



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

22 August 1995

Tuesday, 22 August 1995

Death of Hon. Fred Daly, AO	1179
Petitions:	
Internet	1186
Euthanasia	1188
Legislative Assembly prayer	1188
Legislative Assembly prayer	1189
Sentencing of violent criminals	1189
Jindalee Nursing Home and salaried general practitioner services	1190
Questions without notice:	
Student assessment	1219
Student assessment	1219
Student assessment	1220
Graffiti	1220
Student assessment	1222
School sport.....	1223
Hospital waiting lists	1224
Commercial and retail leases - code of practice.....	1226
Operating theatre nurses.....	1227
Acton Peninsula	1228
Streetlink	1228
Leave of absence (Statement by Speaker)	1229
Study trip	1230
Quarterly financial statement, variations to Appropriation Act and Treasurer's Advance.....	1230
Ambulance Service	1230
Subordinate legislation and commencement provisions.....	1231
Papers	1238
Nature Conservation Act - subordinate legislation	
(Ministerial statement)	1238
State of the Environment Report 1994.....	1240
Legislation program - spring sittings 1995	
(Ministerial statement)	1243
Australian Health Ministers meeting - Alice Springs	
(Ministerial statement)	1245
Matter of public importance - withdrawal	1248
Scrutiny of Bills and Subordinate Legislation - standing committee	1249
Business Franchise (Tobacco and Petroleum Products)	
(Amendment) Bill 1995.....	1249
Consumer Credit Bill 1995	1252
Consumer Credit (Consequential Provisions) Bill 1995	1255
Land (Planning and Environment) (Amendment)	
Bill (No. 2) 1995	1255
Land (Planning and Environment) (Amendment) Bill 1995.....	1256
Building (Amendment) Bill 1995.....	1258
Surveyors (Amendment) Bill 1995	1259
Adjournment	1260

Answers to questions:

Follett Government - expenditure directions (Question No. 37)	1261
Urban Services portfolio - consultants (Question No. 43)	1262
Business, Employment and Tourism portfolio - consultants (Question No. 43)	1265
Attorney-General portfolio - consultants (Question No. 44)	1268
Environment, Land and Planning portfolio - consultants (Question No. 44)	1270
Education and Training portfolio - consultants (Question No. 45)	1276
Housing and Family Services portfolio - consultants (Question No. 45)	1279
Sport and Recreation portfolio - consultants (Question No. 45)	1281
Red tape task force (Question No. 49)	1282
ACTION - Route 103 (Question No. 50)	1283
Police force - loggers protest (Question No. 51)	1284
Cigarette sales - prosecutions (Question No. 52)	1285
Sports loan interest subsidy scheme (Question No. 53)	1286
Government buildings - vacancies (Question No. 54)	1288
Traffic noise (Question No. 56)	1290
Travel between residence and workplace (Question No. 57)	1291
Traffic noise barriers (Question No. 58)	1292
Roadworks - Monaro Highway (Question No. 60)	1293
House energy rating scheme (Question No. 61)	1294
Government Service - workforce statistics (Question No. 62)	1296
Community services grants program (Question No. 63)	1299
Government Service - workforce statistics (Question No. 64)	1301
Housing Trust tenants - evictions (Question No. 66)	1302
Housing Trust properties - statistics (Question No. 67)	1304

Tuesday, 22 August 1995

The Assembly met at 10.30 am.

(Quorum formed)

MR SPEAKER (Mr Cornwell) took the chair and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

DEATH OF HON. FRED DALY, AO

MS FOLLETT (Leader of the Opposition): Mr Speaker, I move:

That the Assembly expresses its deep regret at the death of the Honourable Fred Daly, AO, who had a distinguished political career and was an active resident of Canberra, and tenders its profound sympathy to his children in their bereavement.

The death of Fred Daly this month brought to an end one of the longest and most memorable careers in Australian politics. It also saw the end of the life of a very remarkable, very human and much loved man. Jack Waterford perceptively described Fred in the *Canberra Times* as a “knockabout with great passion, but hardly a shred of malice”. Indeed, Fred seemed to have almost no enemies - remarkable for anyone who lived such a long and very public life, but doubly so for a politician who was steeped in some of the most bitter and decisive events in the Labor Party's history. He remained genuinely liked and respected by politicians of every persuasion. He himself once said that he had never made an enemy he could not be friends with - even John Kerr, whose treachery not only brought down the Whitlam Government but also spelt the end of Fred's political career. About the closest he could come to maintaining his rage was to call his dog Sir John.

It was very appropriate that a headline in the *Canberra Times* announcing Fred's death read simply, “Fred Daly: the death of Labor's laughter”. For all of Fred's many attributes, it was his wonderful sense of humour which most people will remember the longest. He made humour a most potent political weapon. “Following Billy Snedden”, Fred Daly said during one election campaign, “would be as exciting as going into space on a bike”. And of Doug Anthony, he said, “He is tearing around the country like someone trying to haunt a house, pushing the Country Party policy of one sheep, one vote”. Of course, that “one sheep, one vote” statement has passed into legend in Australian politics. As a joke, Fred Daly once applied for a job as private secretary to his close Liberal friend, Jim Killen, who at the time was Minister for Defence. Then he sent in another application for his dog, Sir John. Killen gave the job to Sir John, he told Daly, because it had better writing skills.

22 August 1995

Fred Daly was born on 13 June 1913 at Currabubula, near Tamworth, the ninth child in an Irish Catholic family of 11. He was only 10 when his father died, leaving his mother in dire financial straits. The family property was sold off to pay the banks, and the Dalys moved to Sydney. But, as the Depression worsened, so too did their living conditions. Fred had been forced to leave school to work as a messenger boy, and now came the cruellest blow, as he watched his mother's health failing until finally she died. The suffering and misery that he saw all around him had a profound effect on Fred and were the catalyst which led him to join the Labor Party, "to improve the system", as he put it. There have been few Australians, either inside or outside political life, who worked so tirelessly and with such unswerving commitment to achieve that goal as Fred Daly did.

He was the last survivor of the wartime government of John Curtin, whom he admired greatly, and of Ben Chifley, who was the strongest influence on him as a young politician. He joined the Waverley branch of the Labor Party in the depths of the Depression and entered Federal Parliament in September 1943 for the seat of Martin in Sydney. It must have been an interesting election because there were 11 candidates and he won with an absolute majority of more than 5,500 votes. After a redistribution in 1948, he stood for, and won, the seat of Grayndler, and continued to represent it until he retired in 1975. Last month, at the Australian Labor Party's ACT Branch Conference, Fred Daly was awarded life membership after an astonishing 58 years as a member of the party. It was a great pleasure to me to see Fred Daly at that conference, Mr Speaker, and to see that he looked well and in good spirits. He made a truly memorable and inspiring speech on the occasion of the presentation of his life membership.

Gough Whitlam was right, Mr Speaker, when he said that Fred should be remembered as being more than just an amusing public speaker and a heckler. After being in opposition for 23 years and fighting nine losing elections, Fred emerged in the new Whitlam Ministry as Leader of the House, holding firstly the Services and Property portfolio and then Administrative Services. Whitlam said:

The fact that everyone got votes at 18 is due to Fred Daly. The fact that every vote for the House of Representatives is of equal value is due to Fred Daly. The fact that there are regular distributions of electorates is due to Fred Daly. The fact that people in the Territories got votes for the Senate is due to Fred Daly. Representative government owes its gifts to Fred Daly.

Soon after he joined the Labor Party, Fred Daly joined a local debating society to improve his debating skills, and it was there that he met his wife-to-be, Teresa, who was a public servant in the taxation department. When they married, Fred was earning the princely sum of four pounds a week, and Teresa a little more. It was one of his greatest sadnesses that in 1975, before they could realise all their dreams of what they would do when Fred retired, Teresa died. Throughout all those hard, demanding and frustrating years, she had stood unswervingly beside him. Their two children, Margaret and Lawrence - or Laurie as he is known - have the deepest sympathy, I am sure, of all in this Assembly.

When he retired from Parliament, Fred predictably did not retire from public life. He moved to Canberra from Marrickville, and here he became a prominent, very visible and much loved member of our own community. He was patron of the Raiders and the Canberra Labor Club, he was crowned King of Canberra, and of course he was a popular speaker and one very much in demand. He was a great contributor to tourism in Canberra, and his incomparable bus tours around Canberra will remain a fond memory for everybody. Fred Daly also wrote four books - no doubt, Jim Killen would have said, putting his dog's nose out of joint in the process - and they all sold very well. And, of course, politics remained an inseparable part of Fred's life.

Mr Speaker, I did not get to know Fred Daly personally until after he had retired and made his home in Canberra. However, my father, who was a *Hansard* reporter for Federal Parliament for many decades, was a great admirer and very fond indeed of Fred Daly. During the years that I was growing up in Canberra, our family dinner table was often regaled with Fred's latest witticism in the Federal Parliament. It was a great pleasure to me to get to know Fred after he had retired in Canberra. I have to say that I owe Fred Daly a debt of gratitude, for he passed on to me the very best political tip that I have ever had in my political career. I can assure the house that after I have retired and made my home somewhere else I will pass on that tip to somebody else, but not before.

Mr Speaker, Fred Daly remained extremely loyal and extremely open to the local branch of the Labor Party in Canberra, and he was unfailingly supportive of our efforts as a local branch, particularly during the early days of self-government. I found myself in 1989 at the receiving end of a no-confidence vote in this place. It was Fred Daly who came forward to be master of ceremonies and, indeed, the principal speaker at what turned out to be a packed public protest meeting in the Albert Hall at that time. I can say that Fred Daly never took the easy way or the cheap shot when it came to self-government. He remained fully committed to Canberra, to good government for Canberra and, of course, to the role of the local Labor Party in that process.

Mr Speaker, I am very sad that Fred Daly has died - I feel that I have lost a friend - but I will not be able to remember him with sadness, because he did indeed leave the world a much richer place. I think there was something about him which was intrinsically good and which was immediately recognised by the innumerable friends and acquaintances whose good fortune it was to know him. I will never forget that I was one of those who were fortunate enough to know him, and I will always be very grateful for the role that Fred Daly played personally, especially in relation to Canberra, and of course for his great loyalty and his great commitment to the party of which I am a member.

MRS CARNELL (Chief Minister): Mr Speaker, the Government shares the sentiments that Ms Follett has put so well. We were certainly saddened to learn of the death of Fred Daly on 2 July 1995, after what I understand was a fall at his daughter's house in Sydney. Fred certainly loved life and he loved people. He was a proud member of the Labor Party; but he was open to all people and interested in all people, no matter what their political philosophy. He responded to life's situations in a thoroughly human way. We all remember his natural wit, his sense of fun and his tolerance, which meant that his friends came from all walks of life and all political persuasions. It was this quality that

22 August 1995

dominated his personality and that left us all touched with a sense of the passing of a great Australian. I am sure that many of us thought about the comment passed by the press, in reporting Fred's memorial service in Sydney, that there were three great loves in Fred's life: His God, his party, and his family. We could all pause to think about those as being very great values.

Today we remember Fred's career as a member of the Federal Parliament, but I think we also remember Fred as being one of the very few Federal parliamentarians who have actually adopted Canberra as a place that they loved. As Ms Follett said, he made a better place for us all to live in via his support for the Raiders, his support for self-government and his support for us as Canberrans. Ms Follett has already spoken about Fred's political discovery tours of Canberra, which certainly became a major drawcard, and I am very pleased to hear that plans are under way to make sure that those tours continue in memory of him.

Fred's talents were many: His public speaking is legendary. Sir James Killen once commented, "Fred knew when to give, he also knew when to hammer, and he did both with consummate skill and finesse". That is very true. He was also a talented author, as Ms Follett has said, with four successful books: *From Curtin to Kerr*, *From Curtin to Hawke*, *The A to Z of Politics*, and of course a book that I am sure most of us have read, *The Politician Who Laughed*, which is certainly a good read.

Fred will certainly be remembered in many ways by many people in Canberra from all walks of life, including for his jokes and for his commitment to a cause. The fact that he was at the Raiders game the Saturday before he died showed commitment to a cause and a love for our football team. Fred is survived by his daughter, Margaret, and his son, Lawrence, and I am sure that all members of this house would join with me in expressing sympathy to Fred's family and to his friends.

MR MOORE: Mr Speaker, there are many people in Australia who will remember with great fondness various anecdotes about Fred, his sense of humour and his ability to cut to the heart of the matter that was really his trademark. I remain indebted to Fred for some very sound advice, and I suspect that many people actually received the same sorts of tips from Fred when they were first elected. He believed in parliamentary processes and he wanted those parliamentary processes to work as well as possible. I certainly remember the time prior to when I was first elected. The votes were being counted, as I recall, over a seven- or eight-week period. I was at the Bungendore Hall for an Irish Day celebration, and it was not surprising that Fred Daly was there. He took me aside and said, "Let me give you two pieces of advice, Michael. First of all, never make the mistake again of being other than No. 1 on a ticket". That was the political advice. The parliamentary advice was very simple. It was advice that he said he had received from Chifley. It was, "Learn your standing orders". Perhaps to the chagrin of a number of Speakers in this place, I did. I took that advice seriously, and out of respect for Fred I will certainly attempt to continue that tradition for my part, as indeed I am sure that many other people will.

I would like to relate a couple of anecdotes because that is the way I like to think of Fred, I think that is the way many people like to think of him, and I think that is the way he would have liked to be remembered. A favourite is one that one of my staff members related to me. When some visitors were being shown around King's Hall in the Old Parliament House the division bells rang. One woman who was very disturbed by what sounded like an alarm in the house asked Fred what was happening. He replied by conspiratorially taking her aside and saying, "One of them has escaped! Never mind; we will get him". I am also told that when a total stranger to politics and the political arena, Senator Albert Field, was sent down to Canberra by Bjelke-Petersen many years ago, Fred described Albert as having the same predicament as an artificially inseminated cow: He knew something wonderful had happened to him, but he was not quite sure how it had happened.

Fred's contribution to politics, to social justice and to the people of Australia will be long remembered. For me, Mr Speaker, my introduction to politics, I guess, was reading *From Curtin to Kerr*. It was the first political book I had read. I had a copy that had been autographed by Fred. I must say that I cannot remember who it was I lent it to but if anybody does know I would really appreciate its coming back to me. It was certainly my introduction to politics. Our sense of humour is something that we could all work on and improve. I do not think any of us will ever get to the same level as Fred Daly, but certainly if we worked towards it it would improve the politics of this Assembly and of this country. I hope, Mr Speaker, that Fred Daly's enormous contribution not only to the people of Australia but to the people of Canberra will be long remembered.

MS HORODNY: Even though Kerrie and I did not know Fred Daly personally, his reputation as a voice for the broader community was well known. As part of the new generation of politicians we can certainly take a leaf or two out of this old hand's book on survival skills for our parliamentary work. Fred Daly was an outstanding politician who never lost the common touch. His natural curiosity and exuberance for life permeated his 32 years of political involvement and his active retirement. His commitment to, and compassion for, ordinary people, born out of his experiences of the Depression years, never wavered.

His life is a positive lesson for all of us who pursue the political life. It is well acknowledged that he was held in high esteem by both sides of the house, as he had the ability to deal with his opponents generously and yet still hold his own party's position. His well-known humour was honed to a fine political tool that was effectively wielded without malice or bitterness. His tactics were tough and skilful and always honourable. There was nothing he said privately that could not be repeated publicly. Twenty-three years of his 32-year political career were spent on the opposition benches; yet his tenacity and belief in the value and necessity for the parliamentary system and the ideals he held saw him through those times and provided the basis for strong leadership in his years as Leader of the House.

He will also be well remembered for his contribution to electoral reform. His efforts gave 18-year-olds the right to vote, equal value for every vote for the House of Representatives, regular distributions of electorates, and citizens of Territories the right to vote for the Senate. Through his efforts to enhance representative government, he enabled politics to be brought to the people. Even after his retirement

22 August 1995

from public office his energies were far from diminished as he embarked on a new community role of unofficial ambassador for Canberra. He has left the capital enriched by his memory. Fred Daly was, and will continue to be, a role model we can all aspire to in our political duties.

MR OSBORNE: Mr Speaker, I am pleased to support my colleagues here in the condolence motion for the Hon. Fred Daly. We have heard this morning a lot of talk about Fred Daly's political career. I would like to dwell on a couple of personal matters between Fred and me. As has been well documented, Fred was patron of the Raiders. But, from my own point of view, he was also patron of Newtown, which was my team, my suffering side that was not very successful. I met Fred a long time ago when I played S.G. Ball for Newtown. He has always been a hero in my mind.

I was born in Fred's electorate. I attended the same church as Fred. My family all voted for him. He was a wonderful representative. I suppose my first real encounter with Fred was when I first joined the Raiders in 1992. I had not seen him for a number of years and I remember walking into our first home game. I think it was against Penrith. They had fought out the grand final with us the year before. Prior to the match, Tim Sheens, the coach, entered the dressing room and I remember seeing this old fellow waddling around the room. I thought, "Who is this?". He walked up to me and he said, "Good luck. I hope you score a couple of tries today". Anyone who knows my football career, Mr Speaker, knows that in 10 years I scored a total of about three tries. So I immediately thought, "This is a very optimistic fellow". As has been well documented by other members of the Raiders side, after a loss - although I must say that we did not lose many games with the Raiders, Mr Speaker, but on the odd occasion we did - Fred would be first into the room, walking around telling everyone that they had had a blinder. I must say that when you have had a bad game you always look for people like that to bolster up your spirits a little bit.

He was a great man. I remember talking to him when I first toyed with the idea of coming into politics, and he said to me those same words that he said to my colleague Mr Moore, namely, "Learn the standing orders". Although I have not quite mastered them to Mr Moore's level, I am working on it. Mr Speaker, in summing up, for me Fred Daly was a great friend. I was fortunate enough to spend a few hours with him at the Raiders auction a couple of weeks ago and I did by chance happen to pop in and say good day to him when the Raiders were playing Wests, just before he passed away. He seemed to be in pretty good spirits then, but I had noticed a deterioration in him. For me, as the Chief Minister said, the three biggest things in Fred's life were his God, his family and his party. All of us here should take a great lesson from that. I, for one, think Fred Daly served them all admirably.

MR DE DOMENICO (Minister for Urban Services): To me, the thing that was testimony to the great bloke that Fred Daly was was the number of people and the calibre of person who attended his funeral in Sydney. The thing that really stood out was the number of politicians in particular from all political parties who were there respecting the fact that Fred Daly was a good bloke. And is it any wonder? The other really satisfying thing was to see the number of Canberra people from business, the sporting arena and the political arena. As I said, people of all political persuasions were there paying their respects to Fred Daly.

I suppose the other thing that stood out was that it was not really a funeral; like Fred Daly's life, it was a celebration. Anyone who knew Fred Daly - and I was fortunate enough to know him quite well - knew that Fred celebrated life and celebrated everything he did. Ms Follett was right. There was never any malice. I do not think there were any enemies. Two things that Fred said really stood out to me. When I was first preselected to come into this place some concern was expressed by certain people about the fact that the Liberal Party had discovered things called tickets. I can remember Fred coming up to me and saying, "Good on you, son. There is no such thing as a bad ticket. In fact, the only bad ticket is the one that does not have your name on it". That was something that stood out.

The other thing he said to me was when I was elected. He said, "Listen, I think the attitude you should take is clock on, get in there, go for the political jugular, clock off, and then shout the first beer". In fact, I think that is the way Fred Daly lived his life, whether it was politics, whether it was sport, or whether it was anything else he did. Do it properly, do it to the best of your ability, but do not take it personally and, last but not least, shout the first beer. I think he would have probably gone on to say, "But shout the first one only because that is when not so many people are in there and it will cost you less", although Fred was very generous in everything he did and everything he said. That is all that I have to say about Fred Daly. I think he will be sorely missed by everybody, but I think Fred Daly lives on in our minds because of the advice he gave many of us here in this place and also because of the way he lived life.

MR STEFANIAK (Minister for Education and Training): Like a number of members present, I too had the honour and pleasure to know Fred Daly. As several members have said, he was always ready to give encouragement to people in politics, even if they were on the other side. As he did to other members who knew him, he gave me encouragement on a number of occasions. Probably Fred Daly's greatest political friend, and opponent, Jim Killen, observed:

There have been few in history who have been able to turn humour into a political weapon. An exceptional human being has left this world; a very precious part of my life has passed away.

Another political opponent, John Howard, observed of Fred:

He was witty and entertaining in parliament and had a capacity to deal generously with his political opponents without compromising his own side. Australia has lost a rare politician - one loved and respected by all sides of politics. He once observed that he never made an enemy he could not be friends with.

I think those words very much sum up Fred Daly. He was also the Raiders' No. 1 supporter. The Raiders have given this town a lot of soul. Fred was a great Canberran indeed. I remember Fred very well, in his later years especially, when I had the privilege to work with him for the Australia Day Committee at Speakers Corner in Commonwealth Park. I did the last two Speakers Corners as MC, with Fred starting the

22 August 1995

proceedings and finishing the proceedings. Fred would go for about five or 10 minutes to start with, and he would finish with about five or 10 minutes. He would tell a lot of political anecdotes, using some of the great jokes and the great throw-away lines he used over his many decades of service to Australia and to the community. He radiated humour, warmth and humanity. I do not think that, with his sad passing, Speakers Corner in the park will ever be the same again. I was pleased to see - and I would indeed have expected it - that Fred was active in everything he did right up until the end. Canberra has lost a great friend and we have all lost a rare human being.

Question resolved in the affirmative, members standing in their places.

PETITIONS

The Clerk: The following petitions have been lodged for presentation:

By **Mr Humphries**, from 313 residents, requesting that the Assembly legislate to ensure that the Internet cannot be used to transmit, to advertise as available for transmission or to possess indecent or obscene or otherwise objectionable material.

By **Mr Osborne**, from 70 residents, requesting that the Assembly reject the Bills to introduce euthanasia.

By **Mr Kaine**, two petitions of similar wording, from 266 residents, **Mr Osborne**, two petitions of similar wording, from 116 residents, and **Mr Humphries** and **Mrs Carnell** from 103 and 671 residents, respectively, requesting that the prayer be restored to the opening of the Assembly's sittings.

By **Mr Stefaniak**, from 71 residents, requesting that the Assembly legislate to ensure that penalties reflect the violence of the crimes.

The terms of these petitions will be recorded in *Hansard* and a copy referred to the appropriate Minister.

Internet

The petition read as follows:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

We, the undersigned, hold grave concerns regarding the dangers to children of the INTERNET Superhighway, with the potential to deprave and corrupt society if obscene and indecent material is allowed on computer services. We therefore request that the House will frame legislation to ENSURE THAT THE SYSTEM CANNOT BE USED TO:

1. (a) transmit,
(b) advertise as available for transmission,
(c) possess, objectionable material regardless of intended use.
2. the definition of 'to transmit' includes 'to obtain' or 'to acquire'.

We further request that the legislation ensure that 'objectionable material' means material which IN ANY WAY

3. (a) depicts indecent or obscene material,
(b) describes, depicts, expresses or otherwise deals with matters of sex, drug misuse, or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in a manner LIKELY TO CAUSE OFFENCE,
(c) depicts, in a way that is LIKELY TO CAUSE OFFENCE, a child who is, or who appears to be, under 16 (whether or not engaged in sexual activity),
(d) depicts child abuse,
(e) promotes, incites or instructs in matters of crime or violence, or which depicts denigration of religious beliefs,
(f) depicts material which is unsuitable for a minor to see or play.
(definition of a minor is the same as in the Classification (Publication, Films and Computer Games) Act 1994 (Commonwealth).
We ask that the legislation ensure that proceedings for an offence under s1. may be commenced at ANY TIME.

We ask that the Internet computer information services ensure that only beneficial knowledge be provided that will enrich the lives of all Australians.

Your petitioners, as in duty bound, shall ever pray.

Euthanasia

The petition read as follows:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of the congregation of the United Pentecostal Church in the Australian Capital Territory draws to the attention of the Assembly:

We oppose Euthanasia on moral grounds as being totally contradictory to the Bible and to the Australian Constitutional System, where it is enshrined that no person needs to justify their reason for living.

Your petitioners therefore request the Assembly to: reject the bills to introduce euthanasia.

Legislative Assembly Prayer

The petition read as follows:

Petition to the ACT Legislative Assembly, through the Speaker, Mr Greg Cornwell MLA, seeking the restoration of prayers at the commencement of each session of the Legislative Assembly.

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory in Parliament assembled:

The petition of the undersigned residents of the Australian Capital Territory respectfully notes that:

- (1) We are opposed to the abolition of the Legislative Assembly's opening prayer and replacement by 'silent reflection'.
- (2) We believe that, as the population of the Australian Capital Territory is at least 75 per cent Christian (committed and nominal), the Legislative Assembly has ignored the greater majority of the residents of this territory.

We request that the Legislative Assembly recognise the Christian beliefs of the majority of the A.C.T. residents, and to rescind the motion that abolished the opening prayer.

And your petitioners, as in duty bound, will ever pray.

Legislative Assembly Prayer

The petition read as follows:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly our deep concern with the decision to abandon the formal prayer at the beginning of each sitting day of the Legislative Assembly. We believe this goes far beyond a well held practice in all other Parliaments in the Australian Commonwealth and was made without proper consideration of the opinions of the people of the Australian Capital Territory. We believe that no Party or individual has a mandate to endorse this decision.

We request that the formal prayer for God's blessings on the Assembly be restored to its rightful place at the beginning of each sitting day.

Sentencing of Violent Criminals

The petition read as follows:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly the sentencing of violent criminals. The sentences handed down to these criminals should reflect the serious nature of their crimes. Soft sentencing by judges should end so that there is fairness to the victims as well as the accused.

Your petitioners therefore request the Assembly to: legislate to ensure that penalties reflect the violence of the crimes.

Petitions received.

**JINDALEE NURSING HOME AND
SALARIED GENERAL PRACTITIONER SERVICES
Suspension of Standing Orders**

MR BERRY (11.00): I move:

That so much of the standing orders be suspended as would prevent Mr Connolly from moving a motion concerning the Jindalee Nursing Home and salaried general practitioner services.

Mr Speaker, passage of this motion would allow Mr Connolly to put forward a motion about a very serious matter of public importance, as indicated by the number of people who are attending this Assembly this morning and who, I am sure, would like to hear the debate. I have indicated to the Government that, if this debate proceeds this morning, Labor will not be proceeding with its MPI this afternoon and therefore their program should not be altered. This matter was brought on at fairly late notice. I know that Mr Humphries will complain that he was not consulted; but I wish the Government would have thought about that in relation to the employees at Jindalee, and I wish they had thought about it in relation to the patients and the doctors. I wish they had thought about it in the context of the promise that they made to the people of Canberra about consultation.

MR HUMPHRIES (Attorney-General) (11.01): Mr Speaker, I think Mr Connolly and Mr Berry are quite entitled to debate this issue. It is a matter of importance to the public and I would have expected, therefore, that it would have been debated this afternoon in the context of a matter of public importance. I do think it is a little bit unfortunate to spring this issue on the Government in this way. Ms Follett, across the way, smiles. She knows that other members of the chamber were told an hour before we sat that this was going to happen. The Government was told as the bells were ringing that there was going to be a debate on this subject. If we want a real debate about these issues, people are entitled to put both sides. To have only a few minutes' notice to do so is most unfortunate.

Mr Speaker, if members wish to rearrange the agenda of the Assembly to suit the fact that there is a particular audience interested in a debate, that is fine. It is a very unfortunate precedent to set. If members want to start that, they are perfectly entitled to do so; but I would warn members that that is not a very appropriate way of handling things. I would have been very happy to have set this debate had there been a request for it some time ago. I would have been happy to have accommodated that. Mr Speaker, those opposite know that this is a very unfortunate precedent to set. If they wish to set it, they will have to live with the consequences.

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

Motion

MR CONNOLLY (11.03): Mr Speaker, I move:

That this Assembly rejects the Government's announced decision to:

- (1) privatise all nursing home beds in the ACT; and
- (2) remove salaried general practitioner services from Community Health Centres.

Mr Speaker, since this Assembly last sat, in the very long break between sittings of this Assembly, which seems to be the hallmark of this secretive and non-consultative Government, two very fundamental changes to the way health services have been delivered in this Territory for many years have been announced. In both cases they were announced by the Opposition before they were reluctantly prised from the Government. I indicated by press release that the Government was about to announce a total abandonment of the role of government in the provision of nursing home services, which was later that day confirmed by Mrs Carnell, and I announced to the community that the Government was to totally abandon the role of salaried GPs in the health service. Mrs Carnell squealed loudly about that and said how outrageous it was that this had been leaked to the press before she had had the opportunity to inflict that decision on the people of Canberra.

In both cases, the Labor Party is not taking some blind, ideological, "no change ever" position, although that will be this Government's first line of attack. Their second line of attack - - -

Mr Kaine: I take a point of order, Mr Speaker. I think that what Mr Connolly is really saying is that he has changed his mind over the last six months. Is that correct, Mr Connolly?

MR SPEAKER: There is no point of order.

MR CONNOLLY: The second obvious line of attack from the Government will be, as is Mrs Carnell's hallmark, to blame everybody else for her decisions.

Nursing home care has been a traditional role of ACT government. We have had, up to now, one of the higher levels of provision of government nursing home care in this Territory, at about 24 per cent of all beds. The Labor Government never said that that would not change. The Labor Government never said that Jindalee would never change. Indeed, some years ago we began a major process of change and reform at Jindalee. Much of that change and reform was accomplished over recent years, and the operating costs of Jindalee have improved significantly in recent years.

22 August 1995

A year or so ago the Commonwealth Government announced quite radical changes to the way nursing homes were to be funded, and the ACT Government agreed to move Jindalee to that new arrangement. That involved transferring the 86 beds in Jindalee, in the first instance, to the new Commonwealth funding standards. That involved acceptance by the ACT of a very significant Commonwealth role in the assessment of the provision of nursing home services, and that, in itself, led to the commencement of a process of change which, we would acknowledge, led to some industrial disputation last year.

What we said at the time, and said very publicly, and it has proved to be true, was that the choice for this community and those people so intimately concerned with Jindalee was a choice between a process of reform under a Labor government and facing the axe under a Liberal government - total and absolute abandonment of a role for government in the provision of nursing home services. That, tragically, has proved to be true. Within months of coming to office, Mrs Carnell abandoned a very clear Liberal election platform pledge to build two new nursing homes when Jindalee was to be abandoned. That pledge has already been abandoned, and who is to blame for Mrs Carnell abandoning her election pledges? Of course, it is the Labor Party. It is always, in Mrs Carnell's view, somebody else's fault when she plays fast and loose with clear commitments to this community.

Mr Speaker, the fact that Jindalee, on the present site, would have a limited future has been a matter of clear public knowledge and clear public debate for some years. Jindalee was never appropriately designed as a specific purpose nursing home. Lower Jindalee, when it was built, was designed as a respite facility for psychiatric patients, and as a nursing home it has severe limitations. Jindalee also had the longstanding difficulty of being the place where a number of young people with quite severe levels of disability, usually acquired through a tragic accident or acquired through a disease, have been accommodated.

Both sides of politics for some time have made it clear that that is not an appropriate facility for young people; that young people should not be accommodated in aged care facilities. That in no way is a reflection on the level of care that they receive, because that has always been acknowledged to be excellent; but, in terms of their social needs and the social needs of their families, it is quite inappropriate for a 20-year-old to be maintained in a facility where they are surrounded by aged patients, often with dementia or other diseases of the advanced aged. Those patients were to be taken out of Jindalee and a purpose built facility was to be constructed. That was announced by the Labor Government late last year.

It was also indicated that Lower Jindalee might be closed and moved to the non-government sector. That was widely known and widely debated last year. Mrs Carnell has been making much in the last couple of days of a secret plan by the Labor Party to totally privatise Jindalee. That is stuff and nonsense, Mr Speaker. Any look at the very vigorous public debates that occurred last year about Jindalee makes it clear that the then Labor Government was floating a range of options for the future of Jindalee which involved quitting the site and altering the mix of public and private patients. This is something that Labor always has been prepared to look at pragmatically.

The department set up very extensive consultative mechanisms. There was a residents committee and there was a carers and families committee. I relied on the department to conduct those consultations, and all my advice was that those consultations were appropriately conducted. But it was always fundamental to Labor's plans for the future of nursing home care that the ACT Government would retain a direct hands-on role in providing care. In particular, we saw the acute levels of care that are provided at Upper Jindalee as a very essential role for government. It is very clear that the patients who are being cared for at Upper Jindalee often have much higher levels of need. Many would find great difficulty in being accepted in non-government provided homes, and, in particular, they would have great difficulty in finding appropriate levels of care in the for-profit sector of care. Whereas there was discussion last year about options for the non-government community-based sector to take up some additional role, we are very concerned that the announcements in the last few weeks, again made in a period when this Assembly was not sitting, are targeting the future of all beds at Jindalee for the for-profit private sector; that Jindalee is to be sold to the highest bidder.

An incident having occurred in the gallery -

MR SPEAKER: Order! The gallery will come to order.

MR CONNOLLY: It is highly likely that the highest bidder will be the for-profit private sector. Labor is very concerned that Mrs Carnell's promises in relation to Upper Jindalee are but a smokescreen for what is to be a very lucrative real estate deal for whoever purchases it.

An incident having occurred in the gallery -

MR SPEAKER: Order! I ask the gallery to come to order, so that this debate may continue and may be heard.

MR CONNOLLY: Mr Speaker, the Jindalee site in total, both Upper and Lower, has never been appropriate for nursing home care, as I indicated earlier. It is a very hilly site. It is quite removed from the type of social amenities that, ideally, you would place a nursing home near. Ideally, you would place a nursing home in an area of land that is flat, so that residents who are ambulatory are able to get about. You would place it near other social facilities like shops, schools and churches, so that residents who are able to get out can integrate into the community. The great problem with Jindalee is that it is in splendid isolation on the hill in Narrabundah. It commands quite spectacular views, but the site is quite inappropriate in terms of a facility to integrate people back into the community.

We had been floating the idea that nursing home services in the ACT might cease to be provided on that site by government or by anybody else. Upper Jindalee is less important for ambulatory patients and is a better designed facility, and it does provide a very high level of care for very high needs patients; but, in the long run, even that had its limitations.

22 August 1995

Labor's forward planning would have involved an ongoing role for government nursing home provision for those acute care patients currently at Upper Jindalee. Had we moved that way, following the appropriate and long-term process of consultation, we as a government would have sold Upper Jindalee, no doubt for redevelopment and profit to the Government, and returned that profit to the community by way of our ongoing commitment to another government nursing home service.

What Mrs Carnell has said is that the patients of Upper Jindalee will be guaranteed their bed and Upper Jindalee will be sold. I want to know whether there is any commitment or any condition in that sale about providing beds on that site and for how long. The person who purchases that site may well shift the beds and continue to provide care and pocket the profit on the sale of the land. Under Labor's long-term planning, had that site been sold the profit would have gone into public coffers to again provide government nursing home services to the people of this city. That was a far longer term move than proposals for Lower Jindalee.

Mr Speaker, what has happened in recent weeks, between the last sitting of the Assembly and this sitting, is a very fundamental change in the way nursing home services are provided in this Territory. Traditionally, this service has been seen as a mix of public and private, and, traditionally, that has been the case across Australia. Traditionally, across Australia, governments of varying political persuasions have always seen the need to provide a mix of public and private nursing home services. According to the last set of consolidated figures which the Australian Institute of Health and Welfare published last year, the 1992 figures, it has varied from a high of some 30 per cent in Victoria - Jeff Kennett has been taking the axe to that since - to a low of about 9 per cent in some other States, in particular New South Wales and South Australia.

Mrs Carnell: Less than 10 per cent Australia-wide.

MR CONNOLLY: At least they have a role, Mr Speaker. Mrs Carnell says that it is less than 10 per cent, but at least they have a role. Our level at the moment is about 24 per cent. If Lower Jindalee was moved to the not-for-profit non-government sector and Upper Jindalee or an equivalent facility was retained in government hands - we would have retained it in government hands - the ACT would have that mix of public and private at about that national level. Why is it that, with the exception of Jeff Kennett, governments have seen a need for a continued role in nursing home care? It is because of the desperate need to have that hands-on involvement, to set standards, to influence the level of care provided elsewhere, and to influence occupational health and safety and industrial conditions, which themselves have a vital impact on the level of care that staff are able to provide to patients.

Mrs Carnell gleefully put in a press release part of a letter from Dr Lawrence to me. I sought this morning, from the Secretary of the Department of Health or his officers, access to the letter to which that letter was in response, and briefings to me in relation to that matter, and I was told that the only way that that could be obtained would be by Ms Follett writing to Mr Walker, the Head of Administration, and there would be this long and complex bureaucratic process.

Mrs Carnell: Why did you not just get in touch with me?

Mr De Domenico: You could have rung up.

MR CONNOLLY: I did. Mrs Carnell selectively produced a letter from Dr Lawrence. I did ring my former departmental secretary and ask, in my role as former Minister, for access to documents that were prepared for me and sent to me, and that was the response that we got. Mr Speaker, it is essentially a smokescreen. Mrs Carnell, true to form, has to blame somebody else for her decisions. Mrs Carnell should get up in this place now and explain why she has taken the very radical step of abandoning totally the role of the Territory Government in the provision of a vital service for the aged.

She should also explain, and Mr Berry will develop these points further in his remarks, why she at the same time has made a very fundamental decision, which will impact very adversely on Canberra's ageing, to remove totally the role of the salaried medical practitioner in Canberra's community health centres. This has been a feature of the provision of health care in this community for some 20-odd years, a vital part in the very effective mix of public and private medicine that has developed over 20 years in this town. Labor has a commitment to that effective mix of public and private medicine. This Government, driven obsessively by a dry ideology, is increasingly showing itself to be obsessed with excluding a role for the public sector.

MR SPEAKER: Order! I make two points: Firstly, the electronic clocks are not accurate. The lights will come on two minutes before the end of a member's speech, but we will keep an eye on it from here. Secondly, I remind members, and all in the chamber, of standing order 207, which I think I should read. It says:

In the case of grave disorder arising in the Assembly, the Speaker may adjourn the Assembly without question put, or suspend any sitting to a time to be named by the Speaker.

I hope that we can have a sensible, intelligent debate on this very important matter.

Mr Berry: Tell the bunch of yahoos you have over there.

MR SPEAKER: Just a moment. I am happy to control the interjections that are coming through. This is a very important matter relating to the entire Territory, and I believe that all members should be heard in as much silence as possible.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (11.19): Mr Speaker, of the six ACT nursing homes, Jindalee is the only one operated by the ACT Government. The other five ACT nursing homes are operated by private for-profit organisations or charitable not-for-profit organisations. To assist those older people who can no longer live at home, there is a range of accommodation services available to residents of the ACT community, including hostels, nursing homes and other forms of accommodation. Nursing homes provide supportive accommodation for those people

22 August 1995

who need considerable personal care. Of the 557 people who live in nursing homes in the ACT, 86 live in Upper Jindalee, 40 in Lower Jindalee, which Mr Connolly sold - he flogged the beds last year, but forgot to tell anybody, including the residents, the staff or the carers - and 20 at Calvary, which also has been put up for grabs. The remainder live in homes managed by the non-government sector.

The fact is that Mr Connolly did not have a debate about the 40 beds at Lower Jindalee. He put those 40 bed approvals for Lower Jindalee back into the pot to be tendered out to the non-government sector last year. The deal was done. They were gone. Kaput; no more. They were reallocated by the Federal Government last year to Page. They simply do not exist as accredited or approved beds any more, and Mr Connolly did it. He did it without telling the residents. He did it without telling the staff. He just did it and then kept it secret. How in heaven's name can we allow this hypocrisy? You stand there and say, "You cannot possibly sell Upper Jindalee Nursing Home as a going concern with a condition of the tender that those beds stay as nursing home beds". They are approved and funded by the Commonwealth, as we know. Somehow those opposite think that it is not all right to sell those beds, after informing all the people involved, after our party policy made quite clear our views on who should run nursing homes and who was not so good at running nursing homes. They can say that this is not all right after Mr Connolly flogged 40 nursing home beds, public sector nursing home beds, and did not tell a soul, including the residents and the nurses. I wonder whether that is all right. We do not think it is. We think that is just straight out-and-out hypocrisy.

We believe strongly that we have been totally up front about this. Certainly, we did say in the election campaign that we would look at two new nursing homes, not built by government - - -

Ms Follett: "Build", I think you said.

MRS CARNELL: No, not build two new nursing homes. We said that we thought that two new nursing homes should be built, one at Belconnen - that is going ahead at Page - and one at Tuggeranong. After we consulted with a number of the people involved it was determined that it would be very disruptive for the residents at Upper Jindalee to be moved. It was determined that it was substantially better to leave Upper Jindalee where it is, in the interests of the current residents and, we thought, in the interests of the current staff as well, because we believed that that was an appropriate place and much easier on the residents. That was the advice that I was given and that was the advice that I took, and I am very pleased with that advice.

Instead of doing what Mr Connolly was going to do, and that is flog the lot, sell it off for housing - he just said that that was what he was going to do - and relocate those 86 on-the-whole elderly residents to a new place out at Tuggeranong, we decided to leave those 86 people where they had been for a long period and put out a tender for the sale of Jindalee as a going concern. Part of those requirements is that the current residents are guaranteed a bed in the new facility and that it is an ongoing nursing home facility. Let us be fair; it cannot be anything else unless this Assembly approves that it be something else. They cannot change the plan to make it housing unless this Assembly approves that. The fact is that they cannot go and flog the site, put houses on it and move out to Tuggeranong unless we approve that. That is up to you.

What we are saying is that we are selling Jindalee as a going concern. Why are we selling it? We are selling it because we believe that the non-government sector and the for-profit sector do a very good job in this area. As Mr Connolly said, fewer and fewer nursing homes in Australia are being run by the State governments. Why is that the case? The reason that is the case is that during the 1980s the Commonwealth dramatically changed the way they funded nursing homes. Before that date there really was an argument to suggest that patients who went to government-owned nursing homes tended to be the ones with higher needs, as Mr Connolly said, who were not accepted by other nursing homes. Unfortunately, Mr Connolly forgot that the Commonwealth, the Federal Labor Government, changed the whole funding principle in the mid-1980s when they changed to funding the direct care needs of patients under the CAM/SAM and OCRE funding arrangements.

What happens now is that the aged care assessment teams, funded by the Commonwealth, assess every person who is looking at going into a nursing home. Their level of care, their nursing hours and other requirements are assessed, and that is directly funded by the Commonwealth. So a patient with higher needs - that is a category 1 patient - will be funded at a higher level than a category 5 patient. This means that the old situation, where higher needs patients did not attract the sort of funding that was required and therefore at times had trouble finding placement, is actually reversed.

Fascinatingly, Mr Connolly, your comment that higher levels of needs patients are at Jindalee could not be further from the truth. The current figures show that 13.9 per cent of people in nursing homes in the ACT are in category 1, which is people in highest need. At Jindalee it is 3.65 per cent. In category 2, the next highest level of need, the Australian average percentage is 42.19. At Jindalee it is 40.29.

Mr Berry: Use ACT averages. Do not mislead the community.

MRS CARNELL: That is the ACT.

Mr Berry: You said "Australian".

MRS CARNELL: That is the ACT. These are ACT averages, Mr Berry. Predominantly, the patients at Jindalee are in the moderate care range, category 3. Residents there are in category 3 and category 4, not category 1 or category 2.

Mr Connolly: That is Jindalee as a whole.

MRS CARNELL: Those are the people at Upper Jindalee. Those are the people you spoke about. Your comment was that higher levels of needs patients are at Jindalee. It is simply the reverse. Other nursing homes have higher levels of care than Jindalee has. Those are the facts. No matter how you look at it, those are the categories.

Mr Connolly said that we were insistent on selling Upper Jindalee to the for-profit sector. Nothing could be further from the truth. Again, we will get back to the facts. This is what we would like to do. All things being equal, the non-profit sector will have the first guernsey. That is our view. If it can be the non-profit sector, that is who will get it,

22 August 1995

all things being equal. On the record, that is the case. We will not rule out the for-profit sector; but, all things being equal, the non-profit sector will be the people who get the tender. The reason for that is that we are always very keen to see money put back into community facilities and so on. If you have a choice you will always take that approach.

Mr Connolly's comments up to date about nursing home care are simply untrue. Unfortunately, even though inroads have been made over the last few years at Jindalee Nursing Home, it is still costing the ACT Government some \$600,000 a year. That is at a time when the Commonwealth is supposed to be covering funding for nursing homes in the ACT and, for that matter, in the rest of Australia, totally; but we are subsidising it out of the budget that is given to us from the Federal Government and by taxpayers in the ACT to run other services such as hospitals, community nursing and so on. We are not funded by the Commonwealth to run nursing homes. They fund nursing homes.

That brings me to community medical practitioners. Community medical practitioners were brought into the ACT at the Melba Health Centre prior to Medicare. They were a particularly good - - -

Mr Berry: By a Labor government.

MRS CARNELL: By a Labor government; you are absolutely right. Before Medicare community medical centres were an extremely good idea for people who were financially disadvantaged. There was no universal health cover. So there was a capacity for those people, those families, to go to salaried doctors and get good medical care. But then a Labor government also brought in Medicare, and Medicare funds GPs in our community. The Commonwealth does not fund us to pay for general practitioner services in the ACT. In fact, the ACT is the only State or Territory that currently has salaried medical practitioners. We certainly claim on Medicare, but what happens?

Mr Berry: That is just a small thing.

MRS CARNELL: Actually, it is a small thing because it covers 60 per cent of our costs.

Mr De Domenico: Sit back and listen.

Mr Hird: You might learn something.

MR SPEAKER: Order! The Chief Minister can manage. I ask Government members to be quiet.

MRS CARNELL: It does not pay any rent, any on-costs. It covers 60 per cent of what it costs us to employ CMPs. It does not pay the doctors' costs. The costs include rent. They include receptionist costs. They include all of those costs. Unfortunately, somebody has to pay. (*Extension of time granted*) They do not cover the costs of employing CMPs. I wonder why those opposite think we are the only State or Territory

that continues to employ general practitioners for general duties? That includes Labor States. No other State does it. The reason no other State does it is that the Commonwealth took over responsibility for funding general practitioners. They do not give us any money to do that. They give us money to run hospital services, community nursing, public health - all of those things - but not to run general practitioner services.

Again, we get to the hypocrisy of Mr Connolly. Last year Mr Connolly got rid of three CMP positions. Did he tell anybody? No, he did not tell anybody. He did not tell one soul. What did he do with the money? He used the money from two of those positions to look at funding his unfunded Clinical School, the professional position for community medicine. He moved the funding from two CMP positions to fund the professor of community medicine. He then got rid of another position without telling anybody. He could not replace them because the money was not there. The situation was that Mr Connolly was allowing the system to run down without putting in place any alternative.

We agree with Mr Connolly that the ACT Government should not be funding salaried general practitioner services. We are game to stand up and say this is what we believe. We should not be funding these positions because it is duplication with the Commonwealth. We do not have the money in the ACT health budget to duplicate services currently run by the Commonwealth. Mr Connolly was too gutless, as was Mr Berry, to be up front about it. He knew we could not afford to fund duplicate services, but he just allowed it to run down. He got rid of positions, moved doctors, and got to a stage where there were waiting lists at a number of the health centres; but he refused to say, "What are we going to do about this?".

What we are going to do about it is this: We are going to bring in bulkbilling GPs so that the services are available at our community health centres under the system set up by the Federal Labor Government - they believe this is the appropriate way to go - and so that we do not have the waiting lists that Mr Connolly ended up with because he simply was not game to come to grips with the situation. He would not come clean with the situation. We are saying, "Yes, we understand that it is not a bottomless pit in ACT Health. We have to use the money better. We cannot spend money in areas that the Commonwealth already funds. We cannot spend \$600,000 a year funding Jindalee Nursing Home when the Commonwealth funds nursing homes. We cannot spend the money it costs us on CMPs and all the related costs with those because the Commonwealth already funds them".

Ms Follett: What about, "All it takes is money."? Do you remember when you said that?

MRS CARNELL: We have 4,500 people waiting for elective surgery in this city. We have 4,500 people waiting for surgery and we need to address this problem.

Ms McRae: Still, and you are in charge. It is eight months now and nothing has happened.

MR SPEAKER: Order! The Chief Minister has the call.

MRS CARNELL: We need to address the problem of making sure that the money that we have is focused in the areas for which we have a responsibility to provide services. The Commonwealth funds us to provide services. We simply cannot afford to spend money in areas that the Commonwealth has a responsibility for. I know that we all care about other areas, the people waiting for surgery, community nursing, mental health, and all of those areas that are our responsibility. We must use the limited resources that we have to fund the things for which we are responsible.

To conclude, Mr Speaker, I think that it is the hypocrisy that is upsetting in this whole debate. I quote from a letter from John Ayling, who was Acting Chief Executive in May 1994. He said that there was an agreement to offset 40 places at Lower Jindalee provided that all 40 places were returned to the community in the 1994-95 approval in principle rounds. This was done with the result of Page. Mr Connolly gave up those 40 beds. He gave them to the non-government sector. He did not tell the residents. He did not tell the staff. He got rid of three CMP positions. He did not replace them. He did not put in anybody to pick up the tab. He allowed services to run down. I do not think they have a right to say anything this morning.

MS TUCKER (11.38): Mr Speaker, the issue of the sale of Jindalee has been a very difficult one. A fact of life of politics is that two sides have two different sets of facts, concerns and ideology. The issue has been an emotional one and has been tangled up with a decision that was made by the previous Government to close Lower Jindalee, which has been implemented very poorly. The main concern of the Greens is social justice and we have tried to weave a middle ground through this issue. The real issue with Jindalee is the wellbeing of our older people and the best way to care for them. We have talked to a number of different groups, and we understand the concerns of the unions; but we do not believe that the sale of Jindalee is going to compromise aged care provision in the ACT. Surely, if it were, the Council on the Ageing and many other community organisations and lobby groups would not have supported this decision. In coming to a position we have listened to everyone. We have not been involved in this place over the last few years; but we have learnt that there have been ongoing problems over a number of years in Jindalee, and this obviously has contributed to the low morale among staff and carers there. The very poor process in dealing with decisions regarding both Lower and Upper Jindalee has contributed to distress and concern.

There are many instances where the Greens would unequivocally say no to any proposal concerning the sale of a government asset. However, the Greens do not see this as a black-and-white privatisation issue. This is because the Commonwealth Government is responsible for funding and standard setting for aged care in Australia. Nursing home management is not a free-for-all, a ruthless market operating to make the greatest profit possible. Nursing homes are highly regulated. Sure, there are problems with their standards, as there would be with any uniform standard or code, and we have heard about some of these problems. As the ACT Government would have to pick up the tab for any individual who is not accepted into a nursing home in the ACT at much greater cost, by placing them into acute care in Woden Valley Hospital, for example, we trust that the Government will always take appropriate action.

As for the issue of nursing home beds in the ACT, as with so many other community service areas, there is a shortage. There are waiting lists for nursing homes in all States in Australia, and we urge Mrs Carnell to continue to lobby the Commonwealth Government to address the inequitable situation which faces the ACT, where many people join their families from interstate in retirement. We also provide nursing home beds to people in the surrounding region. So, on balance, we have not been convinced that the ACT Government has a role to play in nursing home facilities in the ACT. Again, let me stress, the main issue here for us is quality of care for the elderly.

The Greens have sought a number of guarantees concerning the sale of Jindalee. We have sought and gained an assurance of transparency and better process in terms of discussing the issues with carers and allaying fears, by having the Council on the Ageing involved not only in the tendering process but also in the implementation and by discussion with residents. We understand this position is supported by the ACT Council of Social Service and COTA. Secondly, the Greens have asked the Government to seek to ensure that Jindalee Nursing Home is sold to a not-for-profit organisation. Currently, the majority of nursing homes in the ACT are run by the not-for-profit sector. By selling to a not-for-profit organisation, all money made will be returned to the facility to increase services and maintain infrastructure.

I was a little surprised that Mrs Carnell said that, all things being equal, she would give the tender to the not-for-profit sector. I would ask Mrs Carnell to clarify that. My understanding this morning, in the meeting with her and Mr Moore, was that she would give preference to the not-for-profit sector, which could involve selling it at a lower price in order that a not-for-profit organisation could buy it. It is definitely the preference of the Greens that the community own and run such important facilities. I was very impressed yesterday with Mirinjani, a not-for-profit nursing home. Mrs Carnell has said that she will do all she can to ensure that this occurs, and, as I have said, COTA will be involved in monitoring and evaluating all potential tenders.

Thirdly, we have sought and gained an assurance that all staff, in particular regular casual staff, will be taken care of - that is, that those people will be either redeployed or paid out. We also ask for a commitment from Mrs Carnell - this was not mentioned at the meeting this morning, but I am asking for it now - that no sale of property will occur without it going through the Planning and Environment Committee of the Assembly.

Mr Speaker, the Greens have tried to work constructively on this issue by seeking these assurances rather than painting it as a black-and-white issue. We will continue to monitor what is happening in aged care, and I hope that we can continue to consult and listen to consumers and workers from the field. I realise that our position on this has disappointed some of these people. I acknowledge their presence here today and I welcome them to the Assembly. We believe that the processes that have occurred over the last few years have been very poor, and I think it is very understandable that the staff and residents are very concerned about what will happen with the changes that are now occurring. We hope that, with improved processes, there will not be any problems for these people. For that reason, we have taken the position that we have.

22 August 1995

As for the second part of the motion, on community health centres - I will be moving later that the motion be divided - the Greens are prepared to support the motion because we believe that community health centres can be a major focus for high-quality primary health care, which is a basic commitment of the Greens. We believe that provision of high-quality health care is a responsibility of government and that the Government must ensure equal access to this service for all people. While doctors are not able to advertise their bulkbilling practices, it is difficult for people who are experiencing financial hardship to know where they can go for health care, especially in times of urgent need. We are also concerned that, if private practitioners do not target their services, people will suffer from this. We believe that if they are moved out of the community health centres there is a danger that the services provided there will fail eventually as well. For that reason, we will be supporting that motion.

MR BERRY (11.45): This is an issue about an entrenched ideology and the need to move quickly, to make the hard hits early in a term in the hope that the community will forget about them. Well, they will not forget about the actions of this Government, because they will not forget the lies that have come from the Liberals in the past. I was a little surprised to hear Ms Tucker agreeing to accept the undertakings from Mrs Carnell, particularly against the background of the facts. Mrs Carnell, whenever she makes a promise, crosses her fingers behind her back, and no more so than in the last election. Where did the people of the ACT hear Mrs Carnell promise to sell Jindalee Nursing Home? They did not.

Mrs Carnell: It is in our policy.

Mr De Domenico: Turn to page 6.

MR BERRY: I turn to page 11 of your health policy and it says, in a couple of little headings up the top, "New nursing home at Tuggeranong. New nursing home at Belconnen". The Liberals go on to say:

We will ... construct two new nursing homes, each of approximately 80-bed capacity, in partnership with the not-for-profit sector, possibly at Belconnen and Tuggeranong.

Today, Mr Speaker, we hear Mrs Carnell saying, with the fingers crossed behind the back again, "We would like the not-for-profit sector to be involved, but we could not rule out the profit sector, all things being equal". There was all the equivocation in the world. Watch the crossed fingers behind the back, people of the ACT, because that is what you will see a lot with this Government.

The list of withdrawals and reversals is growing faster than Pinocchio's nose. They are happening one after the other. We have heard Mrs Carnell trying to build an impression that the roof is going to come in and the sky is going to fall on the ACT, all as a precursor for the big, hard hit - we have to justify selling off the assets. I tell you, Mr Speaker, that once this is done it will never be reversed. You can never reverse these decisions. Once they are gone, they are gone forever, and the Greens and Independents ought to keep this in mind. Once this Government opts out of aged care in the ACT we will never go back into it again.

I can speak to you as a person who has defended government-provided aged care services in this place for many years. I stood on the picket line when they sold Canberra Nursing Home. I can assure the people of the ACT that this Labor Government was never going to sell out of the provision of aged care in the ACT. We would always have been involved in the provision of aged care services in the ACT. We would always have been involved in the provision of nursing homes, and we have a record of sticking to our promises. We never crossed our fingers behind our backs.

We said in our policy that we would construct a purpose built facility for younger disabled people currently residing at Jindalee Nursing Home. We have a record of sticking to our promises. You have not. The community are fully aware of that. Mr Speaker, this lot opposite continue to try to distract the community with lies and deception.

MR SPEAKER: Order! Mr Berry, put that away, please.

MR BERRY: This community and this Assembly must blunt Mrs Carnell's axe, because she is about to lay into the community, to lay into our publicly owned facilities and our publicly provided services.

Mrs Carnell: And balance the budget, and get rid of the \$120m hole that you guys left.

MR BERRY: Here she goes again. Henny-Penny is at it again; the sky is going to fall in. More deception; all the double counting, rhetoric and lies that you would need, Mr Speaker. We do not need any more of that in this community. What we want is a solid government that is committed to services to the community, like Mrs Carnell promised before the election when she had her fingers crossed behind her back. We have a situation, Mr Speaker, where Jindalee Nursing Home is going to be attacked with blind rhetoric, in this Kennett-like move. Mrs Carnell has a clear message for the people of the ACT - "Go and get Jeffed". There is no clearer message than, "Go and get Jeffed; we are blinded by our own rhetoric, and we are locked into all of these ridiculous ideological privatisation outcomes".

As well, Mr Speaker, the Liberals have decided to move on the community medical practitioners. Mrs Carnell has long been an enemy of the community medical practitioners and the service that they provide to the community. Many of us will remember the attacks that she made on them during the course of the last Assembly. Of course, Mrs Carnell shut up when it was proven that the wages of the community medical practitioners were basically paid by Medicare. She had nothing to hang her hat on. What she wants to do now is to drive those people out of a service, and cut the services which go with those community medical centres.

Labor set this up years ago. Yes, it is a unique facility in the ACT, and it is one that is well worth preserving. Again, if this goes, it will be gone forever, because the next move by Mrs Carnell will be to charge the doctors who come in there as private medical practitioners market rates for their rent. The allied health professionals will be booted out, and there will be a savage reduction in the quality of care which is provided to the community. This service in the ACT provides a benchmark for other private practitioners to follow. It also provides an area of competition, which ensures that there is

22 August 1995

a continuing commitment to bulkbilling. That is where we get to the problem for Mrs Carnell because, matey as she is with the AMA, they hate bulkbilling and have long been enemies of it. This again is part of the wicked ideology of the Liberals - to strike out this sort of important provision of services which comes from Medicare, which is well loved by the people of Australia. The Liberals have always been opposed to that and they have been stung once or twice in their opposition to it. Mrs Carnell, surreptitiously, is trying to undermine bulkbilling in the ACT by attacking these community medical practitioners and the services that they provide. There are tens of thousands of people out there in the community, Mr Speaker, who have enjoyed the service provided by the community medical practitioners, and they do not want to give it up.

At a community meeting in Belconnen a little while ago, the following motion was passed:

That this meeting of residents condemns the Carnell Government's decision -

and so they should -

to remove any salaried medical officers from the ACT health system. Furthermore, this meeting rejects the Government's failure to properly consult the community or the work force or the unions in the community health system.

Again, Mrs Carnell breaches the old promise. The fingers were crossed and she said, "I am sorry; I had my fingers crossed. Did you not see?". Mrs Carnell promised this open, consultative, council-style government. Where was the consultation on this? She said, "Did you not see that I had my fingers crossed behind my back?". The meeting went on to call on Assembly members to reject the Government's decision. That decision ought to be rejected because this service is a very valuable part of our community health care system, which will continue to provide service to the community if this Liberal Government opposite allows it.

They have to be stopped. If we cannot stop them now, it cannot be reversed in the future. This service is unique. It is something that is important for the ACT. There are tens of thousands of people out there who use this service, Mr Speaker, and a lot of them live in your electorate, I might remind you. This debate will go on and on, unless it is settled now. This is a very important issue in terms of the delivery of health care. These community medical practitioners must be protected. The ideology must be dropped. Forget the pleas of the AMA.

MR HUMPHRIES (Attorney-General) (11.55): Mr Speaker, I must say it is rare to see such a blatant display of hypocrisy as we have seen in the house today. Those in the gallery who have been brought here today to hear this debate ought to know a little bit about what the former Government had planned for Jindalee. The people who are here today, on a promise from the now Opposition to back them all the way, ought to know a little bit about what is going on. First of all, let me put on the record the sorts of things that Mr Connolly, the former Minister for Health, had to say about Jindalee Nursing Home. I quote from Prime News of 31 October 1994:

The Health Minister says if there are no changes, the home is facing a limited life as a government nursing home.

Mr De Domenico: Who said that?

MR HUMPHRIES: Mr Connolly said that. What did he mean by that?

Mr Connolly: Because it would be privatised by a Liberal government.

MR HUMPHRIES: We were going to win the election, remember. I quote from the WIN Television News of 31 October. Mr Connolly, referring to the nurses, said:

If they block a process of change, and we lose \$2m, the future of Jindalee is bleak indeed.

Mr De Domenico: It must have been the same Mr Connolly.

MR HUMPHRIES: It must have been. In the same broadcast, Mr Connolly warned that any loss of financial assistance from the Federal Government could force a sell-off of the facility. There was no mention of an unforeseen Liberal government doing it. Mr Connolly was saying that Federal funding for that home was essential to maintain it as a government facility. Mr Speaker, the reason he was saying these things in public was that a great deal of movement was going on below the surface. Mr Connolly was gliding along very gracefully on the surface of the water; beneath the surface his feet were going 10 to the dozen. What was going on was quite amazing. Mr Connolly had received a letter from one Carmen Lawrence, dated 10 or 18 June - it is not very clear on this photocopy - about Jindalee Nursing Home. She said:

I note that the ACT Government has agreed to transfer 86 nursing home bed places to the higher funding arrangements, with offsets of 40 beds at Jindalee Nursing Home.

We now know that those 40 beds refer to the Lower Jindalee contingent. Dr Lawrence went on to say:

I trust that the closure of this wing at Jindalee will be undertaken with appropriate consultation with residents and their representatives, staff, and the unions.

Did it, Mr Connolly? Did that consultation go on? He finds something to say to Mr Berry at the convenient moment. He is not listening to the question. Mr Connolly, I think that you did know that there was no consultation going on.

Ms Follett has been part of this debate. She claimed on radio this morning that this is a heinous act by the present Government. She had no knowledge of what was going on with these moves to get rid of those 40 beds; she did not know about it, she says. I heard Mr Connolly say earlier on in this debate that he believed that there was documentation available showing what had been briefed to him and Ms Follett about this matter; but unfortunately it is a very long and complex process, he says, to get hold of it.

22 August 1995

I ran into Mr Walker, the head of the Chief Minister's Department, outside in the corridor and he told me that is not so. He told me that if Ms Follett wants a copy of the papers briefed to her in government last year she only has to ask. He is just out there in that room. If Ms Follett would like to rise, glide over there and go into that room, she can ask him for documents, and I would hazard a guess that they will be available for her to table in this place before the end of this debate, within the next half an hour.

I obviously cannot see what Ms Follett signed off, but I do have access to some of the things that were in the brief to Ms Follett. Since she is very anxious to get that document and to table it in this place, she will not mind if I read from it, will she, Mr Speaker? Ms Follett indicates that she is very happy for me to put on the table the things that the former Government were told about this matter.

Ms Follett: Mr Speaker, I take a point of order. I think it is quite wrong for Mr Humphries to be deliberately providing a false record of my response to his continued baiting of me.

MR SPEAKER: Order! The house will come to order. Ms Follett, I am unable to identify whether it is a false record or not. Mr Humphries has not said anything yet.

MR HUMPHRIES: Mr Speaker, I guarantee that this is not a false record. Ms Follett will be able to prove that it is not a false record when she tables these documents very shortly, when she chooses to glide across to the anteroom and collect them.

Ms Follett: Mr Speaker, on the point of order: I think that perhaps both you and Mr Humphries have misinterpreted my previous point of order, which was that Mr Humphries is standing in this place and making assertions about my reaction to his statements which are patently untrue and which I object to. It has nothing to do with whether or not I am seeking the documents or will seek the documents. It is what he is stating on the floor of this Assembly about my behaviour in this Assembly. As you could see yourself if you looked this way, it is completely untrue. If you had time to look this way, as opposed to trying to keep the rabble opposite in order - - -

An incident having occurred in the gallery -

MR SPEAKER: Order! I remind the gallery of standing order 207.

Ms Follett: Remind them too.

MR SPEAKER: Order! I have recognised that this is a somewhat boisterous issue and it obviously will bring forth a good deal of cross-fire. I have endeavoured to keep both sides under control. I will continue to do that.

On your point of order in relation to whether or not Mr Humphries is misleading the house - and that is the kindest word I will use - that is entirely up to you to refute, if you believe so, by participating in this debate, Ms Follett. I am afraid that I am in no position to judge from this chair. Mr Humphries has the floor.

Mr Berry: Mr Speaker, may I spice the point of order with the need for you to ensure that Mr Humphries remains relevant?

MR SPEAKER: I will most certainly do that, Mr Berry.

MR HUMPHRIES: On that point of order, Mr Speaker: Mr Connolly, in the course of his remarks, said that he wanted to see what reply he had given to the letter from Carmen Lawrence of June of last year. He said that he did not have access to that and he wanted to get access to it, and that he was going to seek that; but he was told that he could not get it unless he went through a long and complex process - they were his words, I believe - to obtain that document. I am indicating to the house, in answer to Mr Connolly's point in his speech in leading this debate, that the document will be available by Ms Follett walking out of this place and going over and seeking it in the anteroom. My comments are perfectly relevant in that respect. However, Mr Speaker - - -

Ms Follett: Mr Speaker, if I may speak on that point of order, what Mr Humphries says is true only to a very limited extent, like most of what he says. The fact is that I have previously sought documents that were provided to other members of my then ministry and have been denied them.

Mrs Carnell: They have not been denied them.

Ms Follett: I have indeed, Mrs Carnell. The reason I was denied them was that they were not my own documents. Mr Kaine knows this; I have discussed it with him in the Public Accounts Committee. The reason I was denied them was that they were not my documents. It is probably true that I could go to Mr Walker, cap in hand, and say, "Please, may I have the documents which were provided to me personally on this subject?"; but I could not go to Mr Walker and ask for Mr Connolly's documents. Mr Speaker, if I had, I have every expectation that that request would have been refused, as have other requests on similar matters. So it is a matter of Mr Humphries telling the whole truth on this subject.

MR HUMPHRIES: Mr Speaker, I am talking about documents that were given to Ms Follett. These are briefings to you, Ms Follett.

Ms Follett: But not to Mr Connolly.

MR HUMPHRIES: No; to you, Ms Follett. These are documents that were briefed to you. Mr Connolly did not reply to the letter of Dr Lawrence's. You were provided with briefings. They are the ones I am talking about. They are the ones you can get if you go out there right now and ask Mr Walker. Rather than laughing about it, go and get the documents. They are your documents. They were briefed to you.

MR SPEAKER: Now that we have clarified that point, continue.

22 August 1995

MR HUMPHRIES: Mr Speaker, it does appear that her memory does not wish to be refreshed. We have had a problem with Health Ministers like that recently: People not remembering what they were told and needing to get their memories refreshed. It applies at the Federal level and the local level as well. It is very sad, is it not? There seems to be a problem. Well, I can refresh Ms Follett's memory. She can get this document very easily, and only she can get it because it was briefed to her. They were her documents. She can go out there and get it, but I will tell her a little bit of what was in the documents. I quote:

The final agreement with the Commonwealth confirmed - - -

Mr Berry: I take a point of order, Mr Speaker. Mr Humphries makes an issue out of whether or not Ms Follett can get the document. Is he saying that he is able to get access to documents that would normally not be available to him? Have they corrupted the system so much that they have been able to get access to documents they are not supposed to get? Is the answer to that yes, that he has corrupted the system in order that he can get access to those sorts of documents? That is an important issue of the Westminster system in relation to advice which went to former Ministers.

MR SPEAKER: You may have to bring it up. Order!

Mr Berry: If he wishes to tell us that he has corrupted the system and instructed public servants to provide information to - - -

MR SPEAKER: Order! I call the house to order. I remind members that the member's time has expired. Would you like an extension, Mr Humphries?

Mr Kaine: I move that an extension of time be given to the Minister.

MR SPEAKER: Is leave granted?

Mr Berry: Are you going to put the motion?

MR SPEAKER: No, I am not going to put the motion. I am asking about an extension of time for the member.

Mr Berry: No.

MR HUMPHRIES: He does not want to hear what the document says. You are a coward, Wayne Berry.

MR SPEAKER: Order! I will put it again. I think I heard that leave was granted.

Mrs Carnell: Yes.

MR SPEAKER: I would hope so.

MR HUMPHRIES: Thank you, Mr Speaker. On the point of order, first of all, I indicate that I have not had the capacity to table any documents or to use any documents that Ms Follett has signed or dealt with, but I do have the capacity to see documents that were prepared in departments of the Government to be sent to her. Ms Follett, again, can clear up this matter, as I have repeated before, by simply going out to the anteroom and seeking a document which only she can have access to and telling the parliament exactly what was said. I am sure, given what I am about to read, Mr Speaker, that Ms Follett will have written in bold letters on that briefing to her, "Unacceptable", "Not Government policy", "To be rejected", or words to that effect. Ms Follett can show us those words and, I would argue, redeem her credibility in this debate by doing so.

Until she does that - and she shows no signs of moving from her chair - I would like to read some of the words that appear in that document. This is a briefing from the Department of Health to Ms Follett about the implications of Dr Carmen Lawrence's letter to her about the closure of beds at Jindalee. It says:

The final agreement with the Commonwealth confirmed by Dr Carmen Lawrence on 10 June 1994 is based on no loss of nursing home bed approvals to the ACT nursing home system as a whole, i.e., some movement from the Government sector to the non-Government sector -

Ms Follett: No.

MR HUMPHRIES: Have you read the rest of the brief? It continues:

subject to an ACT Government commitment to provide appropriate accommodation places for up to 40 younger people with disabilities.

In respect of those 40 beds for young people with disabilities, it was said:

The Commonwealth will only grant those approvals to the non-Government sector.

I repeat: To the non-government sector. They did not even say to the not-for-profit sector; they said "the non-government sector" - anywhere in that sector. Then there was a second briefing, Mr Speaker, provided on 15 August to Ms Follett. There are many interesting things, I suspect, in that document, but in it it was said:

If resolution is not achieved -

of this issue of the nursing home beds -

there is a serious risk that Jindalee will fail to meet the Commonwealth's outcome standards for residents. The effect of this would be withdrawal of Commonwealth funding for any new admissions to the home and consequent advance publicity about the Government's inability to provide services which meet nationally accepted standards.

22 August 1995

The intent of the brief, of course, was to accept the recommendation of Dr Lawrence's and to close those beds. Let Ms Follett prove that she is sincere when she and her colleagues attack this process by getting that document and tabling it with her rejection of the brief on it. Obviously, she will not do that, Mr Speaker, and that is a measure of the hypocrisy evident in this debate. Mr Connolly said only a few days ago that nothing was cast in stone by us. A decision is made only when the Government announces it, Mr Connolly said. Well, a decision seems to have been made in these documents, Mr Connolly. It seems to have been made in this status. You did not tell people in the ACT about it. You did not want to tell people about it, did you? Where was the consultation with residents' representatives, staff and unions that Dr Lawrence said you should be doing? You forgot to do it, did you not?

Mr Connolly: There was a whole series of committees and discussion processes out at Jindalee.

MR HUMPHRIES: A whole series of committees? You told them you were going to close Lower Jindalee, did you? No, you did not - and that is exactly what you planned to do.

Mr Speaker, I think Ms Tucker raised the question of social justice. There is no social justice in maintaining a provision for services in the ACT which is not well designed to meet the needs of the people who reside in it. Everybody concedes that fact. Jindalee is not an optimal place for those people to be residing. There are better ways of providing those services, and we believe they can be provided very comfortably in the private sector. The point, of course, is that the Federal Government knows that as well, and the now Opposition, the then Government, knew it too; but they do not have the guts to admit to the people that they brought here today that they did believe that, and they do believe it even today.

MR MOORE (12.11): Mr Speaker, this debate has shown clearly that the Liberals are intending to do exactly what Labor were planning to do. It seems to me, Mr Speaker, that we on the crossbenches have to look carefully at a decision. We have to look beyond the posturing and the grandstanding and try to determine just what is in the best interests of the community as a whole. When we look at the best interests of the community as a whole we have to look at the best interests, first and foremost, of the elderly people who are in need in terms of nursing homes. We have to look at what is in the best interests of the community as a whole. In that concept we have to look particularly at the health budget and how far out of control the health budget has been over the last few years, and the response of the community at the last election to continually blowing the health budget. We also need to take into account, Mr Speaker, the concerns of staff who are involved in these sorts of decisions. To set it up and to try to pretend, Mr Speaker, that this is an ideological issue - - -

Mr Berry: Mr Speaker, I raise a point of order. Mr Moore may have inadvertently misled the Assembly. I remind him that the health budget did not blow last year.

MR SPEAKER: There is no point of order.

MR MOORE: Mr Speaker, reference to supplementation of the health budget and use of the term “blowing budgets” was something which Mr Berry became very fond of during the Alliance Government. It is something that has come back to visit him. No doubt he and his colleagues will continue to use the term appropriately.

Mr Speaker, the two decisions that we are looking at are about salaried doctors and the Jindalee Nursing Home, which is divided into the decision about Upper Jindalee and the decision about Lower Jindalee. It would appear that the decision about Lower Jindalee, although the residents did not know, has been made for over a year, and it was made by the former Labor Government. The decision about Upper Jindalee, planned by the Labor Government - it was indicated on a number of occasions that it would have to go - has now been made by the Liberal Government.

We are asked by this motion to determine whether we will reject that decision by the Labor Government. There are some concerns that I think need to be answered by the Government - concerns raised in my investigations recently, both by a number of members of the unions involved and by my visit to Jindalee. Unfortunately, Mr Speaker, I have not had the time to visit a for-profit organisation. Although I have often visited non-profit, non-government nursing homes such as Mirinjani, I have not been, as yet, to one of the profit organisations. So I lack a little knowledge there, although I have read the report of the Social Policy Committee in terms of visiting such organisations and having a quite positive response to them a couple of years ago.

Mr Speaker, one of the concerns that I would like to hear about from the Chief Minister is what happens to people who are not in a position to make a financial contribution but are in need of nursing home care - people who currently can go into Jindalee. I hope that the Chief Minister and Minister for Health will take the opportunity to seek leave from the Assembly to speak again to answer a couple of these questions and the point raised by Ms Tucker. The first question is: What happens to people who currently make no financial contribution and are not in a position to make a financial contribution, but who are in need of nursing home care?

The second point I would like to raise is the point raised by the Nursing Federation, namely, that government-employed nurses have an enterprise agreement that means that they have an award salary that is 10 per cent higher than that of people in the non-government sector. How is that going to be handled? I understand that there is an enterprise agreement in the government sector but none in the non-government sector. Will these staff members lose 10 per cent, what will be the redundancy arrangements, and what will be the likelihood of re-employment of such staff members? I think there is a real concern there, and it is a concern that needs to be addressed. I also am very conscious of an issue that I raised earlier, namely, the overriding factor of the health budget. We do need to get the health budget under control. That is going to take some hard decisions and I believe that there is a responsibility in terms of the crossbenchers not just to play the normal role of an Opposition and constantly say, “You should do something”, and try to ignore the budget implications. It is important for us to take those budget implications into account.

22 August 1995

Following my discussion with Ms Tucker and the Chief Minister this morning I saw a slight change in tone when the Chief Minister spoke in the Assembly. This morning, as Ms Tucker has said, preference would be given to the not-for-profit sector. There was no talk of all other things being equal. In fact, we were quite specific. Chief Minister, I raised with you this morning what happens if the profit sector offers, for example, \$1m extra over the non-profit sector. I would like you to clarify that situation for the Assembly, because that would not be a case of all things being equal. A tender under those circumstances would mean that the profit sector would get it. My understanding of our discussion this morning was that preference would be given to the not-for-profit sector. I see that Ms Tucker also acknowledges that. That is her understanding of the meeting.

Mr Speaker, whilst the debate is in many ways emotive, there is a limited number of nursing home positions available in Canberra. They are determined by the Commonwealth. I believe that everybody here seeks to deliver the best possible service for the elderly in Canberra. I find it difficult to believe that Jindalee has been delivering the best possible service when they have not been able to reach Commonwealth standards. That probably has nothing to do with staff. It is not a reflection on staff. It may well be a reflection on the nature of the building and the investment required to change the building to meet those sorts of issues. Mr Speaker, the real concern is to ensure the best possible service delivery. I am not wedded to government doing that service delivery. If we can provide the best possible service in another way, then I am open-minded and will take those other factors into consideration. I look forward to hearing some response from the Chief Minister.

MR DE DOMENICO (Minister for Urban Services) (12.20): Mr Speaker, I rise briefly to contribute to this debate. On listening to the toing-and-froing that has gone on, it seems as if one would be led to believe that this is the first time that a nursing home has been sold out of the government sector. That is not true. If people were not being disingenuous they would realise that, in 1989, the Allambee Nursing Home - now the Canberra Nursing Home - was sold to the private sector. I understand that the overall standard and quality of life for the residents has improved, demonstrating that such a move can be a positive thing for residents.

I think Mr Moore hit the nail on the head when he said that the major concern of all of us here in this house should be the residents of these nursing homes. I, for example, could not give a hoot who provides the service. If the service is provided better by one than by the other, then that is the way I would go, because ultimately - - -

Mr Berry: Are your fingers crossed too?

MR DE DOMENICO: No, my fingers are not crossed, Mr Berry. I will tell you why they are not crossed. Unlike you, and unlike some of the rent-a-crowd you have here, we tend to tell the truth. I will tell you why we tend to tell the truth. We read totally from documents that we profess to have in front of us and smirk about. Had you read one more sentence from the Liberal Party policy document put out before the election, up front, you would have read this line on page 12:

These facilities will be funded by the sale of Jindalee Nursing Home at Narrabundah. The facility at Belconnen would incorporate a special self-contained residence for younger disabled persons.

Mr Berry: "We will construct".

MR DE DOMENICO: Mr Berry, you did not read that next sentence. You stood up in your spot and you said that this was all done secretly by the Liberal Party with Mrs Carnell's fingers crossed behind her back. You were being disingenuous, Mr Berry, as you always have been, to this place. That is another point.

Let us talk about things being done without consultation. We have part of the rent-a-crowd in here - the ones with the pretty little T-shirts on, like the one that you have there.

Mr Berry: Yes, these.

MR SPEAKER: Order! Mr Berry, put it down.

MR DE DOMENICO: Wave it as long as you like. One of those people, who happens to be wearing this pretty little T-shirt, at the time that Mr Connolly flogged and tried to flatten Jindalee was working in the office of the former Chief Minister, Ms Follett. The person who has been out there bleating to the television cameras that he did not know anything about it worked in Ms Follett's office. How disingenuous is that, Mr Berry? This mob comes in here, still smirking, licking the wounds of 18 February that the people of the ACT inflicted on them because they were incompetent, because they were disingenuous. Before you come in here and start bleating, get the facts right. Have a good look at yourselves in the mirror in the morning and then come in here and talk about people with their fingers crossed.

This mob have stood up and have said, "Listen, the only ones who can do anything with nursing homes are the public sector". That is a slap in the face to people like the Uniting Church, the Anglican Church, the Baptist Church and the Presbyterian Church, and every other not-for-profit organisation. You know as well as I do that in 1989 Allambee Nursing Home was sold, and we know now that the conditions of the residents of that nursing home are much improved. We also know that the nursing home situation is funded by the Commonwealth Government. We also know that your mate there, Mr Connolly, the next Deputy Leader of the Opposition - may you long be in that position, Mr Connolly - flogged Lower Jindalee last year. He flogged it. Your Chief Minister then knew about it because someone on her staff is now part of the union. If anyone says that they did not know about it they are being disingenuous as well. Wake up to yourselves. You are like shivers looking for a spine to crawl up, for heaven's sake. Look at yourselves long and hard in the mirror. You flogged it. You had to flog it. So do not come in here and use double standards in this debate.

22 August 1995

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (12.24): Mr Speaker, I would like to answer some of the questions raised. I seek leave to speak again.

Leave granted.

Ms Follett: Explain how you are going to construct something by looking at it. That would be a good start.

Mr De Domenico: You did nothing in four years, for heaven's sake.

MR SPEAKER: Order! Allow the Chief Minister to answer the questions that have been raised.

MRS CARNELL: With regard to the questions that have been raised by Mr Moore and Ms Tucker, to start with, as to redundancy requirements, the triple R award will be adhered to. We have already given staff the undertaking that they will have a number of different opportunities.

Mr Berry: That is the law.

Ms Follett: It is the law. You are terribly generous.

MR SPEAKER: Silence!

MRS CARNELL: This is full-time staff, the long-term casual staff and, of course, any permanent part-time staff that we may have. They will be able to access the triple R award. They will also be able to access retraining in other parts of Health. There are a number of areas in ACT Health at the moment that could very well do with any staff that do not choose to reapply for jobs under the new management. So those people will certainly be looked after.

Interestingly, with regard to the issue of the cost of a nursing home bed, irrespective of whether the ACT Government, the non-profit sector or the for-profit sector operates Jindalee in the future, the Commonwealth Government will provide exactly the same level of funding for nursing home-style services. They will expect the same patient outcome standards to be met. They will pay benefits only on behalf of people assessed to be eligible for nursing homes. Most importantly, one of the rules for Commonwealth funding of nursing homes is that no resident can be charged more than 87.5 per cent of the pension plus rent allowance. What people can pay is actually set in stone. So there is not a capacity for whoever, whether or not it be the for-profit sector, to up the fees beyond 87.5 per cent of the pension and rent allowance.

Mr Berry: Rule out the profit sector now. Say, "I will not give it to the profit sector".

MR SPEAKER: Order! Mr Moore and Ms Tucker asked specific questions which the Chief Minister is trying to answer. As a courtesy, I think you should allow her to do so. Proceed, Chief Minister.

MRS CARNELL: The other issue that was raised was whether the non-government sector would be given preference. When I made the comment about all things being equal I was not only talking about money; I was talking about quality of care as well. Obviously, when we determine who will be able to take over the nursing home, quality of care as well as the money involved would be an issue. I am very happy to give the undertaking to the Assembly that the non-government sector will be given preference in this area. They do a very good job in Canberra.

Mr Berry: Will the profit sector be ruled out?

MRS CARNELL: No, the profit sector will not be ruled out. I made it clear to Ms Tucker and Mr Moore this morning as well that we would not rule them out; but the non-profit sector would be our preferred option.

MR OSBORNE (12.28): Mr Speaker, I suppose the big question is whether the private sector will provide a better quality of care at Jindalee than we have already with the government sector. In relation to the motion, Mr Speaker, I am not prepared to support it at this stage.

Mr Berry: It is too late once it has gone, Paul.

MR OSBORNE: No, it is not. I am not prepared to support the motion, Mr Speaker. I am prepared to allow the Government the opportunity to convince me that the private sector will provide a better quality of care at Jindalee. I have not had the opportunity to go around to any of the private nursing homes in Canberra to see for myself just what is the situation - neither the for-profit nor the not-for-profit organisations. That is something I intend to do.

There is one big issue that is burning in me at the moment. I attended, with Ms Tucker and with Mr Moore, at Jindalee yesterday. The decision to sell Lower Jindalee was made last year prior to my coming here. I am not going to stand here and condemn anyone on the basis of who made the decision because I, frankly, do not know. I was stunned, Mr Speaker, that some of the residents I met living in Lower Jindalee, who are faced with the prospect of losing in a little over 12 months what is really their home, and what has been their home for a long time, have no idea where they are going. Mr Speaker, this situation, more than anything, is absolutely unfair.

I am not going to stand here, Mr Speaker, and blame anyone, but I think that that is a situation that needs to be rectified immediately. There are old people there who have served their time and have worked their whole life, and they are now in a situation where their home is being taken out from underneath them. I ask anyone in this Assembly whether they would like to be in their shoes, faced with that situation, not knowing where they are going to live. They do not know whether they are going to have their own room. They have been living in single rooms. That really disturbed me more than anything else.

22 August 1995

This debate has gone on today. It is not a *fait accompli* that it is going to happen. It is all down the track. This is something that is real, that has been set in place. There are some people out there facing a real situation that they are scared of. There are people out there who cannot look after themselves. They are looked after by the nurses out there and they are faced with the prospect of not knowing where they are going to live. I hope that the Chief Minister and this present Government will rectify that situation and ease the real concerns of those people out there.

Mr Speaker, as I said, I am not totally convinced that the sale of Jindalee is the best option; but, as I said, I am not prepared to say point-blank, "No, it is not". I am prepared to stand back and listen, and to look at the options, and then make my decision. I suppose the very public support of COTA, the Council on the Ageing, does sway one in favour of the Government's decision. They would have a greater knowledge of the needs of the ageing than I have.

I support Ms Tucker's comments in relation to non-profit organisations. I would like to think that they were the sole market that we chased. Obviously, I am pleased that the Chief Minister has said that they will be the preferred purchaser. In summing up, Mr Speaker, as I said, I will not vote for this motion. However, my support is not unconditional. The ball is well and truly in the hands of the Government to convince me that the patients, and also the nurses - they have some real concerns - will all be looked after.

MR CONNOLLY (12.32), in reply: Mr Speaker, I do not want to take up members' time unnecessarily, but I think one point has to be made here. Many years ago when Harry Truman was President of the United States he had something to say about executive responsibility. He had a little sign on his desk which said, "The buck stops here". That sign should be recast for Mrs Carnell and her Government after this debate today and it should say, "The buck stops there", because, in all we have heard from the Government, we have not heard an attempt to justify fundamental decisions like abandoning the role of government in nursing home care and fundamental decisions like abandoning the role of government in the provision of general practitioner services on a salary basis in the health centres. All we have had today, from speaker after speaker from the Government, is them pointing the finger and saying, "It is your fault; it is your fault; it is your fault".

Mrs Carnell, you are the Government. We have heard for six months now this constant attempt to blame everybody else but you. The whole world is responsible for every problem in the ACT, but not Mrs Carnell. Mrs Carnell, you made the decision, irrevocably, to get out of nursing home care as a responsibility of the ACT Government. We were engaged in a major process of reform last year. We were engaged in a process which included looking at the options for an increased role for the non-government sector, specifically in relation to young disabled at Lower Jindalee; but we were continuing a commitment to a role for government in the nursing home sector. That is the fundamental issue here, and that fundamental issue has not been addressed.

I certainly warn Independent and Green members of this Assembly to watch for this tendency in future. Mrs Carnell constantly tries to put the blame on somebody else and refuses the fundamental test of being in executive government, and that is accepting the blame. You made the decision irrevocably to get out of a government role in nursing home care. That is a fundamental issue, for all the reasons Mr Berry and I have given, and it alters for all time the way this service is being provided.

You made the decision to get out of providing general practitioner services. It is true that, very publicly, we used two unfilled GP positions in the health centres to fund the very important initiative of a chair of general practice, which will very significantly improve standards of general practice care across the whole of the ACT; but we continued a commitment to the provision of salaried general practitioner services, just as we continued a commitment to government nursing home services. We had some nonsense from Mr De Domenico saying that Labor was attacking the role of the various churches in providing nursing home care.

Mr Hird: That is not nonsense.

MR CONNOLLY: Stuff and nonsense. As I said at the outset, we have maintained a commitment to a balance in this sector between government and non-government provision. You are the people who have made this fundamental decision to upset that balance, to destroy that balance, and to get rid of any countervailing role for the Government in these two crucial sectors. Instead of accepting your responsibility for making that decision - - -

Mrs Carnell: The Commonwealth Government runs both of them.

MR CONNOLLY: Now it is the Commonwealth Government's fault. It is always somebody else's fault, Mrs Carnell. That broken record of blame-shifting is something that people in this Assembly and this community are going to get heartily sick of.

MR SPEAKER: Order! I think there was a suggestion at one stage that we divide the question.

Mr Moore: Under standing order 133.

Mrs Carnell: Yes, I am happy to.

Motion (by **Ms Tucker**) agreed to:

That the question be divided.

22 August 1995

Question put:

That this Assembly rejects the Government's announced decision to privatise all nursing home beds in the ACT.

The Assembly voted -

AYES, 6

Mr Berry
Mr Connolly
Ms Follett
Ms McRae
Mr Whitecross
Mr Wood

NOES, 11

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Ms Horodny
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak
Ms Tucker

Question so resolved in the negative.

Question put:

That this Assembly rejects the Government's announced decision to remove salaried general practitioner services from Community Health Centres.

The Assembly voted -

AYES, 8

Mr Berry
Mr Connolly
Ms Follett
Ms Horodny
Ms McRae
Ms Tucker
Mr Whitecross
Mr Wood

NOES, 9

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak

Question so resolved in the negative.

Sitting suspended from 12.40 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Student Assessment

MS FOLLETT: I have a question for Mr Stefaniak in his capacity as Minister for Education. I ask Mr Stefaniak: Have you interfered in the assessment of one of our government schools Year 12 students - just one student - and, if that is the case, do you believe that that is the standard of behaviour that is expected of a Minister?

MR STEFANIAK: I am not quite sure what Ms Follett is referring to, although I think she refers to a problem that has been ongoing at one of our senior colleges where, acting on the advice of my department, I did cause a number of things to happen. The matter is ongoing; it certainly has not been resolved yet. I would like to commend all the teachers for their sensitive efforts in what has been a very difficult time for them over the past few months. I have had discussions with all parties concerned, I think, including the Australian Education Union. As the matter is not resolved I do not believe that I should comment further, except to say that I hope that, due to the good offices of all involved, it will sort itself out satisfactorily. It is a very sensitive thing. I have considerable sympathy for the student involved and I have great sympathy for the staff involved as a result of pressures brought to bear upon them through no fault of their own. It is a very delicate situation. I am not going to indicate what school it is. I do not think that would be proper as the matter is not resolved.

Student Assessment

MS McRAE: My question is to the Minister for Education, Mr Stefaniak. I would like to know why the ordinary process of assessment was not followed in the case of this particular student, why you became involved, and what the additional cost of this additional process of assessment has been, particularly the time of the solicitor who was asked to be involved.

MR STEFANIAK: I do not know whom you are acting on behalf of, Ms McRae, because there are a number of parties involved here. In terms of my involvement and the department's involvement, I have acted under very good advice, I believe, from my chief executive officer, who has also acted, I believe, under advice from the Government Solicitor's Office in matters. I think the department has acted sensitively and quite appropriately and with due regard to all persons in this matter. As I said, it is ongoing - - -

Mr Berry: One student?

MR STEFANIAK: Yes, one student. The Education Department, Mr Berry, is very concerned about all its students, including individual students. It is concerned about its staff. It handles matters as sensitively as it can, having due regard to the rights and responsibilities of all concerned. I value the advice I have been given by my department here. I think it has been appropriate. I also understand that my departmental officers have taken all appropriate steps, including consulting other areas of government, including the office of my colleague the Attorney-General, in relation to several matters with regard to this. As I said to Ms Follett, Ms McRae, the matter is not yet resolved.

22 August 1995

MS McRAE: Mr Speaker, I ask a supplementary question. Mr Stefaniak, will this procedure be followed at your instigation for every student whenever they are dissatisfied with their scores?

MR STEFANIAK: There is a procedure in relation to people who are dissatisfied with their scores, Ms McRae.

Mr Wood: And you did not follow it.

MR STEFANIAK: I followed the advice of the department. There is also the Board of Senior Secondary Studies, with whom I am in contact. The board has also made a number of recommendations, and we have had discussions in relation to how future situations can be handled, if there is any need for review of procedures. That is ongoing. As I said, it is a very complex issue which has been handled, I believe, as sensitively as possible by my department.

Student Assessment

MR CONNOLLY: Mr Speaker, my question is also to the Minister for Education. You seem to have said in this place now that you have undertaken an extraordinary process, different from the normal process of appeals in relation to assessment, on an individual student's dissatisfaction with the assessment procedure. You consistently say that you acted on advice. Will you table that advice, although I would qualify that request for the advice by saying that we would not expect you to table identifiers for the student and the school? We would demand that you table the advice that you claim justifies your setting up special and extraordinary procedures apart from the normal assessment appeal process.

MR STEFANIAK: I do not know what the member is talking about in terms of "special and extraordinary procedures", Mr Speaker. We have a difficult situation here which my department was working through. I am quite happy, Mr Connolly, rather than tabling documents here, to let the chief executive officer provide a personal briefing to you and any other members of the Opposition who might be interested in it, on the basis of strict confidentiality, because of the persons involved, and to walk you through the whole process. I think maybe you have got your wires crossed a little.

Graffiti

MR HIRD: Mr Speaker, I address a question to the Deputy Chief Minister, Mr Tony De Domenico. Could the Minister briefly outline what the Government is doing to deal with Canberra's graffiti problems and litter problems? How does this approach compare with the previous Government's action, or lack thereof?

Mr Berry: You were prodded into action again.

MR HIRD: You would know, Mr Berry.

MR DE DOMENICO: I thank Mr Hird for his question. Unlike the previous Government, this Government is taking positive steps to curb the growing problem of graffiti in the ACT. I wish Ms Follett would go off more often than she does; she leaves Mr Berry in charge. Despite what Mr Berry thinks, the problem of graffiti existed well before the Carnell Liberal Government came to power, believe it or not. What Mr Berry has failed to do is tell the community that half a million dollars was spent just prior to the election - - -

Mr Hird: How much?

MR DE DOMENICO: Half a million dollars was spent just prior to the election, in a frenzied bid to clean up Canberra.

Mr Berry: And then you did nothing for months.

MR DE DOMENICO: I will get onto that in a minute. I thank you for the interjection. Departmental records show that more than half a million dollars was spent by Labor just before the ACT election on short-term schemes to remove litter and graffiti in Canberra. Of this, \$230,000 was spent on a graffiti clean-up during the ACT election campaign. This scheme ran from December to March, with no money set aside for continued employment of the people involved. The Labor Party simply used the long-term unemployed as part of its political re-election strategy, and then planned to throw them onto the scrap heap.

In contrast, this Government is taking a concerted approach to combat the problem of graffiti. On 15 August, the Government launched its graffiti strategy. The strategy has a number of measures to ensure the quick and efficient removal of graffiti, including a dedicated team of seven people from City Operations, called the Can It Squad, which has been established to remove graffiti from public property and apply protective coatings to deter further graffiti. We also announced a spring clean-up day, to be held before the end of November. This will be modelled on the Clean Up Canberra Day, and will be organised and supervised in consultation with the private sector. In addition, a contract has been issued to City Group for the removal of graffiti from road and street signs. As you can see, this is a dedicated centralised approach, unlike the ad hoc system we saw under the previous Government.

We have also developed an Off the Wall Register to register high-risk graffiti signs and tags. Members of the community have been encouraged to report graffiti sightings to the Department of Urban Services. The number to call is 2076954. In just the first week that this number has been publicised there have been over 30 calls. In addition, we have been providing avenues for street art and community art murals. Two sites have already been identified in Civic for community murals. One has been organised in conjunction with Civil and Civic and another with the police. We have also announced that we will be looking at introducing, together with the retail industry and in consultation with the community, a voluntary code of practice for the sale of spray paint cans. This will be done in full consultation with the retail industry, as I have said, and will be monitored for 12 months. The legislation and associated penalties for graffiti vandalism will also be

22 August 1995

reviewed with my colleague the Attorney-General. Finally, an education program for schools is being prepared. This is aimed at developing pride and responsibility in our children. We believe that it is important to promote the cost of graffiti vandalism in terms of lost amenities due to removal cost.

The Government has not been sitting on its hands. It is ironic that, when Mr Moore, the chairman of the committee, was away, Mr Berry, in a frenzied attempt to suggest that graffiti was invented only after 18 February, suddenly called a committee inquiry. Mr Berry, you do not need a committee. What you have to do is clean the graffiti off. You did not clean it off in four years. We have been in government for five months, and you just watch.

Mr Berry: Mr Speaker, can I ask a supplementary question?

MR SPEAKER: No; you have not asked a question yet, so you cannot ask a supplementary question.

Student Assessment

MR WOOD: I direct my question to Mr Stefaniak, the Minister for Education, on the subject of student assessments. I should preface what I say by commenting that when I was Minister for Education I absolutely refused to get involved on the very rare occasions when an issue came to me from a parent. Mr Speaker, I ask Mr Stefaniak to spell out quite clearly, first of all, the normal process that is observed in these cases and, secondly, what he, Mr Stefaniak, required over and above that normal process.

MR STEFANIAK: Mr Wood, as I said to Mr Connolly, I think, in relation to this particular matter, which is not yet finished, I will arrange for a full briefing for you from the chief executive officer.

Mr Wood: No; I want an answer now, thank you.

MR STEFANIAK: I am not going to give you one now, Mr Wood, because the matter is not finished. I think it is proper, because you are probably all going off half-cocked, that you get a full briefing and a confidential briefing, because the matter is not finished. Even today I was told some additional information which unfortunately will just continue this matter. It is important that you get a full briefing because the matter is not finished.

MR WOOD: Mr Speaker, all I get here is a stall. I want to ask a supplementary question. I hope I do not get a further stall. There is nothing confidential if Mr Stefaniak is to say what the process is supposed to be, and I do not need a briefing on that because I know it. Secondly, there is nothing to prevent Mr Stefaniak from saying what he required above that process. I do not want to know the outcome at this stage, thank you. I want to know the additional input that he required into that process, and I do not want a stall about it.

MR STEFANIAK: Mr Wood, I think it is appropriate that you do get a full briefing on this, which I will arrange for you. As I said, the matter has not been finished.

School Sport

MR BERRY: I have a question that I direct to Mr Stefaniak in relation to the Government's hailed commitment to community consultation. You can see the line-up of people out there waiting to congratulate the people on the observance of that commitment.

MR SPEAKER: Ask the question, Mr Berry.

MR BERRY: Mr Speaker, you have said many times in the Assembly that Ministers can answer the questions as they like. How about letting the questioners ask the questions as they like. There is a long line-up of people who want to congratulate this Government on its promise of consultation, and this is another fine example of how they have stuck to it so firmly. Can the Minister advise the Assembly on the reason why consultation was conducted in Victoria? Why was a delegation sent to Victoria to investigate sport policy? Would it not be more appropriate to consult people here? Would you mind telling us how much all of this cost?

MR STEFANIAK: Mr Berry, I would not have a clue how much it cost to send them to Victoria, but I can find that out for you. A unit from the Department of Education went to Victoria recently because the Victorians - who have been rated by ACTSport and other sporting bodies at 8 out of 10 for school sport; in other words, doing very well - have introduced the Moneghetti report, which was a fairly sensible document commissioned by that Government in 1992. The report came down in 1993 and recommended, amongst other things, for high school kids 100 minutes of PE and 100 minutes of school sport.

There has been considerable consultation in relation to this issue, and there will be more, Mr Berry. To date, there has been the 1992 Senate report on PE and sport in schools in Australia, including the ACT; a 1992 survey of the leisure activities of ACT youth - - -

Mr Berry: On a point of order, Mr Speaker: The question I posed to Mr Stefaniak was to try to get the reason why the delegation was sent to Victoria. We were told that he did not have a clue on the cost. I just wondered whether he had a clue on why they went down there.

MR SPEAKER: Proceed, Mr Stefaniak. There is no point of order.

MR STEFANIAK: Thank you very much, Mr Speaker. There was also a 1991 Australian Sports Commission survey and the 1992 Aussie Sports report. More importantly, and Mr Berry should realise it because he was probably the Sport Minister at the time, there was a 1993-94 ACT Government PE and school sport consultative committee report, and there are a number of other reports as well. There are a number of recommendations in your report, Mr Berry, including compulsory PE up to Year 10. That was probably Mr Wood's report, although it worked between both education and sport.

22 August 1995

In terms of coming up with what is the best possible school PE and sport scheme to introduce in the ACT, a team went to Victoria to see how they were going, because the Victorian education system at present has a very good reputation in relation to the curricula areas of sport and PE. It was important to see how that scheme worked and whether that would be of assistance to the ACT. They have come back; they have looked at that; there is further planning involved, Mr Berry. There will be further consultation with all the relevant key stakeholders.

MR BERRY: I would like to ask a supplementary question. As the Minister has been declared, is it now possible that the Minister might change his directive that every school student be involved in competitive sport one afternoon per week?

MR STEFANIAK: It has never been the intention that all students will be involved in competitive sport, Mr Berry, because some students do not necessarily want that. However, it is very important that all students to Year 10 engage in physical education and some sporting activity or some recreational activity. A lot of kids will not want to be involved in - - -

Mr Berry: I would stick with move-on powers if I were you, Bill. It is about all you know anything about.

MR STEFANIAK: It is probably one thing more than you know about, Wayne; that is for sure.

MR SPEAKER: Order! If this continues there will be some move-on powers applied in this place.

MR STEFANIAK: Mr Berry, it has never been the Government's intention to have everyone playing competitive sport. That is a furphy. But we want to see our kids active and we want to ensure that students have the opportunity and are able to engage in useful physical education and sporting activity. It does not have to be competitive.

Hospital Waiting Lists

MR MOORE: Mr Speaker, my question without notice is to Mrs Carnell, Chief Minister and Minister for Health. Mrs Carnell, one of the cornerstones of your election platform and your attacks on the then Government was waiting lists in ACT hospitals. I note in Table 6 of your May 1995 information bulletin on patient activity data that in almost every area there have been increases in numbers since December 1994, with the exception of vascular surgery and ophthalmology. However, in the vast majority of cases there has been a significant increase in waiting lists. At what point are you going to accept that saying, "It is not good enough", is not good enough for the rest of us? We want to know what you are doing about it and how you intend lowering those waiting list numbers.

MRS CARNELL: Thank you very much for the question, Mr Moore. The total waiting lists for each month since March have been: In March, 4,557; in April, 4,606; then down to 4,547 and down again to 4,485. Although that does show a reduction over the last three months, we are certainly not sitting on our hands on this. We have some very real problems in these waiting lists, particularly in the area of orthopaedic surgery, where there is no doubt that waiting lists are continuing to increase. I think orthopaedic, urology and general surgery are the three areas that we have a problem with.

Unlike the previous Government, under whom waiting lists went up from 1,789 to 4,500 in three years, we are planning - - -

Mr De Domenico: Who was the Minister?

MRS CARNELL: Both Mr Berry and Mr Connolly managed to do absolutely nothing about waiting lists, except take them from 1,780 up to 4,500. Over the last three months they have decreased somewhat.

Mr Berry: By how much?

MRS CARNELL: From 4,606 to 4,547 to 4,485. As I said, we are not sitting on our hands. What we are doing to address this problem, and you will see some of this approach in the budget, is that the agreements that we will do with the hospitals in this year will ask the hospitals to do extra admissions in the particular areas that have the longest waiting lists.

The previous Government just had agreements to do a certain number of admissions, and it did not really matter where. A lot of them ended up being in day surgery, so we saw the blow-out in elective surgery occur. It was a dramatic blow-out over the three-year term. We are looking at having extra admissions in the areas where they are needed. Those areas are particularly orthopaedic surgery, urology and general surgery because it is in those areas that we see people waiting for unacceptably long periods - 12 months plus. So yes, there will be extra admissions; but they will be targeted this time to the areas of most need, unlike under the previous Government.

MR MOORE: I ask a supplementary question, Mr Speaker. I was referring to Table 6, which is the waiting list for elective surgery. The numbers there show that in December 1994 the figure was 3,424 - - -

Mrs Carnell: That is just Woden?

MR MOORE: Just in Woden - and in May 1995, 3,428. I will say that in January and February it was a little bit higher than that; so it went up and then came back down to the same level. Chief Minister, is it good enough, as far as you are concerned, that someone who is waiting for a cartilage operation on their knee - a young person whose mobility is severely restricted - should have to wait 18 months? In the initial instance, the same person was told that there was a three-month waiting time, that was extended to six months, and now it is 18 months. All of that has happened since you have been Minister for Health.

MRS CARNELL: No, I do not think it is acceptable, which is the reason that, in the new agreements with the hospital, we are targeting the areas of most need, one of which is orthopaedic, as you rightly said. Elective orthopaedic surgery, remember, is done at Calvary; so I think it is important to look at the overall waiting list figures. We simply have to have, No. 1, extra admissions, unlike the previous Government. Mr Connolly got \$14m more in his health budget last year, and how many more admissions did he budget for? Not one. So \$14m equalled not one extra admission. It showed what happened; the waiting list continued to get bigger. What we have to do is target the areas of most need, which certainly include orthopaedics.

Commercial and Retail Leases - Code of Practice

MS TUCKER: My question without notice is to the Minister for Consumer Affairs, Mr Humphries. The Liberal Party, along with all other parties and Independents, promised a review of the code of practice for commercial and retail leases within six months of the new Assembly being elected. Can the Minister give the Assembly an indication of when this review will commence?

MR HUMPHRIES: Indeed, I did promise that there would be a review after six months. I am not sure whether the previous Government had envisaged the same timetable; but I certainly indicated, during debate on the introduction of the code in the latter half of last year, that that would be the case. I have asked my department to prepare a brief for me on how we would go about constructing that review of the code. I might say that the process is still an early one. There have, for example, been very few cases before the Tenancy Tribunal, which was set up at the same time, and it may be hard to tell at this stage just what the extent of the success of that process might be. It may be that six months is a little earlier than we need to be looking at for getting an effective view about how the code is performing. However, I have indicated that that will be the case, and we will do that. I am very happy to consult with members of other parties in the Assembly about how we would best be able to assess the effectiveness of that code so far.

MS TUCKER: I ask a supplementary question, Mr Speaker. Can the Minister offer the Assembly an assurance that the principal tenant and landlord groups will be involved in the review and that there will be public submissions?

MR HUMPHRIES: Mr Speaker, I have asked my department to tell me what they suggest would be the best way of conducting that review. I see no explanation as to how we could do that without the involvement of those organisations and without public submissions. Subject to what processes we will have to go through in assessing that advice, I am very happy to indicate that that is my preference at this stage.

Operating Theatre Nurses

MR KAINÉ: I have a question for the Chief Minister and Minister for Health and Community Care. Chief Minister, I am told that there is some continuing concern about an apparent shortage of operating theatre nurses in our hospital system. Is there any justification for that concern and, if so, what is the Government doing to eliminate the problem?

MRS CARNELL: Throughout Australia, and particularly at Woden Valley Hospital, there is an ongoing shortage of experienced operating room nurses, as Mr Connolly and Mr Berry would know, and those with an interest in working in operating theatres. During July and August this year, a shortage of staff and abnormally high levels of winter sick leave have meant that, where there are normally eight operating sessions morning and afternoon at Woden, there have been only enough personnel for five to seven sessions. This, of course, has the potential to disrupt elective surgery bookings, with a resulting impact upon waiting lists and waiting times. It should be noted that backfilling to accommodate absenteeism in the winter months is also difficult, as there is a limited pool of nurses with operating room skills. Sick leave in this area during winter has, unfortunately, been as high as 15 per cent, or five to six nurses a day. The department has put in place a contingency plan to manage this situation. It involves the use of casual staff, backup by Level 3 and Level 4 registered nurses, and regular meetings between operating theatre staff and surgical bookings staff to minimise disruption. In addition, there are ongoing efforts to attract interested and experienced registered nurses for operating theatres through local and national advertising.

Woden Valley Hospital is currently proposing to develop a short program to support nurses with an interest in working in operating rooms. Rather than sitting back and doing nothing about it, as the previous Government did, we have put in place a proposal to attempt to overcome this problem. Management is also canvassing interest from staff working in other areas of the hospital and in the department. An on-the-job skills update program in operating room techniques will be provided to all staff who are interested and who have either no experience or limited background in this area.

I should say, Mr Speaker, that there are no easy answers to this problem, which has caused me and, I am sure, previous Ministers significant concern. I regard this shortage of nurses as a priority and will be seeking discussions with the relevant parties, as we already have, particularly senior hospital managers and the ANF, to look at options other than the ones I have spoken about - on-the-job skills update programs, training programs generally, advertising and so on. The root of the problem is twofold. First, shifts in operating theatres are regarded as being highly stressful and demanding on nursing staff; and, secondly, there appears to be a limited emphasis upon this aspect of health care in nursing studies at a tertiary level. We need to address both of these issues, and we are. It may require some innovative solutions, and I would be interested to hear from anybody in this Assembly who has ideas to overcome this problem.

Mr Connolly: It sounds like the August waiting list is blowing out.

MRS CARNELL: No, it has actually gone down, Mr Connolly. But, rather than wait for it to more than double, we have decided to take action early.

Acton Peninsula

MS HORODNY: My question without notice is to the Treasurer, Mrs Carnell. Given the fiscal restraint the Government says is required for this year's budget, does the Minister believe that it is financially responsible to spend more than \$8m on funding the demolition of the old Canberra Hospital buildings on Acton Peninsula, at a time when the Commonwealth has not committed any funds to new facilities, including the museum of Aboriginal culture, on the peninsula this financial year?

MRS CARNELL: As Ms Horodny would be aware, the Commonwealth Government supplemented the ACT's budget this year by \$15m to compensate us for that purpose exactly. So they gave us \$15m extra. Out of that, the agreement was that there would be a swap of Acton and Kingston. So we got the extra land on Acton, and it was our responsibility, out of the \$15m, to fund the clearing of the Acton site. We got \$15m; and it is costing us \$8m. Interestingly, the previous Government, under Ms Follett, had promised the Federal Government \$13m to fund infrastructure for the National Museum. So that was part of the initial agreement, which I think I made clear in the house.

MS HORODNY: I have a supplementary question. Does the Government intend to include the cost of cleaning up, planning and developing projects for the Kingston foreshore in this year's budget as well?

MRS CARNELL: That is a matter for the budget, and obviously those sorts of issues will be looked at in the budget context. As I have said time and time again, we will not be progressing with letting government contracts, whether it be for demolition of buildings on Acton or for Kingston foreshore, until the committee has reported. As you would also be aware, Ms Horodny, the basis of the Kingston approach was to have a national competition to look for the most appropriate plans for the whole of the site so that we could have a vision for what we want it to look like before we start.

Streetlink

MR WHITECROSS: My question without notice is to the Minister for Children's and Youth Services. I refer to the Minister's review of Streetlink, which is an ACT government program specifically designed to assist Canberra's homeless youth. Can the Minister confirm that he intends to reduce Streetlink to a service focused on addressing problems of truancy in young people attending government schools?

MR STEFANIAK: Mr Whitecross is quite right; there is a review of the operations of Streetlink. That review is continuing, so it would be very premature to say anything further in relation to it. The review has been going on for some six weeks, but there are further processes continuing. All avenues are being looked at in terms of providing the best possible service. However, there are a few more weeks to go yet.

MR WHITECROSS: I ask a supplementary question, Mr Speaker. Minister, will you guarantee that the Government will continue to provide services to ensure that government services for young homeless people are properly coordinated and that young homeless people are assisted to access government services, as Streetlink currently does, in line with the recommendations of the Burdekin report on homelessness?

MR STEFANIAK: The Government is very keen to see young people access services, both government and others, that will assist them. There are a number of government agencies, not only in the children's and youth services area but also in housing and various other agencies, which assist young people. The review of Streetlink is only one way we are looking at of ensuring that the service gets out to the kids who need it most on the street, and of improving that service. That involves a combination of the Government providing services as well as the non-government agencies in the area, who provide services over a wide range of things.

Mrs Carnell: I ask that all further questions be put on the notice paper.

LEAVE OF ABSENCE Statement by Speaker

MR SPEAKER: On Thursday, 22 June 1995, Ms McRae raised a point of order seeking clarification on the need for members to seek leave of absence from the Assembly if they were attending a conference related to Assembly business. I undertook to examine the matter and advise members on the outcome. Paragraph 14(1)(b) of the Australian Capital Territory (Self-Government) Act 1988 states:

14. (1) A member vacates office if the member:

...

(b) is absent without permission of the Assembly from:

- (i) such number of consecutive meetings as is specified by enactment for the purposes of this subparagraph; or,
- (ii) if no such enactment is in force - 4 consecutive meetings of the Assembly.

As can be seen, the self-government Act makes no provision for absences for any stated reason, provision merely being made for the necessity for permission of the Assembly to be given to avoid disqualification where a member is absent for four consecutive meetings. Having considered the matter, and noting the practice of the House of Representatives, I will be proposing to the Manager of Government Business that, prior to the commencement of the summer and winter recesses, he move a motion to grant leave of absence to all members for the respective periods.

22 August 1995

**STUDY TRIP
Paper**

MR SPEAKER: For the information of members, I present a report of a study trip undertaken by Mr Connolly to Adelaide on 6 and 7 July 1995.

**QUARTERLY FINANCIAL STATEMENT,
VARIATIONS TO APPROPRIATION ACT AND TREASURER'S ADVANCE
Papers**

MRS CARNELL (Chief Minister and Treasurer): Mr Speaker, for the information of members, I present the following budget-related papers, which were circulated to members when the Assembly was not sitting, in accordance with the recommendations of the Standing Committee on Public Accounts Report No. 3 of 1993, as accepted by the Government and noted by the Assembly on 14 April 1994:

An instrument made under section 7 of the Appropriation Act 1994-95 relating to expenditure adjustments, dated 26 June 1995, and, pursuant to section 49B, an instrument made under section 49 of the Audit Act 1989 relating to increases in funds, together with a statement of reasons.

Pursuant to section 49B, an instrument made under subsection 49(1) of the Audit Act 1989 relating to the transfer of funds.

A statement of expenditure from the Treasurer's Advance at 30 June 1995, pursuant to subsection (47)(2), and a statement on variations to budget appropriations for the year ended 30 June 1995.

The Treasurer's quarterly financial statement for the period 1 April to 30 June 1995.

I move:

That the Assembly takes note of the papers.

Question resolved in the affirmative.

**AMBULANCE SERVICE
Paper**

MR HUMPHRIES (Attorney-General and Minister for Emergency Services): Mr Speaker, I table an answer to a question asked of me by Mr Moore and taken on notice on 22 June concerning the coverage of individuals without private health insurance for ambulance services in the ACT.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS
Papers

MR HUMPHRIES (Attorney-General): Pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for the adoption and modifications of the Building Code, approval of a protocol, the Care and Protection of Intoxicated Persons standard, codes of practice, determinations, eligibility criteria for leases, exemptions, instruments of appointment, management standards, regulations and Supreme Court Rules. I also present commencement notices for the two Acts listed.

The schedule read as follows:

Administrative Appeals Tribunal Act - Determination of fees and charges applicable in the Administrative Appeals Tribunal - No. 57 of 1995 (S145, dated 27 June 1995).

Adoption Act -

Adoption Regulations - Determination of fees - No. 58 of 1995 (S145, dated 27 June 1995).

Determination of fees - No. 56 of 1995 (S141, dated 27 June 1995).

Animal Welfare Act -

Approvals - Code of practice for the -

Welfare of Greyhounds in the ACT - No. 95 of 1995 (S173, dated 5 July 1995).

Welfare of Farmed Deer - No. 96 of 1995 (S173, dated 5 July 1995).

Handling of Companion Animals in Pounds and Shelters in the ACT - No. 97 of 1995 (S173, dated 5 July 1995).

Welfare of the Goat - No. 98 of 1995 (S173, dated 5 July 1995).

Determination of fees - No. 47 of 1995 (S139, dated 27 June 1995).

Associations Incorporation Act - Determination of fees - No. 59 of 1995 (S145, dated 27 June 1995).

Betting (Totalizator Administration) Act -

Determination No. 107 of 1995 (S186, dated 28 July 1995).

Instrument of determination - No. 103 of 1995 (S182, dated 21 July 1995).

Bookmakers Act - Instruments of appointment -

Chairperson - No. 111 of 1995 (S193, dated 4 August 1995).

Members - No. 112 of 1995 (S193, dated 4 August 1995).

Building Act -

ACT Appendix to the Building Code of Australia - No. 119 of 1995 (S204, dated 21 August 1995).

Adoption and Modification of the Building Code of Australia - No. 118 of 1995 (S204, dated 21 August 1995).

Adoption of the Building Code of Australia and Preparation and Publication of an ACT Appendix to the Building Code of Australia - No. 117 of 1995 (S204, dated 21 August 1995).

Determination of fees - No. 48 of 1995 (S139, dated 27 June 1995).

Buildings (Design and Siting) Act - Determination of fees - No. 91 of 1995 (S167, dated 30 June 1995).

Business Names Act - Determination of fees - No. 60 of 1995 (S145, dated 27 June 1995).

Cemeteries Act - Determination of fees - No. 81 of 1995 (S163, dated 30 June 1995).

Clinical Waste Act - Determination of fees - No. 82 of 1995 (S163, dated 30 June 1995).

Co-operative Societies Act - Determination of fees - No. 77 of 1995 (S157, dated 30 June 1995).

Coroners Act - Determination of fees and charges applicable in the Coroner's Court - No. 61 of 1995 (S145, dated 27 June 1995).

Credit Act - Determination of fees - No. 62 of 1995 (S145, dated 27 June 1995).

Dangerous Goods Act - Determination of fees - No. 83 of 1995 (S163, dated 30 June 1995).

Dog Control Act - Revocation and determination of fees - No. 84 of 1995 (S163, dated 30 June 1995).

Drugs of Dependence Act - Drugs of Dependence Regulations (Amendment) - No. 29 of 1995 (S190, dated 2 August 1995).

Electricity and Water (Corporatisation) (Consequential Provisions) Act - Electricity and Water (Modification) Regulations - No. 24 of 1995 (S162, dated 30 June 1995).

Gaming Machine Act - Determination of fees - No. 79 of 1995 (S159, dated 29 June 1995).

Gas Act - Determination of fees - No. 85 of 1995 (S163, dated 30 June 1995).

Hawkers Act - Determination of fees - No. 86 of 1995 (S163, dated 30 June 1995).

Health Act - Determination of fees and charges - No. 90 of 1995 (S166, dated 30 June 1995).

Housing Assistance Act -

HomeBuyer Housing Assistance Program - Determination of fees - No. 44 of 1995 (S137, dated 26 June 1995).

Variation to Public Rental Housing Assistance Program - Determination No. 101 of 1995 (S179, dated 14 July 1995).

Instruments Act - Determination of fees - No. 63 of 1995 (S146, dated 27 June 1995).

Intoxicated Persons (Care and Protection) Act - Care and Protection of Intoxicated Persons Standard - No. 108 of 1995 (S187, dated 31 July 1995).

Land (Planning and Environment) Act -

Determination of Criteria Eligibility for Certain Classes of Leases - No. 106 of 1995 (S186, dated 28 July 1995).

Land (Planning and Environment) Regulations (Amendment) - No. 20 of 1995 (S128, dated 16 June 1995).

Revocation and determination of fees - No. 49 of 1995 (S139, dated 27 June 1995).

Liquor Act - Determination of fees - No. 64 of 1995 (S146, dated 27 June 1995).

Lotteries Act - Determination of fees - No. 78 of 1995 (S159, dated 29 June 1995).

Magistrates Court Act - Determination of fees and charges applicable in the Magistrates Court and the Small Claims Court - No. 65 of 1995 (S146, dated 27 June 1995).

Magistrates Court (Civil Jurisdiction) Act - Magistrates Court (Civil Jurisdiction) Regulations (Amendment) - No. 28 of 1995 (S189, dated 31 July 1995).

Medical Practitioners Act - Determination of fees - No. 121 of 1995 (S208, dated 18 August 1995).

Motor Omnibus Services Act -

Motor Omnibus Services Regulations (Amendment) - No. 31 of 1995 (S197, dated 8 August 1995).

Determination of charges - No. 76 of 1995 (S155, dated 29 June 1995).

Motor Traffic Act -

Motor Omnibus Regulations (Amendment) - No. 30 of 1995 (S197, dated 8 August 1995).

Motor Traffic Regulations (Amendment) - No. 26 of 1995 (S176, dated 13 July 1995).

Motor Vehicle (Third Party Insurance) Regulations (Amendment) - No. 21 of 1995 (S129, dated 20 June 1995).

Determinations -

Vehicle Licences and Permits - No. 40 of 1995 (S133, dated 22 June 1995).

Administrative Charge for Parking and Traffic Infringements - No. 41 of 1995 (S133, dated 22 June 1995).

Registration of Motor Vehicles - No. 42 of 1995 (S133, dated 22 June 1995).

Drivers' Licences - No. 43 of 1995 (S133, dated 22 June 1995).

Parking Labels - No. 45 of 1995 (S138, dated 26 June 1995).

Number Plates - No. 46 of 1995 (S138, dated 26 June 1995).

Parking Charges - No. 80 of 1995 (S161, dated 30 June 1995).

Motor Vehicles (Dimensions and Mass) Act - Determination of fees - No. 87 of 1995 (S163, dated 30 June 1995).

Nature Conservation Act - Determination of fees - No. 50 of 1995 (S139, dated 27 June 1995).

Payroll Tax (Amendment) Act - Notice of commencement (1 July 1995) of sections 4 and 5 (S158, dated 30 June 1995).

Plumbers, Drainers and Gasfitters Board Act - Determination of fees - No. 88 of 1995 (S164, dated 30 June 1995).

Podiatrists Act - Determination of fees - No. 73 of 1995 (S150, dated 28 June 1995).

Poisons and Drugs Act - Poisons and Drugs Regulations (Amendment) - No. 22 of 1995 (S132, dated 22 June 1995).

Pounds Act - Revocation and determination of fees - No. 51 of 1995 (S139, dated 27 June 1995).

Psychologists Act - Determination of fees - No. 93 of 1995 (S170, dated 30 June 1995).

Public Interest Disclosure Act - Notice of commencement (21 June 1995) of remaining provisions (S126, dated 21 June 1995).

Public Place Names Act - Determinations -

- No. 104 of 1995 (S182, dated 21 July 1995).
- No. 105 of 1995 (S182, dated 21 July 1995).
- No. 109 of 1995 (S188, dated 31 July 1995).
- No. 110 of 1995 (S188, dated 31 July 1995).
- No. 114 of 1995 (S203, dated 16 August 1995).
- No. 115 of 1995 (S203, dated 16 August 1995).
- No. 116 of 1995 (S203, dated 16 August 1995).
- No. 120 of 1995 (S207, dated 18 August 1995).

Public Sector Management Act - Management Standards -

- No. 5 of 1995 (S180, dated 17 July 1995).
- No. 6 of 1995 (S180, dated 17 July 1995).
- No. 10 of 1995 (S205, dated 17 August 1995).

Rates and Land Tax Act - Rates and Land Tax Regulations (Repeal) -
No. 25 of 1995 (S171, dated 3 July 1995).

Real Property Act - Determination of fees - No. 66 of 1995 (S146, dated
27 June 1995).

Registration of Births, Deaths and Marriages Act - Determination of fees
- No. 67 of 1995 (S146, dated 27 June 1995).

Registration of Deeds Act - Determination of fees - No. 68 of 1995
(S146, dated 27 June 1995).

Roads and Public Places Act - Determination of fees - No. 89 of 1995
(S164, dated 30 June 1995).

Sale of Motor Vehicles Act - Determination of fees and charges - No. 69
of 1995 (S147, dated 27 June 1995).

Skin Penetration Procedures Act - Approval of a Code of Practice for
Skin Penetration Procedures - Determination No. 94 of 1995 (S172,
dated 3 July 1995).

Stamp Duties and Taxes Act - Stamp Duties and Taxes Regulations
(Amendment) - No. 23 of 1995 (S154, dated 30 June 1995).

Stock Act - Revocation and determination of fees - No. 52 of 1995 (S139, dated 27 June 1995).

Supreme Court Act -

Determination of fees and charges applicable in the Supreme Court - No. 70 of 1995 (S147, dated 27 June 1995).

Supreme Court Rules (Amendment) - No. 27 of 1995 (S195, dated 3 August 1995).

Surveyors Act - Revocation and determination of fees - No. 53 of 1995 (S139, dated 27 June 1995).

Taxation (Administration) Act -

Determination for the purposes of the *Business Franchise (Liquor) Act 1993* - No. 92 of 1995 (S169, dated 30 June 1995).

Stamp Duties (Marketable Securities) - Determinations -

No. 74 of 1995 (S152, dated 28 June 1995).

No. 75 of 1995 (S152, dated 28 June 1995).

Tobacco Act - Exemption - No. 113 of 1995 (S201, dated 15 August 1995).

Trade Measurement (Administration) Act - Determination of fees and charges - No. 71 of 1995 (S147, dated 27 June 1995).

Unit Titles Act - Revocation and determination of fees - No. 54 of 1995 (S140, dated 27 June 1995).

Water Pollution Act - Determination of fees - No. 55 of 1995 (S140, dated 27 June 1995).

Weapons Act - Determination of fees - No. 72 of 1995 (S147, dated 27 June 1995).

Workers' Compensation Act - Approval of amendment to protocol relating to occupational rehabilitation - No. 100 of 1995 (S178, dated 14 July 1995).

PAPERS

MR HUMPHRIES (Attorney-General): I present a statement, pursuant to section 10 of the Canberra Institute of Technology Act 1987, relating to the Canberra Institute of Technology's participation in South East Region Training (SERT) Ltd. Pursuant to standing order 83A, I present two out-of-order petitions - one lodged by Mrs Carnell from 121 residents concerning the provision of government doctors to the Narrabundah Health Centre, and one by Mr Hird from 80 residents concerning the provision of infrastructure services to the suburbs of Gungahlin. Finally, Mr Speaker, I present the Woden Valley Hospital information bulletin relating to patient activity data for June 1995 and the revised Administrative Arrangements as contained in *Gazette* No. S149, dated 30 June 1995.

NATURE CONSERVATION ACT - SUBORDINATE LEGISLATION Paper and Ministerial Statement

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, for the information of members, and pursuant to the Subordinate Laws Act 1989, I present Determination No. 102 made under the Nature Conservation Act 1980 relating to the criteria for granting and refusing a licence. I ask for leave to make a short statement.

Leave granted.

MR HUMPHRIES: Mr Speaker, the Nature Conservation Act 1980 is the primary ACT legislation for the protection of native plants and animals. The Conservator of Flora and Fauna is the statutory authority under the Act to administer the licensing system for management of prescribed activities. Prescribed activities are concerned with the handling of plants and animals or related activities with potential to cause environmental harm. In 1994, an amendment to the Nature Conservation Act repealed the existing criteria for the granting of licences, with effect from 22 June 1995. New provisions were substituted which required that the Conservator of Flora and Fauna shall not grant a licence, or impose or vary a licence condition, except in accordance with criteria to be determined by the Minister as a disallowable instrument. The primary objective of this amendment is to allow greater flexibility in administration of controlled activities without compromising conservation values.

The instrument I am tabling today is my determination of new criteria for the conservator's decisions in relation to applications for licences for prescribed activities. The objectives of the licensing criteria are to allow prescribed activities to be managed in a way that will enhance conservation of the native plants and animals of the Territory and contribute to regional, national and international nature conservation goals through the application of agreed guidelines and standards. Licensing criteria recognise recreational, scientific, educational and commercial interests in plants and animals as legitimate pursuits and are designed to accommodate them consistent with nature conservation objectives. Standards for the handling of animals in relation to movement and keeping conditions are also addressed.

Considerations for the determination of licence applications are framed around the activity and its purpose; the competence or suitability of the applicant to undertake the proposed activity; and the conservation or management requirements of a species or implications for the natural environment of a proposed activity. General considerations are qualified for species that are declared in recognition of particular management or conservation requirements.

Declared species with special requirements are scheduled according to the following categories: First of all, protected native plants and protected native animals are species requiring special attention to conservation needs or there are welfare or security implications associated with their being kept in captivity. Criteria are directed at restricting taking from the wild to special purposes, managing trade and ensuring that special requirements for security and welfare are established. Species with special protection status either are threatened with extinction or are a migratory animal subject to an international agreement for their protection. Conservation requirements are a paramount consideration and only activities related to conservation of the species or serving a special purpose are permissible. Prohibited and controlled organisms are those that pose or have the potential to pose a threat to the biological diversity of the ACT. Species may be declared and controlled activities prescribed to enhance their management.

Mr Speaker, a number of criteria are significant in terms of nature conservation initiatives and have implications for land planning and management in the Territory. As a general safety measure, and in accordance with principles in the Intergovernmental Agreement on the Environment, there is reference to application of the precautionary principle in relation to species with special protection status. This means that, in the absence of scientific certainty, a conservative approach is taken to activities that may threaten conservation requirements. There is reference to the Territory's right to participate in economic benefits which may flow from research or development of a wild native animal or plant.

The criteria provide for the conservator to be able to consider the net nature conservation benefits of an activity that indirectly affects a species with special protection status. An example could be a land development proposal affecting threatened species that may not in itself satisfy licensing criteria, but where special provisions or commitments to nature conservation either within or outside the area of impact would result in enhanced conservation of the species concerned. This is an important issue particularly relevant to proposed developments in areas of the ACT that currently provide habitat crucial to the conservation of species with protection status.

A licence may include conditions that accompany an authorisation. Conditions may specify how the activity is to be conducted, including handling procedures, record keeping and reporting requirements, constraints on the activity, and where and when it is to be conducted. The conservator may vary the conditions attached to a licence in the light of changed conditions or new information relevant to the conservation requirements of the species concerned.

22 August 1995

The criteria specified in this instrument will guide decisions by the Conservator of Flora and Fauna in relation to the administration of licences for activities that affect plants and animals. They provide strong protection for important conservation values and will ensure that government responsibilities in this special area of nature conservation are met to the degree warranted. I commend the instrument to the Assembly.

STATE OF THE ENVIRONMENT REPORT 1994 Government Response

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (3.14): Mr Speaker, for the information of members, I present the Government's response to the ACT State of the Environment Report 1994, which was presented to the Second Assembly on 21 September 1994. I move:

That the Assembly takes note of the paper.

Mr Speaker, in August last year, Dr Joe Baker, the ACT Commissioner for the Environment, submitted the first ACT State of the Environment Report to my predecessor, Mr Bill Wood. Mr Wood tabled the report in the Assembly on 21 September last year. The report contains 51 broad-ranging recommendations for more effective environmental management of the ACT. The submission of an annual State of the Environment Report is a requirement under the Commissioner for the Environment Act 1993. Regular reporting on the state of the ACT environment ensures accountability to the ACT community on the management of the environment by ACT agencies. It is important to note that, in accordance with the Act, the report was prepared independently of direction or constraint by me as Minister or government agencies or government departments.

The 51 recommendations are broadly grouped into five sectors relating to the various chapters of the report, namely, atmosphere, water, land, plants and animals, and the urban environment. In addition, a number of recommendations derive from the overview chapter at the front of the report of the Commissioner for the Environment. The Government response to the report is directed at the long-term protection of the environment. I am pleased to advise members that the majority of the recommendations are supported by this Government. Indeed, a number of our responses to the commissioner's recommendations reflect our policy platforms and actions that we have already instigated since coming to government. I would like to outline a few of the more notable examples of that.

The coordination of environmental monitoring, as advocated in recommendation 1, has been enhanced by the Government's new Administrative Arrangements Orders. For example, ACT Forests was brought within the Environment and Land Bureau of the Department of Urban Services, thus ensuring stronger links between forestry functions, conservation requirements and pollution control. Increasing public awareness and involvement in environmental management through education, community consultation

and integrated programs, as advocated in recommendations 6, 7, 21 and 22, is specifically articulated in the Government's policy platform. Also consistent with the approach of community involvement is the adoption of best management practices for rural lands, as advocated in recommendation 3, which the Government supports wholeheartedly.

The Government recognises the need for the effective coordination of ACT and regional initiatives, particularly in terms of promoting integrated catchment management for the protection of water quality and natural resources. To this end, the Government supports the strengthening of regional links consistent with recommendations 8 and 32. The Government's commitment to regional cooperation in environmental management is also reflected in its undertaking to seek to bring the ACT into full membership of the Murray-Darling Basin Commission. The Government has recognised the importance of air quality monitoring, particularly for small particulate matter, in our policy platform. As such, we support separate monitoring for small particulates, in line with recommendation 14.

As members are aware, work is also proceeding on a weather station in Tuggeranong Valley to complement air quality monitoring undertaken there. This responds directly to recommendation 11 of the report. The need to assess the qualitative impact of measures to reduce greenhouse gas emissions, as stated in recommendation 12, is seen by the Government as an important aspect of the ACT's future greenhouse response effort. Recommendation 28 - that a program be developed to investigate fire management and impacts in the ACT - is fully supported by the Government. Members will recall that in our policy platform we undertook to ensure that bushfire prevention is carried out according to the best available scientific advice.

Mr Berry: After you were goaded into action.

MR HUMPHRIES: The interjection is so bizarre as to be almost not worth commenting on. Mr Berry obviously forgot that his own colleague Mr Wood sat on the bushfire report commissioned from Mr McBeth for five months - he almost literally sat on it for five months - with no action on it. This Government has provided the action necessary to achieve that.

Mr Berry: Those people sitting out there with respiratory complaints and asthma were suffering until we goaded you into action.

MR HUMPHRIES: Dear, oh dear; talk about rewriting history. George Orwell lives! The task force I set up to address this issue within seven days of taking office as Minister for the Environment has now reported. There are a number of other matters raised by the commissioner which the Government has addressed in its policy platform and sees as particularly important for the long-term protection of the environment - for instance, controls over trade waste; the improvement of the management of hazardous waste residues; and the development of a native vegetation strategy and plant and animal pest species categories.

Only one recommendation in the report is not endorsed by the Government. Recommendation 50, which seeks to include a section on the impact of environmental factors on health in the report of ACT health goals and targets, is not supported. That document is restricted to the most important factors that affect morbidity and, as such, the inclusion of environmental factors was not seen as appropriate for either the ACT or national reports. Members will note that a number of recommendations were agreed to in principle or in part.

The qualifications to these recommendations are detailed in the Government response. Some qualifications refer to more appropriate means to address a particular issue. One example relates to improving the capacity to assess and respond to the introduction of pest species into ACT waterways, which is covered by recommendation 18. While this was supported by the Government, it will need to be addressed within relevant national forums such as the Australian and New Zealand Environment Conservation Council. Another example relates to recommendation 17, which refers to the application in the ACT of the draft national guidelines for groundwater protection. The intent of this recommendation will be achieved through the adoption of ACT groundwater guidelines, which are currently being developed. The draft national guidelines have been produced to provide a framework to enable States and Territories to develop strategies appropriate to each jurisdiction, rather than to prescribe specific requirements.

Other qualifications are provided to recommendations in order to take account of broader policy considerations. An example of this relates to recommendation 37, which advocates securing areas of conservation concern into the reserve system. While this is one means of protecting specific areas and is used where appropriate, there are other sometimes more appropriate management arrangements. These might involve cooperative management agreements, including leases and licences that provide for off-reserve conservation. Similarly, the maintenance of reserve areas as undisturbed as possible, as suggested in recommendation 38, must be balanced against the need to take into account uses such as recreation, education and research, in addition to conservation values. However, regardless of the designated use of reserve areas, the Government is committed to ensuring their preservation.

In some cases, recommendations are agreed to in principle pending further information. For example, recommendations 16 and 17 recommend improving the means of monitoring groundwater in the ACT and addressing possible contamination. Requirements for monitoring and for programs to address possible contamination will be established with further analysis of existing data. Likewise, the development of ACT indoor air standards, as supported by recommendation 48, is awaiting the endorsement of national indoor air quality standards by the National Health and Medical Research Council. Finally, I should draw attention to the fact that responses to recommendations 43 and 45 are not addressed by the Government response as these are matters for the Commissioner for the Environment to determine in developing his next report.

It is clear that the Government supports the majority of the recommendations in the report, and it is important to note that quite a few initiatives which relate to the recommendations are under way or are scheduled to commence in the near future. As I said, these are outlined in the response. The Government's support for the majority of the recommendations demonstrates its strong commitment to the effective long-term management of the ACT environment.

I understand that the 1995 report is currently being prepared by the Commissioner for the Environment. I have agreed, under section 30A of the Interpretation Act 1967, to a request from the commissioner for an extension of time of one month for presentation of the report. That means that it will be due on 29 September this year. In accordance with subsection 30A(6) of the Interpretation Act, I have tabled a copy of the commissioner's letter dated 26 July 1995 in which he requests the extension. I also table a copy of this tabling statement which outlines my reasons for approving it. In approving the extension, the Government acknowledges the tight timeframe which must be adhered to by the commissioner to prepare the report and that there have been some difficulties caused by the variations to the timing of the budget and annual agency reporting. The Government also acknowledges a slight delay in providing its input to the report, which was due to the change of government earlier this year and subsequent changes to the Administrative Arrangements. I look forward to receiving that report, which will provide a further means of gaining an independent assessment of the state of the ACT's environment and identifying constructive proposals for its future management.

To conclude, this Government response demonstrates a balanced and considered approach to the issues raised in the 1994 State of the Environment Report. It will contribute to the maintenance, enhancement and good management of the ACT environment. By responding in a considered and positive way to Dr Baker's report, the Government is demonstrating the high priority it places on sound and effective environmental management. It is my pleasure, therefore, to table that Government response to the report.

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

LEGISLATION PROGRAM - SPRING SITTINGS 1995

Ministerial Statement and Paper

MRS CARNELL (Chief Minister): I ask for leave of the Assembly to make a ministerial statement on the legislation program for the spring sittings 1995.

Leave granted.

MRS CARNELL: I am pleased to table the Government's proposed legislation program for the 1995 spring period. The program provides an overview of the legislation that the Government intends to introduce into the Assembly in the second half of this year as well as that which will be prepared for introduction at a later date. The Government has arranged its legislative proposals by portfolio and in a two-tier order of priority.

22 August 1995

The first priority category consists of those legislative initiatives which have been afforded the highest priority for drafting by the Government or alternatively will be ready in the near future. It is intended that as many as possible of these initiatives will be introduced into the Assembly before the end of the spring sittings. Members should note that, in order to accommodate emerging issues, legislative proposals may also be added to the program through the course of this sitting period. Similarly, the priority of those initiatives presently listed on the program may be subject to change, and some second priority proposals may also be introduced into the Assembly during this sitting period.

Mr Speaker, as I have stated before, this Government intends to be remembered not by the amount of legislation that it has introduced but for the unnecessary legislation that we intend to remove, and that process is well under way. Against this background, the Government is committed to an achievable and focused legislative program. Members will be aware that, apart from providing information to the Assembly about forthcoming proposals, the legislation program also assists the Parliamentary Counsel's Office to organise its resources. This is a difficult exercise, and I am conscious of the competing priorities on drafting resources with the drafting of Bills for non-Executive members. The program assists in the provision of an effective and efficient drafting service.

Mr Speaker, I feel it is useful to identify some key reforms planned for the remainder of the year. The Government will bring forward important initiatives such as the national competition policy, the corporatisation of ACTTAB and the Community Initiated Referendums Bill. The National Competition Policy Bill 1995, which hopefully will be introduced this week, is a significant step towards the implementation of the national competition policy agreements entered into at the April 1995 Council of Australian Governments Meeting. Consistent with this policy will be the legislation to achieve the corporatisation of ACTTAB by 1 January 1996 to ensure that it remains efficient and competitive with similar entities in other States. As I have stated before, corporatisation will not be the first step to privatisation, and we have certainly had ongoing discussions with the staff to reassure them of that.

There will also be reforms for the ACT Government Service. The Government will be seeking to amend the Public Sector Management Act to ensure that the focus of the ACT public service is directed at more efficient and effective service delivery. These amendments will include moving all SES officers onto contracts and renaming the ACT Government Service as a public service. Central to this Government is our commitment to education, and we are excited about the opportunities that will flow from having the University of Canberra move to ACT jurisdiction. The benefits will include better access to initiatives under way at the university, such as the establishment of the innovation centre.

In line with our commitment to create a more open and accountable government, we will move on our pledge to introduce community referendums. This is but one element of our plan to create a more open, modest local government which will be more accessible to the community and more city council in nature. Mr Speaker, you will remember that we first introduced the Community Referendum Bill in August 1994. The Bill was an attempt to adopt a voter-initiated referendum system. We believe that community referendums will give Canberrans direct input into government decisions and allow every resident to have

their say upon selected local issues. Other priority initiatives include the creation of a stand-alone health promotions foundation, amendments to the Crimes Act to prohibit female genital mutilation, changes to the Air Pollution Act to improve controls over domestic solid fuel burning appliances, and the establishment of an ACT remuneration tribunal. I trust that members and Canberrans will find the document an informative and useful guide to the new directions that this Government will be taking. I present the following paper:

Legislation Program - Spring Sitting 1995 - ministerial statement,
22 August 1995.

I move:

That the Assembly takes note of the papers.

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

AUSTRALIAN HEALTH MINISTERS MEETING - ALICE SPRINGS Ministerial Statement

MRS CARNELL (Chief Minister and Minister for Health and Community Care): I ask for leave of the Assembly to make a ministerial statement on the Australian Health Ministers meeting in Alice Springs.

Leave granted.

MRS CARNELL: Mr Speaker, during June I was able to represent the ACT at the Australian Health Ministers Conference in Alice Springs. The Australian Health Ministers Conference is an important part of the process through which Ministers with responsibility for health can meet to discuss the issues that are affecting the health and wellbeing of Australians and take steps to improve the overall framework by which health services are delivered. The meeting produced a number of important outcomes for the Territory.

Firstly, the conference discussed the very important issue of hospital quality initiatives, particularly a study concerning medical and surgical misadventure to patients in New South Wales and South Australian hospitals. The vital importance of hospital quality initiatives has been recognised through the establishment of a task force to examine the quality of hospital services and to develop a strategic response on this issue. All Ministers agreed that it is simply not acceptable that people can go into hospital and, through avoidable circumstances, require longer hospitalisation, suffer increased morbidity, or even die. I would assure this Assembly that quality issues are monitored closely within the hospitals in the ACT. Both Woden Valley and Calvary public hospitals are currently accredited by the Australian Council on Healthcare Standards, meaning that the hospitals meet the rigorous quality guidelines set by the national body. Accreditation by the Australian Council on Healthcare Standards is prestigious and is a sign of a quality service. I, along with all other Health Ministers, keenly await the work of the task force so that any steps identified that will make hospital treatment safer can be implemented.

22 August 1995

A second issue that was discussed was organ donation. The meeting raised the concern that Australia has one of the lowest rates of organ donation in the developed world. The meeting agreed that a national approach to community education and encouragement of organ donation is required. The fact that it is time for a coordinated national approach on this issue was signalled by the agreement reached that a national education program for health professionals and transplant coordinators would be initiated. A single national organ donation system will be developed and implemented, with South Australia conducting a pilot on how the system might operate.

The third issue of interest was Medicare funding. It was agreed that Medicare funding needs to be addressed in a way that would bring the focus of health services back to where it should be - on the needs of the patients and the clients that we serve. The meeting agreed that new agreements need to be drafted and that they should aim at overcoming the barriers that now prevent services from being provided in the most effective manner. A decision on where a patient receives treatment should not depend on which level of government picks up the bill. It was pleasing that the Commonwealth agreed that it should provide some additional funds to States to compensate, albeit to a very minor extent, for the cost shifts resulting from the decline in the proportion of the population taking out private hospital insurance. Of course, this trend continues and it seems to be actually accelerating. The fourth issue of interest was non-coronial autopsies. Ministers agreed to actively encourage an increase in the non-coronial autopsy rate to at least 25 per cent of those people dying in hospitals. The ACT supported this resolution. ACT pathologists have shared international and national concern at the declining rate of non-coronial autopsies. Autopsies provide more accurate statistics on causes of death and are a vital part of the clinical assurance process.

The fifth issue was the supply of Factor VIII. Factor VIII is an essential component of blood and when it is deficient is associated with spontaneous uncontrolled bleeding. Patients with haemophilia A, an inherited disorder, have a congenital and lifelong deficiency of this factor and almost exclusively make up the patient population requiring treatment with Factor VIII. Based on the findings of the report of the Working Party on the Supply of Factor VIII, Health Ministers agreed on measures that ensure Australia will provide sufficient Factor VIII through a combination of locally produced and imported products to enable effective treatment of patients. The ACT currently harvests sufficient plasma from single donor units to meet routine demands for Factor VIII concentrates. However, there is no surplus and the ACT is also dependent on supplies from other States to meet intermittent and unpredictable emergencies such as major trauma or emergency surgery. The ACT will not hesitate to purchase the synthetic product to overcome any shortfalls in Factor VIII should the situation require it.

I suppose the most interesting issue that came out of the conference for the ACT was the debate about the Clinical School. Members of the Assembly may recall my concern when I returned from the AHMC to find that my recollection of the meeting differed from that of Dr Carmen Lawrence. The issue was and is important. The Commonwealth has unilaterally decided to control the supply of doctors by restricting the number of medical school students. This is patently absurd. No other profession expects that every student trained will automatically be able to be employed. For example, there is no restriction or quota on the number of teachers or nurses being trained, apart from the sheer ability of universities to fit the students into their facilities.

The problem for the Commonwealth is that they give a provider number under Medicare to everyone qualified to apply. This is where the real "control point" lies. Rather than take responsibility for their own actions, they choose to jeopardise initiatives such as the Canberra Clinical School by threatening the number of students that can take up places. I have not let this rest, and currently departmental officials are working with their interstate counterparts, particularly those in New South Wales, to ensure that the Canberra Clinical School remains viable. This Government is committed to the excellent benefits that have resulted from the development of the Clinical School and that will result in the future. These benefits range from excellence in clinical practice to innovation in the delivery of medical services throughout the community and in conjunction with research institutions like the John Curtin School of Medical Research.

The issue of euthanasia - an issue of interest to this Assembly - was raised. Ministers accepted an offer for a regular report on euthanasia to be provided on progress following the passage of the Northern Territory legislation and agreed that they should share information on issues and legislation that may be tabled in various jurisdictions. The issue of adolescents with severe behavioural problems was raised. There was spirited discussion on options for the management of adolescents with severe behavioural problems. All States and Territories reported difficulties in appropriately responding to these young people's needs in a non-custodial way. I tabled a paper, "ACT Information on Programs for Adolescents with Severe Behavioural Problems". This issue was referred to the Protection and Care of Children Subcommittee, requesting preparation of a paper on best practice non-custodial options to be available for consideration by the Ministers in April 1996.

Mr Speaker, I now turn to the outcomes of the Ministerial Council on Drug Strategy meeting. The major issues of debate were about access to nicotine patches for people on health care cards and, at that late stage, the anticipated report by the National Centre for Epidemiology and Population Health (NCEPH) on the proposed heroin trial. The Commonwealth Government refused to reconsider its decision on the non-subsidy of nicotine patches. However, it expressed interest in funding research associated with an ACT pilot for providing subsidised nicotine patches to health care card holders. On the issue of the heroin pilot report, Ministers generally agreed to await the report's release and its analysis by the National Drug Strategy Committee working group on this matter prior to comment. I note that some have succeeded and some have not. I note that with few exceptions - and I suppose that it is a few exceptions - this has now occurred.

Finally, Mr Speaker, I would like to say that all participants at the conference were very impressed, as I was, with the genuine spirit of cooperation that was evident. As one observer commented, it was characterised by furious agreement rather than unproductive bickering about money which is so often part of this meeting. I think everybody at the conference realised that health is a very large issue and one with no simple solutions but one that we must work together on. This was not because there was little of substance or conjecture on the agenda but rather because all parties were determined to look at the current framework through which services are delivered and see how that can be improved from the point of view of the clients and our patients.

22 August 1995

I present the following paper:

Australian Health Ministers Meeting - Alice Springs - ministerial statement, 22 August 1995.

I move:

That the Assembly takes note of the paper.

MR CONNOLLY (3.41): I might just briefly refer to this matter and get it off the agenda. Ministers sometimes choose to give reports on these meetings, sometimes not. They are usually fairly uncontentious. I really want to refer to only two issues, one being the future of the Clinical School. I think it was somewhat unfortunate that the debate degenerated into a “she said, she said” debate between the Chief Minister and the Federal Health Minister on the fundamental issue of the need for the Canberra Clinical School to be assured of a long-term future. That is one issue that the Opposition was very happy to stand shoulder to shoulder with our Health Minister and Chief Minister on. Indeed, I issued a statement saying “Connolly Supports Carnell”, which is not the sort of statement that one would expect to see too often; but on issues of vital importance the Opposition will show strong bipartisanship, and the Clinical School is indeed a most important feature. Probably the most significant reform achieved by Labor in its period in office was the establishment not only of a clinical school in Canberra but of a clinical school linking Woden Valley Hospital and Calvary, the John Curtin School of Medical Research at the ANU and the University of Sydney Faculty of Medicine, which has a very strong reputation, and has had for a century or more, as being one of the leading facilities in the world, not just in Australia.

I was interested that Mrs Carnell said that the Ministers agreed to share information relevant to euthanasia. I asked for some information in a question on notice and was told, “We do not have it. We do not intend to keep it. Go away”. Last year the ACT passed fairly significant so-called passive euthanasia laws which allow a person to make a living will and allow a machine to be turned off - a very significant proposal which has been passed into law in some States but not in others and is very relevant to this debate. I was interested, and remain interested, in knowing how that legislation is operating and how often people are actually asking for machines to be turned off and, indeed, how often machines are being turned off. As Ministers have agreed to share that information with each other, the Health Minister might share that information with this Assembly.

Question resolved in the affirmative.

MATTER OF PUBLIC IMPORTANCE - WITHDRAWAL

MR SPEAKER: I wish to advise that I have received a letter from Mr Connolly withdrawing the matter of public importance he submitted for discussion earlier this day.

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

MR OSBORNE: I present Reports Nos 7 and 8 of 1995 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and I ask for leave to make a brief statement on the reports.

Leave granted.

MR OSBORNE: Report No. 7 of 1995, which I have just presented, was circulated when the Assembly was not sitting, on 29 June 1995, pursuant to the resolution of appointment of 9 March 1995. Report No. 8 of 1995 contains the committee's comments on 75 pieces of subordinate legislation and two Government responses. I commend the reports to the Assembly.

MR WHITECROSS: Mr Speaker, I seek leave to make a short comment in relation to Report No. 8.

Leave granted.

MR WHITECROSS: Mr Speaker, I draw the Assembly's attention in particular to some of the comments of the committee in Report No. 8 dealing with explanatory statements attached to subordinate legislation dealing with increases in charges which appear to be misleading in terms of the scope of those increases, in particular the practice by some departments of claiming that the increases are in line with increases in the CPI when the actual increases appear to be well in excess of CPI increases. Two particular determinations - Determination No. 71 relating to the Trade Measurement (Administration) Act and Determination No. 85 relating to the Gas Act - are of particular concern in that regard. I draw that to the attention of the Assembly as a whole and I hope that the Government pays particular attention to it because it is concerning that subordinate legislation is going out with explanatory statements which do not accurately reflect the content of the actual measures which they are meant to amplify.

**BUSINESS FRANCHISE (TOBACCO AND PETROLEUM PRODUCTS)
(AMENDMENT) BILL 1995**

MRS CARNELL (Chief Minister and Treasurer) (3.46): I ask for leave to present the Business Franchise (Tobacco and Petroleum Products) (Amendment) Bill 1995.

Leave granted.

MRS CARNELL: I present the Business Franchise (Tobacco and Petroleum Products) (Amendment) Bill 1995 and its explanatory memorandum.

Title read by Clerk.

22 August 1995

MRS CARNELL: I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill amends the Business Franchise (Tobacco and Petroleum Products) Act 1984. The Act imposes a licensing regime on wholesalers and retailers of tobacco and petroleum products in the ACT in order to regulate the activities of these industries. The licensing regime requires licensees to pay in advance a licence fee consisting of a basic fee and a franchise fee.

Mr Speaker, in July and early August several of the major tobacco wholesalers engaged in significant discounting of tobacco products in a manner that threatens both the regulatory intent and the revenue provisions of the Act. Franchise fees are determined having regard to the volume of sales occurring in a prior reference month. The provision of free tobacco does not constitute a sale of tobacco and therefore escapes the regulatory and revenue provisions of the Act.

To ensure that all tobacco and petroleum products in the ACT come within the regulatory framework of the Act, the Bill proposes to include products delivered or exchanged for sale in the ACT within the scope of the Act. The Bill also proposes to deem any unlicensed person holding more than a prescribed amount of tobacco products to be a tobacco wholesaler. This is a regulatory measure to ensure that tobacco comes within the scope of the Act, that the person is a fit and proper person to be engaging in the sale of tobacco products and that appropriate fees are paid.

Mr Speaker, the intent of the Act is to impose a franchise fee which is based on the volume of sales of tobacco and petroleum in the Territory. A deficiency in the Act has been identified in relation to tobacco or petroleum which is sold outside the ACT by the holder of an ACT licence but which is intended for delivery or retail in the ACT. Currently, if the seller pays fees to another Territory or State, the ACT cannot require the payment of ACT fees. Although fees in these circumstances have been recovered administratively from the other receiving jurisdictions, this situation is unacceptable as it undermines the regulatory function of the Act and places the collection of ACT revenue beyond the enforcement provisions of ACT tax laws.

An amendment proposed to the Act will deem that, where a wholesale or retail sale of petroleum or tobacco occurs outside the ACT and a condition of that sale is that the petroleum or tobacco is to be delivered into the ACT, then for the purposes of the Act that sale is deemed to have occurred in the ACT and is to be included for the purposes of determining fees under the Act. This provision will mirror similar provisions in New South Wales, Victoria, South Australia, Queensland and the Northern Territory.

It is proposed that the Act be amended to provide that purchases by retailers are not liable for fees where franchise fees have been paid or are payable by the wholesaler to the Territory. This closes a potential anomaly whereby no ACT licence fees may be paid even though the tobacco or petroleum is purchased by an ACT retailer for sale in the ACT. This could arise where a wholesaler holds a licence under the ACT and another jurisdiction's legislation and pays the appropriate fee to that other jurisdiction.

As it currently stands, the Act exempts such a sale from franchise fees because the wholesaler has paid a franchise fee in relation to the sale. This was clearly never intended, and the proposed amendment will ensure that the ACT receives the fees which are due and payable for sales of tobacco and petroleum products which occur here.

Mr Speaker, the diesel fuel exemption scheme currently provides relief for primary producers and the holders of health care and pensioner health benefits cards. This Bill proposes to extend the exemption scheme to include totally and permanently incapacitated pensioners. This will bring the exemption into line with other concessions provided in the ACT.

Mr Speaker, a number of other amendments proposed in this Bill are aimed at improving the administrative procedures relating to the operation of the Act. The intention of the Act is that applications for the renewal of a licence be made seven days before a licence expires. It is proposed to amend the Act to clarify this intention. Also there is no express requirement that the fee be paid at that time. The Bill provides that licence fees are to be payable no later than seven days prior to the date that a licence is due to expire. In addition, an amendment is proposed requiring group wholesalers and group retailers to pay the basic licence fee for each outlet where tobacco or petroleum products are sold. This will place licensees with one outlet on a more equitable basis with group licensees who currently pay only one basic fee regardless of the number of outlets from which tobacco or petroleum products are sold. This amendment also more accurately reflects the costs and intent of licensing the premises from which tobacco and petroleum products are sold.

Mr Speaker, in order to enable the tobacco and petroleum products traders and the general public to know whether they are dealing with a licensed body and to assist in the identification of illegal traders, an amendment is proposed making it a condition of the licence that it must be displayed clearly on the licensed premises. This will greatly improve the regulatory intent of the Act. In addition, this Bill proposes that a register of licensed wholesalers and retailers be developed and maintained by the Commissioner for ACT Revenue and made available for examination by any person.

The ACT currently imposes a \$500 penalty for anyone who fails to return a diesel fuel exemption certificate which has lapsed, ceased or been revoked. The amendment Bill proposes an amendment to remove this penalty for a lapsed certificate. The penalty is considered onerous, particularly for pensioners, and since the certificate has expired it cannot, in any event, be used. The penalty for the failure to return a revoked or ceased certificate will remain as the certificate would, on its face value, appear to be valid and therefore could still be used.

Finally, Mr Speaker, I will be circulating an amendment to this Bill - I would just like to foreshadow that - which will have the effect of imposing a sunset on the deeming provision in clause 4. As members would be aware, the question of the power to legislate that sales in one State are deemed to have taken place in another State is currently before the High Court. Therefore, there is some uncertainty about the future of this provision as a basis for raising revenue through franchise fees. In the event that this aspect of the business franchise legislation may be subject to a decision of the High Court, and in the expectation that the High Court will rule within two years, the Government has decided

22 August 1995

to limit the duration of this particular measure to a period of two years. Accordingly, the amendment which I shall circulate later today will impose a two-year sunset clause on the deeming provisions of the Bill. In the meantime, the Government will be keeping the effectiveness of the deeming provisions under constant review.

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

CONSUMER CREDIT BILL 1995

[COGNATE BILL:

CONSUMER CREDIT (CONSEQUENTIAL PROVISIONS) BILL 1995]

Debate resumed from 22 June 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Consumer Credit (Consequential Provisions) Bill 1995? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

MR CONNOLLY (3.56): Mr Speaker, this is a piece of Government legislation that the Opposition has no difficulty in wholeheartedly endorsing. It is the culmination of a very long process, indeed a very long struggle, to achieve uniform credit laws throughout this nation. That process dates back about 12 years. Certainly, for the entire period that I had responsibility for consumer affairs we were on the verge of getting this agreement and we finally got agreement last year. One great problem that emerged in this was the limitations of cooperative federalism. Fortunately, in the ACT we have tended not to get obsessed with States rights, or Territories rights. Many State politicians are quick to criticise the Commonwealth when it legislates in an area that has been traditionally the preserve of the States. I was getting to the point midway through our term of office of saying to the Commonwealth, "Please come and legislate in this area", because of the frustration that I felt and many consumer advocates around Australia felt at the simple inability of the States and Territories to reach a common position.

The vagaries of the political process are such that it is highly likely that forums of State and Territory Ministers will have a constantly changing composition. Over the last four years, every time an election resulted in a change of government in the States and Territories - and there have been quite a number of those in the States and Territories over recent years, and there are more to come, we would confidently think - there would be a change. The position that had been originally reached, which was seen certainly by the consumer movement as a very progressive uniform credit code, began to be progressively watered down as incoming governments of a conservative persuasion started to baulk at some of the agreements which had previously been reached.

It was very frustrating for the consumer movement to see this delay. It is a worry that it takes a process of cooperative federalism something like 12 years to deal with an issue like this. If, as new challenges appear on the consumer affairs agenda - issues like telemarketing and the smart card, the credit card that contains the in-built computer chip - it takes Federal, State and Territory Ministers 12 years to deal with new technology, it will be old technology by the time the laws are in place.

It is, nonetheless, a significant achievement that uniform credit laws have been reached. It will bring widespread benefit to consumers in the sense that for most of Australia consumer rights are significantly enhanced. Certainly, in those States that had more positive laws the extent of the benefit is lessened. But even in the ACT, where we have fairly strong consumer protection laws, there will be benefit from the economies of scale that these new laws will bring in. It will no longer be necessary for credit providers to engage teams of lawyers and accountants, no doubt at vast cost, to prepare a credit contract for the ACT that may differ in fundamental respects from a credit contract for New South Wales, for South Australia, for Western Australia and so on. Simply by allowing businesses to achieve that efficiency, the code will benefit consumers through decreased costs. One would presume that those decreased costs would be passed on. Certainly, consumer advocates will be watching closely to ensure that that is the case.

Normally the ACT, given its size, is not a major player in major pieces of cooperative law reform; but in the case of the uniform credit legislation I think it is fair to say that the ACT did play a quite key role, particularly in the latter stages of the exercise, when strong views were being expressed in some sectors of the consumer movement that perhaps the exercise was no longer worth the bother and that the process of weakening the original exposure draft had gone so far that perhaps it would be better to abandon uniformity. Senior officers of the ACT Attorney-General's Department, and Consumer Affairs in particular - Len Sorbello of the department and Tony Charge of Consumer Affairs - played a very important role through 1994 in bringing together a number of the key and peak consumer organisations and other State Ministers, in particular those of the Liberal governments of New South Wales and Victoria, to reach some common ground. In passing this legislation, which enacts for the ACT this national legislation, it is appropriate to note that some officers in the ACT in fact played a very important role in brokering final compromises that allowed Ministers of diverse backgrounds to come to a final agreement on uniform credit legislation. This is a significant piece of legislation. It will bring real benefits, and the Opposition is very pleased to wish it a speedy passage through this house.

MR HUMPHRIES (Attorney-General and Minister for Consumer Affairs) (4.02), in reply: Mr Speaker, I thank the Opposition for its support for this package of Bills, of which one more component is yet to arrive. I share Mr Connolly's confidence that this is an important step forward in the protection of people who take out consumer credit contracts in this country and his relief that after a very long period of time we have achieved a degree of agreement on issues of great complexity and contention. I think that is a remarkable achievement. I would share his views about the limitations of the federal system. I would agree with him that the question of States rights or Territories rights has not been a particularly strong theme in statements or debates in this chamber, and that is an appropriate thing.

22 August 1995

As a new jurisdiction, particularly a jurisdiction which all the time receives people from other parts of Australia as temporary or semi-temporary residents, we see great value in having a set of laws in this Territory which, to the greatest degree possible, conform with those of other parts of the country. There are, of course, always limitations to that principle; but in general it is better to have such laws. In the area of consumer credit, that is particularly important. People who provide credit very often operate in more than one jurisdiction. It adds to the cost of providing that credit when it cannot be provided in the same way in each jurisdiction. To bring down the cost to the consumer it is important, therefore, to have that capacity for uniform provisions.

I believe that in general the Government would say that it is appropriate to pursue such uniform provisions in areas where there is importance in having that uniformity, always reserving the right to withdraw from those arrangements or bury those arrangements where the Territory believes that the value of uniformity is outweighed by the harm to be done to individuals within the ACT. That will rarely be the case, but we ought to have that capacity to depart from those standards. If, for example - and I think there has been some comment by the Opposition about this in recent months - there were to be proposals for uniform gun control legislation at a standard lower than that which the ACT applied, I personally would find it difficult to accept a significant watering down of our arrangements, and the Territory would have to exercise the option of pulling away from the proposed uniform arrangements. That would not too often be the case. Sometimes we are quite proud and quite pleased to be different from other States. A number of Bills that have passed through this parliament in the last six years have provisions which are not matched anywhere else in the country, and we are probably quite pleased about that in some respects.

Mr Speaker, as I say, this legislation is significant, both for the agreement it represents among jurisdictions in this country and for the protection it will provide to consumers around this country and particularly in the ACT. It is a consumer credit package. It does not affect business credit, so we are not talking about significant changes in the world of high finance. We are talking now about protecting ordinary individuals for whom a contract to borrow money or to take out a mortgage amounts to a massive commitment which, in many cases, stays with them for much of their lives, sometimes all of their working lives. It is very important that we have a very fair set of rules to govern those arrangements and the taking on of that kind of credit. I thank members for their support, and I look forward to the rest of this package being in place to enact the framework by 1 March next year.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

CONSUMER CREDIT (CONSEQUENTIAL PROVISIONS) BILL 1995

Debate resumed from 22 June 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL (NO. 2) 1995

Debate resumed from 22 June 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR WOOD (4.07): Mr Humphries will not be surprised to learn that the Opposition is supporting this Bill, as we will support the next three Bills to come forward.

Mr De Domenico: They are great Bills.

MR WOOD: They are great Bills - Mr De Domenico is correct - and they are Bills that I am certainly familiar with because I did get involved in their preparation at a certain stage. In the intervening period the Minister has done nothing to damage those Bills.

This Bill transfers to the Land Act responsibilities from Acts now to be repealed. The provisions are sensible. They deal both with mining and with soil conservation. With soil conservation in particular, it is important that we have these provisions. The problem of erosion of soil is one of the more significant ones in the ACT. Many people think we are not particularly a rural community. That may be the case; but there is ample evidence of significant soil erosion around the Territory, whether in the urban areas, in the rural areas or in the nature park areas, and we need these measures to ensure protection. I am pleased to see this legislation proceed.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.08), in reply: I thank Mr Wood for his support and the Opposition for their support of the Bill. It is important that we ensure that if we have provisions protecting elements of the environment - water quality or soil from erosion, whatever it might be - we ensure that those mechanisms are up to date, are effective and can be used quickly in the event of a significant threat to the environment. It is quite clear, from 35 years of existence, that the Soil Conservation Act did not provide that mechanism, since it had not been used at all in that time, and that it is quite appropriate, therefore, to repeal it in favour of more effective provisions.

22 August 1995

I might say that there have been questions raised in recent days about the effectiveness of orders made under the Land Act generally and some questions about whether they are fully enforceable and whether they are sometimes particularly capable of being used quickly to head off some particular issue that is of concern because it offends the framework of, say, the Land Act's planning requirements, protection of the environment or wherever it might be. I think that we need to be sure if we have a gun in our armoury that we know it will work when we pull it from the holster and shoot. The Government will therefore be taking seriously the question of examining the efficacy of those orders and ensuring that they are in fact capable of being used when required as required. But that is an issue to do more with the land planning side of this legislation than the environment side.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL 1995

Debate resumed from 1 June 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR WOOD (4.10): Mr Speaker, it is a little time since Mr Humphries gave the introductory speech on this Bill. The Bill deals simply with mobile homes - to put it into layman's language - and the ability of people in mobile homes to get greater security for their investment and their residential lifestyle. Quite a number of people have been waiting patiently for the Bill to be passed, and today some people will be pleased to know that it has been passed. I believe that it is an important measure. Members may recall that when I was Minister, not very long ago, in December, I introduced this Bill into this Assembly; but it was not dealt with in the last days of sitting, and now it emerges again, quite properly.

It is important that people who choose this lifestyle have greater protection for their property. The mobile homes can cost quite a deal of money, and people need to know that they can site them and that they are not going to be removed arbitrarily. I think it is also appropriate that those people who invest in the van parks - whatever term we might give to these locations - also have that level of security for their investment. It is of dual benefit both to the people who live there and to the people who own those places. We have heard stories around Australia that all is not well on occasions - and I suppose that difficulties inevitably arise - between tenants and landlords. This Bill will go a long way towards giving protection.

The Bill ensures the status of mobile homes. I think Mr Humphries would agree with me if I said that we would not be looking to see a great expansion in the provisions for mobile homes. They are a fact of life. I hope that great numbers of people do not now seek to acquire such villages. I am sure that Mr Humphries will watch carefully as applications are made to come under the provisions of the Act. The mobile home village that I have seen is a fine place. It is very well managed; the homes are of high quality; it is a pleasant and peaceful place; and it is a credit to the ACT. With those remarks, I endorse this Bill.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.14), in reply: Again I thank Mr Wood for his support for this legislation. His support is hardly surprising, given that he was involved in the preparation of the legislation. Mr Speaker, Mr Wood has touched on the very important issue of the use of these sorts of homes in the ACT context. In some parts of Australia, particularly in warmer climes, there are very substantial populations of people living in mobile homes. I suppose that one would want to be careful that we did not effectively create a very large alternative attraction for these sorts of homes over other sorts of homes in the ACT. People will sometimes make that choice for various reasons, but it is important that we do as Mr Wood suggests and monitor the level of such home ownership or home use in the ACT to ensure that we properly regulate this kind of accommodation industry.

But it is arrogance, I think, to suggest that in order to discourage ownership or use of mobile homes we effectively take away the capacity for people to buy them or to buy leases for those sorts of homes and borrow against those leases to finance their homes and their lifestyle. I think that it is important to ensure that we do provide that option. We will be monitoring the reaction to this legislation passing through the Assembly, but I am confident that it will provide many people who require that kind of choice with a real means to be able to get that choice. That is the important thing - to provide the greatest diversity of home ownership as is appropriate to the heavily planned nature of the city of Canberra.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

22 August 1995

BUILDING (AMENDMENT) BILL 1995

Debate resumed from 4 May 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR WOOD (4.16): Mr Speaker, I am not going to canvass again the issues that have been raised in this Bill. This is another Bill that has been hanging around for a while and is now proceeding through the Assembly. I make the point that amongst its provisions are those to free up a range of minor building works from building controls - an expansion of what has happened before. That is very appropriate and has our full support. At the same time, I would be confident that building inspectors and others in authority will keep a watch on developments, because sometimes it is remarkable how accidents can happen and injury occur, even in a relatively minor activity like building a barbecue. Again, I am sure that there will be some constant evaluation of how this legislation goes and that, if it is necessary, the Government will change these measures or bring in further measures to simplify the processes.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.17), in reply: Mr Speaker, I might indicate that when I tabled the Bill originally I also tabled an explanatory memorandum. It has been brought to my attention that the explanatory memorandum contains some errors and that in some areas the intention and effect of the amendments could be clearer. I would like to table a corrected explanatory memorandum - I have mentioned it to Mr Wood already - which picks up some of those mostly quite minor errors. In the outline to the explanatory memorandum the words "approvals are required" should have read "approvals are not required". That was a carefully planned mistake which was spotted, I am sure, by the eagle eyes opposite! A number of structural and textual changes have been made to the document to ensure that it accords with drafting requirements and to avoid possible confusion as to the nature of the amendments. I am sure that members will not underestimate the importance of explanatory memoranda in the process of interpreting what Bills are all about and will agree that any errors should be addressed as quickly as possible. I table that amended explanatory memorandum.

Mr Speaker, I thank Mr Wood for his support for the Bill and trust that the Bill will also be effective in addressing the requirements for a building code that is effective and reactive to the needs of the people who use it.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

SURVEYORS (AMENDMENT) BILL 1995

Debate resumed from 4 May 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR WOOD (4.19): Mr Speaker, we support this Bill. Indeed, I can remember the debate at a meeting of the Surveyors Board that instigated this Bill. I pointed out that we had trouble getting any gender balance on some boards and committees because there were not any women to pull in. At present members of the Surveyors Board must be licensed surveyors. There are not any women who are licensed surveyors, so we cannot have any women on the board. Adding one member to the board will enable the new Minister to appoint a woman to the board, and I am confident that he will take that approach.

It is also a sensible approach to have on boards members who are not from the discipline. The Pharmacy Board, for example, should have on it someone who is not a pharmacist. You can go right through every one of the professional boards and make the same comment. I think that all boards need someone from beyond the discipline to point out perhaps facts that board members from the profession do not always appreciate. It would be a good thing if every one of the professional boards had amendments of this nature to their enabling Acts to enable people not of their profession to be appointed. That might enable us in some small measure to address the gender inequity that exists on quite a number of these boards.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.20), in reply: Mr Speaker, I thank Mr Wood for his support. I must make it clear that, although the passage of this Bill will give the Government power to appoint a community member to the board, and a female community member at that, the main purpose of this amendment is to provide that there can be other than surveyors on the board. Whether that other person ought to be a woman is perhaps a secondary issue. There are no female surveyors in the Territory and it is therefore not in the least bit surprising or inappropriate that the Surveyors Board should be heavily dominated by men. That is a reflection of the nature of this occupation in the ACT. Certainly, if an appropriate female community representative can be found, we will take advantage of the opportunity to appoint her. But I emphasise that the principal objective of this amendment is to provide for community representation, not necessarily female representation. Mr Speaker, we have also removed gender specific language from the legislation, making it clear that people do not have to be men to be surveyors or to be on the Surveyors Board or anything of that kind. I thank the Opposition for its support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

22 August 1995

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 4.22 pm

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.

22 August 1995

Electronic copy of this page is not available but it is included in the printed Hansard.