds to adequately meet the Auditor's requirements.

MS FOLLETT (Chief Minister and Treasurer) (5.50): As a couple of members have pointed out, Madam Temporary Deputy Speaker, there are reports before the Public Accounts Committee which canvass a great deal of the issues that members have raised in the debate on this division of the Appropriation Bill. I do not propose either to pre-empt the Public Accounts Committee's reports or to go over ground that we have been over before.

I would like to point out, though, that the Government, of course, totally supports the independence of the Auditor-General. I resent any imputation from other members that that is not the case. It has always been quite clear to me that the Auditor-General is, and must be, totally independent, and, in fact, has been. I can find no evidence whatsoever that that has ever been other than the case.

What is the case is that the Auditor-General has some discretion in the way in which he spends money on efficiency audits. The Auditor-General has made decisions, which were his to make, about which of those efficiency audits he would carry out and which he would have to defer for budgetary reasons. That is regrettable. We would all like to have everything fully audited and all efficiency

audits carried out to a timetable that suited us personally; but the budgetary realities mean that that is simply not possible. I understand members' disappointment that some of the efficiency audits in which they are most interested will not be able to be carried out. I say again that it is the Auditor-General's decision which he carries out.

Mr Collaery made another strange imputation when he said that the Labor Government regarded the Auditor-General as "an antipathetic figure". That is quite untrue. I repeat that I expect the Auditor-General to be independent and to report fully and frankly; and he always has done. That was the case while I was chair of the Public Accounts Committee; it has been the case throughout the period we have been in government. I really do resent Mr Collaery's remarks because, quite simply, they are untrue.

I suspect that Mr Collaery has based his remarks on the fact that I have required a merit selection process to be undertaken for the permanent filling of the Auditor-General's position. I deeply resent the remark, and I must say that it is quite untrue to say that that action is in any way antipathy towards the current incumbent of the position. That is simply not true. I was very interested to notice that, in fact, Dr Hewson has recently come out to support me in my call for merit selection for these sorts of senior and very sensitive positions.

Proposed expenditure agreed to.

ACT Treasury

Proposed expenditure - Division 50 - ACT Financial Management, \$124,801,200 - agreed to.

Sitting suspended from 5.54 to 8.00 pm

Department of the Environment, Land and Planning

Proposed expenditure - Division 60 - Environment and Conservation, \$39,295,600 - agreed to.

Proposed expenditure - Division 70 - Territory Planning, \$4,279,200

MR JENSEN (8.02): Mr Speaker, I will make a couple of brief comments in relation to the lack of provision within this budget for the appropriate appeals process in the implementation of the planning legislation. I know that the Government has indicated, as we found out during the Estimates Committee hearings, that it does not propose to have the legislation commence operation until 1 July 1992. Of course, there have been some changes to that to require the Government to commence the operation of the legislation on 2 April 1992.

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We have always maintained that there seems to have been some delay in the commencement of this legislation because, if one looks very carefully at it, one sees that not that many changes were made in the process of its being finalised. In fact, it was basically about to be introduced at the time of the change of government, and it has taken some time for the new Government to bring it forward. I would have thought that it did not need that long to sort through it and very quickly make the amendments that it felt necessary to enable the planning legislation to commence operation, certainly, I would have thought, by 1 January 1992, as we had originally proposed.

However, because of the cost associated with the appeals process, it seems that discussions within the Government have resulted in a decision that it will not spend that sort of money during this financial year, and that one of the areas where it would seek to make some cuts was in relation to the provision of a proper appeals process for the people of the ACT.

An appeals process for the people of the ACT has long been sought because it has always been considered that the use of the Supreme Court for planning appeals is totally and utterly inappropriate. Of course, as we know, at the moment there is no such thing as proper planning appeals. That is why we sought to make some changes yesterday in relation to the interim Territory planning legislation. With the exception of one area, we were pleased to see them receive the support of the members of this Assembly. Of course, we will be seeking to make sure that those provisions are included in the legislation in the future.

So, unfortunately, it appears that the Government decided to hold back, if you like, for at least another six months, the provision of a proper appeals process for the people of the ACT. That is most unfortunate. What it is doing, in fact, is putting the people's requirements in relation to this matter at the bottom of the pile, so to speak. That is most unfortunate. But, now that the decision has been made to have the planning legislation commence operation by 2 April, the people will be given a proper appeals process within a three-month period.

Of course, as I see it, there are going to be some problems in relation to the requirement for the preparation of the plan because, in fact, the legislation depends quite a lot on the plan. I will be moving some amendments tomorrow to seek to assist the Government to redress some of those problems, particularly in relation to environmental impact assessments. If we do not make those changes in respect of those areas that are dependent on the plan, we could be caused some problems.

In relation to community consultation, which, of course, is part of this process, it seems to me that the Government - or certainly someone within the department - has made a decision to reduce the amount of consultation in relation

to the large numbers of variations to the Territory Plan that have been proposed in the documents. Of course, as we know, tucked away at the back of the Planning Report is a document which includes 232 changes to the Policy Plan as it currently stands. Those changes, some of them quite substantial, have been proposed. In fact, it would seem that the Government has made a deliberate decision - or at least condoned a decision on the part of the Planning Authority - not to let the residents, who are going to be directly affected by some of those changes, know that they are proposed.

All we received through the letterbox - and all the residents in that area received through the letterbox - was a letter signed by the Territory Chief Planner and a small pamphlet which indicated to the people that there was such a thing as a Territory Plan and that if they wanted further information they should go elsewhere to look for it. Nowhere in that documentation are those people who are going to be affected told that there could be some major changes to their area - changes to the open space which they have been used to for some time; changes to allow three-storey residential development. None of those people have been advised directly of that. It has been up to them to take the initiative.

As I have already indicated in this place, the draft variation process that currently applies requires the system to provide notification to those citizens who are going to be directly affected by these changes. For some unknown reason, it seems that the Planning Authority has made this decision - one can only presume, with the support of the Government which, in fact, has the ability to direct the Planning Authority, in accordance with section 30 of the Territory Interim Planning Act, to take certain actions of an overall nature, as opposed to a plot's specific nature. That is why I have asked, and will continue to ask, the Minister to require that further notification be given to the community in this very important area.

Quite frankly, I think the community is being let down in the provision of information in this very important area, and I suspect that that has something to do with the budgetary process. Unfortunately, community consultation does not come cheap. However, might I suggest that, if the community consultation process is operated successfully and appropriately, the community will slowly build a greater faith in the system. I suggest that, once the appeals process has commenced and the courts have set various agenda for appropriate appeal mechanisms and also what it is appropriate to appeal on, we will find that there is a reduction in the use of the appeal process. There will also, of course, be a reduction in the community involvement in this area, because the community, I think, as this plan is implemented, will be progressively much happier with the process.

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With those few comments, I conclude by imploring the Minister to ensure that the residents, particularly those directly affected, are advised of those very important changes in their neighbourhood before we go too much further down the track.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (8.10): I thank Mr Jensen at least for acknowledging that the processes that we are putting in place will bring about a much improved appeals system. Unfortunately, it seems that it has not improved to the extent that he thinks it is perfect. Mr Jensen wants to go down the path of slowing down, if not locking up, all the processes in the ACT. I do not quite understand his comments about the new legislation coming into effect on 2 April when he has said at other times, as I recall - check me if I am wrong here, Mr Jensen - that the plan and the planning legislation go very closely together. Mr Jensen was adamant that the plan should be put in place at the same time, or approximately the same time. So, I am just not sure what his point is or just where he stands on that.

We are spending a very large amount of money - or at least the Territory Chief Planner is spending a great deal of money - on community consultation; getting out there and advising people about what is happening. I do not believe that there will be too many people who are not aware of the events that may be happening around them. I think it is well and truly in the news. People have been letterboxed, as Mr Jensen says, with a letter simply advising them to take notice. There is plenty of activity - a great number of meetings - and I would be very surprised if people did not know what is happening.

Mr Jensen: Not by the Government.

MR WOOD: Mr Jensen, it is not the Government's role to be involved in that. It is the draft plan of the Territory Chief Planner, and I believe that he is doing well in spending the very large amount of money that was allocated in the budget to this community consultation.

Proposed expenditure agreed to.

Proposed expenditure - Division 80 - Land, \$16,042,700 - agreed to.

Office of Sport and Recreation

Proposed expenditure - Division 90 - Sport and Recreation, \$8,546,400

MRS NOLAN (8.12): I will be very brief in relation to this particular division, but I think it is appropriate that I place on record my concerns in relation to a couple of things that are coming up in relation to sport and recreation. I refer to the proposed council, and to the

lack of an appointment as the head of that particular agency. I think that that is most inappropriate. I would have thought that somebody would have been appointed to head that section.

Sport and recreation is a very important area for the ACT community. Many people participate in sport and recreational activities in the Territory. It also makes a significant contribution to the tourism industry in the Territory. It is unfortunate that for some considerable time now there has not been a head of that particular agency.

MR STEFANIAK (8.14): In relation to this matter, I think there are a number of things that the Government can still do, if it remains the Government after February - indeed, they are things that any government should do. First and foremost, it should fully implement the recommendations of the Hartung report. I am glad to see that some of them have been implemented in this budget, especially in the facilities area and the sport and recreation area. But, still, that area is spread across about three parts of the administration and is under three separate Ministers. That cannot be efficient in terms of either service delivery or, indeed, cost.

In terms of the \$2.2m spent on the administration of sport and ancillary services in Canberra, if the recommendations of the Hartung report were implemented, it would probably save, at a conservative estimate, between a quarter of a million and half a million dollars. Indeed, that money could then be used for more beneficial purposes for sport and recreation.

I note that, in a tough budget, in real terms, this area has remained much the same. That is more or less in line with what was promised under the Alliance Government. I think that is sensible, when one considers the findings of the Grants Commission and the funding of sport in relation to other States and the Commonwealth. I am a little bit worried, and the Estimates Committee brought this out, as to what the Government intends with the Health Promotion Fund.

I am interested to see that the Minister does not seem to intend that the contribution to that fund be raised from 3 per cent to 5 per cent of the tobacco tax, as is the case in other States, where there is, in fact, a 50 per cent tobacco tax. I am also interested to see what he does with some of the government schemes, especially in relation to the use of that fund in relation to juvenile drinking and binge drinking. If the matter was properly addressed, some of that money going to junior sport might well be very sensibly used. It might be a very good tool for pushing that healthy message.

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I am a little bit worried about some of the things that came out of the Estimates Committee, though, in relation to the Health Promotion Fund. It does seem to be at a crossroads. I understand that at present there is still a two-month lead time while the public servants look at the applications, before they even get to the committee. I think it is important for groups that get money under that fund, especially sporting groups, to know fairly quickly, certainly as soon as possible, whether or not their applications are successful.

I think that fund, which has been in operation for 15 to 16 months or so, has generally worked quite well. There are a few bugs to be ironed out. I think the advisory committee, under the chairmanship of Sir Richard Kingsland, is a very dedicated body which certainly applies itself to its task. But I think a number of improvements can still be made there, and that would certainly flow through into the sporting area.

I query whether the estimate given by the Government at the Estimates Committee hearing - that it would cost about \$450,000 to move the Office of Sport, Recreation and Racing into Hackett - is, in fact, accurate. I think there remains a need for the department to be more centrally located. I am not overly fazed as to how a government approaches that matter; but I think that, in terms of service delivery and sheer efficiency, it has to be addressed.

I am also concerned about the ongoing saga in relation to the Bruce Stadium. These problems certainly have yet to be solved. In fact, they seem to be becoming more and more complex, which is a real problem, because we certainly do not want that to be a white elephant. It is, in fact, the premier sporting ground in Canberra. We appear to be stuck with its administration; but it has a lot of potential, and that should certainly be utilised by any government. Mr Collaery raised a large number of points at the Estimates Committee hearing, which I will not go into. They are there for all to read in relation to the operation of the Bruce Stadium. Some of them, in fact, are very valid indeed.

I am pleased to see that this Government, as indeed did the Alliance Government, after it got up and running, has started to appreciate how important sport and recreation is to Canberra. It is important not only in terms of the health and other socially beneficial aspects of it, but also in terms of being one of the main reasons that people come to Canberra - one of the main tourism drawcards. I am interested to see that, for some hotels, about 30 per cent of their occupancy rate is attributable to sporting teams and people coming here for sporting reasons. It is important to ensure that the grassroots sports are catered for. That has been done to an extent, and these sports must continue to be developed through Dr Roberts' committee, which gives out a lot of grants to the relevant bodies.

But, at the other end of the scale, we must also cater for elite sport, through the Sports Academy and also by having major sporting events come into the Territory. When the Alliance Government was in office, we showed that the Summernats, in fact, brought in about \$5m for the expenditure of about \$113,000 - \$80,000 of which was police overtime. I will have a bit more to say about that matter in relation to the police budget when we come to it - with reference to another more topical and current issue.

That shows just how much can be brought in through a major event. In relation to the Australia Day carnival, studies have been done which show how much comes into the Territory for an event of some 40 sports which lasts about three days. Perth recently got about \$20m into its economy from having the Golden Oldies there - 5,000 players and about 3,000 wives, spectators or supporters for a period of about 10 days. Hopefully, Canberra will get that magnificent event, because it really is a big tourism and revenue spinner.

Any sporting event which brings in over 1,000 people and lasts for more than two or three days is going to bring several million dollars, at least, into the ACT economy. Any government has to be aware of that, and I am pleased to see that in this First Assembly everyone is starting to realise that fact. This is a quite important area, especially considering its relevance to tourism, as much as anything else. We are talking about a sport industry.

I note that it is one of two areas in the budget where there are in fact no cuts. Whilst something might have been done in terms of cost saving in the housing area, despite the Commonwealth-State agreements and looking at the Grants Commission findings, this is one area where, whilst I have some reservations about how the Government is going about its sporting policy, its budget is probably not terribly different from what the Alliance Government would have brought in. I reiterate those points which were partly made in the Estimates Committee report but which I would like to see on record now in this debate.

MR COLLAERY (8.21): I rise to support the comments of my colleague Mr Stefaniak, and to add a little more, perhaps from a perspective of having had ministerial responsibility for this area until a matter of days before the budget was set. The hard decisions have generally been avoided in this budget. There are some ideological decisions, but what was required in this city - a city where there are 130,000-odd registered sporting participants - was a decision on a proposal that had received unanimous support from the sporting community, and that was for the establishment of an independent sports body, or commission, by whatever name.

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The chance to do that lay in this budget. It lay in this budget because there was a \$3.5m surplus in the Community Development Fund. Certainly, I had my eye on a little bit of that to establish the - -
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Mr Berry: Like the \$6m worth of goodies you promised everybody.

MR COLLAERY: I will come to that. I had my eye on some of that, because this was the one and only chance, given the wind-down of the Community Development Fund, to fund the establishment of a sports commission. The Government proceeded wisely. It allowed the bureaucrats, I think, six months - Mr Stefaniak may correct me - to finalise the terms of reference. That was an epic in itself - to get through what was clearly an unpalatable prospect in some senior sections of the bureaucracy, that of a statutory independent sports commission that would take the rule over sport away from the senior bureaucrats and a Minister.

The terms of reference finally came down early this year and a report was commissioned from Mr Hartung. The report came down and he recommended a low cost form of sports committee - I believe that he called it a council - but he recognised that there were funding imperatives. He suggested that the manner in which sporting activities were spread over almost every department of state, and the manner in which sports facilities were organised, some by one Minister and some by another, be rectified.

To the extent to which the Government has acted on the latter and has brought facilities together - not completely, but it has moved towards that - we support and endorse the decision. But we had not fully endorsed Mr Hartung's detailed recommendations about a sports commission. The one and only truly agreed issue was that we had to have an independent sports body. We have seen, over the years, how it has been used for pork-barrelling by the Labor Party. We wanted an independent sports body so that sport did not become a cheque a week for some Labor aspirant.

Mr Connolly: A what?

MR COLLAERY: A cheque a week for some Labor aspirant, Federal or local. Of course, I am referring to a cheque going into the pocket of the sporting organisation. Mr Connolly started when I said that. The recommendations of Mr Hartung needed a little bit of work. The Government fell, but the will of the community was there and the money was there. Instead, where did the \$3.5m go? It went to the municipal recurrent budget out in Gungahlin. It went to an area for which, properly, every government, shire or other municipal authority borrows. You borrow on the municipal account so that future ratepayers pay for their infrastructure.

Why should present ratepayers pay all of the oncosts for infrastructure development for new subdivisions? Borrowing is an accepted parameter in local government activity. But, on that municipal side, the local government side of our activity, the Government sent \$3.5m from the Community Development Fund for roads and bridges at Gungahlin. That was revenue which had been pledged by successive governments - Federal governments, Labor governments - from gambling, from the TAB and the other GALA activities. In breach of those pledges, that surplus was sent out for roads and bridges at Gungahlin. It should have been used for community purposes. It was dedicated to that.

MADAM TEMPORARY DEPUTY SPEAKER (Mrs Grassby): Mr Collaery, I do not think this is relevant.

MR COLLAERY: Madam Temporary Deputy Speaker, this is an appropriation debate. I know that this may present some difficulties for you from the chair; but I assure you that this is entirely relevant, with respect. I am talking about the appropriation of - - -

MADAM TEMPORARY DEPUTY SPEAKER: I do not think it is, Mr Collaery.

MR COLLAERY: Madam Temporary Deputy Speaker, if you wish to step out of the chair, I will argue that with you. If you wish to rule, I will not accept your ruling.

Mr Berry: Madam Temporary Deputy Speaker, I raise a point of order. Mr Collaery has seriously reflected upon your competence in the chair, and I think he ought to withdraw the imputation.

MR COLLAERY: Madam Temporary Deputy Speaker, I said that if you ruled I would not accept the ruling. It is up to you to rule that my comments in this debate about the appropriation of funds are out of order.

MADAM TEMPORARY DEPUTY SPEAKER: I am suggesting that they are not relevant to this debate, and I suggest that you be more relevant to the debate.

MR COLLAERY: I will bear in mind your comments, Madam Temporary Deputy Speaker.

MADAM TEMPORARY DEPUTY SPEAKER: Thank you, Mr Collaery.

MR COLLAERY: If the Government was going to take that \$3.5m out of the community budget, it could have been used for something closer to the people. It could have been used for non-government schools, for that matter. Be that as it may, it has gone out to roads and bridges, and that borrowing was not done. Why? It was because this Government wanted to say, "We did not increase borrowings; we did not do any new borrowing". That was irresponsible. It was an irresponsible way to use funds.

Mr Connolly: Bankcard Bernard.

MR COLLAERY: Mr Connolly interrupts from his seat over there, saying "Bankcard". When Mr Connolly gets to set a real budget, if ever he does, he will understand the principles that I have just enunciated. Clearly, sport and recreation in this Territory has suffered grievously because, as Mr Berry said at the sports summit the other evening, "I will appoint the members of the sports council. They will be appointed by me, and they will be people acceptable to the Government". He said that. They were his words. He also said, "There would not - - -

Mr Berry: That is right, yes. That is what governments do, Bernard; they govern.

MR COLLAERY: See, he is quite blatant about it. He is going to appoint a sports council that suits the Government's views. The Alliance Government was moving towards an independent sports commission of the calibre and status of the Australian Institute of Sport. We need an academic sporting institute, and that is what this Territory will get, I promise you. There were 130 registrants at that summit and Mr Berry left the meeting early because his comments were received in a deadpan, dead silence way.

Sporting people have a certain politeness about them that probably no other community that Mr Berry faces has. When they are silent, that is a sure veto - a sign of no confidence. I can assure Mr Berry that nothing but condemnation has come from the Minister's comments. This appropriation allows the Government to get the funds to set up its own council. We have a Bill before the house to deal with what may happen in that regard and we will see what goes - and whether they are game to try it when we get our amendment to become law.

Mr Stefaniak referred to the Bruce Stadium. In a statement to this house, I have alluded to the running oncost of more than \$600,000 per year of that arrangement, made without legal advice and without reference to the lawyers by the former Deputy Chief Minister, Mr Whalan. The agreement needs to be submitted to independent inquiry. We believe that that inquiry should have judicial status at some stage. This Labor Government will not escape the Bruce Stadium affair. It will visit them, in one form or another, at some stage, I assure the house.

It must be inquired into. There is a loss to the people of this Territory of a sum of at least \$600,000 per year, because a deal was made which had one provision in it that said, "If there is any dispute between the parties, the view of the League will prevail". It was worse than anything that Clancy of the Overflow would have written. Having seen, in my practice as a solicitor, agreements made by farmers over the boundary fences - and Mrs Grassby knows what I am talking about - this arrangement had nothing on a

thumbnail marked in tar. This was an extraordinary matey agreement that I have never seen the likes of. It will be tabled in this Assembly one day, when the commercial-in-confidence issues can be resolved, and it will be explored in a proper, independent inquiry. And the sooner, the better - and so be it. (*Extension of time granted*)

I conclude my remarks by indicating clearly that the sport and recreation community deserves the putting off of the Government's proposed sports council until after the election, until it has a mandate. The Government does not have a mandate to appoint a council in the next few months before there is an election and before we as a community have an opportunity to pass judgment on what has been done in the few short months that this Government has had control.

MR BERRY (Minister for Health and Minister for Sport) (8.32): The first thing I want to do is draw Mr Collaery's attention to Budget Paper No. 4. I would ask him to turn to page 26, if he has an interest in the subject. He is not interested, it appears. Mr Collaery does not appear to be interested in matters of fact. In what I would describe as a most careless use of the truth in this matter, Mr Collaery avoided any research into the issues which were at the centre of the accusations that he so loosely made. On page 26, if Mr Collaery cares to turn to it, he will see that it says in the final paragraph:

In 1991-92 a further \$3.5m will be spent on construction of the Tuggeranong Community Centre, with this project being finalised in 1992-93. A grant to the ACT Hockey Association of \$0.6m will be financed from the CDF balance in 1991-92 and a further \$0.9m will be spent on arts related projects.

That is all under the heading of "Application of the Community Development Fund Balance". I wish that Mr Collaery would turn his mind to those issues as they are set out in the budget papers, instead of making the sorts of outrageous accusations that he made in relation to the matter.

Mr Collaery also persisted with his paranoia about his adversary, a former member of the Assembly, Mr Whalan. Mr Whalan, of course, wiped the floor with Mr Collaery on many occasions and the paranoia about Mr Whalan persists. But the real issue that Mr Collaery is concerned about - or should have been concerned about - is how he managed the Bruce Stadium whilst he was Minister. He botched it. That is what it boils down to. And there is still \$1m outstanding because Mr Collaery botched his management of the Bruce Stadium.

Of course, we all recall that, shortly after the Alliance Government took office, the Bruce Stadium Trust was abolished. The management of the stadium was destabilised throughout the period of that Government and, of course,

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that important budget source of funding, the \$1m, has thus far been lost. It has been a difficult job to pick up the reins in relation to this matter, but Labor is on track and will be able to deliver an outcome which is favourable to the people of the ACT in due course.

Mrs Nolan raised the issue of the structure of sport and recreation. The first thing that I should say is that one of the great achievements of this young Labor Government was to draw sport and recreation into a single line, and into a single area of administration, in the budget. It took us only a short time to do that, and it was a surprise to me that the former Government was not able to do that. The two areas of sport were brought together. We have developed a permanent organisation for sports; and, of course, we will make permanent appointments once the permanent structure is in place. I think Mrs Nolan would agree that it would be irresponsible for us to make those appointments before we have the structure finalised.

Mr Stefaniak mentioned the Health Promotion Fund shortly after he talked about the budget. What Mr Stefaniak failed to mention was that there was a significant increase in the sports budget - 4.3 per cent - and that the sports budget stood out, amongst other budget areas, for the increases which were achieved under a Labor Government. Whilst he referred to the Health Promotion Fund in the sport and recreation area, I think it might have been dealt with better under the division relating to health.

The Health Promotion Fund, of course, was established under a Labor Government. The level of contribution remains at 3 per cent, and that fund is about the provision of health promotion to the community. It is not about sports promotion. Mr Stefaniak knows that, and so do sport organisations throughout the Territory. We have to ensure that there is no misinterpretation of what the Health Promotion Fund exists for throughout the sports community. It is a Health Promotion Fund; let us not forget that. It is not there to promote sport by itself. Sure, sports can use it as a useful promotion of sport whilst they attend to the needs of the Health Promotion Fund, but we have to remain on course with that.

Mr Stefaniak complained that there were some difficulties with the Health Promotion Fund. I have to say that the advisory committee - and I agree with Mr Stefaniak on this point - does have a tough job ahead of it, because a great number of people compete for the funds allocated from the HPF. It is difficult. The advisory committee, of course, has lost a couple of members along the way, and the process of appointing replacements is under way. Of course, we will continue to try, wherever possible, to keep the advisory committee well resourced to provide properly for health promotion in order that we can develop the health of the community through that fund.

I think Labor's achievements in sport have been good ones, and they have been welcomed by the community. The sports community will particularly welcome the establishment of a sports council. We are ideologically different from the former Government. This is a committee that we have established to firm up our commitment and to provide us with the level of consultation that we require in the development of sport policies for the Territory.

MR STEFANIAK (8.39): I will make just a couple of points in my second, and last, speech on this matter. In relation to a couple of points that the Deputy Chief Minister made concerning the Bruce Stadium, I will say this for Mr Collaery: I noted with interest, during his time in the Alliance Government, a very genuine and a quite good attempt to clean up what was a pretty messy contract, which was signed on 24 June 1989. I certainly do not mind putting on record that, whilst I would certainly disagree with Bernard Collaery on a number of points, I was quite impressed with the way that he went about attempting to get the best deal for the Territory, and I think for all sporting bodies, in sorting out what was a pretty unfortunate contract - drawn up, I think, by a firm of accountants, rather than lawyers, in June 1989.

In relation to the Health Promotion Fund, I was interested to hear the remarks of the Deputy Chief Minister. The importance of that fund for sport should not really be lost on anyone here, because that fund does provide, and can provide in the future, through the use of tobacco taxes, a very major sponsorship source for sport and for other activities. It is interesting to look at the amounts of money that people applied for. The figures that I recall from the Alliance Government, after about 12 months' operation of that fund, were something like \$1.9m for sports related groups, \$1.6m for health related groups, and only \$180,000 for arts related groups. These were figures that I actually saw at some time during the period of the Alliance Government - the amounts that people actually had applied for, not that they necessarily got anything like that amount.

That just shows how many sporting groups there are out there and how keen they were to get hold of that sponsorship dollar. The reason that that fund was set up was to buy out tobacco sponsorship - and primarily to buy out tobacco sponsorship of sport. The tobacco companies certainly are not stupid. They have a very pernicious product, which they push. It is still, perhaps unfortunately, a legal product; but efforts have been made to wean people off that product, and that is slowly having some effect.

Mr Berry: We will not ban it, or fine people for smoking it, Bill.

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MR STEFANIAK: I do not think anyone necessarily will, Mr Berry, which may or may not be a good thing; but that is probably just a fact of life. So, I suppose that what we have to do is try to educate people as best we can in that regard. Those companies sponsor sport for a specific reason, and that is that it is an excellent venue to sponsor any product and to get one's message across - especially to get one's message across to young, impressionable people. That is why the Health Promotion Fund bought out tobacco sponsorship in the ACT - which was fairly minimal; I remember that when the Alliance Government took over it was about \$70,000, with possibly about \$40,000 to \$50,000 worth of fringe benefits.

That fund, which even under the current arrangements provides about \$300,000 worth of sponsorship per annum to sporting groups, is a significant improvement on what the tobacco companies did, anyway. So, that is good. But we should not lose sight of the fact that, just as the tobacco companies see sport as the ideal vehicle to push their message, so health bodies, and the government of the day, should see sport as the ideal vehicle to push a health message, especially amongst the young.

I think I have said this a number of times, and I will certainly say it again: Kids at high school are going to be far more impressed if Herb McEachin from the Canberra Cannons, Tad Dufelmeier who used to be with them, or anyone else from the Cannons, turned up under the Quit for Life program than if some dreary public servant - no matter how well intentioned - turned up to give them a health lesson on the evils of smoking tobacco.

Kids have their role models, and often they are sporting figures. That is why I think this fund is so important, and that is why I would commend to any government a change in the percentage for the fund. That has, in fact, been introduced in the southern States - certainly in Western Australia and South Australia, where up to 50 per cent of the fund is used to fund sports related activities. I would suggest that the 15 per cent for arts remain; that the general health category be reduced from 40 to 20; and that the other research and administrative costs remain at 15. I think that would be a more rational break-up of the fund. It is a health promotion fund, but we should never lose sight of the fact that sport is the best vehicle to promote a healthy message. So, in a way, its becoming a bit more of a sports promotion fund certainly would not hurt.

MR BERRY (Minister for Health and Minister for Sport) (8.43): I need to make it clear to Mr Stefaniak that the one outstanding issue which is a dark inheritance for this Government is the fact that the \$1m was not collected. No matter how much Mr Stefaniak might support Mr Collaery on this issue, we did not have the \$1m when government was handed over to us and, of course, it has been a difficult

job to sort out the matter. Had it been sorted out earlier - as would have been the case, I am sure, if the trust had stayed in place - then this issue would not have been left for us to deal with. Of course, we will deal with it in due course.

I would just like to draw Mr Stefaniak's attention to the details of the Health Promotion Fund trust account given on page 270 of Budget Paper No. 5. The Health Promotion Fund, of course, does not return \$1.5m a year; it is more of the order of \$900,000. I think the issues that I have raised in relation to the Health Promotion Fund in my previous speech on the matter have provided all the answers that Mr Stefaniak would need.

MR COLLAERY (8.45): I rise merely to put on the record that the Rugby League had until 31 December 1990 to pay the \$1m. We did not know until the day, in effect, that they defaulted. In the period after that, through until May when the Government fell, we had five months to resolve it. This Government has had from June to the end of November. So, in effect, it has had an equivalent time, and it has not come up with a solution. So, I think it ill behoves Mr Berry to say that we should have resolved it.

The fact of the matter is that, when we were in government, there was a playing season. As every person in the Canberra city knows, for us to have pulled the pin or forced that issue at that time during the negotiating phase, during the playing season, would have required a most extraordinary, hard-headed and difficult decision. That decision to disrupt the Raiders, as they fought for the premiership, was an issue that the Government had to consider.

But, more importantly, what the Government had to consider was the fact that the rugby league club was in very difficult financial circumstances; and, if the New South Wales Rugby League sent the \$1m down to its bank account, the question was: Would it go in priority of receivership? So, let us get down to tints on this issue. Mr Berry is on loose ground in that I have, of course, retained copies of those papers.

I can assure the house that one of the considerations, as shown in the paperwork I have, was, of course, the financial situation of the Canberra District Rugby League Football Club Ltd, and the fact that its assets might be taken in a liquidation or other receiver application. The New South Wales Rugby League in Phillip Street was well aware of that, and that was the reason why, when I was in Adelaide with the member for Canberra, Ros Kelly, I made the arrangement to have the \$1m sent to the trust fund of the Sports Commission, in effect, to keep it away from any potential receiver.

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I assure Mr Berry that the day-to-day negotiations at law were handled most competently by the Australian Government Solicitor, whose office was not employed or consulted for the making of that extraordinary agreement - and that must be a subject for the inquiry in due course. The league had solicitors who were known to me to be competent and able. As Attorney, apart from signing the letters of demand and insisting on knowing the background to them, I did not involve myself, quite properly, in the day-to-day legal negotiations on the basis of what we could make out of the 25 June 1989 agreement, negotiated by Mr Paul Whalan with the league.

Mr Berry is the Minister responsible for this \$1m. To date, he has not accounted to the people of the ACT for it. He dodged the issues in the Estimates Committee hearing, as the record shows; and, again, he has simply put up an empty argument. He has not told this house where the \$1m is, and what arrangements he has made to get it. In fact, he has said that he might be looking at some sort of arrangement for the money.

But the \$1m is one issue. It is a 20-year agreement that we seem to have found our way into - a 20-year agreement, involving a \$600,000 loss in real terms in this year, each year. That is an enormous drain on the sports budget. It puts a hole in this appropriation, and it is not fair to the other sporting groups and codes, particularly in respect of the junior codes and the funds we need in women and girls sports to address access and equity issues.

It is another contradiction of Labor's ethic: Firstly, it denies their claim to be competent financial managers, which we know nationally now to be a joke; and, secondly, it denies adequate funding elsewhere in the sports budget, and therefore it is anti-social justice. It is another contradiction - like their vote yesterday against giving migrants interpreters. That, of course, was noted by a crowd of some thousands that I spoke to today at Parliament House, and it is being noted again this evening. I assure the members of this house that one of the biggest errors that this Labor Party has ever made was to attack the ethnic and migrant community yesterday.

I reject totally any suggestion that the Alliance Government did not do all in its power to repair that extraordinary agreement. It worked competently towards resolving it. It showed patience, and the government officials involved, in the Government Solicitor's Office, showed a high degree of negotiating skill. When the inquiry is ultimately held, that truth will be out.

MR BERRY (Minister for Health and Minister for Sport) (8.51): Mr Collaery is not fair game; he is a pretty easy mark. We could get involved in tit for tat about whether or not Mr Collaery was guilty of something in the period of his ministry. But the facts speak for themselves - over a long period of time the \$1m was available, and it was before the bubble had burst in relation to the Raiders.

And, of course, the longer he waited to deal with the issue and failed to deliver the \$1m, the harder it was going to get. That is exactly what has happened. The \$1m has gone back to the New South Wales Rugby League. There are no cover-ups, Mr Collaery. You know where it has gone. Why are you suggesting that there are cover-ups? There is nothing to cover up. The fact is that you did not deliver the money, the Territory is the poorer for it, and Labor - - -

Mr Collaery: I delivered the money and you sent it back to Sydney.

MR BERRY: Cut it out. You never delivered the money. They would not give it to you, because they did not trust you.

Mr Jensen: I rise on a point of order. That was an imputation that my colleague is untrustworthy, and I request that it be withdrawn.

MR BERRY: No, no. I would not make an imputation that - well, I might. I withdraw it.

Mr Collaery: Madam Temporary Deputy Speaker - - -

MADAM TEMPORARY DEPUTY SPEAKER: He withdrew it.

Mr Collaery: He needs to withdraw both. Let us have both on the record.

MADAM TEMPORARY DEPUTY SPEAKER: Mr Collaery, he withdrew it.

Mr Collaery: He withdrew his original statement; now for his further allusion, please.

MADAM TEMPORARY DEPUTY SPEAKER: He withdrew, Mr Collaery.

Mr Collaery: What did he withdraw, Madam Temporary Deputy Speaker?

MADAM TEMPORARY DEPUTY SPEAKER: He fully withdrew. I heard him withdraw.

Mr Collaery: What did he withdraw, Madam Temporary Deputy Speaker?

MADAM TEMPORARY DEPUTY SPEAKER: He said, "I withdraw it".

MR BERRY: I withdrew the imputation that you are shift. I do not intend to go on any longer about this. The mismanagement by Mr Collaery, in his ministerial capacity in the Alliance Government, of the \$1m that was owed to the government is a matter of record. There is nothing more to say.

Proposed expenditure agreed to.

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Attorney-General's Department (Government Law Office)

Proposed expenditure - Division 100 - Legal Services to Government, \$11,464,800

MR COLLAERY (8.54): I rise to congratulate all those who work in the legal services to government for their efforts in light of the enormous strains that they have been under in forming, over the last two years, a law office that did not exist prior to self-government, and for securing in the budget process an appropriation of this size. There is quite an anti-lawyer instinct in the Labor Government; one detects it at every turn, and I am pleased to say that they did not get on top of this group.

Mr Berry: Here we go; more half-truths.

MR COLLAERY: Madam Temporary Deputy Speaker, on a point of order: Are you prepared to ask Mr Berry to withdraw? Are you going to ask him to half withdraw his half-truths?

MADAM TEMPORARY DEPUTY SPEAKER: I did not hear what Mr Berry said.

MR COLLAERY: I see. Thank you, Madam Temporary Deputy Speaker. The legal services to government are an essential part of government. Good government seeks legal advice. When we wanted to litigate the Gowrie Hostel land grab by the Commonwealth, with the Chief Minister's endorsement, we put the matter through the courts. We did not win. We used eminent counsel, now a judge, and we lost. We used the Government Solicitor's Office for advice before we committed the revenue of this Territory, unlike the Labor Government which, as we noted on the last appropriation division, went and signed up a big dollar deal for a big white elephant out at Bruce. It cost us millions and millions of dollars - \$3.7m it cost out at Bruce.

Mr Wood: You went and opened it. If you do not approve, why did you go and open it?

MR COLLAERY: Yes, and I tell you what: When I opened it, I got booed, did I not? Senator Graham Richardson stood beside me when I was booed, and he got booed too. He wanted to know whether he was being booed because of me or I was being booed because of him. We were not sure. But then the next time Mr Hawke went there, as Mr Kaine knows, he got booed too. So, I do not know whether your money was even well spent on the league.

MADAM TEMPORARY DEPUTY SPEAKER: Mr Collaery, do you think we could get back to the debate?

MR COLLAERY: Yes. It was just a short allusion, Madam Temporary Deputy Speaker, to lighten the evening. The legal services to government, of course, underpin all the activity of the departments. One of the important issues, of course, is criminal law reform. I enjoin Mr Connolly to

pay more attention to that issue, because the more than a dozen criminal law reform Bills that have come through whilst the Labor Government has been back in power, or thereabouts, have not come from his ministry; they have come from the Residents Rally or Mr Stefaniak. Effective law reform reposes in the Opposition at the moment, let us face it.

That raises two questions. It raises the question of whether the Labor Party is capable of driving reform; it always claims to be a reformist party. The other question that it raises is whether the criminal law reform instinct in the Government Law Office is running at a high enough pitch. The general law reform instinct is, and we are served by a most excellent group who service the Law Reform Committee. But there are concerns in my mind about the upper direction, and the strength of purpose in that area. I say no more.

We are talking about spending taxpayers' money, and I think there is a level of frustration, perhaps all around this Assembly, that we feel about that particular area. Those that will read this *Hansard* later will know exactly what I am referring to. Action should be taken to ensure that the community gets a more innovative and more forceful dollar out of this portion of the funds that are spent in that criminal law area. I am not, of course, referring to the Government Solicitor's Office in these remarks.

In respect of the legal expenses to government, there is a high cost in terms of the provision of legal advice to government departments. We have seen that in the land planning area and in the building disputes area there is continuing recourse to private legal consulting advice. I believe that it is time, with the globalisation of legal services and with national law firms here now allied to local firms, that we looked very carefully at giving work outside of the city, although Mr Connolly will move quickly to remind me of the trade practices issues here; that we need, wherever possible, to try to ensure that those other government departments, not the Attorney's department, look to see whether they could not get the same advice in Canberra.

We noticed during the Estimates Committee hearings that the Government is still continuing to use the time hallowed firm in Brisbane that has given contractual dispute advice. It might be an appropriate juncture to indicate to the appropriate people either that they may want to gain an interest in a local firm, and thereby secure their legal services locally and contribute to the local private legal profession, or that there should be a competitive open tender for the provision of contract disputation advice.

I accept that in a small town there are certain sensibilities about going to local firms on major contractual disputes. But, in my experience, if major commercial firms use local services, I think that the

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Government could consider that the ethical situations that the firms abide by are sufficient, at this stage, for it to put that work out to local or local-national connected firms.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.01): I thank Mr Collaery for his pleasant comments directed to officers of the Law Office, now the Attorney-General's Department. I found his assertions about the anti-lawyer bias of the Labor Government somewhat peculiar, speaking from the perspective of the lawyer member of the Government.

As for the rest of his ravings about the Bruce Stadium, I think Mr Berry has dealt with that appropriately. We in the Labor Government just wonder why Mr Collaery is so obsessive about this issue. We think it is most appropriate that the country's best football team should enjoy the facilities of the country's best stadium, and, if Mr Collaery finds something wrong or sinister with that, we will leave it with him. Mr Berry addressed the matter most eloquently and appropriately.

Proposed expenditure agreed to.

Proposed expenditure - Division 110 - Community Legal Services, \$7,249,400

MR COLLAERY (9.02): Madam Temporary Deputy Speaker, I rise to comment upon the legal aid service which is funded out of this area. In recent days, we have heard the marvellous and dedicated executive director of that service indicating that budget strains remain in that office. In a period of unprecedented social dislocation in Canberra, particularly matters of debt and strains in family dynamics, that office is stretched to the limit. It is stretched to the limit, of course, with other concerns, domestic violence and the rest; but, happily, the Law Society contributed funds at the right juncture this year and that situation was ameliorated.

I want to draw attention to the concerns the commission and the Law Office have expressed in relation to the cost of transcripts. Each page of the *Hansard* and each page of a court transcript costs \$8.50, from my recollection. A normal transcript for a defended matter can run into hundreds and hundreds of dollars, and that is a very large cost to the Legal Aid Commission. As the Attorney knows, I established, whilst I was in my former role, an interdepartmental-interagency committee to see whether we could get some competitive tendering, and to see whether current word translation facilities, by voice, which have been developed certainly by the Japanese computing intellectual electronic industry, could be applied here.

Recently, when I made inquiries at the Estimates Committee hearing, I was given to understand that a report had been made to the Attorney. We have not heard of that, if it has been made and - - -

Mr Connolly: I will tell you about that now.

MR COLLAERY: Mr Connolly interjects and says that he will tell us about it. We would, of course, be pleased to hear about it. As we found out through the advice of the Clerk of this house, during the Estimates Committee hearing, the most competitive arrangement was, indeed, to continue using the Commonwealth Reporting Service. But I remain interested to see whether technological improvements that one sees at international convention centres are feasible, considering how many words are transcribed in this town on our budget and a variety of budgets every day.

There is also a concern in the Legal Aid Office as to whether the very large payments that are made on defences in indictable matters that require senior counsel and a level of difficult funding decisions do not derogate from community support funding, when that funding itself stems from Federal offences - federally investigated offences. Of course, the classic case I mention is the Kerry Ann Browning trial where, of course, the charges were largely related to diplomatic and federally isolated offences - charges pursued by the Commonwealth in our courts at the cost of our legal aid funds, and on the time of our courts.

I think all members should know that I am referring to a serious situation that we have yet to face up to with self-government; that is, that the Federal Government can lay its charges under its legislation and we do not get any extra allocation from the Commonwealth, in the 45-55 funding arrangement for the Legal Aid Commission, to take account of those long running, large-scale, indictable offence trials. The situation, then, is that, for that, for the police forensic work and for other matters, we need to have a greater specificity in funding declensions between the national policing components and the local components. One needs to find out the extent to which the vast cost of the Kerry Ann Browning trial could be broken down to determine the extent to which there was a payment by the national Government for the case that it pursued against that woman, and to determine whether it came off our community policing costs and so on.

Those are issues that are going to be pursued, if the Government sticks to the policing arrangement we made, which required further work on funding identification methodology before any major decisions were taken on policing in the Territory. We would be interested to hear from the Attorney whether he has received the much talked about June review and what the methodology is, because it has a direct impact back into legal aid funds. When you have sums of the order of \$100,000 going out, or something like that, on an indictable trial that has been managed by

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the Commonwealth essentially for a Commonwealth purpose, you want to know whether sufficient funds went to supporting debt defence matters, domestic violence concerns and the variety of personal injury matters that afflict those who have access to legal aid funds.

I take this opportunity, of course, to commend the work of the marvellous band of people who work in the legal aid service. They work very hard. They are a marvellous bunch of men and women, including their support staff. If you go past the Acton premises you will see the lights on there all the time - very late into the evening. They work extraordinary hours, under grim pressure and at the oppressive end of the legal spectrum. They are nearly always defending or attempting to gain justice from a better heeled litigant with a large law firm. They need our support and commendation at all times.

MR STEFANIAK (9.09): Reasonably briefly, I certainly would agree with Mr Collaery's last comments, having done a fair amount of legal aid work myself as a solicitor in New South Wales, in the Children's Court especially. Indeed, when I came down here and changed to prosecutions I was a bit surprised to lose my first cases because I thought, "Now at least I will win a few cases". But I am well and truly used to doing about 20 legal aid cases a day for various sorts of reprobates, and taking them through the system and trying to do the best one can. Knowing the Chief Executive Officer, Chris Staniforth, and his staff very well, having appeared against them, I would wholeheartedly endorse the comments Mr Collaery made as to their dedication, the good job they do and how hardworking they are.

Mr Collaery raised one other interesting point in relation to legal aid. In respect of the long running Winchester inquiry - or "royal commission" might be more appropriate - the Attorney told me that, luckily, we had spent only some \$400,000 on it. I think some of that would probably be in relation to legal aid, because the so-called principal suspect went through, I think, about six different solicitors and was legally funded.

In terms of legal aid, a number of points should be made which are relevant to the Territory and which probably also apply Australia-wide. The first is that at present a lot of people miss out in the court system - not just the criminal system. If you have no assets and you have no job, you will basically be reasonably well looked after; you will get legal aid. If you are very well off, you will be able to afford the lawyer of your choice and do very well. If you are not so well off, you probably will not qualify for legal aid, you will not necessarily be able to afford the very expensive legal fees you might need to run a case and you are somewhat disadvantaged. This is something that I think we are seeing throughout Australia. I do not quite know how you counter that, but it is worth mentioning.

The second point relates to what Mr Collaery said when he mentioned a particular case. Certainly, the Winchester inquiry was another case in point. Any large inquiry or trial, especially where someone is legally aided, causes a lot of money to be expended. Quite often, \$100,000, \$200,000, \$400,000 or \$500,000 might be expended by a small Territory like the ACT in terms of legally aided people involved in one particular matter. When you are looking at a budget of about \$4.5m, it is a very big problem to make sure that the money actually goes around. Looking at what happened, for example, in the Winchester inquiry - and I have certainly seen it in some other major trials and major cases - where people receive legal aid, it certainly can rack up a quite considerable bill. That is something that I think any government has to be wary about.

It is difficult to see, when one wants to ensure that everyone has access to justice, exactly how we overcome that. But, certainly, a lot of money which perhaps was overspent by the Commonwealth in this area cannot be overspent by the Territory. In relation to the Winchester inquiry, for example, I do not think that the ACT should have had to pay even the \$400,000. Colin Winchester was killed before we had self-government. He was head of the local part of the AFP, which is, legally, a Federal body. I really think that those inquiry costs should have been borne in toto by the Commonwealth.

I have no further comments to make in relation to the legal aid matters; but I think, certainly, there is some merit in Mr Collaery's comments when he alluded to a lot of money being spent in just one or two cases in this particular area. That is something that this small Territory will have to watch.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.13): Mr Collaery made the point in his remarks about the high cost of transcript. Being mindful of that, I will respond only briefly. It is a matter of pride to the Labor Government that, in a time of economic restraint when there has been severe pressure on the ACT budget across the board and cuts have had to be made in a number of areas, we have been able to maintain the legal aid vote in real terms and, indeed, increase it, marginally, in real terms.

The vote this year of \$4.7m represents an increase of some \$400,000-odd on last year's appropriation. Particularly given the difficult times the Government finds itself in economically, it is a mark of pride for a government committed to a social justice strategy that the important area of legal aid - acknowledged as important by both Mr Collaery and Mr Stefaniak - has been able to be not only maintained but marginally increased, in stark contrast with the approach of, say, the Greiner Liberal Government in New South Wales, which has slashed into the legal aid budget.

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I join the other speakers in commending the efforts of those dedicated women and men who work in the Legal Aid Office. Mr Collaery made the remark that the lights are often seen burning quite late at night in that office, and that is absolutely correct. Those people work extremely long hours and serve this community long and well.

Proposed expenditure agreed to.

Proposed expenditure - Division 120 - Administration of Justice, \$6,017,800

MR STEFANIAK (9.15): In relation to this area, I make a number of comments. I am pleased to see the court take steps, through the Government - because the Alliance Government would certainly have done exactly the same thing, and it is probably just a direct carryover - to attempt to enforce the backlog of unpaid court fines, which amount to over \$1m. In fact, looking at this part, and some parts in the police area too, there is about \$7m outstanding in fines and costs due to the ACT court system. Certainly, that should be chased up as a matter of urgency.

It is quite unacceptable that people who are convicted and fined should be able to get away without paying it. Also, that is a handy amount of revenue to come into Territory coffers. I think it is necessary, too, in these times, to have the increase in court fees and costs. Perhaps in some of the summary matters, costs for the summonses and things like that could even be increased further. Having practised in both New South Wales and the ACT, certainly in New South Wales - and, indeed, also in the ACT where we initially had court costs - costs were just part and parcel of going to court. If you were a defendant in a criminal matter and you were found guilty, or in a civil matter and you did your costs, you certainly were fully expected to pay them, and that was no problem.

In the ACT, during the Federal Government era we got a little bit lax and there were no such things as court costs. You would simply go along and be fined, pay your fine and that was it - quite unlike any other jurisdiction. Indeed, even before self-government, when we were being put on a self-governing footing from 1986 onwards, court costs came back in and I think that is entirely appropriate, particularly in hard economic times. Perhaps it is an area where further revenue can be raised for the Government, because basically it is something that defendants tend to expect to pay. It is part and parcel of the system.

There are considerable costs in terms of sending out summonses, even though often it is done by post now, a lot of paperwork is involved and a lot of court staff time is taken in relation to processing the necessary paperwork involved in getting court process out. So, I think there is considerable scope there for further revenue to be raised by the Government.

In relation to fines proper - and I think this also extends into the police area - I asked about this matter at the Estimates Committee hearing. I think the court fines - about \$400,000 - related to a little less than 1,000 criminal offences. That is not a terribly satisfactory level of fining. In the ACT, we are still very lenient in terms of the fines people receive for various types of offences, be they traffic, criminal or whatever. When we compare the Territory with our next-door State of New South Wales, we see that in many cases the fines here are about one-third of what one would pay in New South Wales for a similar offence. That also applies, to a lesser extent - because of self-government, I think - to such things as traffic infringement notices.

Certainly, during the course of the Alliance Government, I was pushing - and I am glad that my colleague Mr DUBY did bring it in - for the traffic infringement penalties to increase, although we are still somewhat behind some of the other States. There is, however people decry it, a revenue raising aspect to fines. Fines are there for people who misbehave - not for misbehaviour to any great degree, but certainly for traffic offences and other non-criminal types of offences. In the criminal law, fines exist as an appropriate penalty to reflect a certain degree of criminality, or perhaps a person's situation in terms of prior convictions or whatever. It is a very appropriate form of punishment and, indeed, deterrence in some cases.

It is not used enough, I feel, in the ACT. In my time as a prosecutor here and, indeed, my time as a defence counsel in New South Wales, I found that giving someone a bond is usually fairly worthless. Someone you are acting for may think, "Oh, great, I do not have to pay anything". It means nothing, whereas there is nothing like the old hip-pocket nerve to bring home to someone that actually they have done the wrong thing, and maybe they might wake up to themselves next time around. It also has very much a revenue aspect, which is certainly underutilised here in the Territory. I think people should bear in mind the fact that we are the most lenient State in the Commonwealth in terms of our fines.

I often look at the drink-driving column in the court reports just to see who has been picked up, as much as anything else, having grown up here in Canberra. It is amazing who you see there at times. I also look at the level of fines, and there are still large discrepancies between some of the magistrates. I am pleased to see some of the newer magistrates adopting a more rational approach and giving fairly reasonable fines, although some of their older brethren still are a little bit light, to say the least.

Certainly, the \$400,000 which we anticipate getting from court fines - and my recollection from the Estimates Committee hearing is that they are for criminal matters - is fairly low. I would expect, really, that that figure

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should be a lot higher next time around. But it is good to see that at least the courts are getting onto collecting unpaid fines. The revenue area under program 12 of the Consolidated Fund has a lot of scope for improvement, cost efficiency and making full use of the user pays principle in an area where it is very fair and proper for it to be applied.

MR COLLAERY (9.21): I acknowledge Mr Stefaniak's comments. I do not disagree with them. Madam Temporary Deputy Speaker, the Government has not made a proper provision, in my view, for the development and forward planning of a legal precinct so that the spread out Magistrates Court can be brought into a proper mode of operation. The funding of the Magistrates Court should be adjusted to acknowledge the fact that extensive reviews will be required shortly after the Supreme Court comes across, no later than July of next year, when decisions on the library and on a number of jointly shared assets need to be looked at.

It is our view that, in this appropriation, the Government has appropriated no moneys for an ACT interpreter-translator court language service. The reviews that we discussed in this house yesterday reveal that the ACT is one of the deficient jurisdictions in Australia that have not established, apart from the Federal telephone interpreter service, a court servicing translator-interpreter service as has been done in Victoria, which has set a very high standard and a good model in terms of social justice, access and equity. There has been no provision in this budget for that matter.

I believe that the Government needs to recognise that, with the laws passed yesterday, there will be increasing pressure, as I have heard already today, for this Territory to join the other responsible jurisdictions and to fund, in its administration of justice allocation, a developmental program so that we have a proper language service that is available to the courts, the court officials and other people who would use it. Some services would be provided, of course, on a user pays basis, some on the basis of access and equity, and some, of course, under the international conventions that require us to provide free of charge interpreter-translator services to those in the criminal legal circuit.

That is an important challenge not mentioned in the ACT budget and not funded. It is a matter that the Alliance Government was looking at, and it was a matter that the TAFE itself had started work on, via an interesting seminar held last year. In that seminar, the beginnings of developmental work for the establishment of such a service was mentioned. It certainly will be an election pledge of the Residents Rally.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.25): I find it ironic in the extreme that Mr Collaery, who last year made an art form of blocking debate on Bills by invoking section 65 of the self-government Act by saying that the Opposition could not introduce a private member's Bill because it would involve the expenditure of money, now says that the Bill that the Assembly passed yesterday on interpreters will require money to be spent on interpreter services, and berates us for not having appropriated money for the Bill, necessarily, he says, requiring the appropriation of money, that he yesterday sponsored. That is the very type of legislation that, on his logic of last year, would not have been allowed. But I will take that point no further.

The ACT does provide interpreter services in the Supreme Court and the Magistrates Court. The Federal review that I referred to yesterday found that the provision of services here was appropriate in terms of national standards. The Chief Magistrate, at present, has a committee advising him on appropriate legal training for interpreters, which is a key element. It is one thing to have people who are proficient in interpreting; it is another thing to have people who are proficient interpreters and have some understanding of the legal process so that they can apply their technical interpretation skills to the legal context. Work is in fact being done on that, and I need say little further. I thank Mr Stefaniak for his remarks in relation to some of the fine default procedures which the Government announced in the budget context.

MR COLLAERY (9.26): I would like to respond briefly to what the Attorney said. If my remarks are examined in *Hansard*, it will be revealed that I indicated that a language service - and you, Madam Temporary Deputy Speaker, know well what I am talking about - has nothing to do with provision of the legal powers to provide interpreters and translators. I am referring to a community accessible language service, which the Victorian Government has set an Australian standard for. It is an excellent scheme, which you, Madam Temporary Deputy Speaker, no doubt know about; and it is something that we have to catch up on.

We are not to blame. It should have been developed well prior to self-government, and we are working through those issues and plugging the gaps as we go. I observe that the Labor Party has not been able to plug that gap. We in the Alliance Government did not either, but we were moving towards it. I am simply trying to push the issue along. Mr Connolly made some comment to suggest that somehow what I am pressing is inconsistent with the enjoiner in section 65 of the self-government Act. That is a quantum leap. Mr Connolly has not practised in the courts of the ACT, and I do not know what he is talking about in regard to the Supreme Court and translators-interpreters.

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The fact is that those of us in practice who practise extensively in areas that do require language assistance have very great challenges at times to get that assistance in the long trials and to get interpreters in the sometimes quite esoteric languages such as Pacific Islander languages and languages used, for example, in Irian Jaya - all of which I have had to deal with in the courts here. We do have difficulties.

The Victorian Government has developed an extensive panel system that encourages people to go, as you know, Mrs Grassby, through the NAATI process - the National Accreditation Authority for Translators and Interpreters process - which I had the honour to assist with for a number of years while on an advisory panel. Those people are encouraged to improve their qualifications on the basis that they will be properly paid for their level 3 skills - and they are properly paid when governments take the lead and set the ball going by getting those language services established, centrally, within the court precinct, in those terms.

There are many user pays issues in respect of civil litigation, medical evidence and all the rest. Mr Connolly made light of the issue and dismissed it. I regret that.

Proposed expenditure agreed to.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

SUSPENSION OF STANDING ORDER 76

MR BERRY (Deputy Chief Minister) (9.30): Mr Speaker, I move:

That standing order 76 be suspended for the remainder of this sitting.

I have moved this motion to enable some draft variations to be tabled this evening by the Minister for the Environment, Land and Planning.

MR JENSEN (9.31): I make the point that we were not advised about this.

Mr Wood: No, that is true, and I apologise.

MRS NOLAN (9.31): I do think this should be placed on the record. I have been here all evening and I was not advised about this. It is appropriate that we should all know when these things are happening. I have no problem with it, but I do think that in future we should be extended that courtesy.

MR COLLAERY (9.32): We are seeing again the mad, heady rush for development by this Government. We are going to see variations brought down so that they can beat the gazettal of a law passed in this chamber. Is that what is going on?

Mr Wood: That is not the case. We are doing it to help. I should have told you, and I am sorry.

MR COLLAERY: Apparently, there is something we should have been told by the manager of government business, so I will sit down.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (9.32): Mr Speaker, I apologise to my colleagues across the chamber. I should have told them. I meant to brief Mr Collaery about it, but I did not pick up the opportunity in the last half hour. I will table these variations in one minute, in accordance with the procedures passed yesterday.

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

APPROPRIATION BILL 1991-92

[COGNATE PAPERS:

NEW CAPITAL WORKS PROGRAM 1991-92 - REPORT OF STANDING COMMITTEE ON
PLANNING, DEVELOPMENT AND INFRASTRUCTURE - GOVERNMENT RESPONSE
ESTIMATES - SELECT COMMITTEE - REPORT ON THE APPROPRIATION BILL 1991-92 -
GOVERNMENT RESPONSE]

Detail Stage

Consideration resumed.

Proposed expenditure - Division 130 - Maintenance of Law and Order, \$53,409,000

MR STEFANIAK (9.33): We come now to one of the more controversial areas of the Labor Government's budget. It is fairly obvious that, although the Opposition in its various forms has problems with some parts of this budget,

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it is the Government's budget and it is going to have to live with it. While I might like to have moved some money around and pressed the Government to the limit, and if they wanted to go to an election, so be it - maybe everyone else wimped out there - I can see that there is a convention there. The bottom line is that this Government is going to have to live with its budget, and this is one of its big problem areas.

The Government has dropped \$1.2m, on its figures, or more, if you look at some figures supplied by the Police Association, from last year's maintenance of law and order part of the budget, which is the police part of the budget. The Government found itself in all sorts of problems in this area because for some time it refused to concede that the cuts were not going to be across the board but rather were cuts which would come out of about 20 per cent of the budget. In the Estimates Committee on the last Friday in September the Attorney did concede that.

It was painfully obvious from a directive put out by Assistant Commissioner Dawson that about \$1.4m was to be cut from the \$8.5m operating budget that remained for the last nine months of the financial year. That was to cause huge problems for the efficient policing of the Territory. A lot of toing-and-froing has gone on since then. I think the Police Association and the police themselves adopted a very responsible attitude by conceding that they did not like the cuts but they would accept them because we are in hard economic times, as long as they were right across the board.

Perhaps the Government was quite wrong in insisting that we have 706 police officers. If 10 positions, for example, went back to the Commonwealth - I am not talking about redundancies; I am talking about positions going back to the Commonwealth - that would be, effectively, about 80 per cent of what the Labor Government wanted to cut. But that did not happen and the Government got itself into all sorts of bother.

I have said until I am blue in the face that the last area of any budget that should be cut is the police budget, the maintenance of law and order. The first duty of any government is the maintenance of the security of its citizens, and at Territory and State level that is the police force. That being said, if you are to cut a police budget, the last area you cut is the operational services. Unfortunately, that is an area that has been cut. Indeed, there are a couple of operational areas within that budget that have been cut as of now, hence the motion that I will put to the Assembly at the end of my speech.

I am not too sure whether some of the very successful crime prevention devices the police use in their operational area have now been cut or are in the process of being phased out. I am very concerned to know what the state of play is with such effective crime prevention units as the anti-theft squad, which was to be disbanded and perhaps has been

disbanded by the Attorney. The police motorbike squad was to have been cut down to 12. That has been saved as a result of a campaign waged by the association and the police force, with the support of the Opposition. I am pleased to see that some concessions were made there.

I am still highly sceptical about how effective the priority time will turn out to be. We will see. One of the main problems I still have with this budget is the safety of Canberra citizens after hours on weekdays and at all hours on the weekends. Despite the Attorney's protestations about prioritising times to the more dangerous periods, he has admitted at one public meeting at Tuggeranong and on other occasions that, if there is a problem at the Kambah Tavern in Tuggeranong, for example, and a nasty domestic out at Chisholm, a police car might come from Belconnen for that.

Mr Connolly: That happens now.

MR STEFANIAK: I know that it happens now, but what happens if there is a problem at the same time in Weedon Close? What happens if you simply run out of police cars? We do have that problem.

Mr Connolly: What happens now?

MR STEFANIAK: Mr Connolly, I have seen that happen in the past, but at least police cars came. I mentioned in an earlier debate one case where two police officers, a man and a woman, were very seriously injured in a nasty domestic in which three brothers got involved. It was only the timely intervention of a couple of police cars - one 15 minutes after the first call, and one 20 minutes after - that prevented perhaps one or both of those officers being killed. As it was, the police were a little slow. I dread to think what the situation would be now.

One of my fears is that police officers' lives will be put in danger, as it seems they have been at the Aidex exhibition at Natex through some of the feral professional protesters we have there. Another policewoman had her arm broken today. That is another area where this police budget is way out of kilter. What about the contingency problems? At Natex, I understand, there are about 350 police. They will be out there until late this evening, tomorrow and Thursday, ensuring that the rights of people who want to see that exhibition are respected and that those people can get in.

Already seven or eight police have suffered broken bones as a result of "peaceful" demonstrations, and the overtime bill, I am told, is about \$150,000 a day. What is the Government going to do about that? I suggest that they have a go at the Commonwealth, because that is basically what that exhibition is about. Some 97 per cent of the

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protesters are not local, thank God, but are professional protesters from interstate. That policing is something the Commonwealth should pay for. I would hate to see the Territory, in its strapped financial circumstances, having to pay for it. Those situations must be looked at.

It has been mentioned in the Estimates Committee hearings that, in relation to policing perhaps this Government and future governments have to be a little tougher with the Commonwealth in making sure that they pay their fair share of policing. I think maybe they have had a bit of a lend of us there. The Federal and Commonwealth functions exercised by the local component of the AFP are quite significant, and I think a lot more could be got out of the Commonwealth.

That being said, I do not think the Government can be particularly proud of its absolutely abysmal effort in relation to this part of the budget. It is interesting that in the last couple of days the Attorney has come out for the first time and supported the police. Better late than never, I suppose; at least we will give him credit for that.

As a result of the police budget cuts, the very popular and effective shopfronts have been cut. That amounts to a saving of only \$51,000 out of about \$103,000 for minor leases. The very effective crime prevention program - the \$20,000 for Crime Prevention Week - has also ceased. The idea of that is to make citizens more aware of how they can protect themselves, what the police force is all about, and what people can do to maximise their ability to resist crime.

I indicate to Mr Connolly that there has been a spate of break and enters in the last couple of days in the area where he lives.

Mrs Nolan: What about Tuggeranong?

MR STEFANIAK: I do not know that he has been broken into, but four or five houses in Astrolabe Street got done over in the last day. Jansz Crescent is another area where there was a spate yesterday, and they are getting fairly close to Caley Crescent again. I have been broken into a couple of times. Mrs Nolan mentions Tuggeranong. Her car was broken into last night. There are squads of people going around breaking into cars, I hear. So, Canberra is not the safe little place it used to be.

Mrs Grassby: What are you doing late at night, Bill?

MR STEFANIAK: Trying to get to sleep; I get very tired. The last area of any budget you want to cut is the ability of the police to conduct their operations appropriately. Some of the most efficient areas of policing have been under threat as a result of this budget. Accordingly, I move as an amendment to the question on Division 130, maintenance of law and order:

That the following words be added to the question: "noting that this amount is inadequate in that funding the Police shopfront services and the Crime Prevention Program cannot be provided for from within Division 130 and the Assembly believes they should be re-instated in the public interest".

For the Government's information, it would cost only \$20,000 for the crime prevention program and \$51,000 for those very effective police shopfronts, which provide a focal point and a police presence in major shopping centres.

The Attorney said that police can wander around on the beat. If you have a shopfront, police can operate out of that and go out on the beat. In fact, apparently, they go out quite a lot because a number of people have said to me, "We can never find them in there". At least it is a place where people can go, and police can provide a very important presence around the major shopping centres, where there are a large number of problems.

About the only area the Attorney has not cut on the operational side of policing seems to be the very effective pushbike squad. I commend him for keeping that initiative going; it was one of the Alliance Government's initiatives. The police have a very difficult job. (*Extension of time granted*)

I do not think there are any other areas of government service, with the possible exception on occasions of the fire brigade, where the employees of a government agency are subject to severe physical harm and injury, and in the last three or four days we have seen about a dozen police injured. Seven or eight of them have had limbs broken as a result of doing their duty - their very hard duty - in the face of very difficult circumstances, and I commend the way they go about their job in difficult times.

I was out at Aidex today; I was proud to be there. I think it is very important for Canberra. I spoke to a large number of police who were in the vicinity. In the circumstances, they seemed in good spirits; but even they were appalled at the amount it was costing the ACT taxpayer for them to perform their role. I think it is essential that they receive the full support of whatever government is in power and have the necessary tools and resources that are needed to do their task.

Penny-pinching in this area costs lives. That really is the bottom line. Police have been killed in the execution of their duty. Most of us troop out once a year to the Anzac Chapel at RMC for a quite moving ceremony dedicated to police officers who have died in the line of duty.

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Since Colin Winchester's death, one constable has been killed in a car accident. Luckily, it is a fairly infrequent occurrence; but it does occur more in that profession than in any other emergency service or public service area in the ACT.

It is important for us to realise that the police and the service they provide are different from the rest of the public service. The public expects a very high level of service from them and they give it. The public is rightly concerned when police are unable to give that service. The police themselves are very concerned when they are unable to give that service, because they are, almost to a man and woman, dedicated professionals who want to provide a good service to the Territory. It is something that this Government and any future government have to watch very carefully in terms of expenditure.

There are some big problems with this item of the budget. This Government and whatever government replaces it in February will see further blow-out problems because further emergencies will crop up. Belatedly, Mr Connolly has had to react, but at least he did react, to the problems at Aidex. Other problems will crop up, although not necessarily of that type, that will take up a lot of police and will necessitate the expenditure of money. If this spate of break and enters continues, if you have not still got your anti-theft squad you might need to reactivate it. That was a particularly successful group of police officers that did a good job at the time it existed.

I commend my amendment to the Assembly. I think it is important that this Assembly make quite clear to the Government that it is not particularly happy with the way the Government has dealt with the police budget. I know that we live in difficult economic times. The police, as part of the community, realise that and they are prepared to take fair and reasonable cuts across the board. In many cases that has not happened. It should happen. Some steps have been taken - no thanks to this Government - through the efforts of the police, supported by members of the Opposition, to ensure that that occurs. It is up to this Government, in the remainder of its term, to ensure that it administers this part of the budget efficiently and that the police have the necessary resources to protect the community and do their job properly, and that they receive the full support they so richly deserve from this Government and this Assembly.

MR MOORE (9.48): Mr Speaker, I think this amendment is quite extraordinary. Just recently, following a series of questions from me in the Estimates Committee hearings and further pursuit of Mr Connolly for some time, we found that there was a doubling up in the fire services and the police rescue services to the extent of \$1.3m. In fact, it is more than that; but, if one allows for salaries to be retained by police, it is of the order of \$1.3m. I think it is one of the great ironies that Mr Stefaniak has become

the union spokesman and has chosen an area such as this on which to propose an amendment on behalf of the police union. Perhaps it will give him some understanding when others speak as spokespersons for any union.

Mr Stefaniak has clearly taken the view of the police union and has, in effect, become a unionist. That in itself is for him a major step forward, but that is the reality of it. I have been a unionist myself for many years - in fact, for my whole working life - and, as Mr Stefaniak puts it, I have been a shop steward. I have been a representative in South Australia of what is called the South Australian Institute of Teachers and a member of the Teachers Federation in the ACT. I am very proud of that and of the role I played in those institutions.

Mr Stefaniak has put forward this extraordinary amendment to a police budget where there has been an absolutely minimal cut. Any reading of Grants Commission reports will indicate quite clearly that the police have been found to be overfunded in report after report.

The proposition Mr Stefaniak is putting in relation to maintenance of law and order is in itself extraordinary from another point of view. Most of the current findings in criminology indicate that extra expenditure on police after reaching a certain level does not reduce crime. The expenditure should go on crime prevention. In the case of the Federal Police, and taking into account what Mr Stefaniak has moved, it is a great credit to the Australian Federal Police that they have moved into crime prevention and have put a great deal of effort into that area. It is an appropriate use of their funding.

When it comes to a minimal cut of \$1.2m, it is important that they wear their fair share of the cuts, as is being done right across the ACT budget, in order that we can avoid the problems of the other States in regard to borrowing. It is important that we understand that there was room for these cuts to be made and that they did not necessarily have to come from the areas that were most painful. We remember the extraordinary campaign of the police union and Mr Stefaniak about every single service the police offer being cut. If the police had cut all the things we thought were going to be cut, according to the newspaper, we would have wound up with a single police officer on duty.

It really has been an over-the-top campaign. We can see that, when we have to have the police numbers, they are there. Look at all the police officers who were at Aidex today. I notice that Mr Stefaniak has been proudly wearing his "VIP Aidex Visitor" badge. It is quite right that he should be able to go into a legal exhibition - much as I object to it. It is quite right that he should have that police protection. It is quite right that the police operate where there is violence. I do not object to that.

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I do think it is appropriate that people protesting for peace protest peacefully. It is quite right that there should be a major protest at Aidex. I think this Assembly has been very sensible in supporting Mr Connolly's original decision to ensure that this is the last time we have Aidex in the ACT and the last time Mr Stefaniak gets to wear a VIP badge.

Returning to the topic, I think we all feel that it is appropriate for us, whatever our favourite area is, to see that it has an increase in funds, let alone avoiding a cut in funds. Whilst it may be of advantage to Mr Stefaniak to be able to go to his police officer friends, his friends in the union, and say, "I have done my best, but unfortunately it was not carried"; or "Beaut, look at what I was able to carry through the Assembly", it really is not going to achieve anything and it is entirely inappropriate. I think Mr Stefaniak should withdraw this amendment.

MR KAINÉ (Leader of the Opposition) (9.55): I find it quite incredible that Mr Moore feels impelled to jump to his feet to speak for the Government on this issue.

Mr Berry: We were going to stick to one speaker from each party.

MR KAINÉ: Mr Berry says "one speaker"; but he does not mind Mr Moore jumping up and defending the Government, instead of government members jumping up to defend themselves. It is quite incredible, quite extraordinary. The fact is that, if Mr Stefaniak had wanted to defend the Australian Federal Police Association, he would have gone for the whole \$1.2m to be reinstated. But he did not do that, and it shows that he has some perception of where the cut in the police budget is going to have its most direct impact: On the person on the street in Civic Centre or in Woden, where the shopfronts are. To say that Mr Stefaniak is a spokesman for the police union because he has the effrontery to suggest that the on-the-street police service should be ensured is going over the top a little.

Mr Moore points out that this really is an ineffective amendment, and of course it is. If Mr Moore takes the trouble to find out how, as a member of this Assembly, one can influence the budget once it is put on the table, he will discover that there is very little scope. We have gone through the Estimates Committee process, and even there we made no impact whatsoever on the Government. Mr Moore was a member of the Estimates Committee and he joined with the rest of us in making some very substantive suggestions to the Government. They have arbitrarily set them aside. In no case did they pick up a recommendation or a suggestion from this Assembly, through its Estimates Committee, that their budget should be changed.

Mr Connolly: That is not true.

MR KAINE: If it is not true, in what way have you changed your budget by \$1 as a result of the Estimates Committee process, Mr Connolly? You tell me where the \$1 change is. There is not a \$1 change in the budget you put on the table. We go through the estimates process, where members shred out the budget - - -

Mr Moore: What dollar change did you make last year?

MR KAINE: There were no good proposals put forward last time; but this year there were some very significant proposals. One of them related to the way in which the Government chopped the police budget. I am on the public record as saying that I agree that the police budget should not be sacrosanct, any more than anybody else's should be. But, as in every instance when you shred out a budget, it is not the fact that a budget cut was imposed - or, since the Assembly has not yet passed the Appropriation Bill, it is not the way in which a budget cut has been proposed - it is how that has been interpreted by the Government and the emphasis it puts on its budget cuts.

Mr Stefaniak is quite entitled to say to the Government, by whatever means are available to him, "I do not agree with the way you have made the cuts". He is quite entitled to say that there are two, what he believes to be, essential police services that have been chopped out because of the way the cuts have been imposed. He is trying, in the only way we can determine is available to him or to any other member of the Assembly, to suggest to the Government that they got it wrong.

You can be bloody-minded, as you have been up until now, and not accept any recommendation for any change in your budget of any order of magnitude at all; or you can listen to Mr Stefaniak and go back to your offices when this debate is over and say, "Was Mr Stefaniak right? Is there a strong view out there, not only in the Australian Federal Police Association but in the community, that these two essential police services ought to be reinstated in the budget?". If you have any sense of priority and any sense of social equity, which you keep talking about, you will at least go away and think about it. Instead of Mr Moore jumping to his feet and making a personal attack on Mr Stefaniak, perhaps the Government should respond. I hope that they will respond more intelligently and more sensitively than Mr Moore did on their behalf.

I repeat that there seems to be no mechanism by which a member of this Assembly who is not a member of the Government can influence the shape of the budget. The Government simply digs its toes in and says, "We are not going to listen to you. We have made our decision. We know what is right. We are better informed than any of you. We have better judgment about what the community wants than any of you. Do not bother telling us about how it ought to change. We are not going to change it by a single dollar".

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Mr Moore: This is exactly the approach you used last year, which is why it rolls off the tongue so easily.

MR KAINE: I went through the arguments last year; but I did not have to use them because, as I said, nobody came forward with any sensible amendments to improve the budget. This time we are coming up with a couple of sensible amendments. All I am suggesting is that the Government, instead of arbitrarily rejecting them off the top of the head, as they have rejected every other proposal that has been put to them through the spurious processes of so-called community consultation, might at least listen to the members of the Assembly when they put forward a minor amendment to their budget.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.00): The Follett Labor Government's budget is about fairness, and this reduction to the police budget is consistent with that approach of fairness. To support my assertion that what we have done to the police budget is fair, I can think of no better person to quote than the distinguished legislator and member of the Assembly who has just spoken, Mr Kaine. In the *Canberra Times* of 8 August last year Mr Kaine said, in relation to funding of the police by the Commonwealth:

There is no continuing commitment beyond this year ...

That is inconsistent with some of the intemperate remarks his colleague Mr Stefaniak has been making. He has been trying to suggest that there was a fixed amount of money given to us by the Commonwealth that we did not apply to the police budget. That was refuted clearly in the Estimates Committee by a Treasury minute. I challenge anyone to show me where the Commonwealth appropriated an amount of money or passed a set amount of money over to us. Of course they did not and of course Mr Kaine recognised that last year. He said:

There is no continuing commitment ... we will have to review [the police budget] and make a decision about what it should be from then on.

That is, from this year on. He said:

The police force will be like any other element of the community and if we have to make cuts they will have to bear their share.

Mr Kaine, to his credit, has acknowledged all the time that he said that, and he has repeated his remarks this year.

Mr Kaine: Because I am so consistent, you should listen to me now.

MR CONNOLLY: He is consistent. He says that I should listen to him. What he is suggesting is that Mr Stefaniak is making suggestions about how the cut should be applied. I wish Mr Stefaniak paid a bit more attention during the Estimates Committee hearings. The police shopfront service was floated very early in the piece as a proposal for a savings initiative. When we went through the Estimates Committee detail stage, it was very apparent that there were ongoing leases there; that to get out of those leases would be expensive; and that, essentially, that was not on the cards for this year. That has been the position since the Estimates Committee. It was clearly not an option to get out of those leases.

As to the crime prevention program, there is \$20,000 of advertising that we have pulled out of there. We think we will be able to get that run elsewhere. At the national Police Ministers conference on Friday, it was agreed that there would be a national initiative on crime prevention, and we will be a party to that.

The position has always been that we set a budget for the police and they deliver a service within that budget. We decided this year - as clearly Mr Kaine would have decided if he had still been in government - that the police ought to take a modest cut. We expected that the police should live within a cut of about 2 per cent. The rhetoric from Mr Stefaniak on that cut has really had to be heard to be believed. He had a very good rhetorical line that was terrific until last Thursday. It went something like this: The first responsibility of government is to its citizens. At the national level, the first responsibility is the defence of the realm. At the State or Territory level, the first responsibility is policing, and you should never cut those areas. Unfortunately, Dr John blew that out on Thursday, because he has proposed a \$200m hack into the defence budget.

I was interested to note that the rhetoric this evening was that the first responsibility of the state is to its citizens. He went straight to the policing and ignored defence because his Federal Liberal Party colleagues have somewhat put the kybosh on that fine piece of rhetoric. Listening to the statements of Mr Stefaniak and the high degree of agitation about what is going to happen, one almost wonders what will happen with the remaining 97 3/4 per cent of the police budget that they have retained. One gets the impression that every useful service came out of the 2 per cent that we have cut.

The simple fact is - Mr Moore made this point, so I do not need to really stress it again - that we consistently spend more on police than does any other State or Territory, apart from the Northern Territory. We consistently are told by the Grants Commission that we have to cut back on police numbers. We have a police to population ratio in the ACT that is better than that of New South Wales,

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Victoria, Queensland, South Australia or Tasmania. We have more police per person. We spend far more per head on police than anywhere else, again apart from the Northern Territory, which has those extraordinary challenges of diverse population and distance.

The Labor Government's decision with respect to policing was the correct and responsible one. The Labor Government also took the correct and responsible approach throughout the industrial dispute of saying that essentially the way a budget cut is to be delivered is a matter to be resolved between police management and the police union. Incidentally, to the extent that Mr Stefaniak is acting as a spokesperson for the police union, good luck to him. I respect any member who gets up in this place and puts the view of a trade union. I respect the right of the police union to run a campaign. That is their duty, in effect - to represent the views of their members.

We always said that the way those cuts should be delivered was to be resolved between police management and police unions. Lo and behold, after a lot of rhetoric and a lot of froth and bubble, it has all resolved itself. Everybody is back at work. Those cuts are going to be delivered. You are not going to see any dramatic impact on police delivery. There has been a fundamental furphy about the whole thing - and that is an appropriate word.

This is an issue on which there has been a deafening silence from the benches opposite, although there should have been congratulations for the Government. We successfully negotiated with the Commonwealth for an additional 42 positions to be paid for by the Commonwealth this year. That is worth about \$3m. That means that we can cut \$3m from what we spend this year. We spent \$54.6m last year; this year we are spending \$53.4m. If you chop the \$3m off, your budget cut is really - - -

Mr Stefaniak: That is because they gave you \$57m.

MR CONNOLLY: Mr Stefaniak again says that they gave us \$57m. They did not give us that. They gave us a general purpose Commonwealth grant that was slashed to the extent of about 20 per cent, as the Chief Minister has repeatedly made clear. Mr Kaine made it clear last year in that article that we were never again going to get a tied police grant. There was no continuing commitment beyond this year, said Mr Kaine in August last year, and he was right. That is why the decision we made this year, it is clear, was the decision that a Liberal government would have made if it were still in power.

There has been a lot of froth and bubble about this. This amendment, if it is passed, is part of the froth and bubble. To some extent it is ineffective because one of the issues, the shopfront service, as we made clear in the Estimates Committee, no longer looks as though it is likely to be a savings target for this year. I can assure all

members of the house that Crime Prevention Week will continue next year. It will probably be somewhat more extensive than in previous years because of the national movement towards crime prevention strategies.

MRS NOLAN (10.08): I must say that I am rather delighted to hear Mr Connolly say that he probably has been able to do what Mr Stefaniak set out to achieve in his amendment. That is not too bad at all. We are now hearing that the police shopfront services are to continue and that the crime prevention program will go ahead. I am sure that many in the community, especially those in the outer areas of Tuggeranong and Belconnen, will be particularly pleased about those shopfront services. I think that visible police presence is very important, and the shopfronts play a crucial role in ensuring that presence.

I want to refer very briefly to the Estimates Committee report and the response the Government gave in relation to this area. It is difficult for us to make any inroads into the Government's budget. We have certainly articulated long and hard in relation to the non-government schools issue, the tourism issue, the health issue - the list goes on. Police funding is yet another one.

I would be the first to say to Mr Connolly, "Congratulations; you were able to get more funding from the Commonwealth Government in relation to those extra positions"; but I do not think they have gone far enough. I think more positions should be paid for by the Commonwealth. We saw today the number of police involved in the Aidex exhibition. As Mr Stefaniak mentioned, we are talking about some 350 police officers out there today. That really does not leave too many available for the other things that are likely to occur in the Territory, or for people to go off duty, et cetera.

My concern relates to the Government's response to the Estimates Committee recommendations. Recommendation 15 suggests:

the ACT Government ensure that the proposed \$1.2m funding reduction [in the ACT police budget] is in accordance with the agreement with the Commonwealth.

The response was:

The 1991-92 allocation for policing in the ACT does not contravene the terms ...

Recommendation 16 states:

if a budget reduction is to be put into effect, the Government negotiate to ensure that community policing is not materially affected.

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The response states:

The Government has successfully negotiated ... budget reduction without loss of a single position from the ACT region.

I do not really think that is a response to the recommendation. The recommendation was to ensure that community policing was not materially affected. I would have thought that perhaps a little more detail would have been forthcoming in relation to those recommendations, and I do not think that occurred.

It is always difficult for us. The Estimates Committee consisted of a number of members. We made quite distinct recommendations. Not one of them was taken up in dollar terms, and I really wonder whether the Government gave those recommendations any consideration at all. As I said at the outset, I am delighted to think that the police shopfront services are going to be retained and that the crime prevention program will continue. It goes some way to ensuring that that visible police presence is available.

MR STEFANIAK (10.12): It is interesting; I might have actually succeeded with this amendment within about 20 minutes of moving it. My information today was that there were big problems with the shopfronts; but, if Mr Connolly reckons they will be maintained, that is good. As to the second part of the motion, in relation to the crime prevention strategy, I hope that he abides by what he has said here tonight.

I will not go into any great detail on the question of the 42 positions and whether that \$3m came from what the Police Association said was the \$57m they were getting out of a \$1,417m budget, or whatever. The debate over the police budget has probably been an interesting learning experience for Mr Connolly. I am heartened somewhat by some of his more recent pronouncements in relation to it. He might understand the needs of policing a little better than when he started - certainly than when this budget debate started.

However, I would hate to have Mr Connolly feel that I was deliberately not using my favourite quote about the first responsibility of government. For your benefit, Mr Connolly, I still maintain that the first responsibility of a national government is a strong defence force. I will be interested to see whether John Hewson can produce the \$300m extra going to the teeth of the armed services, cut \$500m from the bureaucracy, and have a net saving of \$200m. He may or may not be able to do that. I hope he can; personally, I hope he will give more than \$300m extra to the armed part of the armed services.

I believe that the 2.3 per cent of the gross national product spent on defence is far too low, be it a Liberal government or a Labor government doing that. Both parties suggested about six years ago that 3 per cent was about ideal, and I think that is probably accurate. We do not live in a very safe world, despite the changes in East-West relationships, and I will not go any further into that. I want to restate to Mr Connolly that I have not changed my position in relation to defence. I do not care whether it is a Liberal or Labor government: If they cut defence when they should not, they are doing the wrong thing, in my view.

As for the rest of the tax package and the proposals by Dr Hewson, I say to Mr Connolly that some of those proposals, especially in the area of business, are quite revolutionary and will be wonderful in terms of regenerating the Australian economy.

MR SPEAKER: Order! Mr Stefaniak, relevance, please.

Mr Berry: Ask the pensioners.

MR STEFANIAK: I think that even the pensioners do reasonably well out of it. It has been a pretty good tax package.

MR SPEAKER: Order! Let us get back to the debate.

MR STEFANIAK: Getting back to the main point, Mr Speaker, it seems that Mr Connolly has virtually accepted my amendment, and I would expect him to vote for it.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.15): I should clarify one point. Mr Stefaniak said that he has had some information today that the police shopfronts are in trouble. My statement really harks back to some weeks ago. The Government is not 20 minutes behind Mr Stefaniak's amendment; it is about six weeks in front of it. When we were discussing at the Estimates Committee hearings the way savings could be achieved, it was put that the shopfront proposal was really not looking a goer because of long-term lease commitments and all the rest of it. That was the last information I had. If something has changed in that time and I have not been made aware of it, I would reserve my position to that extent. I will investigate the position and advise Mr Stefaniak over the next day or so.

At the moment, the main focus is on the Aidex exercise. I am heartened by the comments of both Mr Stefaniak and Mrs Nolan that additional police costing is a national government responsibility. As Mr Stefaniak indicated, Aidex could be costing the Canberra taxpayer around \$300,000. One of the reasons why we did not want Aidex was that it would cost more to police than it would generate in revenue.

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Mr Stefaniak: Aidex is bringing in \$10m.

MR CONNOLLY: Not to the local economy, Mr Stefaniak. In any event, it may be appropriate in a few days' time, when we know the full costings, that this Assembly unanimously call on the Federal Government to help reimburse our position there. The Government's position on the Aidex demonstrators has always been very clear. We support the right of people to demonstrate peacefully, but we will not tolerate people who choose to act violently and breach the law.

We have expressed publicly our extreme concern at the acts of violence that have occurred at Natex in the last couple of days. A number of police officers have been injured, sharp objects were used to slash a tyre and, most disturbing of all, I understand that late yesterday the brake line on a police van was severed. Fortunately, that was spotted and the van was taken away. Had it not been spotted and had somebody tried to move the van, it is reasonable to expect that a protester, perhaps with children, would have stood in front of the van to make a symbolic protest and the police officer would have tried to stop the van, but with the brakes out there could well have been a tragedy.

The Government again makes public its position: We support the right of people to protest against the arms exhibition, provided that they do so peacefully; but we implore everyone not to use violence. The use of violence by peace protesters simply discredits the very honourable cause of those people who are protesting against the arms sales.

Amendment agreed to.

Proposed expenditure agreed to.

Proposed expenditure - Division 140 - Housing and Community Services, \$77,932,900

MR STEFANIAK (10.19): I note that in the housing section of this budget there is a significant increase. Although we are governed to an extent by Commonwealth and State arrangements, the Territory does have to consider the question of its housing stock and what happens to public housing as we go further into self-government. I can recall figures which indicate that in some States about 5.7 or 5.8 per cent of their housing is public housing; ours is up around the 12 per cent mark. Although there are some reasons for the differences, this is one area where governments can make some savings in years to come.

The increase in this budget over last year is about \$5m. I suggested to the Government in the Estimates Committee that there are some prime examples of public housing stock which should be sold. I understand that there are two houses in Bougainville Street which, according to my contacts in the

housing industry, would realise about three-quarters of a million dollars for the ACT Government in these difficult financial times. Given our fairly extensive public housing stock, there is a good argument for some of that stock in prime areas to be sold off.

Some 3,000 or so housing tenants are paying, effectively, a commercial rent because their incomes enable them to pay that rent. I think one of the most effective ways of achieving real social equity and helping people to better themselves is to make it easy for them to buy their own homes. There are some schemes whereby housing tenants can purchase their homes; but such schemes should be made more readily available, and the ability of people to buy from their housing stock should be extended.

That approach was used particularly effectively by the Thatcher regime in Britain, where a large number of council homes were bought by longstanding tenants. That perhaps is one of the reasons for that lady's very great success over a decade: It gave ordinary people who did not have any real investment something significant of their own, namely, their own home. The dream of every Australian, including I am sure every Canberran, still is to own his or her own home. That is about the most significant purchase most people will make in their lives. I think a lot more can be done in Canberra to encourage some tenants to purchase their own homes.

There are a number of avenues, in this area of the budget, where some savings to government can be made in future years. When people buy their own homes they are responsible for their own maintenance, and maintenance is a very significant item in this part of the budget.

MR JENSEN (10.22): This is an issue I raised with the Minister in the Assembly some time ago and I have also written to the Minister. Members may recall - the Minister no doubt does - the number of questions I raised on this matter during the Estimates Committee hearings. I am referring, of course, to the provision of community facilities in the developing suburbs of Canberra. I refer particularly to the Tuggeranong Valley, where it would appear that there is no forward planning in relation to the provision of these facilities. It seems that, in this budget anyway, the suburb of Calwell is the last place for which proposals have been put forward for future development.

I am referring to the suburbs further south of Calwell, such as Bonython, Gordon, Conder, Banks and Isabella Plains, just to name a few.

Mrs Nolan: There is a house at Isabella Plains.

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MR JENSEN: There is a house at Isabella Plains; that is correct. I seem to recall that that was the last one and that all we are having at Calwell is a day care centre, which is going to provide a combination of long-day care and occasional care. It would seem that the Richardson, Kambah and Wanniasa occasional care centres, as the Minister indicated in his reply to me, are fully utilised. The Minister also suggested in his letter that the occasional day care centre located in Tuggeranong Hyperdome does not operate at its full capacity of 40 places and that places are available there. I am not quite sure when the Minister made those inquiries. My information is that spare spaces are very rarely available at that centre. It is something the Minister should be aware of.

I raised the issue of the provision of facilities on a temporary basis with the Chief Minister when she paid a visit to one of the community houses during Community House Week. The answer was, "Temporary facilities are not very good because they become permanent". I put it to the Chief Minister that, in the days when the Federal Government was running this budget and there was lots of largess around, that may have been the case; but the situation now is different. We are designing our schools differently and making greater use of demountable facilities to meet the needs. In fact, a demountable facility was located in the Tuggeranong Valley near the Chisholm centre, which was being used by the community nurses.

Mrs Nolan: They took it away.

MR JENSEN: They took it away; you are right, Mrs Nolan. As soon as the people there sought access to that facility for the programs they are running, the building mysteriously disappeared. The argument we got when we asked why was, "Some five years ago we told the community that that would be only a temporary facility". I wonder whether they went to the community five years on and asked the community whether they had any problems with that facility continuing to operate. I suggest to you, Mr Speaker, that they did not, and it was whipped off very smartly. I can assure you that the people there, who are crying out for these sorts of services, were most disappointed with that.

The other issue I raised was the importance of these neighbourhood centres to young families, particularly young mothers who are stuck in the suburbs because of lack of public transport or lack of transport at all. We should be providing much greater facilities, even on a short-term basis, in those suburbs to avoid the mothers having to make the long trip from the southern suburbs, for example, to the Tuggeranong centre to have immunisations done, as they were doing today when we were there for the launch of the Spots campaign by Mr Berry, and Mr Humphries was there as well.

It is important for governments to be not just reactive. We know what the problems are; the community knows what the problems are. They have seen those issues develop over a long period and they know the need. Unfortunately, both governments and bureaucracies seem to wait for a problem to develop before they do something about it. Might I suggest to both Mr Berry and Mr Connolly that they spend a little money now and provide these sorts of facilities, provide locations particularly for young mothers who are caught in these suburban areas in the southern or northern parts of Canberra. If they have access to these facilities and are able to do courses and outreach programs run by the TAFE, for example, the overall cost to the health budget will be reduced because the problems will be sorted out much earlier.

Unfortunately, some of the economic rationalists we have around the place do not seem to be able to accept that and are not able to come to grips with it. I can assure you that ample research is being provided now, which shows that if the problems are solved early you reduce the problems in our schools and you reduce the problems for health systems. It is called preventive medicine; it is called community medicine; it is called community health and the delivery of services. That is what it is all about, and that is what I believe we should be doing, rather than waiting for the problems to manifest themselves. We are seeking to save money now, but it will end up costing us money in the long term.

I wish to comment briefly on the proposal that has been put forward in relation to the introduction of a large number of single units into the middle of a suburb in the southern part of Tuggeranong. The community do not have a problem with the provision of public housing in their area. What they do see as a problem is 16 single-bedroom units being put into a small suburb that has no support facilities whatsoever. One would have thought that we would have learned from the disaster of Melba. A group of 16 single-bedroom units in an area such as that - without facilities, without proper buses, without proper health care centres - is going to create greater problems not only for the community but for the people themselves. That will have an effect on the budget.

The Housing Trust answer to that is, "But we have to provide these houses". I accept that they have to provide those houses; but might I suggest that the Minister reconsider the size and the grouping of these facilities so that they are more in keeping with the neighbourhood and that they go where the facilities are, not where the facilities are not, because that is where they will find problems. In the Tuggeranong Valley I talk to the people in organisations that service that community, mainly voluntary organisations and groups and people such as those who run the neighbourhood houses and the Tuggeranong Community Service. I know that the same problems are occurring in Belconnen. The Government seems to be

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forgetting that it has to be proactive rather than reactive and provide these facilities now rather than end up with the problems that have occurred in the past because of the failure to provide these facilities at the right time.

MRS NOLAN (10.31): Mr Speaker, I will be brief. I realise that it is getting quite late. There are a couple of points I want to make. Firstly, rather than go into detail, I endorse Mr Jensen's comments in relation to community services in South Tuggeranong. The other point that I think is important in relation to Division 140 is the matter of government housing stock and the length of time housing stock is left unoccupied when we have a long waiting list for government housing.

People are on the waiting list, they are aware of houses that have been unoccupied for some considerable time, and it is very difficult to convince them of the reasons why a house is unoccupied. I suggest to the Minister that there be an ongoing monitoring of this situation. There is much room for improvement in this area. I am aware of several houses that were unoccupied for some 14 to 16 weeks. I know that there were probably specific reasons relating to those houses, but when people are desperate for housing that is just far too long. I ask that that be continually monitored and improved.

MS MAHER (10.33): I want to put on the record some comments with regard to the cutbacks that presumably are going to occur in the licensing and funding areas of children's day care services. I have not had confirmation from the Minister that those positions will be cut, but I have heard from other sources that positions have already been relinquished. I put on record the importance of the licensing function of the family day care services area and bring to attention a question Mr Moore asked in the house last week of the Minister for Housing and Community Services. Mr Moore asked:

Do you know whether these inspections ever focus on the quality of the programs offered in the child-care centres?

Mr Connolly replied:

They certainly focus on the quality of the service in terms of whatever the child is - - -

Mr Moore interrupted him and said:

The educational level of the programs is what I am referring to.

Mr Connolly said:

I think there is probably a degree of discretion or judgment in that; and, to that extent, no. I am advised that it looks at the quality of the service.

I bring to the Minister's attention the long-day care licensing conditions that are in force with other kinds of day care centres, whether occasional care or holiday care. Sections of the licensing conditions relate to the child to staff ratio, staffing qualifications, management of the centre, health and safety measures, buildings and facilities, both indoor and outdoor, and the activities of the children.

Clause 38 states:

The licensee shall ensure the provision of a range of activities and experiences which are designed to foster the social, emotional, intellectual, cultural and physical skills of each child in each age group, and which are appropriate to each age group and each particular form of child care.

It goes on to describe some of the activities that a licensee will plan for a child, and they include educational. The licensing facility provides a service to the community, not just to the child-care centres, in ensuring that our children are given the best quality care possible. I do not mean to put down the child-care centres in any way, but the licensing facility acts as a monitor to ensure that those standards are maintained.

Considering that many children are in child-care centres from the time they are six weeks old until they are 12, from 8 o'clock in the morning until sometimes 6 o'clock in the evening, I feel that this function is very important. We have over 200 child-care facilities - - -

Mr Jensen: It is 232.

MS MAHER: Mr Jensen says that it is 232. It is wrong to cut the staffing in this area by half at a time when the Government is saying that it has a strong commitment to employer supported child-care and the creation of additional child-care places. We need to increase the licensing area rather than decrease it, considering that these facilities have to be licensed every year and that additional checks are done in the meantime. In addition, any complaints that are made to the section are checked out. This is a very important area for the quality of child-care in the ACT, and I hope that the Minister does not cut it.

MR JENSEN (10.37): I endorse totally Ms Maher's remarks. I also put on record my thanks to those officers of the Housing Trust who have recently been called upon to assist some people who have had problems, particularly in the family area. The Housing Trust has been most helpful in assisting those unfortunate women. I put on record my thanks and those of the people who have sought my assistance.

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MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.38): Perhaps I could begin by thanking Mr Jensen for his gracious comments in relation to the Housing Trust staff. I think it is the experience of most members here - it was certainly my experience in opposition - that the trust is very responsive in cases of family crisis, particularly where domestic violence is present. It is interesting that the ACT Housing Trust allocation pattern is slanted very heavily in favour of priority housing. Something like two-thirds of our allocations now are priorities.

To some extent, that is a problem for people on the ordinary wait-turn lists and it can sometimes lead to frustrations. But it does indicate that the Housing Trust is not a rigid bureaucracy; it is an organisation of people who are very committed to what they are doing - providing public housing - and who are prepared to look very flexibly at the individual needs of each family or each person in need of public housing and allocate the available public housing in a sensitive fashion. Mr Jensen's comments about a group of people who were in a crisis as a result of a domestic break-up and that the trust officers were able to respond very quickly were indicative of the quality service the Housing Trust officers provide.

That brings me to Mrs Nolan's point, which is well made. When people are on the wait-turn list and waiting for public housing - and the public housing list is certainly growing in the recession - it is incredibly frustrating to see that a house is vacant for weeks and weeks and be told by the Housing Trust, "Sorry, you are still on the list". People say, "There is a house in so-and-so avenue. It has been vacant for 10 weeks. Why can't I move in?". It is a problem that has been somewhat intractable for some years.

I am advised that there should be improvements because the Housing Trust recently has commissioned a new computer system, which we have taken on-line from Victoria and which will give us a much better fix on the state of the available stock and mean that we can find out more quickly when there is a vacancy. Often vacancies occur when tenants simply disappear. Previously, it has been some weeks before the trust is aware that the house is untenanted. I am advised that this computer will assist on that.

I should perhaps add that this wonderful new computer system that is going to solve all these problems today incorrectly sent out about 1,000 arrears notices to Housing Trust tenants all over Canberra. The machine blew a fuse or something. We are acting as promptly as we can to advise people not to pay attention to that notice, by sending out another letter, and I have advised the media of this mistake. My assurances that the computer system will remedy the situation are somewhat tempered by that experience.

I would like to say that it is a very proud achievement of this Labor Government that in the public housing program we have significantly increased the starts of new public housing units this year - a 60 per cent increase over last year's commencements. That is a very significant achievement in a tight budgetary time.

This is one of the few areas where we have drawn very modestly on our borrowing program. We have taken up some \$6m worth of borrowings; but those borrowings have been very quickly returned to the community by way of real assets, in additions to public housing stock. That 60 per cent increase in the commencements program will go some way to remedying the obvious problem of an increased public housing waiting list. I think that is a significant achievement for which the Government is to be commended.

Mr Jensen and Mrs Nolan were making quite a number of remarks about facilities for Tuggeranong. While I note that they are correct in saying that we do need to give attention to, particularly, the new areas of South Tuggeranong - Conder, Gordon and so forth - that will be looked at for the rolling program next year.

One almost could forget that shortly we will be opening the really superb Tuggeranong Community Centre, which will be the new home for the Tuggeranong Community Service. It really will be, I think, the best of the community centres in Canberra. The design of that has taken advantage of all the experience of other facilities in Canberra. That really will be the jewel in the crown of the community centres. So, while the Government notes that there obviously needs to be attention given to smaller-scale facilities in the newer suburbs, one must not forget that Tuggeranong is shortly to receive the best and brightest of the community facilities. That building, which is now in its final shape beside the lake, will really be quite something.

Ms Maher raised, again, the concern of the licensing function. Again, the Government's position on that is that administrative staff positions are being looked at. The negotiations are still going on through the unions. I am not sure whether those particular administrative positions have been finalised, but I will again look. The main focus of the Government is in providing more child-care. Administrative and licensing services really are areas that I think we can look at and see whether savings can be achieved there, bearing in mind the need to protect the quality of services provided to the children.

I certainly do not think that anything I said in that answer the other week was in any way incorrect, although I must express nervousness when the transcript is pored through on questions relating to the child-care licensing facility. It seems to be an area where the fine print is looked at in a great deal of detail. We are aware of the

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need. The primary need and the primary responsibility is the welfare of the children in child-care and, as I am advised, that responsibility is still being met. I thank members for all their additional comments.

Proposed expenditure agreed to.

Department of Urban Services

Proposed expenditure - Division 150 - Public Transport, \$68,258,200

MR JENSEN (10.44): I am pleased to see that a number of initiatives that have been taken by ACTION to increase the use by the community of public transport have finally come to fruition. A lot of the programs now taking place were launched at various times by the current Minister. They have been in the pipeline for some time. I am referring, of course, to the concept of park and ride, which I think we all support. I know that ACTION were working on that. There is also the three-for-free concept and the express bus service from the far reaches of Canberra into the city. That service, I understand, will be extended in the future. All these concepts have been fostered by successive governments and ACTION management. All of us should support them.

I would like to take this opportunity to be a little parochial and talk about the reduction of services to the Erindale Centre. I know that it has been suggested that this whole issue was considered some two years ago and that that consideration was the basis on which the changes have been made; but it seems to me that maybe things have changed a lot in two years. As I understand it, ACTION, until recently anyway, were not proposing to make any changes.

Following some extensive lobbying on behalf of those people who make use of the Erindale Centre, particularly the centre management and organisations like the Erindale Leisure Centre, the library, the various youth organisations that operate out of there and the soon to be commenced facility at Erindale for our young gymnasts and judo people in that part of the ACT, it would seem that ACTION have decided to reconsider the situation.

A slight redirection of some of those routes may be possible just to make sure that those bus shelters that have now been built in the Erindale Centre get the maximum use. I spent some time and effort seeking to have the bus shelter erected beside the Erindale Centre in order to assist in the problems associated with the leasing arrangements there over a period of time. I am pleased to see that erected. I will be disappointed if that shelter is not able to get the maximum use. I was pleased to see the first bus shelter after some requests from the tenants association within the Erindale Centre.

I hope fervently that the Minister will encourage ACTION to take another look at that issue and will make sure that people, particularly the elderly, will not lose access to that small group centre, which has developed quite nicely over the years and which has extensive medical facilities. It was suggested that they could walk the couple of hundred metres from Sternberg Crescent; but I think that a slight deviation on the part of the bus would add very little to the time and would provide a much more appropriate service, particularly when we are seeking to increase the number of people using ACTION.

It also seems to me that the Erindale Centre provides a perfect opportunity for a park and ride facility for people in that part of the valley.

Mrs Nolan: I am not sure where they are going to park.

MR JENSEN: There is usually parking available during the day, Mrs Nolan; but certainly not on weekends, when that place is really humming. I think it is appropriate to consider a park and ride facility for that area. That may be another reason why ACTION may consider maintaining some of the services for that area instead of decreasing them almost to two.

MR STEFANIAK (10.49): I have a few points, Mr Speaker. Firstly, I note that the subsidy is still significant, and that is an area that any government has to look at. Public transport systems invariably lose money; but when one looks at the ACTION subsidy - from current receipts it is some \$46m out of \$69m - it is a very significant part of the transport budget, which is around the \$80m mark.

A number of things, I think, can be looked at. The question of privatisation certainly comes into it; as do the question of the rationalisation of bus routes and the question of cutting your cloth according to your financial means. Certainly, the bus service is subsidised to a very great amount. I have travelled around Canberra at night, sometimes on buses but more recently driving, and I have seen buses going off with one passenger in them, if they are lucky. A couple of times I thought it was probably a bus going back to its depot, but it was actually on a route. The other night I followed one and it did just go around its route and no-one was - - -

Mr Connolly: What were you doing out following buses at night? Haven't you got something better to do?

MR STEFANIAK: Funnily enough, I was actually intrigued, Mr Connolly. I had been speaking that day about how - - -

Mrs Grassby: What would you have done if you had caught one?

Mrs Nolan: You should have taken a ride on it.

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MR STEFANIAK: I was in the car; it was a bit hard, Robyn. Earlier that day I had had a discussion in relation to how ACTION could be improved. Someone was complaining to me about how often there were services provided and no-one was on them. Lo and behold, that night in Tuggeranong, I saw a bus which had no-one on it and I thought it was going home. I followed it, and it was going on an actual route.

MR SPEAKER: Well investigated.

MR STEFANIAK: Thank you very much, Mr Speaker. That brought home, I think, the point made to me by that person earlier in the day. I do think that the subsidy has to be looked at and that steps have to be taken to reduce it. Certain people have suggested to me that it can be halved. With drastic action, that may be so; but I am not going to go into any details. I certainly think that further efficiencies can be made by whatever party is in government.

One thing that any government, of any political persuasion, must look at is what sort of public transport system we will have for Gungahlin. I think most members by now probably would have seen the proposals in relation to a light rail system to Gungahlin from Civic. It could go south of the lake as well. I think there is a lot of potential in that type of system for Gungahlin, when one looks at it in terms of developing that area and some of the proposals in relation to medium density living in that new part of Canberra.

That transport option should be well and truly considered by any future government, with a view to minimising the money spent on public transport, because it is significant. There is always a large subsidy. Further rationalisation - much more rationalisation than has occurred - can and must take place.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.52): Mr Speaker, as the hour gets late our thoughts tend to turn to what we could be doing if we were not in this chamber. It is interesting that Mr Stefaniak's first thought is to follow empty buses around the streets of Canberra.

The significant point to make in response to Mr Stefaniak's comment about the efficiency of ACTION obviously is that ACTION, like all public transport providers in all State capitals, requires a quite significant subsidy. The house might be interested to know that in the Chief Minister's statement that was tabled today, the communique on the Premiers conference, there was an initiative announced by the Premiers and Chief Ministers to monitor the efficiency of government trading enterprises on a comparative basis across Australia. ACTION is an ACT Government trading enterprise that will be part of that audit.

So, the efficiency of ACTION, compared to similar bodies in other States, will be something that, as a result of the initiative of the heads of government around Australia at the Adelaide conference on Friday, we will have more objective material on. That is something that has never really been done before and it is a very commendable achievement.

The comments that were made by various members about Erindale can be looked at. ACTION constantly monitor the route network and look at the level of demand, and if there is an appropriate level of demand it is something that I am sure ACTION will look at. The initiatives that ACTION have taken in relation to Tuggeranong services and new express services are significant. One of the major initiatives this year has been the opening of the Tuggeranong bus interchange. I would also note that park and ride has been so successful that we have had to double the number of parking spaces made available at Woden because people are taking advantage of that service.

MRS NOLAN (10.54): I had indicated that I was not going to speak to this Division 150, but I have to make a couple of quick comments as a result of the comments Mr Connolly has made. I have to say that that initiative by State Premiers is a good one, but it is rather difficult for us to compare our public transport system with public transport systems in other capital cities because in other capital cities there are many forms of public transport. Unfortunately, we have only one form here. It will be interesting to see how it compares.

The other issue that I do want to place on record is my concern in relation to school bus services. I think it is very important that schoolchildren have bus services and that those bus services are not such that children are travelling unsafely, with the load level far surpassing what is appropriate. That has happened on many occasions. I am aware of some quite long distance routes that children travel across Canberra where the load is far beyond the appropriate safety level. I think they have to be monitored on an ongoing basis. We must ensure child safety at all times.

Proposed expenditure agreed to.

Proposed expenditure - Division 160 - City Services, \$88,099,000 - agreed to.

Proposed expenditure - Division 170 - Fire and Emergency Services, \$15,361,700

MRS NOLAN (10.56): Again, Mr Speaker, very briefly, I must place on record the recent report that came out in relation to fire and emergency services. I am awfully pleased to see that the Government already has rejected much of that report. I would like to ask what it cost, because any report that comes out and recommends the closure of fire stations really has to be questioned.

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MR JENSEN (10.57): Mr Speaker, I also would like to take this opportunity to comment briefly on some of the recommendations in that report, particularly as they relate to the fire service provided by the officers of the Environment and Conservation Bureau who operate from their depots. Some of those officers may well be in action out in the field at the moment; we are not sure about that. I suspect that the recent rains have made life a little easier for them.

People are expecting this current fire season to be one of the worst on record if we are unfortunate enough to get a series of high winds and other problems. Our large areas of open nature parks, hills and ridges that are one of the great features of our city cause a number of problems in relation to fire control, particularly in areas close to the suburbs.

There was a suggestion in that report that the fire appliances that are currently being used by this organisation could be moved into the Urban Fire Service area. I have no problems with some of the possible decisions in relation to the basic administration being put together, but we have to remember that the service provided by the Parks and Conservation Branch is a unique one. It is entirely different from the one provided by officers who are responsible for the urban service.

Not only do officers of the Parks and Conservation Branch have special and separate vehicles, but also they have a quite considerable amount of experience, built up over many years, of the environment in which they are required to fight fires and the way that fires operate in that environment. It is entirely different from the way they operate in the urban area.

Any member of the parks service who is involved in this area will tell you quite frankly that they really do not have the knowledge to fight a fire in an urban household situation; but they do have considerable experience in fighting fires in the rural areas of the ACT, particularly in our parks areas. It is this experience that enables them to control the fires.

They have three main roles. One is to carry out fire suppression measures - that is, to maintain the environment so that there is a reduction in the amount of fuel, et cetera. The best way to do that, as we know, is to mow, where possible. Occasionally, there may be a requirement to burn. I understand that they are able to do this because of their knowledge and experience. Many of them have 18 years' experience in the field.

They also know the environment in which these fires are likely to take place. They are very aware of the issues and the problems related to fire. They know the rare and endangered species that are affected by fire. The recent

fire at Mount Taylor was of major concern to them because of the damage that it could cause to the rare legless lizard that lives in that area. Because of their knowledge of the environment and the possible effects, they were able to monitor very carefully this particular problem.

I would indicate to the Minister that any suggestion that the work that these officers can do should be transferred to the urban service, maybe with them operating as part of the urban service, is totally inappropriate. These machines and other equipment, I believe, as I am sure the officers do, should be maintained and operated from their parks depots. They work on them during the day, when they are not operating them as part of their normal duties, and they also are able to train with them. They are not taken away from their normal operations in the parks and they are able to operate their facilities from their park depots.

I urge the Minister to look very carefully at this issue and listen very carefully to those officers who have had many years of experience in this area. Over the years they have done a sterling job in providing protection for this city because of the knowledge and experience that they have gained.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.02): Mr Speaker, in response to those two comments: The review of the fire and emergency services that was recently made public was, despite the call for the closure of some fire stations, which the Government has said is not on our agenda and is not part of our budgetary plans, nonetheless a significant contribution to public debate in Canberra. Its principal recommendations are along the lines of integrating the management and provision of these services. There are substantial savings to be made by going down that track.

The Government is certainly mindful of some of the comments that Mr Jensen has made. I have gone out of my way to make it clear to everyone with an interest in this - the Urban Fire Service, the fire unions, the Rural Firefighting Service and those government employees in either the forestry operations or the Parks and Conservation Branch - that we are not going to rush into implementing that report. We want a full process of consultation to ensure that everybody's interests are respected; but we do expect that going down the path pointed to by this report will lead to significant long-term advantages in the efficient provision of fire protection to Canberra, as well as some savings to the taxpayer.

Proposed expenditure agreed to.

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Proposed expenditure - Division 180 - Government Corporate Services, \$52,825,600

MR KAINE (Leader of the Opposition) (11.04): This is a program about which it is not possible to say a great deal because it is a new program that has just been put together. I have to say that it was put together by the Alliance Government. What we see here is the result of initiatives taken by the Alliance Government. It is a program which, I suggest, the Assembly members will want to watch very closely in future years because the bringing together of corporate services into a single operation should produce major efficiencies.

It is difficult to say in this first year whether those efficiencies will be achieved or not, because we have nothing against which to compare. We will have to monitor very closely the bringing together of all of these resources, with a budget now in excess of \$50m and a predicted staffing level of something of the order of 258. They are massive resources.

I note that the Urban Services Department has just advertised for a person to come in and take over the human resources element of this. It will be a very important job. I am sure that they will be looking for somebody well qualified to take on that job and achieve the savings that can be made here. Beyond that, as I say, it is very difficult to judge whether the provision this year is the right amount or how it might be affected in future. I would certainly expect to see a considerable reduction in this budget next year and in future years.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.06): The Government notes Mr Kaine's words of caution there. He is correct in saying that this was an initiative that was being worked up under his Government. The expectation is that there will be savings by centralising government corporate services. I guess that all the Government can say in response to his words of caution is that we will have to wait and see. If it appears that this is a less efficient way of arranging government finances, no doubt a future government will go back to devolution. The advice that we have is that there are significant savings to be made. As Mr Kaine says, we will wait and see, and hope that it is successful.

Proposed expenditure agreed to.

Proposed expenditure - Division 190 - Public Works and Services, \$146,779,300 - agreed to.

Proposed expenditure - Division 200 - Corporate Development for the Department of Urban Services, \$6,051,000 - agreed to.

Department of Education and the Arts

Proposed expenditure - Division 210 - Technical and Further Education, \$40,408,500

MRS NOLAN (11.07): There are a couple of points that I think I should make in relation to Division 210, technical and further education. I think it is always important that those people who wish to take TAFE related services are able to do so. It is unfortunate that to date, and especially over the last year or two, quite a number of people have been turned away from those services.

The other point that I think is important is in relation to the provision of TAFE services in the outer areas of Canberra - in particular, the area of Tuggeranong, and no doubt there will be similar problems further down the track in relation to Gungahlin in the future.

We currently have a situation where it is very difficult for many in the Tuggeranong Valley to access a learning centre of any description. The difficulty we face in Canberra is that the learning institutions are all on the north side of Canberra, with the exception of the TAFE at Woden. In particular, it is often very difficult for a woman, married with two children, to be able to access that facility. By the time she copes with young children, it is just not possible for her to get to TAFE. Very often the class times are such that she is unable to access that facility at all.

I think it is very important that particularly those people who want to re-enter the work force have learning facilities available to them at closer range. I would be urging that the Government give consideration to additional support for what Betty Dawson is already trying to do down in the Tuggeranong Valley. I have to commend Betty for the work that she is doing. It is very difficult when you are using a facility that is used for childminding to actually access it as a learning centre. When the Tuggeranong community building is open that might be the appropriate place to have a room where that could happen.

Mr Jensen: It will be a bit tight, Robyn.

MRS NOLAN: I know that it will be tight, unfortunately; but it is very important that a building be available where learning can continue. I urge that that be taken on board.

MR JENSEN (11.10): I would like to take this opportunity to make some comments about the TAFE program, particularly the TAFE outreach program that has been operating from Narrabundah. I understand that there is some suggestion that that program is about to close. Mr Wood may be able to confirm that. I understand that it may well be moving to Woden.

Mrs Nolan: It is moving to Woden, with the exception of the Aboriginal program.

MR JENSEN: Right. Well, at least one part of it is being retained. I think I have spoken on the need for that facility to continue to operate in what is an area that needs that sort of support. Many people, particularly women, make use of that facility. Although some people might suggest that it is only a short run to Woden from the Narrabundah area, it is not quite as easy as that, particularly for some of those women who have young children. That facility, I suggest, is not readily accessible to those people.

We have to remember that the TAFE outreach operation at Narrabundah was in an area that they were familiar with. For many of these women it is most important that they build up their self-esteem in an area that they are familiar with. Those of us who were here the other day for the presentation of the tapestry that has been provided for the Assembly will appreciate the hard work and effort that Betty Dawson, the Canberran of the Year, has done in relation to this area. She maintained this program, often under considerable pressure and attempts to close her down. I understand that there were attempts made in last year's budget, but we were able to keep it operational.

It seems, unfortunately, that the bureaucracy has decided that there has to be a change. I am not quite sure whether it is going to be a change for the better. I think we have to accept the fact that, on some occasions in a program like this, a little bit of additional cost is going to provide a much better service. I take us back to the point that I made before: If you are prepared to spend a little money in certain areas you may well save money in other areas, such as welfare.

I hope that we do not see a reduction in the number of women from the Narrabundah/Griffith area who are using the current facility at Narrabundah when it moves to Woden. I trust that the Minister will monitor that program and not close off the option. If there is a considerable reduction in that area and there is an attempt to recommence that service, at least, as I understand it, some part of the facility will be retained.

I would like to take this opportunity, Mr Speaker, to make some comments about the young students who operate out of the School of Tourism and Hospitality, just down past the Assembly building. The Rally recently held a very successful function there. The students provided an excellent meal and excellent service to our guests. I think it is a credit to the people who run that program and a credit to the young students. The students were on their final night for this year, as it turned out, and they provided excellent service. I trust that members will make considerable use of that facility because it is really well done.

In closing, Mr Speaker, I would like to suggest that in these days of recession we should not be cutting TAFE courses. Maybe we should be looking at increasing the TAFE courses. I note that some additional money is to be provided to the ACT under the Federal Government program for the increase in TAFE services. It seems to me that we now have a perfect opportunity, with people, particularly young people, out there looking for work and looking for opportunities. It may well be that the provision of a course in TAFE during this period of recession will mean that the ACT very quickly can pick up the slack when the recession turns around, because we will have people trained and ready to go. That is an issue that we have to look at very carefully.

I would also like to comment briefly on Narellan House. I know that this matter has been raised ad nauseam in the Assembly. I trust that the Minister is not going to seek to use that site to make a quick buck. Some other opportunities may be provided in conjunction with the operation of TAFE. TAFE might consider developing it as a training facility much the same as the School of Tourism and Hospitality.

It would be quite possible, I suggest, to operate on that site a quite well set up three-star facility for use by visitors to the ACT, part of which could be used for student accommodation. The operation and management of the centre could be part of the TAFE program. Students who are operating in the hospitality area could be given the responsibility, under supervision of course, of running and operating their own motel/hotel-type facility in a most appropriate location close to the city. That may be an operation that the Government may like to consider, in conjunction with private enterprise, in order to make sure that there is a facility that can be used by TAFE, that there is sufficient student accommodation close to the TAFE area, and that the site, which is critical to the ACT because of its heritage value, is retained and maintained.

MS MAHER (11.17): I wish to endorse the comments made by Mrs Nolan and Mr Jensen with regard to the Narrabundah outreach and Tuggeranong link facilities. Both of those facilities provide a very good service. Betty Dawson can be commended for her work, as well as Vivienne Joice and the other people involved in the Tuggeranong link facility. Those sorts of services really do need to be expanded. I would like to see the community houses and neighbourhood centres utilised more for TAFE outreach courses and adult learning centres.

I am looking forward to getting copies of the ACT response to the National Plan of Action for Women in TAFE and the report of the consultancy, which I commissioned while I was Executive Deputy within the Alliance Government, on the education and school development options for women in the ACT. Both reports will have a big impact on education and

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learning for women in the ACT. I would like to reiterate that TAFE courses do need expanding. If the courses were there, if the funding was available, they would be filled.

Another important consideration in respect of TAFE courses is the provision of child-care. A lot of people cannot go to courses because of the lack of child-care, especially in the Tuggeranong area, where occasional care is very scarce and difficult to get hold of at appropriate times when courses are on.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (11.18): Mr Speaker, comments have been made by three speakers. In general they want more TAFE courses, attention to the outer areas of Canberra and protection of the outreach program. There was also Mr Jensen's comment about Narellan House. These are all matters that are right before the Government.

When I was in the Opposition, in that period of 18 months, I recognised the severe constraints that were being put on the Government of the time about TAFE. Mr Humphries may recall that I did not stand up and make comments about more places and more funding. We all know the difficulties of funding TAFE. We all know what the Grants Commission is saying. We all know that we want more students there.

But there is enormous pressure from the Federal Government, as they line us up with other States, to say that cannot be done. They were certainly the actions of members opposite when they were in the Alliance Government. The consolidation of campuses program continued under your administration, and I supported that. You were going to reduce the number of campuses. It is as simple as that. That program is continuing.

We acknowledge the great work of the outreach program. It is very likely to be relocated. Some element of the Aboriginal program may stay on the present site. This is part of that continuing process, that we have all supported, of consolidation of TAFE campuses.

Narellan House is an important issue. It is one where our prime concern is the interest of the students who will, over a period, be needing accommodation. When I make any comments publicly about that, that would be our major concern. Mr Speaker, TAFE is an important area. We recognise that. We welcome the Federal Government's funding - yet to be determined, finally, as to the amount for 1992 - for additional places, and we look with continuing interest into the longer-term funding of TAFE.

Proposed expenditure agreed to.

Consideration interrupted.

PAPERS

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (11.21): Mr Speaker, bearing in mind the suspension of standing orders that was mentioned a little while ago, pursuant to the Interim Planning Act 1990, I present the following approvals of variations to the Territory Plan:

Downer, Section 61, Blocks 2, 4, 5, 6, 8, 11, 12, 13, 14 and 15 and Section 37, Blocks 1 and 2 (Part);

Gungahlin suburbs of Amaroo, Casey, Harrison, Ngunawal and Nicholls;

Kambah, Section 277, Block 1;

Phillip, Section 79, Block 4; and

Theodore, Section 609, Block 7.

MR SPEAKER: Members, the reason for this interruption is that, had Mr Wood waited until the debate on the Appropriation Bill had concluded, we would be one further day into the sitting period. That is why we had to bring it in before 12 o'clock. It is most unusual to break into debate on a Bill as we have in this instance.

APPROPRIATION BILL 1991-92

[COGNATE PAPERS:

NEW CAPITAL WORKS PROGRAM 1991-92 - REPORT ON STANDING
COMMITTEE ON PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
GOVERNMENT RESPONSE
ESTIMATES - SELECT COMMITTEE - REPORT ON THE APPROPRIATION BILL 1991-92 -
GOVERNMENT RESPONSE]

Detail Stage

Consideration resumed.

Proposed expenditure - Division 220 - Government Schooling, \$184,385,200

DR KINLOCH (11.22): It must have been 15 or 16 months ago when the Residents Rally, within the Alliance Government, felt that we had negotiated as far as we could negotiate; but within days of what seemed like a decision we were made aware, through the Weetangera and Cook primary schools - in particular, the Cook Primary School - of documents which showed that the Labor Party, before self-government, had made commitments to keep those schools open. That was what

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gave heart to the schools and gave heart to what led to the Hudson inquiry and what led to the eventual outcome, including in due course the reopening of the Lyons and Cook schools.

I want to pay tribute, at this point, to the Labor Government and to all those who worked hard for the Lyons and Cook schools, Weetangera, Higgins, Rivett - all those schools. I want to honour the Labor Party's splendid act in showing their commitment to a document of promise.

MR HUMPHRIES (11.24): Mr Speaker, it seemed to me that some of my colleagues were flagging; so I thought I would come down and keep them going for a while. We could not end up finishing too early now, could we? Mr Speaker, I think it is worth reflecting on the position of government schooling under this budget and, in particular, noting that, although some attention has been directed towards the inequity of the Labor Government's cuts to non-government schools, in fact government education in this budget has also experienced some cuts.

Ms Follett: Indeed it has.

MR HUMPHRIES: Did I hear someone say, "Hear, hear"?

Ms Follett: No; I said, "Indeed".

MR HUMPHRIES: I thought someone said, "Hear, hear". Anyway, Mr Speaker, I do not think that is a matter of any great joy. I certainly regret the fact that there have to be cuts anywhere. It is interesting to note that there is a position in education where cuts have been experienced. With respect, it is highly understandable, given the position of education relative to the funding of education elsewhere in the country, and the pressure that is inevitably placed on administrators through operations such as the Grants Commission reports to reduce expenditure in these sorts of areas.

I for one felt, as Minister for Education, that there needed to be a reconsideration of our expenditure in this area. That is why, in due course, the Alliance Government, I might say unanimously at the time, agreed to proceed down the path of closing some schools. I think it is worth reflecting, though, that although this Government has reversed some decisions on school closures - some, not all - we still have a very difficult question posed for any government of the Territory, whether it is this Government or the government to be elected in February of next year, and that is how to make significant reductions in outlays in education and bring them into line with levels of expenditure in the States.

Of course, I hear the comment, or I will hear the comment, I am sure, that there is no reason for the ACT to be expending in education at the same level as the States merely because the States do, and that is a good argument; but a similar argument can be advanced about any area of

the budget, and I have yet to hear any good argument why any one area should be exempted from that process. So, the question before us all at this stage, as governments and potential governments, is to consider what we will do about reducing education expenditure and making it more efficient.

There is no doubt in my mind, Mr Speaker, that there are very serious inefficiencies remaining in the administration of all sectors of the ACT public sector and, in particular, I think education cannot be exempted from that statement. I believe, Mr Speaker, that the question of rationalisation of school campuses is one which will not go away. Successive governments of different persuasions have closed schools in recent years. The Labor Government, federally, has closed more schools, ironically, for all the hue and cry, than has the Alliance Government in recent times.

We have to face the question of how we are going to consider the rational provision of resources, given the constraints of a policy which appears to say that we are not going in any way to touch school communities where they prefer to leave their schools intact, and that, of course, accounts for almost every school community in the Territory, government and non-government.

I heard the Minister say only a little while ago that he was very pleased to be continuing with the process of rationalisation of TAFE campuses. Although there are differences between TAFE campuses and primary and secondary schools, the issue remains. One has to provide services, not buildings; and services come first. Services are going to be more and more tightly pressed if we are unable to address the question of how we deal with the provision of services from particular buildings.

So, I ask in this debate, Mr Speaker, to hear from the Government some indication of their philosophy with respect to the future of education. I must say that I have not heard much of it in recent months. Perhaps we have had other things on our minds. I have not heard the Minister state at any stage how he approaches the question of a philosophical underpinning to education in the Territory, particularly primary and secondary education.

It is easy to say, "We are opposed to the things the Alliance Government did. We are opposed to school closures and we are opposed to cuts and things of that kind". But that is not good enough. There needs to be a philosophical question answered about how you deal with competing interests and needs in education, while you deal at the same time with reducing the expenditure base. Perhaps those sorts of questions can be answered, if not tonight, then in future debates on education.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (11.29): That question will be debated in the future. It will be, I have no doubt, a significant part of the forthcoming election campaign. I might indicate that, on coming into the position of Minister for Education, I stated very strongly, all over the ACT countryside, though I have to say that it was not particularly reported, that my focus in schools would be in classrooms. I believe that that is where the priority needs to be. I continue to push that point of view quite strongly. That is not particularly the point you were raising, I realise, Mr Humphries; but that debate will be expanded as the election campaign heats up.

MRS NOLAN (11.30): Mr Speaker, very briefly, there are a couple of points in relation to government schooling that I think are important. In particular, as a member of the Standing Committee on Social Policy, I am aware of the problems of behavioural disturbance we have in our schools. It is a very important issue and it is one that needs to be addressed. I am sure that Mr Wood, as prior chairman of that committee, is well aware of some of the issues relating to that problem.

The other area that I think governments need to address is that of gifted and talented children. I do believe that, unfortunately, not enough emphasis has been placed in more recent times on programs for gifted and talented children. I would like to place on record my views in relation to a very good program that is currently operating at Wanniasa High School. I am aware that there are other programs operating as well, but I think that that particular small program has proved its worth. I think it would be well and truly worthwhile to see similar programs operating in more schools. Part of the problem is that those gifted and talented children become very easily bored in a classroom, and we then find all sorts of problems occurring before very long.

I have always believed, in relation to government schooling and non-government schooling, that it should be a situation where there is equity for all. Unfortunately, I believe, in the school debate, that really did get out of context. I still have to question the dollar figure in relation to the reopening of Cook and Lyons schools. I think it was some \$532,000. I believe that that amount of money for 187 students was an inappropriate amount of money. That is not to say that those communities had not as much right as anyone else to articulate their view and argue for their reopening; but, in terms of financial constraints, when we then saw a similar figure imposed on the three non-government schools, it is unfortunate that we did have to see the reopening of those two schools.

Proposed expenditure agreed to.

Proposed expenditure - Division 230 - Non-Government Schooling, \$56,111,200

DR KINLOCH (11.32): It is not merely to be consistent that I am about to make the points I am going to make. I have honoured the Labor Party for its commitment to certain promises made before self-government. They were right to do that; they were right to open those schools; they were right to insist on the neighbourhood principle. I certainly regret any early negotiation where I was not sufficiently full-tilt. It was those documents that helped to make me full-tilt and to fight that good battle. That was a battle well fought. I am glad that I was with the Labor Party on that one, and with Mr Moore - the Rally and the Labor Party and Mr Moore. We did well.

Here we come to the other side of the fence, and I deeply regret the ideological stance of the Labor Party on this one. There is another document of promise, and that document has been dishonoured. Furthermore, consultation was not undertaken with the schools in question. At least one of those schools, by no stretch of the imagination, can be regarded as rich or at the top end of the scale, and you all know it. You have done dirty by that school. That school is losing numbers and losing teachers. That is totally improper and we must fight it. I am hoping that in the next 15 minutes you will reverse your stance. You still have time to do the right thing.

MR HUMPHRIES (11.34): Mr Speaker, I echo the comments of Dr Kinloch, but perhaps not in quite the same tone. I consider that what this Government has done has been dishonourable by the standards which they themselves set when in opposition last year. Today it is worth recording that the Assembly has never been given a satisfactory explanation as to why an undertaking made to a government school should be honoured, whereas an undertaking made to a non-government school should not be honoured. The Minister has always consistently sidestepped that very important question. It would be nice to hear him address that issue squarely and fairly for the first time tonight, although I have my doubts.

Mr Speaker, again there are long-term issues to be faced here. Facing them, though, is a little bit easier in the case of non-government schools because we do have before the Assembly now a practical way of doing just that. I refer to the motion that was passed this afternoon providing for an inquiry into the funding arrangements for non-government schools. It provides the Government with an excellent opportunity to get to the bottom of serious issues about long-term planning and the long-term equities, if you like, in the funding arrangements.

I do not think that anyone would suggest that we can easily translate arrangements from other States or from the government sector into the non-government sector. The essence of any good system would be to merge the differences between non-government and government schooling

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so that we are treating both sectors in a way which does them justice. I mentioned, for example, in that motion that appeared before the Assembly this afternoon, the idea of cooperative or shared campuses between government and non-government schools. This is a concept which has worked well, apparently, in South Australia. It appears to me that in places like Gungahlin, variations for which have appeared on the table this evening, we have excellent opportunities available to get off on a better footing in the planning of the provision of education services than we have in the past.

In particular, there seems to be every opportunity to provide for a more flexible arrangement for the planning of both non-government and government schooling in that part of Canberra. I am not sure how far down the track the variations that have been tabled tonight go; but I certainly believe that we have much to do to ease the philosophical, physical and intellectual differences perhaps in the community between those two sectors, which have accounted, I regret to say, for much of the animosity which has drawn this Assembly into debate in the last few weeks.

Proposed expenditure agreed to.

Proposed expenditure - Division 240 - Higher Education and Training, \$2,028,100 - agreed to.

Proposed expenditure - Division 250 - Arts, \$9,382,400

MR HUMPHRIES (11.37): Mr Speaker, I just want to indicate that the Opposition is very fair when it comes to criticism or credit for the Government. We have certainly attacked their decision with respect to a number of areas, non-government schooling being only one; but it is worth commenting that the Government, in our view, has done the arts proud with its funding allocations for this year. We are pleased that they have been able to sustain a real increase in arts funding in the ACT.

It may be a bit of a Cinderella in that sense. I am not sure that there is any logical reason why funding should be particularly targeted to the arts over other areas of great need in the ACT; but I must say, as shadow Minister for the Arts and former Minister for the Arts, that I am pleased with that, and I fully endorse and welcome it.

There are, of course, difficult issues in the arts, and in some ways having lots of money, or having a large bucket of money, only makes the task of administrators, of members of the Arts Development Board, or whatever its successor might be called, and of the Minister that much more difficult when they have to divide that bucket between intensely competing groups.

I know, as the former Minister, that there were as many headaches over allocation of resources in the arts area as there were in some respects in areas of education and health, and that will not go away, of course. But that is a healthy sign. I would rather have an intensely competitive arts scene in the ACT than one where the Government was needing to use a cattle prod, figuratively speaking, to get action and innovation. That certainly is not a problem in our Territory. We should be pleased about that and we should welcome the efforts made by the Government to make sure that that dynamic scenario continues.

Of course, there is also funding in this budget for capital works, including the construction, I assume, of the new replacement small theatre. That is very welcome news. The ACT's need for that small theatre was very great. I strongly urge the Minister to progress that particular initiative as quickly as he can, as fast as he can, and as far as he can.

DR KINLOCH (11.40): May I also include Ms Maher in my list of people who fought for those schools. Thank you, Ms Maher.

I would like to endorse Mr Humphries' comments. Particularly, I would like to thank Mr Wood, not only for leading the committee which produced the report on the arts, but then, after becoming Minister, immediately setting about trying to see that some of those recommendations are going to be carried into practice.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (11.41): Mr Speaker, I thank members for their complimentary remarks. We probably have a fairly bipartisan approach to the arts. I think the ACT community, and it is reflected in this Assembly, recognises the enormous benefit of the arts to the Territory; the great role they can play in drawing it together, in giving us a better feel for life, and doing so much more for people, individually and collectively. I thank you for your remarks. I indicate that I hope to be doing a great deal more yet.

Proposed expenditure agreed to.

Department of Health

Proposed expenditure - Division 260 - Hospital Services, \$169,839,100

MR HUMPHRIES (11.42): Mr Speaker, we have had plenty of discussion also on the question of health and hospital services in recent weeks. There is probably not much that I can profitably say at 11.45 pm, but I think it is worth reflecting once more - - -

Ms Follett: It has been said before.

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MR HUMPHRIES: Ms Follett is disappointed to know that I will in fact be saying something.

Ms Follett: No, no; once more - with feeling.

MR HUMPHRIES: What I will be saying, of course, is that we all know health to be a disaster area. It would be hard to imagine that health could endure any more problems than it had in recent years; but this Minister has successfully lifted his game from his previous performance as Minister for Health and we have today a state of absolute chaos in some areas of the health system. That is a matter of great regret. In particular, Mr Speaker, I have to note that we, in this Assembly, are particularly goaded to make comments of that kind because we find ourselves unable to make informed comments based on accurate information, that accurate information being unforthcoming from this Minister.

Mr Connolly: How much information did you give us about your blow-out of \$17m?

MR HUMPHRIES: I answered every question I was asked in the Assembly to the best of my ability and without obfuscation, and I provided information as requested by members of the Assembly without stint. I challenge anybody to compare my record of answering questions in the Assembly or in the Estimates Committee with that of the present Minister. I believe that I will come out very well from that comparison. Mr Speaker, I make one small point to bring that home. It is now 26 November - in fact, nearly 27 November - and we still have not had the October budget statement from the hospital system.

The Minister did undertake to provide that information in the Assembly. He did say that it would be provided within 48 hours of being provided to him. I assume that we are not going to find out, because we do not ever find out from this Minister what is going on. We are not going to find out whether he actually has the figures in his own hot little hands already.

Mr Berry: You should have asked me today and I would have told you.

MR HUMPHRIES: I give up on asking you questions, Mr Berry. You do not want to answer questions. You know that the best approach from your point of view is to clam up, and that is not going to change, apparently; so I am not going to waste my time asking you too many fruitless questions. But I think it is worth asking in this debate - and you have a chance to answer the question now - - -

Mr Berry: Stop pointing an accusing finger. You are pointing an accusing finger. I think that is a very cruel thing to do.

MR HUMPHRIES: You have a chance to answer this question now. I do not mind being cruel, Mr Berry. I have been inured to that by 18 months or two years in this Assembly. Mr Speaker, I ask the Minister to tell us whether he has yet received those figures and, if so, when we can expect to see them in this Assembly. He did say that he was going to get them by the 10th of each month. He then changed that to the middle of the month. He then changed that to about the 20th of the month. It is now the 27th.

I assume that the Minister, if he can at least say to us that he has not received them, will at least express some concern about the fact that those figures are late, will show us at least an inclination to be forthcoming to the Assembly about what is going on in this health bureaucracy and this Board of Health budget. It is incumbent on him to make sure that he does not have to come and face the cameras outside this Assembly, shamefaced, to say, "Look, we have a big problem and I have not told anybody about it until now". That is pretty unacceptable, in my view, and reflects very badly on the Minister.

I invite him to express some view about the state of play in the health budget beyond the platitudes we have heard so far, which have been simply, "I have confidence in the Board of Health to deliver a budget". That is just not good enough. We need to know more; he needs to know more as the Minister. He should be asking hard questions as Minister. If he is asking hard questions and getting answers, he should be able to communicate those to this Assembly.

MRS NOLAN (11.46): Mr Speaker, very briefly, I have to agree with Mr Humphries that there is no doubt that health at the moment is a real disaster area. As Mr Humphries said, it certainly is a matter of great regret. In my view, a lot of it has to do with fast-tracking of the principal hospital. I entirely support the principal hospital system; but I do not believe that, with the speed at which it has been done to date, it will really achieve anything other than chaos in the hospital services. That is certainly what we are seeing at the moment. There is a very real concern among people out there in the community about getting sick.

Mr Berry: No, not true.

MRS NOLAN: Mr Berry, you go out and talk to people and you will hear that over and over again. People are concerned. Some of the stories that one is hearing about the accident and emergency services at Woden, in particular, show that it really is a quite major concern. I will not go on at length at this time of night. As was mentioned a little while ago, it is 11.45 pm. But I do urge that the Minister provide us with those figures. It was undertaken some days ago. We ask urgently that all members of the Assembly are able to see the October figures.

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MR MOORE (11.47): Mr Speaker, it is interesting to hear the interjections between the ex-Minister and the Minister. The reality with hospital services is that the Royal Canberra Hospital is the corpse and both of them have blood on their hands, in metaphorical terms. The reality is that the Royal Canberra Hospital would still be here had it not been for the Alliance Government's fast-tracking approach and had the Minister for Health not been able to continue with the support, of course, of the Residents Rally. When the Labor Government came to power it was quite clear that the costs of retaining a hospital on the Acton Peninsula were the same as the costs when Rosemary Follett tabled her Bill to retain the Royal Canberra Hospital.

Mr Berry: You do not understand.

MR MOORE: There is an interjection from Mr Berry, "You do not understand". I think there is some truth in what Mr Berry says because it is something that I find very difficult to understand. I have read and reread the report that he commissioned, and the reality is that they could have retained a hospital on the Royal Canberra site. He is quite right; I do not understand how Labor could have sold out to the extent that they did on this particular issue, and it is something that they will have to answer for to the electorate.

Mr Speaker, the hospital redevelopment program has been carried on at such a rate that we see constant reports and we hear constant reports of problems. The problems that we hear about are just the tip of the iceberg. That is the important thing. What you read in the media is not just isolated examples of people being inconvenienced, put out and having their health put at risk; there is a constant stream of them. At almost any gathering, if somebody mentions the Royal Canberra Hospital somebody else has examples and anecdotes. If you dig just a little bit deeper, it is not that hard to find the names and the specific examples. It is a disaster area, Mr Speaker. The major part of the fault lies with the previous Minister for Health, but the fault has continued under the Labor Government.

MR BERRY (Minister for Health and Minister for Sport) (11.50): Mr Speaker, I get a little upset at the suggestions that Michael Moore has made in relation to Labor's policy. Labor's policy is pretty clear; it has always been clear and unequivocal.

Mr Humphries: Yes, save Royal Canberra Hospital.

MR BERRY: We have always been clear and unequivocal, Mr Humphries. We said at the 1989 election that we would maintain a public health facility on the Acton site. We have stuck to that policy; we have stuck to that policy through thick and thin.

During the course of 1989 we consulted with members of this Assembly on what we might do about the continuing provision of a hospital on the site at Acton. I appointed some members to a steering committee, I think it was called at that time, and a number of recommendations were made by that steering committee. Having considered closely the costings and estimates of the future costs of the provision of a hospital on that site, we, in consultation with members of this Assembly, decided to continue with a hospital on the Acton site.

That was not without cost. That was at a saving of about \$3m per year in recurrent costs and it was considered at that time that we would have been able to contain that within budget. What we clearly have to understand is that at that very point we were at odds with the committee which had set itself up to augment Royal Canberra Hospital, the ARCH committee. We were at odds from the time we made that decision because they wanted to enhance the facilities on the Acton site at the expense of other facilities throughout the ACT.

We were offside with those people from day one. There was a demonstration out here, as members may recall, where they expressed their concerns about Labor being offside with them. We have never been onside with ARCH from day one, because our position quite clearly was different. We were talking of a much smaller hospital than that which was sought by the ARCH committee.

There was never any misconception about this. The Liberals in the Alliance had indicated, during the course of consultation about the hospital system that Labor had previously decided upon, that they would not necessarily be committed to the provision of a hospital on the Acton site. Very soon after they took office they made it clear that they were not going to proceed with a hospital on that site. There is no question about that.

Mr Humphries: So, we were consistent as well.

MR BERRY: That is right. There is no question about that, although you did not make your position clear in the consultation process.

Mr Humphries: You did not actually ask me, as I recall.

MR BERRY: You hedged a bit. I think we talked to you and Trevor; but, in any event - it is a while ago - there was no secret about the Liberals' position. The Residents Rally, on the other hand, the No Self Government people, and Michael Moore had a very clear position; they wanted a hospital on that site.

My understanding of the No Self Government position at that time was that they just wanted a hospital, and what we proposed was good enough. The Residents Rally had a policy which was consistent with ARCH's position, which was to

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augment the hospital; but they were satisfied with our position. Michael Moore, as part of the Rally - I think he was the health spokesperson in those days - was tied up in that as well. As we moved a little further down the track, of course, things changed. The No Self Government people adopted the Liberal position, as did the remaining members of the Residents Rally, who had joined with the conservative Alliance. We had a whole bunch of people who then decided to close the hospital.

Subsequent to the then Government making those decisions, we had always expressed concern that we would get past the point of no return. I think Mr Humphries in recent debate has even endorsed the fact that we made those statements. Labor made it clear that we would keep it open if we could. I think I might have even said, at a great barbecue or something down there, that we felt that we were getting close to the point of no return. I think I might have even said it on ABC radio once or twice. When we submitted to this Assembly the Bill to save Royal Canberra Hospital, our view, at that point, was that we would have been able to do so. Subsequently, the Alliance Government fell and Labor was in the position to make a decision on the Royal Canberra Hospital.

It would have been quite inappropriate for the new Minister for Health to rush in and overturn the previous Government's decision without closely examining the matter. It was closely examined. I do not think there is any question about the credibility of the people involved. There have been some accusations made about the links of the people who were involved in the review, but nothing of substance. There was an outrageous and inaccurate assessment of the whole situation in the *Canberra Times* recently, and it was very unfortunate that the Labor Party was not able to respond to the accusations that were made all through that article. It was an inaccurate report of events and it did the *Canberra Times*, I suspect, no good to report that matter the way that they did.

All of that aside, Michael Moore seeks - I suspect for political purposes - to ignore the fact that the former Government had committed tens of millions of dollars of the Territory's money to the closure of that hospital and the establishment of certain facilities on the Woden Valley site; fast-tracking all those things that have been discussed ad nauseam in this place. There is no point in going over them all again. Mr Moore misreads the report and misreads all of the events. The fact of the matter was that there were tens of millions of dollars committed to the project on the other side of the lake and Labor was not in a position to make a decision to maintain the Royal Canberra Hospital on the Acton site.

The Residents Rally are out of this now. They have blotted their copybook, and the best thing they can do is shut up.

Mr Collaery: You are getting worried, aren't you?

MR BERRY: You have blotted your copybook. The best thing you can do is shut up, because it will only get worse for you. Michael Moore, at least, has been consistent from the start; but he is starting to ignore history, which is a bit of a problem for him. The Liberals, on the other hand, have been consistent from the start - absolutely wrong; acting contrary to the best interests of the community; mismanaging health and hospital blow-outs; all that sort of stuff.

Now I come to the Appropriation Bill. At this late hour, all those things having been said, Mr Speaker, Mr Humphries has made some comments about the hospital system. Labor has moved quickly to impose a very tight budget on the hospital and health system. The hospital board, as I have said in the past, as he rightly has said that I have said in the past, has said that they will live within the budget provided by the Government and I will be holding them to it.

In relation to the figures that he mentioned, there was some huffing and puffing about that issue. I am mindful of what the Assembly said in relation to those figures. I am not going to forget it.

Mr Humphries: What does that mean?

MR BERRY: It means that I will remember it.

Mr Humphries: What does that mean? Are you going to provide them or not?

MR BERRY: That means that I remember it and it is clear in my mind. I can tell him that I have not got the figures.

Mr Humphries: Are you concerned about that?

MR BERRY: I have told you that when I get the figures I will give them to you within 48 hours.

Mr Humphries: Are you not worried about that, though?

MR BERRY: Okay; we will go into it a little bit deeper. None of this is going to be that helpful to your temperament, but I will go into it anyway. The motion that this Assembly passed has aggravated members of the board very seriously. I have a responsibility as a Minister to ensure that the management of the hospital system is carried out in a proper way. What I was deeply concerned about was that there may be some resignations from the Board of Health because of what might have been considered to be gross interference by this Assembly in the management of hospitals.

Mr Collaery: Ha, ha, ha!

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Mr Connolly: Mr Collaery laughs hysterically, *Hansard* should record.

MR BERRY: All the people with smiles on their faces think it is funny that members of the board might be so concerned about the management of their hospital system that they might resign as a result of this gross interference. The board is deeply concerned about this issue, and I intend to manage it. I am very concerned about it. I have expressed these concerns in this place before when you people moved to interfere with the - - -

Mr Jensen: If you had not been so flippant earlier on, we would not have had this problem.

MR BERRY: What you want to do is let me get on with the way that I manage the board and ensure that the hospital service is properly looked after. I said to you the other night: If you are fair dinkum about this and you want to move that the board do certain things, why do you not do it by way of changing the legislation? If you do not want the board to manage, why do you not just move to get rid of them? What I am concerned about is maintaining continuity in the management of our hospital system and ensuring that there are no further disruptions, or that there are as few disruptions as is possible, given the political instability that exists in this place.

Mr Speaker, it is important that the board be allowed to get on with the job. It is important that the Government maintain its commitment to that board, and we will do so because the continuity of level-headed management in our health system is extremely important. A decision of the Assembly has been taken and I have said that I will accept the decision; and I will do so. There is nothing more to be said on the matter.

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MR HUMPHRIES (12.03 am): Some of us were wise enough to realise that this was going to come, and of course it has. As usual, it is not clear what the Minister is saying; but I gather that he is telling us in no uncertain terms that we are going to find it very hard to get, if we are not going to be totally refused, the information that the Assembly sought the other day about the health budget. Mr Speaker, I might indicate quite clearly that I think Mr Berry has dishonoured a commitment he made to the Assembly.

Mr Connolly: That is outrageous.

MR HUMPHRIES: Let us be quite clear about something: Mr Berry, you were facing a motion of censure in the Assembly. You said, in response to that motion, that you would undertake to provide certain information to the Assembly within 48 hours of receiving it. You now seem to be

saying, in effect, "For various reasons, which are in fact within my control and we are not going to do anything about, I am not going to provide the information". That is not good enough, Minister. We on this side of the house, I can assure you, are not going to let you off the hook that lightly. You wanted to provide the information. You said that you would provide it, and I, for one, expect you to keep to your word, if you place any value in your word; but we will see.

Let us get this notion about political interference out of the way. We just want the same information about what is going on in the health system that you expected when you were in opposition.

Mr Berry: And never got.

MR HUMPHRIES: That is not true. Mr Berry asked me in this place in February of this year, "What is the state of play in the hospital budget? Is it blowing out?". I said at the time that I did not believe that it was, but I would find out. I eventually came back to this Assembly and I gave information about what was going on, to the best of my information. I fully disclosed the information. Anybody who says otherwise can show me in the *Hansard* where I did not say that. The fact is that I did. What this Minister has said has been in stark contrast. He said, when asked the same question, "It is not up to me to provide information; it is up to the Board of Health".

That was not what I said. It would never have been what I said about what was going on in our system, because I knew that I, as Minister, was responsible for the administration of health and was accountable to this Assembly. That is what this Minister is too; the same statement applies to Mr Berry. We are entitled to that information - I repeat - and we expect it. If you will not provide it, Mr Berry, we will make sure that we hound you until we get it.

Mr Speaker, I do not disagree with a great deal of the history that Mr Berry related with respect to the restructuring of the hospital system and the closure of Royal Canberra Hospital. Much of what he said was quite true. There is one thing, though, I think, that he has glossed over and did not address in any great detail, and I think it would put a different complexion on the apologia he gave for Labor's backflip on that question.

He failed to mention that a few weeks before the change of government he and Ms Follett were fully briefed by me and officers of the Board of Health on the situation with respect to the hospital restructure. Mr Berry says, "We were not told everything at that briefing; we could not find out certain information". He has not yet told me, in answer to my invitation to him, my challenge to him, what it was that he was not actually told there which was crucial to his decision about proceeding or not proceeding with the closure of Royal Canberra Hospital.

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He points out that he was not given the master development control plan. That is quite true. The master development control plan was not in existence at the time he asked for it, and of course I could not provide it for that reason. He was, I understand, subsequently provided with it. Every piece of information which he was not given on that day and which was available was subsequently provided to him and Ms Follett. Now I repeat my invitation: What piece of information was not given to you - - -

Ms Follett: I did not get the master development control plan.

MR HUMPHRIES: I am afraid that it was not available. I cannot provide what is not available.

Ms Follett: You just said that you gave it to us subsequently. You did not give it to me.

MR HUMPHRIES: I said that it was subsequently made available to you. The fact of life, Mr Speaker, is that we need to ask the question: What was missing from the Labor Party's portfolio of information which would have led them to say to the people of the ACT, and in particular to the Residents Rally for Canberra, who they, with respect, conned on this issue - - -

Ms Follett: I take a point of order, Mr Speaker. There is a clear imputation in the use of the word "conned", Mr Speaker, and I think it should be withdrawn.

MR SPEAKER: Mr Humphries, I would ask you, at this late hour, to avoid acrimony, to choose your words more carefully and to withdraw that.

MR HUMPHRIES: I will rephrase it.

Ms Follett: Will you withdraw it?

MR HUMPHRIES: I withdraw the word "conned", and I will say that they led the Residents Rally down the garden path. I ask again, Mr Speaker: What exactly was it that they needed to know to be able to decide then and there that they could not stop the closure of Royal Canberra Hospital? My answer to that question, Mr Speaker, is that there was nothing. They knew before the change of government was first mooted in the Assembly, I think on about 25 May or 28 May - they knew well before that date - that the closure of Royal Canberra Hospital was irreversible; that the point of no return to which Mr Berry referred had been reached and passed some time previously.

We do not disagree with the view that there is a point of no return. My contention, Mr Speaker, is that the Labor Party knew well before then that they had reached and passed that point, and they continued to give the impression and to lead the community and the rest of

Australia down the garden path and into believing that it was still possible to save the hospital. I think those of us who knew what was going on and who could see the facts as they stacked up knew perfectly well that there was no hope at all of that.

MR MOORE (12.10 am): I will be brief. The one major error in what Mr Berry said can best be illustrated, I think, by saying that the article in the *Canberra Times* was accurate.

MR COLLAERY (12.11 am): I rise to read into the record a ministerial statement here on 13 August 1991 by Mr Berry. He said at page 3 of his ministerial statement:

At no stage did the Labor Party promise to reopen a community hospital at Acton.

I remember the rest of us looking incredulously around the Assembly and I thought, "What does this mean in terms of confidence motions and all the rest?". That was an extraordinary statement. I am not going to start a substantive debate by saying that we were led to believe something else, but Mr Berry is lucky that no substantive motion was moved as a result of that statement. He knows it. I remember that Mr Moore went straight out and grabbed a *Hansard*. We did, and we found a clear, unequivocal statement in the *Hansard* by Ms Follett that a Labor Government would reopen the hospital. At the same time you say that you had never promised, you put a Bill down. You put a Bill down to reopen it. What a polemical display from this Minister!

Of course you promised to reopen it and of course you know that the Residents Rally expected that you would take every step and every endeavour to meet the 40,000 signatures that people had collected; to have the decision looked at quickly and usefully and productively; to see what could be changed and whether we could not, in fact, save money. But you did not do it. We were not conned; but certainly we were led to believe, by virtue of a Bill on the floor of the house and the statements by your present Chief Minister - statements you had made time and time again when attacking Mr Humphries - that you would, in fact, do all in your power to settle community concerns about the continuation of a community hospital on the Acton Peninsula.

You cannot quibble on that. You know it. I have been listening tonight. It might be good gamesmanship, the Labor-Liberal games you play sometimes; but the fact is that a great number of people in Canberra thought that your first step would be to call for the papers, to look at the transfer schedule and to see just exactly what you could keep there in terms of some issues.

Let me make a very conclusive statement. The Labor and Liberal parties find this amusing. The "Hospitals Redevelopment Update" was a newsletter that Mr Humphries had instigated. No. 7 in that series is dated 17 May 1991.

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Mr Berry avidly read the newsletter every time it was issued. He brought it into this chamber and used it as a basis for questions. No. 7 is dated 17 May - I stress that date - ten days before the Rally left the Alliance.

Mr Berry: You were sacked.

MR COLLAERY: Let me say it: 10 days before I was sacked.

Dr Kinloch: I was not sacked.

MR COLLAERY: Well, I was. I was sacked. I sure was. I certainly was. Those of us who want to experience most things in life always need a new experience, and that was new for me. On the second page, prominently, it said this:

The Project Office plans to let the building contract this month (May) and currently is interviewing contractors.

This is the accommodation of all diagnostic and treatment functions in a self-contained building. That is what it is referring to. It went on to say:

It also is meeting with seven working parties involved on the design of the D&T block. Construction is planned to begin at the end of the year.

You in this chamber all know - those of you in the know or interested enough to come in here - that the core issue about saving some community health facilities on the block, agreed by all health professionals on all sides of the debate, was the D and T block. That was the Rubicon.

A few days before the Government fell, as Mr Humphries knows, I expressed to him, quite forcefully on behalf of the Rally, that he should not approve the D and T block at that stage. We needed to step back; we needed to think about the D and T block. He will recall that. In fact, in all of our calculations, and in the Labor Party's calculations, was the knowledge that that D and T block was the Rubicon.

The ARCH committee, Regina Slazenger, everyone, talked about it; it was common knowledge. We all looked at the thing called "Milestones", which is an appendix to the newsletter that I refer to. It is in the very same newsletter. There is a timetable setting out, chronologically, the sequence of planned moves. Mr Speaker, I will seek leave to table this document because it is most important historically. I will continue for the time being; but, if members need to refer to it, I have an extra copy. I seek leave to table it.

Leave granted.

MR COLLAERY: I thank members. That is here for tabling. In the Australian Capital Territory *Gazette*, ACT No. 25 of 26 June 1991, there appeared, under purchase reference Nos 7419, 7421, 7422, 7423, 7424, and 7426, a series of contracts to deal with a D and T building, structural and civil engineering design; mechanical lift services design; hydraulic services design; electricity and fire services design; cost planning; and program services. Here is the proof.

If this were a court, you would be dead cold, Mr Berry. You are caught dead cold. Here is a *Gazette*, that was issued, showing contracts let after you took power and at a time when you were clearly on notice, because you always had this hospital update to hand, that Mr Humphries was about to let the D and T block. In the days around the time we were dismissed, or I was dismissed, this contract was let or these arrangements were made which appeared in the *Gazette*.

I want to ask, for the record and for the people of Canberra, whether, prior to the change of government, there was any communication from Mr Humphries or any member of the Liberal Party that the D and T block contract had been let. I expect you, when you rise in reply, Mr Berry, to tell us whether you knew, before you took government, whether the D and T block was let or about to be let, because it is the understanding of the Rally that Mr Humphries went ahead with letting that design contract despite my clear request to him in government not to do it because we knew that things were coming to a head in the Alliance. Let that be on the record.

Mrs Grassby: Oh!

MR COLLAERY: Mrs Grassby, who has been peripheral to this Assembly and its workings since the word go, scoffs. We have made a very significant statement tonight on behalf of the Rally and it adds to the excellent article by Jodie Brough on what you can only call the most extraordinary somersault in political history that any of us have ever seen.

The fact is that the D and T block was the key to it and it is still not built. It is in preliminary design and it is still not there. The fact is that it was well and truly reversible on the basis of other documentation to hand that we still retain. The fact is that Labor decided to go with the Liberal calendar - the Liberal calendar, not the Alliance calendar. By that time it was not the Alliance or Rally calendar. By that time, as part of a series of decisions the Rally had taken, in conference with our medical advisers, we decided that this hospital issue was an important aspect of our decision on a no-confidence motion.

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It is nonsense, Mr Deputy Speaker, for Mr Berry to make the claims that he is making. He was not past the point of no return. The only point of no return that many of us totally agree on was the building at Calvary Hospital. That was the point of no return and, as many of us in this chamber know, that set an inexorable, ineluctable process going in the community. People know that Calvary started to take the steam off the situation on the Acton Peninsula, and that was unfortunate because the Woden Valley Hospital already existed.

MR BERRY (Minister for Health and Minister for Sport) (12.21 am): I knew when I climbed to my feet a little while ago that it would not do the temperament of people much good to hear a bit of the old raw truth, and I was right, again. There are just a couple of things I need to respond to, although it is irrelevant history, I suppose.

Mr Collaery: Irrelevant history?

MR BERRY: It is. By 15 May 1991 - that was the date of the meeting to which Mr Humphries referred - the master development control plan had been released. We had seen a copy, which was provided by unofficial means. The Minister did not supply it. We also asked of him the bed figures, showing the falling length of stay. They were promised at the meeting, on my understanding; but they were never supplied. We were promised figures showing staffing costs, and they were never supplied. They are just some issues. I raise them and put them on the record pretty much as part of the tit for tat that is going on in relation to this issue. It is not very relevant; nevertheless it is said.

Mr Collaery can now be described as the person who was gunna try to save the Royal Canberra Hospital, but never got around to it.

Mr Collaery: Not all of it.

MR BERRY: Well, he was gunna save not all of the Royal Canberra Hospital. He was gunna save bits of it, and never got around to that either. All of the stuff that he went on with is pretty much irrelevant. He asks me questions about what happened when I was in opposition. To be quite frank, Mr Deputy Speaker, it is not a question one is required to answer in this place. He subsequently would ask Mr Humphries, now in opposition, to ponder questions about when he was a Minister. That is not entirely open to him either. It is all much of the smear and muckraking and mud throwing - - -

Mr Collaery: Mr Deputy Speaker, I ask that the imputation, "smear", be withdrawn by Mr Berry.

MR BERRY: All right, I will withdraw "smear". It is all much of the mud throwing for which Mr Collaery has become famous - for both of those.

The real issue tonight is about a budget which is destined to provide better hospital services in the ACT. Undoubtedly, it is going to be difficult for all of those people who have the responsibility of managing it. I have said before, and I say again, that it is important that this Assembly recognise that there are important management tasks that it should not interfere in.

I make it clear to Mr Humphries, regardless of his taunts, that I am mindful of the Assembly's motion. I have given an undertaking that when I receive the figures they will be provided, in accordance with the resolution, within the 48 hours so prescribed. These are the sorts of figures that have never been asked for in this Assembly before, and have never been supplied. In fact, for much of the period of the former Government there was no information.

My complaint is not about Mr Humphries' responses once he found out about the budget; it is about what he did not do in the time between when he was first made aware of financial difficulties in the hospital system and the time when the blow-out occurred. I think that was an indictment of his ability to manage the system. I think it was subsequently one of the factors which influenced the fall of the Government, one way or the other. As we were led up to that position, Mr Collaery was lamenting the days when he had said that he was gunna save the Royal Canberra Hospital and did not. I am reading from a questions brief which will be useful for members' information. It states:

If the Labor Government had "cancelled" the hospitals redevelopment project when we came to Government in June, the estimated cancellation penalties are (conservatively) in the order of \$7.12m.

This figure excludes any allowance for "wind-up" costs (that is, mothballing and re-start costs), and "opportunity costs" which may have been claimed by the project managers, as these are virtually impossible to predict. So the figure may well have been higher.

That is just one of the issues that have never been considered while people seize upon an issue of history which I think will go down as part of the problems caused by the unholy Alliance which dealt a final blow to some parts of our hospital system. I urge members to support the proposed expenditure that is before the chamber.

MR JENSEN (12.27 am): Mr Deputy Speaker, in accordance with standing order 213, I request that the member table the document from which he just quoted.

Mr Berry: Sure. I agree with that.

MR DEPUTY SPEAKER: Thank you, Mr Berry.

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Mr Berry: Do you mind if I take off the contact number, the contact name?

MR DEPUTY SPEAKER: No-one has a problem with that? Okay, take it off.

MR COLLAERY (12.27 am): Mr Deputy Speaker, I made four points which, in another forum, would be regarded as argued and presented. Here Mr Berry called them mud slinging and his Chief Minister added "infamous". That is the standard of the Labor Party. We want a reasoned debate on it. I made some forceful points and, in the Labor Party's hands, they are mud slinging.

I made four points. The first point was that the Labor Party always had the hospitals update redevelopment and they would have known that the date in May, alluded to in that document, meant that the contract was about to be let for D and T block design - not construction, design. They knew that. In that same document - this is the second point I made - there was a significant milestone list or development schedule, and that showed a far from irrecoverable situation.

The third point I made was that a *Gazette* was issued on 26 June letting some design contracts, which totalled, on a glance, a sum of about \$1m in small packages. That was for the D and T block. The overall cost of the D and T block was many millions of dollars. Mr Berry did not answer one single point I raised. He did say that he had had, from a non-government source, the development schedule.

Mr Berry: No, I did not. I said "the master development control plan".

MR COLLAERY: The master development control plan. In other words, not one of the specific questions I raised has been answered in this house. We are paid to be here as politicians, whatever the hour. I asked four fairly precise questions. I got no answers, just some abuse.

The Rally is entitled to an explanation because significant numbers of people, especially this coming weekend, will be down at the Acton Peninsula, as Mr Berry well knows. A lot of Canberra people will be there and there will be a wake. In the document Mr Berry has tabled, which I would like to have access to, if I may, he has alleged what the cancellation costs of the hospital redevelopment project would be. I believe that he said \$17m.

Mr Berry: No, \$7.12m.

MR COLLAERY: A figure of millions. "But what does that mean?", I ask members of the house. Is he referring to all the works? Is he referring, for example, to the design contracts let on 26 June for those small packages? They do not total a million. On any legal basis there could not have been an extensive compensation claim for the

Government seeking to get out of design packages. They were not material supply contracts, and they were not those that might involve too many people being taken on under contract. They would not have been excessive payments. Mr Berry said:

If the Labor Government had "cancelled" the hospitals redevelopment project when we came to Government in June, the estimated cancellation penalties are (conservatively) in the order of \$7.12m.

I would not disagree with that. I will accept it, wherever that advice came from. I am sure Mr Berry got good advice from those project managers and developers. But, of course, that relates to the big works over at Woden. Mr Berry knows that. It may also relate to the big relocation works for radio therapy, the bunkers and other things that were being moved.

The fact is that the D and T block was a wholly separate entity. It was, on the advice available to the Rally, reversible. I am sure Mr Moore is listening, because he has a Bill still before the house on this. Let the record show that not an answer has come to the four points we have raised. We have been waiting for the moment to put these issues over. We have tonight.

Mr Connolly: You have picked 12.30 am; really good timing.

MR COLLAERY: Yes, we have been waiting. This is a suitable time.

Mrs Grassby: The *Canberra Times* went to bed hours ago, Bernard; do not worry about it.

MR COLLAERY: This is not for the *Canberra Times*; this is for the record of this Assembly. This is what we did to assist many people in Canberra, particularly Canberra's north, where Labor have traditionally polled well. This is about why the Royal Canberra Hospital project was not revised after Labor came to power. Mr Moore has some credible arguments to the effect that there were reasons why there should have been a further look at the whole financial balancing of the exercise. I will leave that argument to him when his Bill comes forward tomorrow, hopefully, or later.

Mr Deputy Speaker, I stress that Mr Berry has given no explanation to all those thousands of people who have pressured Labor to get back into that hospital redevelopment area and see what it can do to reshape it, not reverse it; to do something that would mean that there would be a community hospital there for this Canberra region - not just Canberra itself, but the ACT - in the

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year 2000 plus. Mr Berry, in our view, has failed the Rally. He failed the people of Canberra's inner north who wanted the Labor Party to do something. I cannot think of a greater breach of faith in the time we have been in parliament.

MR BERRY (Minister for Health and Minister for Sport) (12.34 am): I say no more than that I disagree with Mr Collaery's construction and note his comments.

Proposed expenditure agreed to.

Proposed expenditure - Division 270 - Public and Community Health, \$47,475,300

MRS NOLAN (12.34 am): Very briefly, I would like to place on record my concerns in relation to the community health area, in particular some of the cuts that are currently occurring in that area. I think it really is most inappropriate and I hope that the Government will reconsider its position.

Proposed expenditure agreed to.

Advance to the Minister Administering the Audit Act 1989

Proposed expenditure - Division 300 - Treasurer's Advance, \$8,946,000 - agreed to.

Clauses 1 to 6, by leave, taken together, and agreed to.

Clause 7

MR COLLAERY (12.35 am): I move:

Page 3, line 3, add at the end the following subclauses:

"(2) Money appropriated by this Act for services under the programs specified in Part II of the Schedule as 'DIVISION 220 - GOVERNMENT SCHOOLING' and 'DIVISION 230 - NON-GOVERNMENT SCHOOLING' respectively shall not be applied otherwise than in a manner that ensures a fair and reasonable allocation of that money between the relevant services under those programs.

"(3) Any decision made, proposed to be made or required to be made (whether in the exercise of a discretion or not) in relation to the application of money appropriated by this Act for services under a program referred to in subsection (2), being a decision under an Act administered as part of that program, shall, for the purposes of the *Administrative Decisions (Judicial Review) Act 1989*, be taken to be a decision to which the last-mentioned Act applies.

"(4) Notwithstanding section 13 of, and Schedule 2 to, the *Administrative Decisions (Judicial Review) Act 1989*, a decision referred to in subsection (3) shall be taken to be a decision to which that section applies."

Mr Deputy Speaker, this provision reflects, in its first subclause, the acknowledgment that the Chief Minister gave in question time today that, in making a decision on funding in this program, she would, of course, apply a fair and reasonable decision to the area. I think her words were "fairly" and "reasonable". She acknowledged that. Mr Deputy Speaker, subclauses (3) and (4) seek to extend the role of judicial review in relation to this decision making.

I will need to take members through the steps for it, because no doubt Mr Connolly has some legal advice. I am not going to turn this into a trial tonight. I am well aware that the Government will be opposing this provision. The essential issue is, as has been put very clearly and historically over the years:

The role of judicial review ... is supervisory. The aim is to ensure that, substantively and procedurally, the administration acts according to law, and does not exceed or abuse the proper limits of its powers, and does not deny procedural justice and fairness.

I am reading from an excellent speech given by Mr Todd, a former president of the Administrative Appeals Tribunal. But he acknowledges that:

... judicial review does not presume to tell the administration how to exercise its powers.

So, I stress that this provision does not seek to move money around. It does not offend, on the advice available to me, section 65 of the self-government Act. It merely places an onus upon the Government. It has already acknowledged that it accepts that onus, and it argues that it has discharged it. We disagree that it has acted fairly and reasonably.

To attract the other provisions of this amendment, that is the *Administrative Decisions (Judicial Review) Act*, the decisions that this amendment seeks to attack need to be of an administrative character under an enactment. I anticipate discussion of that issue. It is the Rally's argument that the requirements are met and that, regardless of whether they are met or not, the provision before the house allows the administrative decisions judicial review process to take place.

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I refer to the leading ADJR cases, and those first cases in the early days of ADJR, as I will refer to it. In *Hamblin v. Duffy* (1981) 34 ALR 333, Mr Justice Lockhart acknowledged that it was not appropriate for him to seek to expound definitively the meaning and ambit of the expression "decision of an administrative character"; and that this definition should be determined progressively in each case as particular questions arose.

Further, Mr Justice Ellicott, as he then was, in *Tooheys Ltd v. Minister for Business and Consumer Affairs* (1981) 36 ALR 64 at page 73, referred to the fact that legislation was intended to confer on citizens - and I stress this - important procedural rights against excessive action, and that it was undesirable to attempt to define in advance the full scope and operation of the phrase in issue in that case. It is also acknowledged in the text - and in all of my comments I read from texts - that all statutory powers must be exercised reasonably and that, inasmuch as powers are conferred subject to an implied requirement that they must be exercised reasonably, there is scope within this modern administrative legal provision for the courts to review that conduct.

Some of the principles to review unreasonableness are, for example, the principle of proportionality; that is, in this particular case, how it relates to other decisions. There is also the principle of legal certainty, and the principle of consistency. We have spoken about consistency in relation to prior practice. And there is also a recognition of fundamental human rights. Of course, we all know about the fundamental human rights that apply in respect of education. I will not delay the house, other than to stress that in Budget Paper No. 5 the Government clearly indicates that the program that we are speaking of:

... provides funding assistance by way of Territorial grants to non-government schools and agencies and onpasses grants on behalf of the Commonwealth Department of Employment, Education and Training. The program is also responsible for the registration of non-government schools.

I am quoting from page 227. The process of registering non-government schools, of course, takes place under an enactment, and that is, of course, the Education Act 1937, as amended, and other enactments. The Appropriation Bill itself, when passed, will be an enactment. I will wait to hear Mr Connolly on those preliminary issues and respond further. It may be argued, I believe, as I have experienced in a number of cases processed under the AD(JR) Act, that this is not a decision of an administrative character and not under an enactment; that it is merely government discretion, or ministerial discretion, and that it is beyond the reach of this Act. I simply disagree with that, and any such decision on that basis is a decision for the courts in the event that there is a challenge. It is not a decision for this legislature to take in looking at this provision.

I do not intend to traverse the decision that is under reproach in this Assembly, because down the track there may well be some judicial review. I do not want to turn this debate into a trial of that issue. So, I commend the amendment to the house. I do so on the basis that the full range of legislation in society now is open to judicial review. That is because of the increasing realisation within Australia that decisions should be reviewed in the public interest. What better statement of that could there be than that coming from the report of the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct by Mr Fitzgerald, formerly a judge of the Federal Court?

I ask members to ponder on this matter, because people have said to me, in the context of this amendment, "You cannot allow the courts to examine the executive discretion of Ministers". It is heretical these days to say that. I read from the erudite words of Mr Fitzgerald:

The Judiciary are empowered to protect an individual from the abuse of governmental powers by ensuring that those powers are kept within the legal bounds imposed by Parliament, and their exercise constrained by accepted principles of natural justice.

... ..

Any judicial review of administrative or ministerial actions is limited to review of the manner of the decision-making process.

I stress that. I will repeat it:

Any judicial review of administrative or ministerial actions is limited to review of the manner of the decision-making process.

What I am seeking to attack here is the manner in which the Treasurer approaches her decision making; that is: Will she be fair and reasonable? She has accepted that in question time and therefore, I believe, she must accept subclause (2). How could she disagree with that sentiment? Some of you may think that that is a superfluous sentiment to put into a Bill. Even if it is superfluous, I would enjoin all members to support at least subclause (2) of this amendment, because it sets a standard and it sets a requirement and enjoinder upon the Treasurer to make sure that, as she progresses with this budget, if we approve it, she disburses that money in a fair and reasonable manner. Mr Speaker, I seek a short extension of time.

Leave not granted.

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MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.47 am): Mr Speaker, on receiving this amendment an hour or so ago - although I note that it was drafted in October and has not been circulated to members before this - I circulated it to the Government's advisers. I have been searching for an appropriate word to describe it, and no word commends itself better than "weird". This is a weird proposal. What Mr Collaery is proposing to do is abdicate the responsibility of politicians and transfer it to the courts.

His proposal relates to a fundamental political distinction. It is one on which we will have disagreements. Clearly, we do have disagreements and, no doubt, we will be going to the electorate on 15 February on the issue of the appropriate allocation of funds to government schools and non-government schools and the way in which that funding is distributed to the non-government schools - whether it is a fair and reasonable appropriation of money. We say that what we have done is fair and reasonable, and you say that what we have done is not fair and reasonable. We believe that the voters will endorse our political decision and you, no doubt, believe that the voters will endorse yours.

Mr Kaine: And I cannot wait for some judge to decide that.

MR CONNOLLY: Yes, it is the ordinary political process. What Mr Collaery proposes is that a judge will decide that - that that fundamentally political decision about an appropriation of funds and the distribution of funds between government and non-government schooling ought to be decided by a judge, and that money appropriated cannot be applied unless this distribution is "fair and reasonable". How do we work out whether it is "fair and reasonable"? We go off to a judge, and then we have a process of appeal.

This is a fundamentally political decision. If we were to bring the judiciary into play on this sort of decision - if this parliament were disposed to such a strange proposal, and I am confident, having spoken to members around the place, that members will not be prepared to go down this peculiar track - we would be in a position where this fundamentally political decision, which we have a robust political debate over, would be held up through a process of judicial hearing, appeal and counter-appeal.

It is attempting to have judges decide the political merit of a decision on how money is applied between government and non-government schooling, which anyone with anything more than the most cursory knowledge of Australian politics would know has been an issue of political debate almost for the 100 years of the existence of the Australian Labor Party. Mr Collaery is seeking to make that a matter for decision by the courts. Of course, in his sort of

legalistic style, no doubt meant to impress some members and have them think that there is somehow some benefit in this proposal, he quoted, I think, from the very text that I am now holding - Flick's book on administrative law - some statements about the purpose of judicial review.

Of course, one fundamental point about the Administrative Decisions (Judicial Review) Act, at the Federal level and also as it is applied to the Territory, is that it is not about merit review; it is about review of the legality of the decision making process. Flick says, at page 172:

The Federal Court is thus not entrusted with the duty or power to conduct a review on the merits of administrative decisions and must be vigilant to ensure that it does not, under the guise of reviewing administrative decisions on questions of law, trespass in fields of administrative decision-making in relation to which it possesses neither mandate nor special qualification ...

A Federal Court authority is there cited, and I will not bother citing the case. What Mr Collaery is proposing is this strange new test that it is unlawful to appropriate money in these two programs unless the appropriation between government and non-government is in a manner which ensures a fair and reasonable allocation, which is essentially a political decision; and then he proposes to provide judicial review on that decision. Nothing could be more to the point of this warning by Flick - and he is a noted author on this matter - citing again from the Federal Court, that the courts should be wary of trespassing, under the guise of judicial review, into areas in which they possess "neither mandate nor special qualification".

Surely, no member of this Assembly would say that the courts have mandate or special qualification to decide what is the fair and reasonable allocation of funding as between government and non-government schools.

Mr Collaery: That is a merit review. Is that a merit review or a judicial review?

MR CONNOLLY: Mr Speaker, it is hard to understand what Mr Collaery proposes on any given day. He then went on to a diatribe about reasonableness. He said that the courts are well and truly able to make decisions on reasonableness and that this would provide for a reasonableness ground of appeal. Certainly, unreasonableness is one of the grounds of review under the Administrative Decisions (Judicial Review) Act. But it is very rare for decisions to be held on the basis of unreasonableness. In order to have a finding by a court that an administrative decision is bad because of unreasonableness, it is necessary for the court to reach a conclusion that no sensible authority could reasonably reach a particular decision.

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Lord Greene, the then Master of the Rolls, said, in a 1948 case:

It is true to say that if a decision on a competent matter is so unreasonable that no reasonable authority could ever have come to it, then the ... courts can interfere. That, I think, is quite right; but to prove a case of that kind would require something overwhelming and, in this case the facts do not come anywhere near anything of that kind.

This decision - again, this fundamentally political decision - about the appropriate split between government and non-government schooling is surely not a matter that anyone could say would come anywhere near that ground of unreasonableness for the purposes of judicial review. It is a fundamentally political decision. The decision should be taken here. We take the decision that we have made. We defend it in the public forums. You in the Opposition say that you disagree with it. We will debate that matter out on the hustings. We will debate it in this chamber. We will go to the people and the people will make a decision. Let us not make fools of ourselves by saying that that decision should go before the courts, and be held up in complex litigation. We would be seen to be deferring to the courts on that point.

There is one final point to bear in mind: Just think of what it could do to the status of the courts if such a fundamentally divisive decision - this split between government and non-government schooling - were to be abdicated by governments in favour of the courts. I would suggest that it risks politicising the courts because the loser, whichever way a judge decided, would feel aggrieved. It is perfectly appropriate that people in these circumstances take out their sense of grievance on politicians, but certainly not that they take it out on judges. This is a foolish proposal to abdicate a fundamentally political responsibility and transfer it to judges, and I would urge members of the Assembly to reject it.

MR HUMPHRIES (12.54 am): Mr Speaker, there have been few more vociferous defenders of non-government schools in this place than the Liberal Party; but even we draw the line, I think, at a measure such as this. I have to say that we will not support the amendment brought forward by Mr Collaery. The crux of this amendment is in proposed new subclause (2), where there is a reference to allocations being made which are "fair and reasonable" as between the two particular divisions that are referred to in these programs. Apart from the question of whether or not we should limit distribution of funds by government in respect of these two programs only - putting that to one side for one minute - the other question, of course, is what the words "fair and reasonable" mean in this sense.

In one sense, at a very superficial level, it is, of course, quite unfair and unreasonable that a pupil in a government school should receive something like five times the amount that a pupil in a non-government school receives. But that is only a very superficial and shallow interpretation of what "fair and reasonable" would mean. If one were to take it to another depth, one would, of course, understand the history of government funding of non-government education or would take into account a whole range of factors. How many one would take into account is not a matter that is terribly clear to me. This is the point in respect of my concern about this proposal: I do not know what would be considered fair and reasonable by a court, and I think that I, as a legislator prepared to consider this amendment and pass it into law, ought to know what would be considered fair and reasonable by a court.

What test are we putting in place here? Is this a requirement which we as politicians, we as legislators, would wish to see in place with respect to the conduct of government in the funding of different aspects of education? I cannot answer that question. I am not sufficiently au fait with the current interpretation of "fair" or "reasonable" in the legal lexicon to be able to answer that question. I do not think anybody here could. Even if that were the case, I would, of course, have to subject that to changes in interpretation by the courts from time to time. So, because of that uncertainty about this provision, I cannot support that aspect of the amendment.

I also think that the Attorney, Mr Connolly, is right to suggest that this, in fact, involves the legislature surrendering to the courts its responsibilities. We would be having the courts second-guess decisions that governments, in particular, make. And we would seem, in that sense, to be asking the courts to do what we ourselves cannot; that is, make decisions about what is fair and reasonable in respect of the funding of these things. I do not believe that that is a role that should be played by the court. I know that, if I were Minister for Education, I would greatly resent having a court second-guess allocations on a very political basis between different areas of education.

I think also that it is reasonable to talk about what the non-government school community would expect in these circumstances. I have discussed it with representatives of the non-government education sector. They indicated to me that they have concerns about the proposal and would not wish at this stage to support it. I have also discussed other options with them from time to time, including the whole question of opposing the Appropriation Bill or amending it on the basis of this concern. They have very sensibly agreed that that is not a desirable thing for politicians in this place to be doing. They deserve some credit for their good sense in that regard.

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So, briefly, I do not think that we can support this. It simply goes far too far and would create far too many problems in the precedent that it would set than we could possibly address in a debate of this kind.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (12.59 am): Mr Speaker, we must take Mr Collaery seriously, although sometimes we wonder about that. That being the case, it seems that Mr Collaery is bent further on a path of damaging the majority of non-government schools. Just imagine: If this proposal got up, in the current circumstances, it would be likely that some schools would take an appeal - such as you suggest, Mr Collaery. Obviously, a prudent government would need to withhold some of these funds from the non-government schools, not being sure of the outcome of its funding proposals and not being sure that matters would go as it intended. That government would have to bear in mind that the court might reverse the decision - unlikely as that may be.

But, assuming that this did get up, there would be the possibility that there would be a change to government decisions. Hence, it would be necessary for money to be withheld from the non-government school sector to accommodate that change should it occur. What would we do? Would a government hold back something like 10 per cent of recurrent funds? And for how long would it have to do that? Knowing how courts work, would it be six months - a year? How long would it take?

Mr Connolly: A couple of years, maybe.

MR WOOD: A couple of years, maybe. So, the impact of Mr Collaery's proposal would be to deny, for critical periods, some measure of funds that we would want to send to non-government schools. The Labor Party has acted, I say again, in the interests of all non-government schools. Do not forget that there are, I think, 37 other non-government schools in this Territory, and we have looked after their interests. Mr Collaery seems intent on doing otherwise.

MRS NOLAN (1.01 am): Mr Speaker, I cannot support the amendment that has been put forward by Mr Collaery, although I do have to take issue with the comment that Mr Wood has just made in relation to the non-government schools. My concern relates to the discussions that I have had with representatives of the non-government school community. This decision taken by the Labor Government was a political one. It will have to wear the ramifications of that. Certainly, those members of the non-government school community have indicated to me that they would not want to use such an avenue either, because it would be a very expensive one. It probably is appropriate that the amendment does not pass. There are other ways that this avenue can be pursued. It is unfortunate, but one of those ways will be over the coming months leading up to the next election.

MR MOORE (1.02 am): Mr Speaker, it seems to me that Mr Collaery's amendment is a clear breach of the notion of the separation of powers, and for that reason I shall be opposing the amendment.

MR COLLAERY (1.02 am): Mr Speaker, I will restrain myself. In the book by Flick that Mr Connolly referred to is the famous Professor Burns case, which was a benchmark case in that text - a case I started in 1979. I can only say that I have not achieved the level of comprehension - perhaps it is the way I expressed it - that I would have found within minutes were I with my practising administrative legal colleagues.

Mrs Grassby: Oh!

MR COLLAERY: I mean that comment. The first thing is that Mr Connolly utterly confused the difference between judicial review and merit review. This is esoteric to the rest of you, so I will not delay you. But I assure you that Mr Connolly's statements utterly confused merit review and judicial review. I took steps to stress to you, and I read the relevant section twice, that what we were talking about was the proper power of the courts to test for procedural fairness - whether the correct procedures have been carried out. Mrs Grassby laughs. What was sought to be done was to determine whether the decision making process itself was sound.

The rest of this debate today sprang out of the *Hansard* debates in the Federal Parliament in 1977 and earlier, which I went back to for extrinsic help in my administrative law practice. There were the troglodytes who said that this attacked ministerial powers, that this attacked the power of the Crown, and that this damaged the separation of powers. What was said here tonight was run and lost years ago over on the hill. For Mr Humphries' advice, the fact is that the legislation is replete with the terms "reasonable" and "fair". He will find those terms, "fair" and "reasonable", anywhere he looks - either singly or conjoined.

One will also find the many great administrative law wins over oppressive government since these laws came in. They exist on two strains. One is merit review, which takes place in the Administrative Appeals Tribunal. That is not the type of review that I am suggesting, but that is what Mr Connolly was confused on when he quoted from that section of the text. That relates to deportation type decisions, where there is merit review. The court puts itself in the place of the decision maker. That is the issue that both Mr Humphries, with respect, and Mr Connolly, with respect, confused.

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They put the court in place of the decision maker. That is not what I am referring to. The Administrative Decisions (Judicial Review) Act simply checks to see whether Ministers have acted lawfully, according to laid down procedures, and according to standards of reasonableness, such that the only unreasonable standards are those which are so gross and so unfair as to amount to what are called errors of law. The basic difference between merit review and judicial review was misunderstood in this debate by all commentators.

I accept that I am not going to get that point through here. I have the wrong audience. It is unfortunate. We had the same debate on the National Crime Authority, where I could not get a point through. Mr Connolly said, "A judge will find decisions unlawful", and, "We would have the judge putting himself in the place of this and that". Those statements are so laughable. They would be so laughed at by practising administrative lawyers. I want to stress in this debate that Mr Connolly is not a practising administrative lawyer. He is not a practising lawyer. He may be registered, but he is not practising.

You should give me some credit for all the many cases I have run, some mentioned in this text. I tell you, and I assure the house, that what I sought to do was to adopt the North American experience, which settled the DOGS debate. It settled it once and for all. There were mainstream Supreme Court decisions based on similar Federal administrative laws in both Canada and the United States that took this issue out of the political environment where the courts laid down definitive decisions on bussing, desegregating and the standards that a government should apply in allocating revenue in these situations. They determined the standards that they should apply, not the merit decisions - not how much and not the allocations. Those decisions were reached in Canada and the United States. In this legislature, I have not managed even to tap the beginnings of some cerebellums. It is bad luck.

Also, Mr Connolly asked, "What tests are we putting in?". I wasted a couple of minutes explaining them - the principles of proportionality that we argue in court all the time; the principle of legal certainty, that schools have to have certainty in their funding processes; and the principle of consistency, which applies around the country. The surprising thing is that Mr Stefaniak understands these concepts, because I discussed them with him earlier. He does understand them, and he knows the points I was making. I regret that the whole party machine set-ups stopped Mr Stefaniak from contributing, because he has seen how these cases are run.

No credit to the arguments that I advanced was done by either of the speakers. I am not being demeaning. I am simply stating my case. I am saying, "You did not listen; you did not even want to consider it". The statements that this is a hand-over of power by the Executive to the

judiciary is so absurd. The fact is that in this modern age we need the judiciary to protect the individual from abuses. Mr Fitzgerald - the former Mr Justice Fitzgerald, who was a great decision maker and a great judge, and I am sorry that he is lost to the judicial system - said, firstly, again quoting from that text:

The fact that Parliament has vested decision making processes in an administrator -
a Minister, for example -

does not mean that review of his decision is anti-democratic.

I repeat: "does not mean that review of his decision is anti-democratic". He continued:

After all, Parliament has provided for review by the various means available under Federal law.

What I say to you is that it was our parliament, and the Federal Parliament, which provided for the Administrative Decisions (Judicial Review) Act. Two people in this house have argued for the repeal of it, or the non-existence of it. You have missed the debate.

What I am doing in subclauses (3) and (4) is merely clarifying whether one could seek a statement of reasons. If members do not want to see Ministers giving a statement of reasons, for example, for decisions taken in this context, they should move to omit subclauses (3) and (4); but they should at least leave subclause (2) in. It gives us a North American standard. It is advanced. It gives us a good legislature. It does something that has not been done in Australia, and you should not be afraid of it. It simply ensures a fair and reasonable standard.

Mr Connolly: Why has nobody ever done this, Bernard?

MR COLLAERY: Mr Connolly says, "Why has nobody ever done it?". Why had no-one brought in a model weapons Bill? Why had no-one brought in some of the law reforms that I am interested in? The fact is that I am a voice in the wilderness tonight. Maybe there are one or two sympathetic souls. I accept that. You are going to vote against it. So what? I was wanting to assist the standing of our community and the standing of decision making, and I cannot see how you could possibly reject subclause (2); it is merely an enjoiner.

We have endless pieces of legislation containing such phrases as, for example, "the decision maker shall", "the tribunal shall act reasonably", "the Minister shall", "a person shall", or "if a person has reasonable grounds for

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believing that they were not protected fauna". All that is there. Why can you not apply that to yourselves as Ministers? If you apply it to every other decision maker, why can you not apply the same to yourselves? It is a case of what is good for the goose being good for the gander. But you are not going to accept it.

Question put:

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

The Assembly voted -

AYES, 4

Mr Collaery
Mr Duby
Mr Jensen
Dr Kinloch

NOES, 13

Mr Berry
Mr Connolly
Ms Follett
Mrs Grassby
Mr Humphries
Mr Kaine
Ms Maher
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Stevenson
Mr Wood

Question so resolved in the negative.

Clause agreed to.

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

Bill agreed to.

**NEW CAPITAL WORKS PROGRAM 1991-92 - REPORT OF STANDING COMMITTEE
ON PLANNING, DEVELOPMENT AND INFRASTRUCTURE - GOVERNMENT
RESPONSE
Ministerial Statement and Paper**

Consideration resumed from 24 October 1991, on motion by **Ms Follett**:

That the Assembly takes note of the papers.

Question resolved in the affirmative.

ESTIMATES - SELECT COMMITTEE
Report on the Appropriation Bill 1991-92 - Government Response

Consideration resumed from 20 November 1991, on motion by **Ms Follett**:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Non-Government School Funding

MR STEVENSON (1.16 am): As you are all here, and it is 1.16 am - a good time for me - I will make a few comments. Earlier today, after I spoke on the matter of the non-government schools, Mr Collaery said that it was dangerous that I mentioned what I mentioned because it might create division. I think it was fairly obvious that the division had been created - as Mr Kaine quite rightly said - by the Labor Party ignoring the people, ignoring consultation and ignoring the will of the Assembly. You can all go; it is perfectly okay; the speakers are upstairs; you can just listen in.

It was interesting that Mr Collaery would make such a statement. I mentioned it to somebody on the phone a little while ago, and he said, "Is not a parliament a place where you are supposed to say things that happen to be divisive?". I think it is most unfortunate that Mr Collaery would make such a statement. It is not unusual for Mr Collaery to make the odd statement that is unfounded. He made no statement that picked up anything that I had said and said that it was not okay. I had said that the Labor Party did not do what it said it was going to do. Is there something wrong with that? I said that it was an ideological decision. Was there something wrong with that? I said various other things. So, I think it important that I set the record straight. I still have three minutes to chat away - but I think I will leave it at that.

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Aidex

DR KINLOCH (1.19 am): Briefly, members will have noticed Mr Stefaniak, properly, wearing his Aidex badge because he - it is a free country - supports the Aidex arms manufacturers. The Society of Friends - Quakers - also has a stall at Aidex where we are trying to convince the Aidex arms manufacturers to give up the kind of work they are in and take up a more decent line of work. We are doing that non-violently. I wish to say that I do not respect those people who claim to be standing for peace and non-violence who go about their business violently.

Question resolved in the affirmative.

Assembly adjourned at 1.20 am (Wednesday)