



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

15 November 1989

Wednesday, 15 November 1989

Proposed Environmental Advisory Council.....	2515
UN convention on the rights of the child.....	2532
Suspension of standing orders	2538
Conservation, Heritage and Environment - standing committee	2540
Cultural activities - select committee	2541
Personal explanation	2554
Questions without notice:	
Grass mowing	2555
Mental health	2555
Hospitals	2556
Use of school buildings	2557
Nurses	2558
Psychiatric services	2559
Canberra Development Board	2560
Development applications	2561
Nurses.....	2562
ACT commemorative medallions	2563
Asbestos removal	2564
Control of ferrets	2565
Internal investigations unit.....	2565
Driveways	2566
Development applications	2567
Personal explanation	2567
Hospital crisis (Matter of public importance)	2568
Planning, Development and Infrastructure - standing committee	2596
Estimates Committee	2596
Answers to questions:	
Asbestos removal	2598
Bicycle storage	2598
Street lighting	2599

15 November 1989

Wednesday, 15 November 1989

MR SPEAKER (Mr Prowse) took the chair at 10.30 am and read the prayer.

PROPOSED ENVIRONMENTAL ADVISORY COUNCIL

MR MOORE (10.30): I seek leave to amend the motion standing in my name on the notice paper. It was actually a small technique of mine to attempt to create a Minister for the environment, which the Clerk pointed out to me would not work.

Leave granted.

MR MOORE: I now move:

That -

- (1) the Government take immediate steps to investigate the most appropriate mechanisms for establishing an Environmental Advisory Council;
- (2) the Environmental Advisory Council be established, whether under an enactment or according to administrative arrangements, as soon as possible and that the Council -
 - (a) be responsible for investigating individual industrial, commercial or other development proposals, whether those proposals involve investment by the private sector, governments or both; and for reporting on all aspects of the environmental impact of development proposals (including the effects on flora, fauna, landscape, people and the quality and comfort of their lives);
 - (b) be appointed by and be responsible to the Minister responsible for the environment but, in all its investigations, report also on its findings to the Minister responsible for development;
 - (c) comprise a core membership of five, two of whom will be nominees of relevant environmental and development groups while the remaining three will be appointed for their expertise and experience. The members will be suitably remunerated and the Minister will appoint, as necessary, additional expert members, with equal rights and responsibilities, for the duration of a

15 November 1989

- (d) specific investigation or assessment; and
be empowered to report in such a manner and make such recommendations as it sees fit in terms of necessary modifications, relocations, prohibitions, or requirements for further study (such as inquiries, environmental impact statements, public environmental reports) and, where further study is required, the Minister responsible for development shall not permit the project to proceed until that study is complete; and
- (3) pending the establishment of a permanent council, the Minister responsible for the environment appoint a Interim Environmental Council.

The Chief Minister's paper and drafting instructions on planning, environment, heritage and appeal matters are pending. I hope that this suggestion of mine will be seen as an interim arrangement, that it will be tried and the bugs ironed out, and then possibly become part of that legislation.

On 25 October Mr Whalan and some of his senior staff provided me with a briefing on the environmental issues involved in the development and future use of the Revlon site at Hume. In the course of that briefing we discussed the general question of environmental safeguards in relation to the development of individual industrial, commercial and office projects and the need to establish formal mechanisms to protect the interests of potential developers as well as the natural and built environments.

The main priorities I see in reaching such a balance are: firstly, that Canberra must remain well placed to attract suitable businesses and industries which will contribute to the local economy and local employment; secondly, that, in any preliminary negotiations between the ACT Government and potential developers about the nature and location of a project, both parties should have a clear and full knowledge of the environmental protection requirements and the community's expectations in relation to the potential impact of such a project; thirdly, that the process of evaluating the environmental impact of a project should commence as soon as possible after a proposal is made for the development of a site but, where negotiations about that site proceed, the commercial confidentiality of the negotiations should be preserved; fourthly, that the proposed project will not, in either its development or operational stage, threaten the environmental integrity of the ACT, whether defined in terms of the natural or built environments or the general quality of life.

Meeting these requirements while maintaining our competitiveness as a location for investment may be an

15 November 1989

exacting task but it is far from impossible. As you know, many regions in Australia now expect potential developers to meet specified environmental standards. The key to competing in this climate is not to apply lower standards than elsewhere; indeed Canberra's special nature will mean that our standards will generally have to be higher. We must guarantee that our environmental assessment procedures and requirements are logical and certain enough not only to allow potential developers to comprehend them fully but also to ensure that the processes of investigating the environmental standing of a project take place smoothly and effectively.

This proposal will, I believe, lay the groundwork for environmental assessment procedures in which developers, the general public and environmentalists can have the fullest confidence. The proposal revolves around the creation of what I will call for the moment the Advisory Council on the Environment. I have called it that because the acronym for it is ACE. The original idea was to call it the Advisory Council on Heritage and the Environment. However, I felt that that acronym was just a little too painful.

The features of this council are as follows. It should be responsible to and established by the Minister responsible for the environment, with all appointments to it being made by that Minister. The council should report to and advise jointly the Minister responsible for development and the Minister responsible for the environment on the potential environmental consequences of individual industrial, commercial or other development proposals, whether those proposals involve investment by the private sector, governments or both. The council is to have a permanent core membership of five, appointed for a period of four years and chosen for their expertise in a relevant field. Two of these positions should be filled by nominees put forward by the Conservation Council of Canberra and the South East Region or the Australian Conservation Foundation, on the one hand, and either the Canberra Association for Regional Development or BOMA, on the other hand; or any other peak group agreed to in negotiations between the Minister and representatives of the industry and development sectors or the Minister and representatives of the conservation sectors.

Depending on the qualifications required, the Minister should also have the right to appoint or second additional expert members, with full rights and responsibilities, for the duration of a specific investigation or assessment. All appointees to the council should receive an appropriate level of remuneration. This is a point that has been flagged to me not only by some people in the private sector but also by the Liberals, and, if in the next week's negotiations there is some suggestion to make the position entirely honorary, I would not have any difficulty with that. The original suggestion I had in my mind for remuneration was really to cover people's expenses - rather

15 November 1989

than to provide a huge pay package - and ensure that they had appropriate secretarial support. So I would be quite happy to entertain an amendment to the motion on that point.

The council will investigate all aspects of the environmental impact of a development proposal - including the effects on flora, fauna, landscape, people and the quality and comfort of their lives, so we are not just talking about the natural environment but we are also talking about the built environment - and its recommendations as it sees fit in terms of necessary modifications, relocations, prohibitions or requirements for further study, such as inquiries, environmental impact statements or public environmental reports.

Where a proposal requires preliminary negotiations between a developer and the ACT Government before the former makes any commitment to proceed, the council should commence its assessment of the proposal as soon as possible on the request of the Minister. So I say to those of you who have expressed some concern to me that this might mean that every single development is going to have to be looked at by the council that that is not my suggestion at all. My suggestion is that it is the responsibility of the Minister to determine when he or she wishes to use the council, because it is going to be the responsibility of the Minister in the long run to approve that particular development. Ministers should wear the responsibility and, if it does not go well, then they should be prepared to wear the flak. That provision ensures that the council would not be overused.

The nature, existence and findings of the council should be regarded as commercial-in-confidence for the duration of the negotiations. Once an agreement has been reached between the ACT Government and the developer, or negotiations have been abandoned by both parties, any report by the council should be regarded as a public document.

In the course of its investigations the council should have the right to demand such information from the developer and the government agencies as it believes is necessary to reach its conclusions. Where that information is refused, the council may, without further investigation, recommend to both Ministers that negotiations be terminated or that a full environmental impact statement should be undertaken on completion of negotiations.

The Minister responsible for the environment should undertake to notify, by advertisement or other means, the availability of council reports and should provide copies to interested parties.

No report by the council will contain details of processes of manufacture or other commercial operations which are regarded as privileged information, although the

15 November 1989

environmental impact of such processes and operations should be fully described and assessed. Appropriate penalties will need to be set in place for any breaches of confidence when the matter is considered in terms of legislation.

The Minister responsible for the environment shall regard a recommendation by the council for an environmental impact statement, an inquiry or a public environment report as binding.

Before the Minister responsible for development permits the commencement of a project, the developer should be able to provide a written guarantee that any conditions recommended by the environmental impact statement or public environment report, or imposed by the advisory council in a qualified approval for development, will be met. Where such a guarantee cannot be provided, the Minister may terminate the agreement or allow an appropriate extension of time for the developer to obtain the necessary resources to meet the conditions specified. In cases of an identifiable special benefit to the ACT community, the Minister responsible for development may approve such subsidies as will allow the developer to meet those conditions. Any subsidy granted by the Minister should be notified to the Assembly.

Where the council recommends that a project must go ahead without additional environmental assessment, the Minister responsible for development may permit work on the project to proceed after 30 days from the date on which the Minister responsible for the environment makes the council's report public.

The proposed planning appeals tribunal can be given the authority to consider appeals against the decision by the Minister responsible for development to allow commencement of a project, where that decision has not been preceded by an inquiry, environmental impact statement or public environment report. The tribunal's powers of determination need extend only to insisting on such a report or dismissing the appeal. All the processes of the council should be subject to the provisions of the Freedom of Information Act, including the exemption provisions.

I expect that many of these elements will need to be given legislative force and, for now, I intend proceeding on this assumption, although the Government's public service advisers will no doubt help the Assembly to decide whether the legislation is necessary or whether the council can be established with existing administrative provisions for the time being. Similarly, if additional legislation is required, I assume the Government will want to take advice on whether that should be by way of a separate enactment or whether the council's function and powers could be adequately described within the scope of the Government's proposed assessment and inquiries Act.

15 November 1989

As I see it, the Act will be directed more towards general planning issues, while my proposal is directed towards specific development projects. The consultation paper on planning, of course, will give the opportunity to provide this in the legislation. However, this motion gives me the opportunity to seek the Assembly's backing to try the proposal and to provide it with more authority than a simple suggestion.

In dealing with this proposal, I have approached a number of business people and business groups. I have approached a number of unions. The letter that I sent to them reads as follows:

Attached to this letter is a copy of the motion I tabled in the Assembly on 2 November 1989 the passage of which will allow for the creation of an Advisory Council on the Environment designed to establish a forum for stability and consistency in dealing with development projects in the ACT -

That is what this is about, stability and consistency -

I have also attached a copy of a media release issued the following day which publicly outlines the proposal described in the motion.

In consideration of any possible delays the Government might experience in establishing the Council proper I have also asked that an Interim Council be created to fully explore and determine the guidelines to which the ACE, once fully active, can operate.

I believe that fostering amicable relations between developers, builders, unions, environmental groups and the community in general is of paramount importance and I will be encouraging good working relationships between these groups by making myself available for discussions directed towards creating a common ground of agreement for potential development projects -

Of course that still stands with members of the Assembly -

I intend expanding this proposal to its fullest potential and would appreciate any comments or opinions you might wish to express that will contribute to effecting harmonious solutions acceptable to all involved parties. Therefore I would encourage you to feel free to contact me at any time to discuss aspects of these and other development issues that may arise in the future.

Following that letter, I had a meeting with the Trades and Labour Council, with the BWIU, and with Mr Larry King of the Australian Federation of Construction Contractors, and

15 November 1989

I had informal talks with Mr Ossie Kleinig of CARD. I commend my motion to the Assembly.

MS FOLLETT (Chief Minister) (10.47): The Government regards Mr Moore's proposal, that an environmental advisory council be established, as a highly constructive contribution to the current discussion about the way in which planning, development and environmental concerns should be handled in the future in the ACT. Members will be aware that the Government has released a consultation paper which contains proposals for an integrated planning, environment protection, heritage and leasing system for the ACT. Drafting instructions for the proposed legislation have also been distributed as an additional aid in that consultation process.

Mr Moore's motion is particularly relevant because it relates closely to one of the Government's major objectives in putting forward its proposed system. That objective is to ensure that environmental and other considerations are carefully and systematically taken into account in the planning and development of Canberra. The proposal for the creation of an environmental advisory council has particular implications for a significant element of the Government's planning and land use proposals, that is the proposed inquiries and environment assessment Bill.

It is against that background that the Government originally felt that the precise wording of Mr Moore's motion may not have given sufficient regard to the fact that the content of the proposed inquiries and environment assessment Bill is at this moment the subject of consultation both with the public generally and with Assembly members. Mr Moore has fully acknowledged in proposing his motion that this process of consultation is under way and that his motion is indeed an interim measure, a trial measure, if you like, and should not be seen to be pre-empting the results of our consultative process.

Members might find it useful if I were to briefly explain the Government's thinking in relation to environment protection and indicate how an environmental advisory council such as we are considering today might fit into that framework. The Government has put forward an overall planning and land use system which seeks to maximise certainty regarding the outcome of decisions once they are made. At the same time it is seeking to ensure that planning, development and related decisions are informed by comprehensive public consultation and investigation of the impacts of proposals. So, put simply, the system should ensure that all relevant considerations are taken into account prior to decision making and that, once such decisions are made, there exists a high degree of certainty regarding their implementation.

Clearly, such an approach makes it essential that the system is able to expertly identify proposals which require prior evaluation in relation to their environmental and

15 November 1989

other effects upon the Territory. The Government's proposed inquiries and environment assessment Act combined with other elements of the proposed land use regime is designed to provide a framework within which this can take place.

The proposed Territory inquiries and environment assessment Act could draw upon many of the provisions contained in the equivalent Commonwealth legislation. However, it would be drawn up so as to allow inquiries to be conducted in relation to a range of matters which are beyond those normally regarded as purely environmental in character. The intention is to make sure that the impacts of a proposal could be examined, and that means all of the impacts of a proposal including the social and economic implications of any planning or development proposal. It is also envisaged that the inquiries would be informal in their conduct and more readily and frequently employed than has been the case in relation to the Commonwealth legislation.

Against this background, there will clearly need to be a reliable mechanism through which planning, development and other proposals can be examined in order to determine whether a formal inquiry or assessment ought to take place. An environmental advisory council could indeed perform such a role. Because the Government's vision involves a council such as this in examining much more than narrowly defined environmental issues, it may be that the title of such a body would be different, so as to reflect its broader emphasis.

Such a council, provided it comprised persons of relevant expertise, could advise the Minister responsible for the environment not only on the need for an assessment or inquiry but also on the actual intensity of inquiry or assessment that might be required. For example, a relatively minor proposal could simply involve a straightforward public environment report. On the other hand, a major initiative, such as the Territory plan itself, could warrant a full inquiry. An advisory council would provide the Government with valuable and expert advice on such matters.

A further job for a council of this nature could be to provide the Minister with advice on the adequacy or otherwise of an assessment or an inquiry into a proposal once that had been conducted. I would like to point out, Mr Speaker, that such a role would not require a council to carry out an environmental assessment or other form of investigation itself, as is implied in Mr Moore's motion. That would be left to a panel of inquiry or other body as envisaged in the Government's proposal for an inquiries and environment assessment Act.

In that context, Mr Speaker, I would also like to add that a council of this kind has to be seen to be offering impartial and independent advice to the Minister, and I

15 November 1989

consider that it may be difficult to sustain that perception if the council has the principal investigatory function in relation to the actual environmental impacts of particular proposals. Similarly, I believe the value of a council would be at its highest if it comprised an expert membership which did not represent any particular interests in the planning, development or related fields. I do believe that it would be undesirable for such a body to simply institutionalise the position of groups which customarily take opposing views in relation to planning and development issues.

I am, therefore, somewhat concerned at the fairly prescriptive wording of Mr Moore's motion in regard to the membership of the proposed council. Nevertheless I take his point that it is important that all views are represented and that all views have a right to be heard. I accept that part of his motion in the spirit in which I believe he has put it forward. But, clearly, the Government itself would be required to take considerable care in developing the precise details and form of this advisory council.

In this regard it should be said that it would be inconsistent with the principles of ministerial responsibility for an environmental advisory council's recommendations to be binding upon a Minister. The Government would rather explore the scope for ensuring that the recommendations of such a council were publicly known. Therefore it would be incumbent upon a Minister to publicly justify a departure from a course of action recommended by the council.

Finally, Mr Speaker, I would like to reiterate that the very framework within which such a council could operate is currently the subject of public consultation. The Government is now receiving and considering the views of a range of groups which have commented on our proposal for a new planning and land use system. I have expressed some concerns about the possibility that Mr Moore's motion may be seen to pre-empt that process but, from Mr Moore's own comments, I am prepared to accept that this is indeed an interim arrangement.

I believe it would be premature for the Government to commit itself irrevocably to the establishment of a council precisely as proposed by Mr Moore without first having had the benefit of public reactions to its broader proposals. Nevertheless, the Government is very keen to undertake to examine urgently the establishment of an interim advisory council which could operate in advance of the commencement of the new planning and land use regime. The interim arrangement would allow the council's performance to be assessed prior to any integration of its functions within the framework of the planning and land use legislation.

To summarise, Mr Speaker, my concerns with the motion are that there is currently a consultative process under way

15 November 1989

and we must not regard this motion as pre-empting that process. I think, from Mr Moore's approach on this matter, we can be satisfied that that is indeed the case, and the motion which he has put forward is an interim measure and one which gives us an opportunity to trial the operations of a council. It is a matter on which the Government is very keen to take action and a matter which certainly has the support of the Government.

The other concern that I have is the prescription by the motion of the membership of the council, but I take that in the spirit in which it is offered. It is very important that we have representative views on such a council and that varying views are given equal weight and an opportunity to be heard. Such a council does indeed need to have a balanced approach. So I take that part of the motion in the spirit in which it is offered and indicate that the Government supports Mr Moore's motion.

MR SPEAKER: Once again I draw members' attention to keeping the level of comment to a minimum during a debate. It is totally disrespectful to the person speaking, particularly when people stand at their seats. In future I will call the Assembly to order and ask members to make their point as they are standing.

MR HUMPHRIES (10.58): I should indicate, Mr Speaker, that the Opposition has given this motion some consideration but believes it needs further consideration before a decision or a vote could be taken on it. As such, the Opposition will be supporting any motion that comes forward at the end of today's debate to adjourn this matter to some later date. What that later date should be, of course, is a matter for negotiation. I would suggest, as I think the Chief Minister might have suggested, that the debate on the Government's own package on planning measures ought to be the appropriate vehicle for also discussing this; but we will come back to that in due course.

I think this is a timely measure. I think it is appropriate to consider something of this kind at this important juncture in the history of the Territory. We have heard debate in the last few days about planning considerations from the Federal point of view, and our own need to address these issues promptly at the local level cannot be ignored. I will have something to say later about the extent to which this motion fits in with the trends that we are already developing in the Territory and I might make some comment about the extent to which we ought to prepare ourselves better for a debate of this kind and not rely on a fairly ad hoc approach.

If I might begin by being negative, there are some things I want to say about this motion which are not flattering. The first point that came to my attention on reading this motion was the name of the body and the fact that it acknowledges in its title and in the structure of its purpose, as set out in the motion, that it is an advisory

15 November 1989

body. It is an instrument to offer advice to the Minister responsible for the environment.

I have to say at the outset that that does not accord with my belief that bodies of this kind ought to have some real power. To establish advisory committees is not a desirable trend; it is not a suitable way of getting decision making done. On the experience of those people that have sat on such committees - I know that at least some of the members of this place have sat on advisory committees before; I have not, but I rely on the judgment of people that have - the impression I get is that such bodies tend to be somewhat between a rock and a hard place. They tend to have no responsibility because they have no power. It seems to me most important that, if we are to give people power, they ought to have responsibility; the two things go hand in hand. I believe that, if we trust in the expertise, the experience and the general understanding of the issues of the people that we appoint to such bodies, we ought to be able to give them some responsibility.

The problem with advisory councils or advisory bodies is that, because they are advisory, they tend to want to choose easy options and to avoid having to make hard decisions. It is very easy to make a decision which is good and then refer that to a Minister or some other person who the advisory body knows will have to take a more hard-nosed approach. For that reason I am concerned about the nature of an advisory body.

In the other policies of my party we make reference to the appropriate governance of important parts of the Territory's infrastructure. We talk, for example, about schools and say that school boards with real powers ought to be established and maintained. We talk about our hospital system and we say that in the hospital area we ought to have hospital boards of management which have real power over the day-to-day running of our hospitals. We reject the idea that at that level advisory committees ought to be established to tell Ministers, who are necessarily more remote from the day-to-day problems of those areas, what should be going on. Mr Speaker, that is the first point.

The second point is that bodies of this kind, where people are appointed on the basis, as the motion says, of their being members of "relevant environmental and development groups", necessarily have a tendency to be politicised, and that is a matter of regret. I do not think any of us in this place would be unaware of the danger of debates of this kind being politicised by adding people who are expressly there to represent particular political points of view. I think that this is the only way we can interpret that reference to "relevant environmental and developmental groups". It must be seen as a dangerous pitfall and must be seen as a way of threatening the politicisation of the project, as we can expect the environmental representative on this committee to be arguing the environmental side to

15 November 1989

the exclusion of most other considerations and we can expect the development groups represented on the committee to be arguing development at all costs and to hang with the environmental considerations.

I have to say, if the object of this motion is to draw heat out of environmental debates, perhaps it is not appropriate to put people on who are there to articulate a token position for their side of the political argument. We have seen, regrettably, very little ground between environmental groups and developers. The comments that Mr John Kerin, the Federal Minister for Primary Industries, has made in recent days are, I think, very much on target. He has described in fairly strong language the polarisation which occurs in this area. He said:

The people who join most environmental and conservation organisations are the nicest people you'll ever meet ... It's only when they get into their organised political mode that the demands become exaggerated ... well-founded decisions are an absolute necessity.

The emotional climate that has been created over environmental questions must not encourage us to give way on the demand for a basic foundation for decisions - and this applies to business, industry and political authorities.

I understand vested interest and the values of the develop-at-all-costs crowd, but what I don't understand is deliberate misrepresentation, lies and denial of logic, reason and knowledge by people who accept such values in other areas of human endeavour.

These are, with respect, sensible words and we ought not to ignore that reality when we make a decision on this kind of position.

There is one other thing of which I think Mr Kerin would also approve if he were taking part in this debate. Paragraph (a) makes no reference at all to a very important feature of any environmental consideration, and that is the economic impact of such developments. There is no reference there to the economic impact, and that is a matter of some concern.

Members will recall that Mr Kerin said in recent days that he believes that environmental proposals ought to be assessed, amongst other things, for their economic impact on what is the cost of preserving a particular piece of environmentally sensitive land or limiting some development. Now, I think that is very relevant. I know that my party's policy on the environment says:

Environmental impact statements will address broader issues than is currently the case: in

15 November 1989

particular the economic implications of the proposals.

It concerns me that this motion makes no reference to that whatsoever, and we are going to find that this council, because it concerns itself with environmental issues under its title, is going to be looking exclusively into environmental matters and saying, "It is not our job to conserve the economic implications". We are segmentalising the process of making decisions about development, and that is dangerous.

Finally I want to say that I find the process of bringing this matter up curious. The Government has welcomed this proposal and it says that it thinks it is a helpful contribution to the debate. It has not come expressly from the Government but I have to say that I have seen evidence in the last few days that Mr Moore carries some baton from the Government in his knapsack, and I wonder why this has not been integrated into the Government's own package. I would like to see the Government coming clean on what it intends to do about these sorts of things rather than having other people raise these issues.

Ms Follett: Read the paper, Gary.

MR HUMPHRIES: If the Government has the same paper, why is it not part of the Government's own paper rather than having this come up?

Ms Follett: Because it is from a private member.

MR HUMPHRIES: I want to finish by saying that I do think there are positive features of this issue and I think Mr Moore - or the Government, or whatever - does well to raise it at this stage. I hope that we can consider these issues sensibly and consider at the same time all the implications, the economic implications, and all the features of this debate that need to be borne in mind so that we can take the heat out of environmental issues and attempt to restore some balance which, unfortunately, has been very much lacking in recent Federal and local environment issues.

MR JENSEN (11.08): Mr Speaker, I rise to speak in this debate because I have some concern about the effect that the successful carriage of this motion could have on the long-term future of planning within the ACT, and on the environment for that matter. I believe that my concerns and those of the Rally, which in some respects has become a lone voice in the wilderness in this particular area, will become evident when we look closely at what the likely effect of this motion might be in the future for full and open government for the residents of the ACT.

I need not remind the members in this place that members of the minority Labor Government and the mover of this motion stood on platforms and insisted that development within the

15 November 1989

ACT would be an open and consultative process. Laudable as the aim of this motion might be, the Rally believes that it is misguided, and I will identify the major problems in the brief time available to me.

At this stage I think it is important to remind the Assembly of the policy platform in this area on which the proponent of this motion was elected and his subsequent pledge, after he decided to leave the Rally, to retain his commitment to these principles - principles, Mr Speaker, that he considered the Rally had forgone. In the planning policy of the Rally issued to the people of Canberra on 31 January this year, the first sentence reads:

These policies are based on the main premise that planning decisions in the ACT should be made in open forum.

A section of that same policy which refers to the environment reads:

- . All major proposals for development or redevelopment are to be subject to an environmental impact statement prepared at the expense of the proposer.
- . The environmental impact statement is required to consider separately the effect on the natural, built, social and economic environment by the project.
- . Bona-fide community groups can seek a requirement for, or an assessment of the quality of, an environmental impact statement by the Appeals Authority.

Let us then examine very closely the proposal that we have before us to see whether it complies with this statement of policy that the mover of the motion was elected to uphold. Now, if we were to find that it does, the Rally would have to support it. However, if we find something else, we must assume either that the mover of this motion is misguided in what he believes the proposal would achieve or that there is another agenda, of which we are not aware.

As I have already indicated, Mr Speaker, the Rally does not believe that the proposal meets Rally policy, so as we are in a charitable mood at this time we can only assume that Mr Moore is misguided in his understanding of what he is hoping to achieve.

One of the first things that I looked for in this motion was the identification of the role of the Assembly - not the Executive, Mr Speaker, but the Assembly - a role that we in the Rally consider most important, given that we have a minority government. All I saw were phrases like - I accept that they have been changed, but I do not think it affects the thrust of what I am saying - "Minister for the

15 November 1989

environment", "Minister for development", and "according to administrative arrangements", although, to be fair, there was a brief suggestion that some form of enactment might be necessary.

However, with only 10 more days of sitting left before the Christmas break, and given the time that it has taken for the Government to get together some form of planning white paper and the first inkling of drafting instructions for planning, environment and heritage legislation, one would have to ask when we might be able to fit the legislation that is suggested in this motion into our program. Despite the urging of my colleague Mr Humphries on a previous occasion, we are yet to receive the details of that legislative program. I am sure you will forgive me, Mr Speaker, for being a little cynical on our being shown such enactments before 15 December this year.

The first thing that strikes me is that the aim of this proposal is not to include the community in maintaining some watchdog role over our environment but to make it easier for an advisory council - I repeat, advisory council - to ease the way for development projects by providing them with the good housekeeping seal of approval. The aim of the committee, or council, would seem to this unbiased observer to be nothing more than window-dressing to enable projects to be fast tracked through the planning and development process with only a brief consideration of the issues that affect the environment.

Let me remind the Assembly that it was just these concerns for what on the surface appeared to be a rather hasty approvals process on environmental matters that caused the issue of the National Aquarium to be raised in this Assembly and then later on in the Federal Parliament. Despite the recommendations of the Assembly's environment committee, it would seem that the current Minister in the department of the environment is still not convinced. It would have been easier in this case for him to say, "Before my time". However, concerns about the future of the ecology of one of the largest river systems of the world, a river system already racked by the adverse effects of 200 years of European settlement, have led to continued concern about the project.

While I am sure that the Government in its comments will seek to portray the Rally as anti-development because we oppose this motion, let me once again reiterate our policy on the important notion of accelerated development. This time I refer members to the schedule attached to our full planning policy released in February this year. In the final paragraph the schedule says:

Provision for accelerated development of projects will be available if it is considered to be in the long term interests of Canberra. There will still be a requirement for public consultation and such proposals will still be subject to appeal in the same way as normal projects.

15 November 1989

It is not the fault of the Rally that we have no planning legislation or appeals system to operate in conjunction with it; it is the fault of the minority Labor Government opposite. I need not remind the Assembly that it was only after some hard questioning by the Rally that the Chief Minister finally agreed to honour, at least partly, a commitment she gave to us back in June.

What is proposed in this motion is a system that not only fails to take note of accepted procedures for the development and production of environmental assessments but also takes the whole process out of the public arena and into the world of commercial-in-confidence. We have seen how useful this concept has been to a minority government which appears to have sought to exclude the community from the process.

This proposal, Mr Speaker, allows for the advisory council to make decisions for the Minister on whether or not an environmental impact assessment is really required. However, I must acknowledge that, while the proposal does not seem to understand the process of environmental assessment, it at least recognises that an environmental assessment should take into account more than just the flora, fauna and landscape; it should also take into account the people and the quality and comfort of their lives. One must give credit where credit is due.

Before moving on, let me remind members that an environmental impact assessment is the end result of a staged process. The first stage provides for a statement - not an evaluation - to be carried out by an expert, who should be at arm's length from the proponent and the Government.

Mr Moore: That is what is proposed.

MR JENSEN: You will get your right of reply, Mr Moore. In stage two the public is able to comment on the statement. In stage three a final statement or assessment is produced for the decision makers to make their decision. This proposal allows for a decision on whether an environmental impact assessment or statement is needed to be made by an advisory council in a recommendation to the Minister.

This decision is not open to appeal by any of the parties involved. It is just as important for developers to have an opportunity to seek to appeal if they do not believe that the decision to require an EIS is not justified. Conversely, it should be possible for third parties with an acknowledged interest in a particular project to have a right of appeal. I see no avenue for appeal in this proposal for the environmental advisory council.

This is the sort of problem that inner city residents faced until they finally decided to take an issue to the Supreme Court, a forum which all parties acknowledge to be totally

15 November 1989

inappropriate for planning matters. Surely, Mr Speaker, we do not want another situation where the only avenue of appeal for residents is the expense of litigation in the Supreme Court.

The Rally believes that this proposal is against public consultation because of the degree of ministerial control over the appointment of members and action following reference to the council of issues and the report to the Minister. This proposal would appear to be seeking to lock the various interested parties into a process that would legitimise government decision making. This is a concern that some of us have had about the way in which the activities of the Estimates Committee would be received because it would be unlikely to change the shape of the minority Labor Government's budget. It was for this reason that a very strong statement at the start of the report was made, saying that the committee's report was not to be seen as an endorsement of the Government's budget.

What is really being proposed here is the concept of an advisory council with no real teeth or power - or independence, for that matter - to provide the Government with the support it needed to allow a project it wanted to go ahead regardless of possible effects on the environment. Might I suggest that one nominee from the environment movement is not enough, no matter how committed he or she is to the legitimate concerns of the environment and the rights of the residents to retain the quiet enjoyment of their lease. The process would develop into a permanent whitewashing process. The Rally would hope that, on the off-chance that this proposal is carried today, the environment movement would think long and hard before it committed itself to participation in this council.

The Rally believes that the current log jam in the processing of development proposals in the ACT is being caused by a failure of the current authorities to make decisions, despite the fact that the same basic procedures on policy plans that applied before self-government are still in place. (Extension of time granted)

I refer members to this special Gazette - the one that we all got today or yesterday - which provides details of all such processes and policies that were current at the time and the fact that certain draft proposals have been through the public consultation process and approved by the Executive without, I might add, any reference to the standing committee on planning. I am sure that members will recall the recent policy plan change that I have just mentioned in the Lyneham area. What I was referring to before was the special Gazette that was produced on 31 January which listed all those various NCDC policies that still applied in the ACT.

The process we have at the moment can be made to work if there is a will. The only factor missing is a properly constituted, non-legalistic appeals process, which

15 November 1989

community groups thought they had pretty well tied up until the decision was taken to remove the NCDC and leave a vacuum in the planning area. It would appear that there is no will to get on with the job or make decisions necessary for the development of the ACT.

However, let me say right now that this proposal does not provide the answer, not even on an interim basis. If, as the proposal seems to suggest, it should be a permanent advisory body, it is way outside the general guidelines that we have seen for planning and development in the ACT. This proposal takes the question of development applications out of the public arena where they belong and provides an opportunity for decisions to be made behind closed doors.

In closing, Mr Speaker, let me remind the Assembly of two of the key principles on which the Rally sought a mandate from the residents of Canberra. We said that a vote for the Rally would enable them to claim their right to:

- . open planning decisions - no secret deals,
and
- . responsible development in harmony with the environment.

I am sure that these two principles are well remembered by Mr Moore, and it is unfortunate that this proposal would move away from them. It is for this reason that the Rally is unable to support this motion.

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

UN CONVENTION ON THE RIGHTS OF THE CHILD

MR STEVENSON (11.20): Mr Speaker, I move:

That the Assembly calls -

- (1) upon the Federal Government to defer signing or progressing the UN convention on the rights of the child;
- (2) for full public and parliamentary debate on all UN conventions; and
- (3) on the Chief Minister to convey to the Prime Minister the concern of this Assembly that laws purporting to be for the peace, welfare and good government of the citizens of Canberra are being proposed and made other than through debate and due parliamentary process of the ACT Assembly.

This is a matter of grave concern to the rights of our children in Canberra and Australia; the right to a decent, law-abiding upbringing without undue interference by legislation that prevents parental control. Let me indicate that a convention, first of all, is basically the

15 November 1989

same as a treaty. This is a United Nations treaty. After a treaty is signed by the Commonwealth Government it would, one or two years later, be ratified. At that time it would become law in Australia. The situation is - and I note that the Chief Minister makes the point - that there are some grave confusions about whether or not UN conventions are valid law in this country.

According to Dr David Mitchell, eminent constitutional lawyer, the provisions of section 47 of the Human Rights and Equal Opportunity Commission Act 1986 enable the Minister to bring into Australian law the full weight of a UN convention simply by gazetting it in the Government Gazette. Thus we could see a UN convention overriding the laws of the ACT Legislative Assembly, quite possibly other Federal laws and possibly even the Australian constitution itself. All this could occur without due parliamentary debate, at the discretion of a Minister acting in collusion with senior bureaucrats.

Most members of parliament in Australia, and I do not exclude this Assembly, are basically blissfully unaware of the problems of UN treaties or conventions. Unfortunately what usually happens is that unless a member of parliament, or his staff, can go through and understand every detail of these conventions or the government gazettal, and understand their implications, things could be introduced into law that are of grave concern to all Australians and that have not had due public or parliamentary process and debate.

These United Nations conventions can be introduced under the external affairs powers of the Australian constitution. On page 10 of the August issue of the Institute of Public Affairs journal, there is an article by Professor Colin Howard, the Hearn professor of law at the University of Melbourne entitled "The explosive implications of the external affairs power". It says:

The legislative power of section 51 (xxix) was included in the Constitution to enable the national government to deal appropriately with other national governments on matters of legitimate national concern which arose in the international arena. It has been turned into an instrument of domestic political coercion manifestly contrary to both the word and the spirit of the very Constitution in which it appears.

There is currently confusion about the rights of the child convention within the Government and within governmental department areas. The information officer of the Human Rights and Equal Opportunity Commission in its Sydney office indicated recently that the convention was to be signed by the Federal Government in December.

15 November 1989

Senator Bronwyn Bishop recently indicated to Pam McCormack that the Bill would be signed on 20 November. Bob Woods, the Federal Member for Lowe, in a letter to a constituent, stated:

The situation, according to the Attorney-General's office, is that there is no convention on the rights of the child at this time. There are discussions and drafts but there is no final convention. The position of both the Government and, therefore, the Opposition has to be that until we see the final document we will not be able to take a firm position on it.

I have not seen, perhaps, the final document, but I do take a very firm position on it, as do a rapidly increasing number of vitally concerned parents in Canberra and Australia.

Let us look at the convention on the rights of the child text, as adopted by the working group on the question of a convention on the rights of the child at the second reading in December 1988. It is not understood when this convention is going to be signed by the Attorney-General's office but it has been worked on by a committee for over 10 years, since 1979, and many people in Government and the vast majority of the population do not know what it contains. Many people do not know about it at all.

Part 1, article 1, mentions that "a child means every human being below the age of 18". That is whom we are talking about, or in Canberra all children below the age of 18. I turn to article 2, section 1, and what I will do here is read certain words in order to highlight points. So, it is not word after word, but it is words in order to highlight a point. Subsection 1 says that the states parties shall ensure the rights to each child irrespective of the child's parent's opinion.

Ms Follett: On a point of order, Mr Speaker; Mr Stevenson purports to be quoting from that article. I would put it to you that the best proposition might be to table the draft convention so that at least we are not subjected to this extremely misguided, misleading and erroneous quoting. The meaning of it, Mr Speaker, is quite different from what Mr Stevenson is putting forth.

MR STEVENSON: I can handle that, Mr Speaker. I will now read article 2. There is another point. I have given everybody a copy of the convention so that they can follow this through. I highlight the points because that is not taking it out of context. That is basically in context amongst other matters. Article 2 reads:

The States Parties to the present Convention shall respect and ensure the rights set forth in this Convention to each child within their jurisdiction without discrimination of any kind irrespective of

15 November 1989

the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Section 2 of article 2 reads:

States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

That the child should be protected against punishments according to the opinions or beliefs of the child's parents is a nonsense. There is no other way that parents can punish or discipline their children without it being according to their opinions or beliefs. Does this mean that the child can refuse perhaps to accompany parents to church or medical treatment?

Article 12 says in section 1:

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Within that section it says, "States parties shall assure to the child the right to express those views freely in all matters affecting the child". The vastness of these articles is extreme. I have taken extensive legal advice on these matters. I suggest that those people who have not read the convention, or who have not sought legal advice on it, should by all means do so. One of the major problems in people not understanding this is that there has been precious little parliamentary and public debate on the matter.

I turn to article 13, section 1. I will read the words in the order in which I want to highlight them and then I will read the whole section. It says that the child shall have the right to freedom of expression, freedom to seek and receive information and ideas of all kinds, regardless of frontiers, or through any media of the child's choice. The full text of section 1 reads:

The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

15 November 1989

It is not of the parent's choice, but of the child's choice. Should the child wish to view pornography, then this says that the child has that right. If you did not know that, either you have not read it or you misunderstood it.

Mr Duby: But the next section says that it shall be subject to certain restrictions.

MR STEVENSON: Yes, indeed, but I would suggest that there are no restrictions provided by law for children reading pornography, although perhaps in this town we will soon have the opportunity to do something about Canberra being the porn capital of Australia.

Article 14, section 3, states:

Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law ...

Should we, in the future, ever have a Federal government that is an extremist government, a government that does not hold democracy dearly, these grounds could be used to control religion while ostensibly being for public order.

Article 15, section 1, says that states parties - and that means Australia in our case - recognise the rights of the child to freedom of association. (Extension of time granted) This says that the child has freedom of association. If the child wants to associate with heavy drinkers, not inside a hotel where the child is not allowed to go, but elsewhere, this document says that the child has that right - not that the parent has the right to bring the child up as the parent sees fit.

The child could also associate with prostitutes. This is something that perhaps does not happen frequently in Canberra, but it certainly does with young prostitutes in Kings Cross in Sydney. We have seen the television programs. Nevertheless, if the child chooses to associate with anybody the child can, provided of course that it is not against the law. The things I mentioned are not against the law. There are many others which are not against the law. Section 2 says:

No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law ...

There is no valid protection under that clause; the protection is illusory.

Article 16, section 1, states:

No child shall be subjected to arbitrary or unlawful interference with his or her privacy ...

15 November 1989

Now, many of these things on perusal sound fine, but when you look at what they actually mean - and I will go into the importance of exactly what they mean in a moment - you find that they mean that the child has the right to privacy. If the child is perhaps in his room then the parent cannot interfere arbitrarily with the child's so-called right to privacy - supposedly regardless of what he is doing. It is a vast statement. There is no corollary restricting it.

There are a number of other articles within this convention that need full, open and lengthy public and parliamentary debate. Now, I notice that the members of the Labor Party have made a number of statements decrying the suggestion that there is anything wrong with the convention. Let me mention a couple of points that I doubt anybody in this Assembly is aware of. If they were aware of them, they should have done something about them. We all know that recently - it was actually in August 1986 - a document entitled a bill of rights was overwhelmingly rejected by Canberrans and Australians. We all know that.

A member: No.

MR STEVENSON: All right; we should know that because it was. And that is why it was not, at that time, introduced. The bill of rights is not in a process of going through as a treaty; it was rejected overwhelmingly by the people of Australia. However, a few months later, in December 1986, almost every objectionable section of the bill of rights was introduced and became law under a section of the Human Rights and Equal Opportunity Commission Act 1986 and related legislation. Anyone who thinks we do not have most of the articles in the bill of rights in law in Australia is misinformed, because we do. It is obvious that this is not known by most people.

This is basically a mirror image of the bill of rights, the rights of a child, except it only relates to children. The bill of rights and these matters would be enforced by the Human Rights Commission. My legal advice is that the only grounds of appeal are points of law on the meaning of any of these articles. The Human Rights Commission is not bound by the normal rules of evidence, and inquiries can be held in secret. There are a number of other matters of concern.

DR KINLOCH (11.41): Whatever our own personal judgments may be now or may be eventually, I have a feeling that we need much more time on this and I therefore move:

That the debate be now adjourned.

Question put.

15 November 1989

The Assembly voted -

AYES, 9

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

NOES, 8

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

Question so resolved in the affirmative.

MR MOORE (11.43): I seek leave to make a statement on the convention on the rights of the child.

Leave not granted.

SUSPENSION OF STANDING ORDERS

MR MOORE: Mr Speaker, I move:

That so much of the standing orders be suspended as would allow me to make a statement on the UN convention on the rights of the child.

MR SPEAKER: I do not believe you are in order, Mr Moore, as we have just taken a vote on the issue.

Mr Whalan: On a point of order, Mr Speaker; as a result of amendments which were made to the standing orders earlier this year, any member is entitled at any point of time to move suspension of standing orders. Quite clearly this ruling of yours is not completely accurate. It is entirely within Mr Moore's rights at any time to rise and seek to move the suspension of standing orders.

MR SPEAKER: Thank you, Deputy Chief Minister. I understand that you are correct. I understand that Mr Moore has the right but I feel that it is wasting time as we have just taken a vote. However, I will bow to your position, Deputy Chief Minister, and we will take a vote on the issue.

Mr Kaine: I would like to take a point of order on the same issue, Mr Speaker. We have just taken a vote to defer the debate on this matter, and what Mr Moore is attempting to do now is to reverse that decision by the Assembly. I agree with you that it is out of order for him to attempt to do so, and I do not think you should allow yourself to be bludgeoned by a Minister into changing your view.

15 November 1989

Mr Collaery: On a point of order, Mr Speaker; I believe that Mr Moore's motion reflects on a previous decision of the Assembly. It is a standing order that says that. In effect he dissents from the decision taken. He wishes to debate the issue, and that in itself implicitly is a reflection on the decision just taken, democratically, in this chamber.

MR SPEAKER: I will take advice on this matter. Please resume your seat, Mr Moore. As I previously stated, I believe we are wasting time, but I agree that Mr Moore has the right to make the move that he has. Would you repeat it, Mr Moore.

MR MOORE: I moved the suspension of so much of standing orders as would allow me to make a statement on the convention on the rights of the child. To speak to that motion, Mr Speaker, I point out - - -

MR SPEAKER: Just a moment, Mr Moore. I am going to seek that the motion be agreed to.

Mr Whalan: On a point of order, Mr Speaker; he has the right to speak. He has speaking rights on the motion.

Mr Collaery: He does not; where does he get them?

MR MOORE: Yes, I do, because it is a motion. It is not seeking leave.

Mr Kaine: Do not allow yourself to be bludgeoned by the Minister, Mr Speaker. Make your own decision.

MR SPEAKER: Just a moment.

MR MOORE: It is a motion. I have moved to suspend the standing orders.

Mr Whalan: Of course you can speak on a suspension motion; what do you think a suspension is all about?

MR SPEAKER: You can speak to the motion but not debate the issue.

MR MOORE: To the motion only, Mr Speaker. I understand that. Mr Speaker, it is clear to me that a number of people, a majority of people, in the Assembly wish to have more time to prepare this debate, and I think it is very good and very wise for them to take that attitude. What I have done here is that I have moved something quite different from the adjournment of the debate that has been carried. I am moving the suspension of so much of standing orders as would allow me to speak without interfering with that adjournment. The debate will still be adjourned; I will simply speak on the convention on the rights of the child. It is different.

15 November 1989

Mr Kaine: I seek a clarification. If we allow this motion to pass and Mr Moore speaks, does he then have the right to speak again when the debate resumes, or does he give himself the opportunity to speak twice on the same subject? If the answer to that question is yes, I submit that he is out of order. He is trying to circumvent the standing orders.

Mr Whalan: On a point of order in relation to the same point made by the Leader of the Opposition; precisely the same situation will arise in relation to Mr Moore's motion which was moved earlier today, because already there have been several speakers in relation to that environmental motion and there have been indications that there will be amendments moved to the motion. That will enable the whole debate to be reopened. It is exactly the same situation and no-one is going to deny those speakers that right.

Mr Kaine: It is not quite the same. I submit that that is dissembling, Mr Speaker. It is not the same situation at all.

Question put.

The Assembly voted -

AYES, 6

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

NOES, 11

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

Question so resolved in the negative.

CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEE Membership

MR JENSEN (11.51), by leave: I move:

That paragraph (2) of the resolution of appointment of the Standing Committee on Conservation, Heritage and Environment be amended by omitting "4" and substituting "5".

I propose to speak very briefly, Mr Speaker. In view of the recent changes to the arrangements within the Assembly, the Rally is no longer represented on the Standing Committee on Conservation, Heritage and Environment. This

15 November 1989

motion provides for an increase in the number of members on that standing committee. It is proposed that, if it is successful, Mr Collaery be nominated to represent the Rally on that committee. This committee is an important part of the Assembly's operations and it is considered that the number of members of the Rally in the Assembly clearly entitles it to representation on that committee. The Rally is therefore seeking the support of the Assembly for this motion which allows it to be represented on this important committee.

Question resolved in the affirmative.

CULTURAL ACTIVITIES - SELECT COMMITTEE **Membership**

MR MOORE (11.53): Mr Speaker, I should like to move a similar motion, which is currently being circulated.

Mr Jensen: Mr Speaker, I thought I had a motion. Did I not have another motion on the table?

MR MOORE: I will defer to Mr Jensen, in that case.

Mrs Grassby: Because you are democratic and polite.

MR MOORE: Certainly; rather than not giving him a chance to speak.

MR SPEAKER: Order! I must remind Mr Jensen that, if he had wished to speak, he had the opportunity to stand.

Mr Jensen: I am sorry, Mr Speaker; I was awaiting the call in view of previous discussions.

MR SPEAKER: Yes, Mr Jensen.

MR JENSEN (11.54): Mr Speaker, I move:

That Mr Moore be discharged from attending the Select Committee on Cultural Activities and Dr Kinloch be appointed in his place.

Mr Speaker, I move the motion on behalf of the Rally because, as I have already indicated in speaking to the previous motion, this has meant that the Rally is no longer properly represented on a select committee which was established on a motion by and with the strong support of the Rally. That motion, Mr Speaker, you will recall, was proposed by me.

While I acknowledge that Mr Moore may wish to remain on this committee, I think it is necessary to gently remind the members of the Assembly of the precedents that have already been set with regard to representation on committees vis-a-vis the number of seats held within the

15 November 1989

Assembly. I have no doubt that we can all recall the long debates on the floor of the Assembly in those early days when these committees were established. Members who participated in the debates would acknowledge that the general convention seemed to be that a single member was generally only entitled to representation on one standing committee but it was possible for a member to participate in a select committee as well.

However, what we now find is that Mr Moore is already a member of one standing committee, the chairman of a select committee and a member of another select committee. On this basis, Mr Speaker, because the select committee was put forward by the Rally and as Mr Moore has the chair of a select committee which, as we are all aware, he established - and we are sure he would like to retain membership of it - it is proposed that Dr Kinloch replace Mr Moore on the Select Committee on Cultural Activities.

MR MOORE (11.56): It is curious, is it not, that when this committee was first proposed by Mr Jensen there were no disputes over who was the most suitably placed to be nominated as the Rally's representative? There was no internal division, no rancour, no qualms about my competence to undertake the job. So what has changed? The most immediate explanation is that I have left the Residents Rally to go my own peculiar way, but that has not undermined my capacity for rational thought and analysis. Indeed, that capacity has, in the view of many, simply been affirmed and enhanced by my decision. So what, I have to ask again, has changed?

Let me put forward two possible explanations. The first is that, whether there is any truth in it or not, I am now seen by the Rally as a sworn enemy. That was illustrated earlier today. I may even have displaced the Deputy Chief Minister at the head of their most wanted list. No, that could not be so. I am certainly fair game for the Rally's vituperation, their snide little remarks, their implacable opposition to anything I do. I can live with that. Being the butt of their antagonism and their quest for revenge only shows up how devoid the Rally is of ways to pursue their stated policies and contribute to the demise of a party which no longer has any real reason to exist.

Yesterday, the "President's Rally" celebrated their second anniversary. Typically, they got it wrong, since the Rally was started on 13 November - a Friday as it happened - two years ago. More importantly, on their first birthday only two of the three coordinators who founded the Rally were left. This year there was only one. Next year, I cannot say - - -

Mrs Grassby: There will be none.

MR MOORE: I cannot say how things will be next year, but what is left is a sad and embittered rump with nowhere to go. I can understand their desire to strike out whenever

15 November 1989

they can at me or anyone else who gets in the way of their dream of government at any cost. It is unfortunate that the agent of revenge on this occasion should be Norm Jensen, who stands as the main barrier to Bernard Collaery's asphyxiating grip on the party. I was always prepared to credit Mr Jensen with more sense, and I believe that many who will remain with the Rally until their subscriptions fall due feel the same way.

The second explanation is more disturbing because of what it suggests about the Rally's attitude to the Assembly and its procedures. As Mr Jensen has already reminded members, I ran into a few problems, only a fortnight ago, over a press release criticising a decision of the committee. Mr Jensen's revisionist history of such recent events is no doubt intentional - as intentional as it is inaccurate. What certain members of this Assembly took exception to was that inferences were drawn suggesting - - -

Mr Kaine: On a point of order, Mr Speaker; I thought we were speaking on and debating a question of membership of committees, not the history and the difficulties that Mr Moore has had with the Residents Rally. Could he be asked to stick to the point? I do not want to hear about his problems with the Rally.

MR SPEAKER: Please get to the point, Mr Moore.

MR MOORE: Mr Speaker, it is not just a case of membership of something, but it is the removal of my position from the committee. That has some ramifications to do with the attitude of the Residents Rally and why this motion is there, so I shall continue.

MR SPEAKER: Order! Mr Moore, the point is that logic was presented as the reason for your removal. I believe that really the internal machinations of parties are not the issue, so would you stick more to that point.

MR MOORE: What I am now talking about are the committees, Mr Speaker, and that, I think, is quite appropriate. The inference has been drawn that I had challenged the integrity of the committee in question. The motion put it slightly differently, referring to the "inferences" contained in my press release. That was a solecism which no doubt Mr Duby committed in the heat of the moment. An inference, as we all know, is something a reader finds, and I cannot really be held accountable for inferences drawn by others. The press release certainly contained no "implication", which is, I suppose, what was meant. I did not pass any judgment, adverse or otherwise, on the integrity or objectivity of the committee.

I have complete faith in the committee system. I have complete faith that every member of this Assembly will do his or her best to strike a balance between the policy objectives they adhere to and the evidence they are presented with. I accept that everyone will strive for

15 November 1989

objectivity and will do what they can to maintain integrity. But objectivity and integrity are human aspirations, and committees are made up of humans. Committees, like individuals, are apt to err. They are apt to look for compromises. They are apt to let value judgments or questionable propositions or prejudices slip through from time to time. As much as I support the committee system, while I live in a democracy I expect the right to criticise the conclusions a committee reaches. I also expect to be criticised if I am a member of a committee which reaches conclusions which someone else does not like.

I am sure Dr Kinloch shares these sentiments since he was happy to participate in demonstrations following the casino committee's report. I am sure that Mr Collaery shares them since he was quick to assert his right to single me out for criticism on the report into the aquarium project in a letter to the editor, even if he did need to depend on a non-existent plank in the Rally's policy.

Mr Kaine: On a point of order, Mr Speaker; I am not interested, and I do not think the rest of this Assembly is interested, in having our time wasted by this nonsense of Mr Moore's difficulties with the Rally. If he has got a good reason why he should remain on the committee let us hear it and then let us vote on it. I do not want to hear the sordid story of his difficulties with the Rally; thank you very much.

MR SPEAKER: Please proceed, Mr Moore, but keep to the point.

MR MOORE: In the same letter Mr Collaery wrongly criticised the Canberra Times reporter on the incorrect notion that the aquarium is in Rally policy. It is not. But whatever semantic quibbles or views I have, members will also recall - - -

Mr Collaery: On a point of order, Mr Speaker; we have got a lot of business to do today. I do not know whether Mr Moore is unwell. He will get no response from the Rally. We simply need to get on with the business of the house.

MR SPEAKER: Mr Moore, you have eight minutes and 27 seconds left. Please proceed to the point.

MR MOORE: I need not draw any inferences to demonstrate that Mr Jensen's motion is pregnant with quite enough implications. The attitude displayed in this motion is clearly that, since I am now no longer a member of the Rally, I will not necessarily prosecute their cause, since all other factors remain the same. It is my lapsed membership which is at issue; that is what it is about, Mr Kaine.

Mr Kaine: Yes, it is exactly. You no longer represent the group that you represented.

15 November 1989

MR MOORE: That is what I am talking about. Mr Jensen is saying, is he not, that the Rally cannot trust me? So much for the integrity and objectivity of the committee system. It depends, as far as the Rally is concerned, on having someone on it with their brand of ideological purity or loyalty to chase whatever the Rally demands. If this motion does not merely come out of spite or petulance, Mr Jensen is saying, in effect, that his party wants someone on this committee that can push things in the Rally's direction. He is saying that my objectivity is not Rally oriented enough for his liking. He is saying that I might also pervert the committee's deliberations to such an extent that the other members will reach conclusions which will not be to the Rally's taste because Mr Jensen and his colleagues suspect me of bearing the same kind of ill will towards them as they apparently bear towards me.

This is a direct affront to my integrity, more so because of a discussion I had with Dr Kinloch the very day before this motion was first presented. It is also a direct affront to the integrity of the other members of the committee. I am forced to say, "So much for the Rally's view of the committee system".

You may wonder, Mr Speaker, what is so vital in the work of the committee that I cannot be trusted to participate in it. Since we are talking about a cultural affairs committee, surely it must be the Rally's arts policy which contains something so fundamental and important for the future of Canberra. I wish I could say it was. Despite my best efforts and the efforts of other Rally members, that document is little more than empty pieties and meaningless rhetoric. It contains no great challenges. Indeed, some would say it contains no challenges at all. So it cannot be that.

But the only other factor involved, although it is no more than tangential to the committee's main function, is the casino. Yet here we have Dr Kinloch being put forward as my replacement. It is surely not the same Dr Kinloch who has been so vigorous - I do not think he will mind if I say "implacable" - in his opposition to the casino, as vigorous and implacable as I have been in fighting for the rights of inner city residents. Surely it is not the same Dr Kinloch who was so diligent in avoiding a nomination for the original casino committee, and I give credit to him. It is surely not the same Dr Kinloch who was, not so long ago, canvassing opinions about the propriety of Mr Stevenson remaining on the Social Policy Committee while he considered the fluoride issue which he is so passionately involved in.

If they want me off the committee and Dr Kinloch on it, what can the Rally hope to gain? Since they have no arts policy for me to differ with, they can only suspect me of intending to depart from the Rally orthodoxy on the casino issue. So it is the same Dr Kinloch. We may well wonder

15 November 1989

why he is allowing his good nature and his loyalty to be exploited in this way. He probably knows that his presence on this committee is, like his presence on the casino committee would have been, against his better judgment and against all his better instincts. He should also recognise there is nothing more to be said about the casino.

Despite Dr Kinloch's zeal, which I respect entirely, the Rally has been outvoted. They have lost the cause. The casino is going ahead despite them, despite me, despite the eager but small opposition. All that can be achieved is a last gasp of protest. All that this committee provides the Rally with is the opportunity to push one more time for some recognition of its casino policy. All that they are likely to achieve is some disruption of the committee's proceedings followed by a final, small, uncompromising voice of dissent against recommendations framed in the political reality that a casino decision has been made.

Is this their agenda? Is this what they are hoping for? If so, what are we to say about their view of the committee system? Is this committee - is any committee - something to be toyed with to ensure that one party has its petulant way? Is it something to be tampered with somewhere along the way to suit the whims of individual members, or should it be left to do the job that was asked of it? Is it to become the forum for one member to intrude his personal convictions, however genuine they might be?

I have shared offices with the members of the "President's Rally"; I have worked with them. Try as I might, I was often unable to share in the way they discovered improbable political advantage in the strangest and most obscure manoeuvres, so I cannot be certain about what the answers are. All I can say is that, without some entirely innocent and rational explanation, this Assembly is entitled to question to motives behind Mr Jensen's attempt to ensconce his colleague on the cultural affairs committee.

The most generous interpretation to place on this motion is that it is the product of spite and rancour, another descent by the Rally into the politics of personality. If we cannot allow the Rally that, we will be forced to conclude that it is motivated by a contemptuous attitude towards me, towards the other members of the cultural affairs committee, towards the committee system, and ultimately therefore towards the Assembly.

Either way, it is a monumental error of judgment. Clearly, since my departure the Rally members are bereft of someone to help protect them from themselves. I am not a vengeful person by nature, and if I must I will step into the breach yet again in the spirit of compromise. I am prepared to offer this solution. Dr Kinloch should be allowed to stick to his early and quite proper resolve not to become involved in committee deliberations touching on the casino. Mr Jensen is already on record as dissenting from the findings of the casino committee and might regard his

15 November 1989

involvement in a further, related committee as compromising. Ergo, we are left with Mr Collaery. But what are we to do with him? It is as contemptuous of the committee system as anything else suggested in Mr Jensen's motion that this particular committee should be asked to shuffle its membership now. That promotes the view that the committee's activities are of such insignificance they can be disrupted whenever the Rally feels like it. We are referring to select committees. More importantly it will set a precedent allowing select committees to be tampered with at the whim of a majority in the Assembly.

A select committee, once constituted, I believe ought be allowed to do its job. However, in the interests of harmony in the Assembly and in the unusual circumstances, of which I have certainly been a major part, I am prepared to suggest an amendment to the motion allowing the committee to be expanded to include Mr Collaery as a member. I urge members to reject Mr Jensen's motion, trailing, as it does, a contempt for all the values which members like Mr Kaine and Mr Duby have spoken about so earnestly in the past. I urge them instead to approve my amendment. I move:

That all words after "That" be omitted and the following words substituted: "paragraph (3) of the resolution of appointment of the Select Committee on Cultural Activities be amended by inserting after 'Mr Humphries' the following words 'Mr Collaery,'."

MR KAINE (Leader of the Opposition) (12.10): I will be quite brief and I will speak to both the amendment and the motion. During Mr Moore's long tirade against the Residents Rally, during which I insisted on several occasions that I was not interested in it and I did not want to hear it, he did make one comment. It was a rhetorical question, in fact, but he obviously did not want it answered. His question was, "Is the committee system to be tampered with at the whim of an individual member?", and the answer, Mr Speaker, is no. That is why I support the Residents Rally's original motion and that is why I will vote against Mr Moore's amendment to it.

We have a standing order, Mr Speaker, standing order 221, which says:

Membership of committees shall be composed of representatives of all groups and parties in the Assembly as nearly as practicable proportional to their representation in the Assembly.

We have stuck with that from the very outset, and that means that an individual member is entitled to approximately one-seventeenth of the seats on committees. Mr Stevenson has had to live with that, and I submit that Mr Moore will have to live with that. He was not elected to this committee as an independent; he was elected there

15 November 1989

as a representative of the Residents Rally. He no longer represents that group, so by remaining on the committee he deprives the Rally of their proportional representation on this committee in particular, and then all the appointments to committees in general. So I respond to Mr Moore's rhetorical question as to whether the committee system should be tampered with to suit an individual. The answer is no, and I do not support his bid to remain on this committee for that very reason.

MS FOLLETT (Chief Minister) (12.12): I find this a very, very sad debate indeed, Mr Speaker. The Residents Rally party is seeking yet again this morning to silence a voice from amongst this Assembly. It is quite clear to me that there is a remedy for this situation that is available without taking that sort of drastic action.

Mr Speaker, it must be said that the Residents Rally party does not own this committee. I cannot believe their proprietorial attitude towards it. They think that, as it was their idea, they must have a member of the residual Rally party upon it. That is quite incorrect. The committee that we have under debate may indeed have been the idea of somebody within the Rally party but that does not give them any right over and above another member to membership on that committee.

I have found it quite outrageous that, in seeking to impose a right which I do not believe they possess, they seek at the same time to deny another member the right to be on that committee. It is a serious indictment of this Assembly, Mr Speaker, that the Residents Rally party continually seek to silence the voices of members of this Assembly. I wish they would take a good look at themselves - when they gag the debate, when they seek to deny people positions on committees, when they continually interrupt me when I am speaking - and look at how this Assembly might operate if people were permitted to have a full and equal say on all matters. This is clearly not a situation which the Residents Rally party can cope with, and they seek to unduly influence these sorts of matters and to use their numbers. In their view, might is right, and they deny other members a chance to speak and to contribute to the work of this Assembly.

Mr Speaker, I take on board Mr Kaine's continual interjection concerning the standing orders, and standing order 221 in particular, which says:

Membership of committees shall be composed of representatives of all groups and parties in the Assembly as nearly as practicable proportional to their representation in the Assembly.

I do not believe that that standing order in any way gives any party a right to representation on any committee, nor do I believe that that standing order can, or should, be interpreted to deny a

15 November 1989

member representation or to deny a party representation. You are using the standing orders as if they were cast in concrete, as if they were totally unambiguous in their application, and again you are attempting in your usual numbers game to deny a member of this Assembly - - -

Mr Humphries: Look who is talking - a member of the ALP. The ALP is talking about numbers; it is unbelievable!

MS FOLLETT: Mr Speaker, can't you keep this man quiet?

MR SPEAKER: Please be quiet, Mr Humphries.

MS FOLLETT: They are seeking to deny a member of this Assembly an opportunity to participate in a committee of which he has been a member, to which he has contributed, on which he has been well accepted, which he has every right and is qualified to be on. They are seeking to deny that member the right in order to put Dr Kinloch onto that committee.

Now, Mr Speaker, I believe that there is indeed merit in putting Dr Kinloch on that committee. I have not been closely acquainted with this committee's work, but it is not the kind of committee where there is, for instance, a matter which would be voted upon. The numbers on this committee may not be crucial. It is a committee where obviously members with an interest in cultural matters can contribute and can pursue their particular areas of interest. It is a committee with very broad-ranging terms of reference and I think, Mr Speaker, that, rather than attempt to deny an existing member of that committee a further opportunity to participate, the Rally might care to consider whether they wish to extend a person's right to participate rather than cut off someone else's.

Why do you have to operate in this gagging method; that if you cannot have your way no-one else can have their say?

Mr Collaery: We have never used the gag. Your Mr Moore has, without my approval.

MR SPEAKER: Order!

MS FOLLETT: Yes, you must keep him in order, Mr Speaker, or I will throw him out. I have a further amendment to this motion which I think does address the concerns that I have outlined. It is a simple remedy. My amendment is, in essence, simply to include Dr Kinloch upon the committee. What is so difficult about that? I do not know why no-one else thought of that, unless they were addicted to the gag.

So, Mr Speaker, I have prepared an amendment in those terms. I will therefore formally move it.

Mr Moore: On a point of order, Mr Speaker; I do not believe the Chief Minister can do that, because I have an amendment currently standing. However, in the interests of

15 November 1989

harmony and if given leave by the Assembly, I would be happy to withdraw my amendment to the motion to allow the Chief Minister to do that.

Leave granted.

Amendment withdrawn.

MS FOLLETT: Mr Speaker, I move:

That all words after "That" be omitted and the following words substituted: "Dr Kinloch be appointed to the Select Committee on Cultural Activities".

MR WOOD (12.19): I am going to speak obviously in support of the motion moved by the Chief Minister, though I do not want to get into any great detail of debate. Mr Moore has exercised his right to speak. I want to say something about the committee system and, in passing, to say that I am sorry that an attack on the Rally has intruded into what should be a debate about the committee system. It is fine for Mr Moore to make his comments but he might have found another time to do it.

The committee system works well; I think we would all agree with that. I have the expectation that the Committee on Cultural Activities will work well and I hope nothing and no personalities will intrude into that. I might say that we have sent out something like 140 letters to various community groups. It is a massive task we are undertaking; it is much greater than I had realised at the outset because there is so much activity across the full range of the arts in this community that we have to survey and get some opinion from.

Already committee members have increased the level of their activity in this area, in their attendance at theatres, art galleries, craft displays and the like. It is a very rewarding experience, I might say, and one that I am enjoying. I know my colleagues are doing likewise. I will welcome Dr Kinloch to this committee. I am pleased to see that this proposal has been made because he will bring to the committee a great deal of knowledge, a great breadth of experience in the arts generally and in some parts of the arts specifically. I am delighted that Mr Moore will stay on the committee because he also has skills that will be valuable to it. There is important work to do on this committee and I hope that nothing that happens in this chamber will impact on that and will inhibit anything that the committee does.

MR HUMPHRIES (12.21): Mr Speaker, I have to say that this is a quite extraordinary debate and the extent to which the Government is prepared to go to suck up to Mr Moore is unbelievable. It is precisely that kind of attitude - - -

15 November 1989

Mrs Grassby: On a point of order, Mr Speaker; I object to that unparliamentary language and I ask the member to withdraw it. I do not like what was said about me as a member of this wonderful Government.

MR SPEAKER: Would you withdraw that, Mr Humphries.

MR HUMPHRIES: No, I will not, Mr Speaker. That term has been used many times in the past in this place. It has been used, not about any particular Minister - - -

Mrs Grassby: On a point of order, Mr Speaker; that language has not been used by any member of this house. I will not have it said that I am sucking up to somebody. Mr Humphries said that Mr Moore was sucking up to the Government.

MR SPEAKER: I missed the offending words as I was being advised at the time. Under the circumstances, Mr Humphries, and given the fact that I did not hear the offending statement, would you please repeat the statement so that I can make a decision on it.

MR HUMPHRIES: I said, Mr Speaker, that the Government was sucking up to Mr Moore. Now, I am not referring to any particular member of the Government. The Government generally has been engaging in activities - - -

Mrs Grassby: On a point of order, Mr Speaker; I am a member of this Government. I am not sucking up to anybody, Mr Speaker. I have not done it since I left my mother's breast.

MR HUMPHRIES: Mr Speaker, may I speak to the point of order that the Minister has raised. If I describe the Government in particular terms and I say the Government is doing something in a particular fashion, I am referring generally to a number of members of the chamber. I am not referring to any particular member doing anything that could be considered objectionable. If I say that a particular member is - - -

MR SPEAKER: Thank you, Mr Humphries; I recognise what you are saying. I do not believe the wording used was offensive enough to have caused such dissension. Please proceed, Mr Humphries.

MR HUMPHRIES: Mr Speaker, I think the unhealthy relationship which we are seeing between this Government and Mr Moore is symptomised by the remarks that have passed from the lips of the Chief Minister in recent moments. I find them quite extraordinary, because my mind goes back to the debate we had on a number of committees, in particular, committees on which Mr Dennis Stevenson as an individual member of this Assembly sought membership. At that time he certainly put the same sorts of arguments forward. He said that he had a contribution to make to particular committees in this Assembly and that he was entitled to membership of

15 November 1989

a number of committees in this Assembly. A number of parties, particularly the Government, took the view that Mr Stevenson, being a single member of this Assembly, was not entitled to membership of a range of committees in this place and in particular was not entitled to membership of more than one standing committee. I recall that he sought membership of both the Standing Committee on Social Policy and, I think, the Administration and Procedures Committee.

Mr Stevenson: Public Accounts.

MR HUMPHRIES: Public Accounts, was it? I stand corrected. He sought membership also of the Public Accounts Committee. And what did the Government say at the time? They said "No, Mr Stevenson is not entitled to membership of two standing committees". That was their view at the time, on the basis of standing order 221, and I read it once more:

Membership of committees shall be composed of representatives of all groups and parties in the Assembly as nearly as practicable proportional to their representation in the Assembly.

Now, it is not possible for each committee to have an exact reflection of the composition of this Assembly, unless the committee consists of all 17 members, which of course it never could. Up until today the view accepted by most members of this Assembly was that single members of the Assembly, or perhaps members of very small parties in the Assembly, would not automatically expect membership of every committee in the Assembly. Mr Moore not only wants to keep membership of all three committees on which he currently sits in this Assembly, but also - if an amendment which is before the Chair at the moment is to be carried - wants membership of a fourth. He wants a fourth committee membership. That is just not acceptable and it is not fair.

Mr Speaker, all members will recall previous occasions when the Deputy Chief Minister has moved around among us, speaking to us about membership of committees, and has said to us, "Who is your rep on this committee? Who are you going to put up for this committee? What about X, or is it going to be Y?". The Deputy Chief Minister, as spokesman for the Government on these occasions, has sought the names of members of parties, not because those individuals have any particular attraction, because they were particular individuals; he asked that question because he knew that certain parties, because of their size, were entitled to membership of committees in this place. Notwithstanding what the Chief Minister says - she has left the chamber; she did not want to hear it, no doubt - - -

Mr Berry: It is boring.

MR HUMPHRIES: No, it is not boring, Mr Minister; it is fact. It is throwing back in your face what you have already done in this chamber once. The fact is that we

15 November 1989

cannot have that kind of thing going on, and you would not support it. If Mr Stevenson moved a motion in a few minutes' time saying, "I want to be a member of the Public Accounts Committee or of the Standing Committee on Conservation, Heritage and Environment", you would oppose it. You would oppose it, would you not? Of course you would oppose it. And we would oppose it too, because we do not believe that this kind of thing should go on.

The lecture we had from the Chief Minister about numbers was interesting. The person that had the numbers at the last Labor Party preselection was telling us that numbers do not matter, numbers are not important. This was the person who did the numbers on the Deputy Chief Minister to get the leadership of the Labor Party. I do not lecture the Assembly about numbers but I see that the Chief Minister is prepared to do that. The numbers job done on the Deputy Chief Minister is on public record.

Let me make one more point, Mr Speaker. The point was made by the Chief Minister that Mr Moore has contributed to the cultural affairs committee. Mr Moore has not contributed to the cultural affairs committee. No member, to any great extent, has contributed to the cultural affairs committee because the cultural affairs committee essentially has not met. It was appointed some months ago, it had a very brief meeting to elect a chairman, and then retired. To my knowledge, that is the only decision that has been made by the cultural affairs committee. So, no great loss is going to be suffered from the absence of one member who has been on it for some time, because nothing has been done by that member, or by any other member.

Mr Speaker, this is a blatant and raw political move on the part of the Government. It should be rejected for what it is. We should not establish a precedent which is going to come home to roost for all of us at future times. We should respect the spirit of standing order 221 and reject this amendment.

MR WHALAN (Deputy Chief Minister): I move:

That the question be now put.

Dr Kinloch: On a point of order, Mr Speaker; I accept that this is about to be gagged, but am I allowed to say that I have been misrepresented?

MR SPEAKER: After the debate.

Question resolved in the affirmative.

Question put:

That the amendment (**Ms Follett's**) be agreed to.

15 November 1989

The Assembly voted -

AYES, 10

Mr Berry
Mr Duby
Ms Follett
Mrs Grassby
Ms Maher
Mr Moore
Mr Prowse
Mr Stevenson
Mr Whalan
Mr Wood

NOES, 7

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

Question so resolved in the affirmative.

Motion, as amended, agreed to.

PERSONAL EXPLANATION

DR KINLOCH: Mr Speaker, could I come back to the question of feeling that I have been misrepresented?

MR SPEAKER: Yes, please proceed, Dr Kinloch.

DR KINLOCH: "Count him not as an enemy, but admonish him as a brother", to quote from 2 Thessalonians 3:15. I would like to make very clear what I am implacable about. The word "implacable" has been used in connection with members of the Rally. I am implacable, Michael, that we love you, that you are our Christian brother and that our love for you will continue. I wish to ask that you withdraw terms such as "I am your sworn enemy" or "I have a quest for revenge". I am neither your sworn enemy nor do I quest revenge. I ask that perhaps you could read out the very note that I sent you to wish you well in your new role.

Mr Moore: Your actions and words are opposing, Hector.

DR KINLOCH: I would also like to say - I do have a right here, I believe - that we all have personal convictions. One of mine is the implacability of that command. I have other personal convictions. I do not intend, as suggested, to intrude my personal convictions on what is the task of the committee to which I have just been appointed. I look forward to being part of that committee. I show no enmity towards anyone. I ask no-one to show enmity towards me.

Sitting suspended from 12.34 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Grass Mowing

MR STEFANIAK: My question is about grass, and it is to the Minister for Housing and Urban Services. What does the Minister intend doing about the safety risks which presently exist in Oxley, Erindale and Wanniasa where grass has reached waist height and is creating a fire hazard and also problems with snakes. Four or five brown snakes have been seen there. Secondly, does the state of these suburban green areas have anything to do with the ACT Parks and Conservation Service's inability to keep up with the amount of work involved in the upkeep of Canberra's green belts? Finally, does the Minister intend putting subcontractors back on the job to ensure Canberra's environment is not neglected?

MRS GRASSBY: I do know about the problems, Mr Stefaniak. The point is that we have had more rain this year than we have ever had and, as the weather warms up, the grass grows very fast. At the moment we have put all the machines in our department out to work. Contractors have got extra work, which is being done as quickly as possible. But, as we can see, the skies are about to open up again this afternoon and the rain is about to pour down. People do not work with machinery in the rain, so the operation will take a bit longer. As for snakes, Mr Stefaniak, at this time of the year they are well known in Canberra. People know that brown snakes are dangerous. This is their mating time. It is the time they come out. They are protected. People know that when they are walking through long grass they should make lots of noise and wear stout shoes and socks. The snakes will usually run away from people; they only bite when they are cornered or attacked.

So, as for saying that the long grass has brought the snakes, I think you will find that there have always been venomous snakes in Canberra, and we have always been aware of them. I have had many in my backyard, particularly at this time of the year, even though the grass has been cut very low. They come off Black Mountain to Aranda. So that is nothing new. I do have all available personnel from my department out working and cutting as much grass as fast as they can. But, as soon as they get it cut, it rains, and unfortunately with the warm weather the grass grows faster. But you will find that the cutting operations will move quite fast now because we have all machines out.

Mental Health

MR WOOD: I direct a question to the Minister for Community Services and Health. It is the fact that more people with mental illness in the ACT are now out of institutions and in care of relatives or are self-supporting. This raises a number of questions. Has the ACT traditionally spent less

15 November 1989

than other States on mental health? What has the Government done in its six months to improve services? What will be done in the future to further improve these vital services?

MR BERRY: The appropriate level of funds for any population will depend on factors such as age distribution of the population and the prevalence of mental illness and disorder, and this is taken into account in forming a view about expenditure on mental health matters. Having said that, I agree that it is true that the per capita expenditure on mental health services in the ACT appears to be lower than in other States, with the exception of Queensland and the Northern Territory. The Government has provided \$150,000 in 1989-90 to improve after-hours services at Woden Valley Hospital for the acutely ill and disturbed. Additionally, \$270,000 has been provided to adult corrective services to improve the care of mentally ill offenders at Belconnen Remand Centre. Of course, those matters were mentioned in the budget.

I have previously mentioned that improvement in mental health legislation is a high priority for this Government. The Mental Health Advisory Committee has recently been established, and members may recall my announcement in that respect. In the first instance I will be seeking its advice on priorities for service development in line with the general thrust of the Government's commitment to open and consultative government.

Hospitals

MR HUMPHRIES: My question is directed to the Minister for Community Services and Health, and I refer to the Government's plans to restructure the ACT public hospital system. The Minister has said already that the plan is dependent on the Commonwealth's providing some \$150m to fund the bulk of the capital costs involved in creating one principal hospital at Woden Valley Hospital. I also note that the Federal Government, as last advised, has not made any indication of its intention to fund any or all of that \$150m, and I ask whether there has been any change in that position since last advised. If the Chief Minister met today with the Prime Minister, was this issue discussed? If so, can the Minister advise the Assembly of any progress on obtaining that \$150m?

MR BERRY: The first thing I would like to make clear is that I do not think the restructuring of the hospital system is dependent upon the \$150m which has been requested from the Commonwealth by the ACT Government. Of course, the ACT Government inherited a run-down ACT health system from the Commonwealth. It requires an immediate response in order to ensure first-class quality hospital services for the citizens of Canberra and surrounding areas, both now and in the future.

15 November 1989

The Government has undertaken to rectify this by implementing the integrated hospital system over a period of five to seven years, to which Mr Humphries referred, and it is important to note that the estimated expenditure of \$200m to \$210m is to be spread over a number of years. It will not directly impact on any one financial period but will be undertaken, along with other government priorities, within the framework of the ongoing capital works program. So it is quite unfair to look at the project in a short-term, narrow way.

Detailed planning on the implementation of the restructuring proposals will be carried out over the period of the next year and, as I have advised Assembly members previously, we are negotiating with the Commonwealth over its financial contribution to rectify the run-down conditions of the hospital, and I would expect that those negotiations would continue over the period that it takes to implement the hospital redevelopment. In terms of a response from the Prime Minister on the issue, I would refer that to the Chief Minister.

Use of School Buildings

DR KINLOCH: My question is to Mr Whalan in his role as Minister for Education. Mr Whalan, I need to put two schools together here - the former Pearce Primary School and the former Fisher Primary School. I understand that at least 22 organisations are interested in being located at the former Pearce Primary School. Can the Minister advise when a decision will be made on the use of the school?

I have one particular constituent group that has a problem. As vandalism is occurring at the Fisher Primary School, where Gaudeamus has some space, would it be possible to locate some of the 22 organisations at the Fisher school in order to deter vandals who might be put off if the school appeared to be fully utilised? Gaudeamus, which is there by itself, has been vandalised.

MR WHALAN: Mr Speaker, I thank Dr Kinloch for the question. The situation in relation to the school buildings that have been vacated as a result of the amalgamation of the schools is that the Government is undertaking a period of consultation through the planning processes. Members will be aware from earlier discussion on this that those schools which had been made vacant by the amalgamations have been advertised for comment by the community in relation to their potential use in the future. There has been some indication of the Government's preferred range of uses in that process.

That process of consultation is still continuing. The draft variations to the plan were released in August, and quite a substantial number of submissions have been

15 November 1989

received in relation to all of the schools that were involved. It is expected that a consolidated report on the use of all those schools will be presented in one fell swoop before the end of the year. That is the current state of play.

In relation to Gaudeamus, it suffered a loss of a range of office equipment as a result of a burglary at the Fisher Primary School. The Government has received a letter from the administrator of Gaudeamus seeking the loan of a surplus photocopier to replace the one that was stolen from its office at the former Fisher Primary School. Unfortunately, the organisation on that occasion did not insure its photocopier, so there is not much likelihood of recovery, but we are conscious of its difficulty, and its request has been dealt with as a matter of urgency.

Nurses

MR KAINE: I direct a question to the Minister for Community Services and Health and draw his attention to a comment that was made in a submission from the Australian Nursing Federation to the budget consultative committee in August, in which the federation made it quite plain that if there were any changes to the nursing shift arrangements at Royal Canberra Hospital they would "be challenged by legal and industrial means". Why is it that, having been given that warning, the Minister has let two and a half months go by and apparently has done nothing and we have now actually reached the point where industrial action is being taken by the nurses?

MR BERRY: As Mr Kaine would know, the normal and quite responsible response from the trade union movement to issues with which they disagree is that they will take actions described as "industrial", which may or may not mean a withdrawal of labour, and "legal", which may or may not involve the courts but may involve the industrial relations system. In terms of the issues which are addressed in the budget statement, it has been made clear, and I think I have said this in this place before, that the repetitive nature of the questions which are being fired from the Opposition is becoming, if nothing else, boring.

Mr Kaine: If you would answer one, one day, we would not be so repetitive.

MR BERRY: You want to listen to what I am saying, Mr Kaine, and then you will probably be able to get across the issues. The issues of the savings which have been required by the Government in its budget are being dealt with within a normal negotiating framework. That framework includes, incidentally, for the information of the Liberal Party, a situation where negotiations are conducted in a consultative way. We are pressing on with achieving the bottom line of the savings which were required by the Government in the budget process.

15 November 1989

MR KAINÉ: I ask a supplementary question, Mr Speaker. I noted Mr Berry's reference to the Liberal Party. Unfortunately the Liberal Party is not in government, so we do not have to answer for the inaction. He does. But my supplementary question is: did the Minister simply ignore this advice to the budget consultative committee, just like the Government has ignored all the other advice that it got through that so-called consultative process?

MR BERRY: Ignore which advice?

MR KAINÉ: The advice from the Nurses Federation that it would take legal and industrial action if you did not listen to it.

MR BERRY: I think I answered that, Mr Speaker.

Psychiatric Services

MR MOORE: My question is also to Mr Berry as Minister for Community Services and Health. Has the Minister received approaches or submissions from a Mr Peter Lowe of Watson, asking him to use his powers under subsection 52(4) of the Health Authority Ordinance to investigate allegations by Mr Lowe about psychiatric services at the City Health Centre and, if so, what has the Minister done in response to that request?

MR BERRY: Mr Moore, if you do not mind, I will refer that question to the Chief Minister.

MS FOLLETT: I am well aware of the matters which Mr Moore has asked about. I am also aware that this matter has been going on for some years now and that the particular gentleman involved has been seeking for many, many years to resolve the matter that relates to the Health Authority. I have done my best to assist Mr Lowe and in fact have been in correspondence with him. I have had the Government Law Office check out the full detail of his claims, as indeed has the Minister for Health, Mr Berry. Mr Lowe was advised of a course of action and he sought to act upon that advice. Unfortunately, the course of action that was advised to him did not actually eventuate because I believe that he was wrongly dealt with by the body to whom we had referred him.

That matter has now been taken up at an officer level and I am awaiting further advice upon it. But I think it is most unfortunate that, after such a long wait and on such a long-term matter, when he did get a response on it he was not able to act upon the course of action that was suggested to him.

Mr Speaker, I do not want to go into too much detail about this because it is a matter that concerns a particular

15 November 1989

person's relations with the Health Authority, the nature of those relations and indeed of his complaint. I might discuss it privately with Mr Moore if he has any further questions. To conclude, I say that we are taking action to ensure that the course of action that is available to that gentleman will be proceeded with.

Canberra Development Board

MRS NOLAN: My question is to the Minister for Industry, Employment and Education and it relates to the membership of the Canberra Development Board. When does the Minister intend to announce the membership of the Canberra Development Board, given the fact that he announced one member's name at the small business awards luncheon on Monday?

MR WHALAN: Mr Speaker, I was planning to announce the membership of the Canberra Development Board in a more formal manner, but I now am in a position to announce that membership. The chairperson, who was appointed quite some time ago, is Mr Fulton Muir, and we are very fortunate to have his services. The other members include Mr George Snow, Mrs Maggie Shepherd, Ms Amanda Harkness, Ms Kate Lundy, Mr Peter Cheng and Professor Ian Ross.

Mr Fulton Muir was appointed for a period of three years. As members know, he is a former chief manager of Westpac in the Canberra district and has had very extensive experience in the banking arena. Mr George Snow has been appointed for a period of three years. He is the joint managing director of the Capital Properties Group and is also the chairman of the Canberra Association for Regional Development.

Mrs Maggie Shepherd has been appointed for three years and is well known in Canberra as a fashion designer with international links. For the past 10 years she has been managing director of her company which won the manufacturing first prize in the 1986 Canberra small business awards. Ms Amanda Harkness has also been appointed for three years and is currently a partner with Freehill, Hollingdale and Page, one of Australia's largest law firms. She has an extensive practice in commercial matters; her particular field of expertise covers the telecommunications and high-technology industries, fundraising through equity and investment vehicles and joint ventures. One of the particularly notable aspects of Ms Amanda Harkness is that she is a product of the local education system, having graduated as dux of Melrose High School in 1974 and also having completed an honours degree in economics and law at the Australian National University.

Ms Kate Lundy is a representative of the Trades and Labour Council and is currently vice-president of the ACT branch of the Building Workers Industrial Union. She was educated

15 November 1989

in Canberra at Ginninderra High School before entering the building industry. Mr Peter Cheng will bring to the board significant experience in the business migration areas. Mr Cheng, himself a business migrant, is joint managing director of Montone Paints and Wallpapers, and also has extensive contacts in South-East Asia through importing and exporting interests. Professor Ian Ross is the deputy vice-chancellor of the Australian National University, and he brings to the board his extensive experience in the university of research and high technology.

Development Applications

MR COLLAERY: My question is directed to the Minister for Industry, Employment and Education. Having regard to the number of development applications said to be blocked in the system, and excluding the former Canberra Times site, would the Minister briefly identify any significant development approvals in the Canberra City division given since 11 May 1989 or now contemplated by the Government.

MR WHALAN: There have been some statements recently which have suggested that there has been something of a bottleneck in approvals and that this is related partly to the self-government legislation and the related abolition of the National Capital Development Commission, the establishment of the two planning bodies of the ITPA and the NCPA and that interim period awaiting the establishment of the Territory plan and the national plan for Canberra. There is something of a misconception in relation to this, and I think it is very important that the community understands that, notwithstanding some of the constraints which have been applied by those circumstances which have come together at a particular point in time, there has been a very substantial list of approvals of development projects in a range of areas. Also, recently that material has been gathered together, and I can arrange to have it made available to members of the Assembly.

Just to give some idea of the approvals, notwithstanding the constraints which have applied, I point out that in Belconnen approval has been given to major projects to the value of around \$116m; in Tuggeranong and Woden the figure is about \$63m; and in central Canberra, \$82m. These figures do not include the bulk of housing developments also approved during this period. I would have to stress that the values of developments approved are estimates only. However, they are indicative of the scale of approvals that have been given since May 1989.

In addition, approval has been given to major planning policy variations such as for Barton and Kambah, and the Government is also expecting to consider a range of further proposed variations to planning policy shortly. In other words, planning and development is not under the influence of any sort of a dead hand, as might be suggested. I would

15 November 1989

like to add that I do have in my office a detailed and precise list of the building approvals which have been made since May of this year and I will make those available to the Assembly this afternoon.

MR COLLAERY: I ask a supplementary question, Mr Speaker. I also asked whether the Minister was contemplating any development approvals outside the Canberra Times site, which I exclude from this question. Is he contemplating any in the central area of Canberra City - I will put it more precisely - within, say, 300 metres of this building?

MR WHALAN: Mr Collaery has asked whether the Government is considering any development projects within 300 metres of this building. Quite clearly, when somebody wishes to proceed with a development he will approach the Government at various levels, sometimes through the department; sometimes through the planning authority, the ITPA; indeed, sometimes through the National Capital Planning Authority. The area within 300 metres of this building is included in the Parliamentary Triangle, and we do not know what approaches have been made to the NCPA in relation to the Parliamentary Triangle.

However, we do know from information that has been made available that there have been some proposals in relation to Civic and the ANZ Bank project, none of which has proceeded to the approval stage. I am not quite sure what the present status of that particular project is. There is also the proposal in relation to a building in Petrie Plaza. Both of those have been delayed to a certain extent pending the outcome of the Canberra Times decision. There is a further proposal for the redevelopment of section 10, which is the site on the other side of the Amdahl Building on the other side of the street. That would involve two sites there - the Olympic Bowl site and the YMCA. There is a proposal for the joint development of that to provide office accommodation to consolidate the Australian Taxation Office on that one particular site. Of course, every man and his dog have come forward with a proposal to redevelop the Civic Pool.

A member: Or woman.

MR WHALAN: I am sorry; every man, woman and child and their dogs and cats have come forward with proposals for the redevelopment of the Civic Pool.

Nurses

MR STEFANIAK: My question is to the Minister for Community Services and Health. Can the Minister tell us why the Royal Australian Nursing Federation is supporting the removal from the interim hospitals board of the democratically elected ACT nurses' representative on the board? Will the Minister allow this union interference to

15 November 1989

continue against its democratically elected representative? Does the ACT nurses' representative on the board have the Minister's full confidence?

MR BERRY: I thank Mr Stefaniak for that very interesting question but it seems to me that it is a question that he should be asking of the Royal Australian Nursing Federation. In terms of the election of the person on the board, that was a matter for the staff at the hospital, as I understand it. The important thing for any representative who goes through any election process is that he or she has the support of the staff. I would say that the election of that person, of course, was conducted in accordance with the requirements of the day.

Mr Humphries: Did she have your support?

MR BERRY: I think my support is irrelevant. The question is probably out of order anyway because it asks for an opinion of mine, and I think that is totally irrelevant.

MR STEFANIAK: I ask a supplementary question. Perhaps I will read the last part of my question again to the Minister. I said:

Will the Minister allow this union interference to continue against its democratically elected representative? Does the ACT nurses' representative on the board have the Minister's full confidence.

That is quite different from what the Minister is stating.

MR BERRY: I do not know of any interference by the union with the person on the board. If Mr Stefaniak wants to raise anything specific with me, I would be pleased to look at it again. As I said, I do not know of any interference. In terms of my support for the person on the board, I think I have made the position clear. It is an issue about my opinion and I think that any question that asks my opinion is, in accordance with the standing orders, out of order.

ACT Commemorative Medallions

MR HUMPHRIES: Mr Speaker, my question is directed to the Minister for Industry, Employment and Education. But, before I ask it, I will acknowledge the presence of members of class 5/6M from Campbell Primary School and welcome them to the gallery.

I refer to a decision by the Government some time ago to award commemorative medallions to school children in the ACT at a time when it was felt that self-government for the Territory should be commemorated. I understand that the end of the school year is only a matter of weeks away. Can the Minister say exactly when school children can expect to

15 November 1989

receive the medallions that the Government has already decided to give them?

MR WHALAN: Mr Speaker, I thank Mr Humphries for his question and I appreciate his acknowledging the presence in the gallery of children from one of our primary schools, particularly as it is Campbell Primary School. I seem to recall a question from Mr Humphries some months ago about the terrible socialists who go to Campbell Primary School because all this Labor Party propaganda was on their school notice board. Of course, we recall that it was all clarified when it was discovered that they were having a mock election.

I would also like to say in relation to Campbell Primary School, as Mr Humphries has brought the presence of the class to our attention, that we, as a government, were able to facilitate the construction of a skateboard ramp in the grounds adjacent to the school as a result of a direct approach through the newspaper by one of the students at the school. As a result of that initiative on the part of that young man, a skateboard ramp has now been constructed in the park, and I hope that all children at the school enjoy it.

In relation to the medals, that was a decision of the former Government. If there are members who would like to visit schools and distribute any of those medallions they are welcome to do so. The medallions are available.

Asbestos Removal

MR JENSEN: My question is directed to Mrs Grassby as the Minister for Housing and Urban Services. In view of the fact that public contracts have been let for the removal of asbestos in buildings in the ACT, can the Minister explain why in the ACT Gazette on 1 November 1989 equipment purchase contracts totalling some \$94,000 have been arranged for the asbestos branch? Is this branch going into the business itself, Minister?

MRS GRASSBY: The asbestos branch of my department is removing asbestos from houses. When the first one was set up, all members had an invitation to go and see how it was done. That is where the equipment is. Also, the branch is undertaking monitoring in the houses to make sure that the asbestos is completely clear. Money has been spent in buying equipment. I read out yesterday exactly where all the money was going. If members would like me to read it out again I will, but it was in my answer yesterday. We are removing asbestos from houses. When we started out, we had to see how it was done. You cannot let a job out unless you know what you are doing. That is the right way to do it, I would have thought. Also, as I said, we are doing the monitoring ourselves and some of the equipment is for monitoring.

Control of Ferrets

MR WOOD: My question is also addressed to the Minister for Housing and Urban Services. I refer her to reports in the media about a child being bitten by a ferret. Now, I regret that injury to a child but I do want to ask the Minister for dogs, cats and things like that: what requirements operate in the ACT about introduced animals like ferrets? We have had extensive debates here about animals, fish and the like, getting into the natural environment. Are there conditions under which ferrets should be kept? Are they allowed to be imported? She might tell me what protection exists, not only to children but also to the environment.

MRS GRASSBY: Thank you, Mr Wood. I think the only ferrets are in the opposition, are they not? A Canberra child was apparently bitten by a ferret. I am told that the child had trapped the ferret and made it very angry. Like people in this house, when ferrets get very angry they bite back! I guess that is exactly what happened here. I understand that there are not many ferrets in Canberra. In fact, I inquired about this matter and I found that there are only a few and they are not dangerous.

Ms Follett: What are their names?

MRS GRASSBY: Well, there is Bernard, there is Norman, there is Gary, and Bill. They all have male names. Females do not ferret and they do not bite. But I understand that generally the ferrets are not dangerous. There are not a lot of them and the few there are, are mostly pets. I understand that there is no law about keeping ferrets in Canberra. If they were to become a danger, I am sure we could bring in a law and perhaps we could get lots of little cages for all the ferrets in the opposition.

Internal Investigations Unit

MR COLLAERY: My question is directed to the Chief Minister. Will she advise whether the internal investigations unit of her Government is under her direct control and whether reports are made directly to her? Will she further advise the Assembly whether the internal investigations unit was recently instructed to interview persons suspected of assisting the Residents Rally in the discharge of its Assembly functions? Will she confirm that one such person interviewed was a Mr John Rockley? Will the Chief Minister further advise why Mr David Lawrence of the Chief Minister's Department also sought to interview a Mr John Rockley in relation to a belief that he had supplied information to the Residents Rally?

15 November 1989

MS FOLLETT: The investigations unit is a part of the ACT Government Administration and, as such, it is part of the Chief Minister's Division. In the normal course of events it would not report directly to me; it would report directly to the head of that division. That has been the procedure that it has followed, as far as I am aware. From time to time the head of that division has brought matters to my notice and I have spoken to members of the investigations unit. But they certainly do not come to me for instructions, nor do they approach me in the first instance on any of the work that they are doing. Therefore, I am not able to make any comment on the allegations Mr Collaery has put forward concerning Mr John Rockley or the Residents Rally or Mr David Lawrence, who is also a member of the administration. It may be best if I were to perhaps take the latter part of that question on notice, Mr Speaker, and, if it is convenient, respond to the Assembly on that as soon as I can, because it is not a matter that I have had any involvement in, as far as I am aware.

Driveways

MRS NOLAN: My question is to the Minister for Housing and Urban Services and it relates yet again to driveway construction. Does the Minister consider seven months, or almost seven months, to be an unreasonable time to wait for a driveway to be constructed? Would the Minister explain why a resident at Theodore has been waiting since 24 May and why he is now being told that he may be waiting until after Christmas before any action is taken?

MRS GRASSBY: The delays in providing residential driveways in the Tuggeranong area and throughout other areas have been mainly due to extremely wet weather experienced in the past 12 months and some problems in awarding contracts. Additional resources have been applied to reduce the backlog and, subject to weather conditions, the target of providing a driveway within four weeks of the completion of the new home should be achieved by the end of the year. In the past two months 475 driveways have been completed and this has been done specifically in order to reduce the backlog of driveways waiting to be constructed.

MRS NOLAN: I ask a supplementary question. Could I have an answer to the first part of my question? Does the Minister consider almost seven months to be an unreasonable time to wait for a driveway to be constructed?

MRS GRASSBY: That depends on the weather. If the contractors are in an area and they cannot get the work done because of the rain, then it can take several months.

15 November 1989

Development Applications

MR WHALAN: Mr Collaery asked me a question about approvals and delays in project approvals. I now have a list of major projects approved since May of this year. It does not include housing approvals. There are 76 projects, the total value of which is over \$260m. I seek leave to table it and have it incorporated in Hansard.

Leave granted.

Document incorporated at appendix 1.

PERSONAL EXPLANATION

MR COLLAERY: Mr Speaker, I claim to have been misrepresented, and I seek leave to make a short statement.

MR SPEAKER: Please proceed, Mr Collaery.

MR COLLAERY: Mr Speaker, I speak not only for myself but also as chairman of the Assembly's Standing Committee on Planning, Development and Infrastructure. I refer to today's report headed "Move to delay site hearing" at page 7 of the Canberra Times, an article by Rod Campbell, a reputable, competent journalist who is well known to me. The following statement is made in that article:

Early this month, the ACT Legislative Assembly's planning, development and infrastructure committee recommended the redevelopment of the site, after an environmental assessment, and a grant of a new lease to Concrete Constructions.

In effect, it was suggesting that the Supreme Court's decision, and the impending Federal Court appeal, could be disregarded.

I wish to inform the Assembly that the first part of the statement is incomplete. The Assembly's recommendation was far more qualified than a mere environmental assessment. Secondly, I say also as a practising barrister and solicitor that I am dismayed that there could be a suggestion that I would be part of a committee which would suggest that the Supreme Court's decision and the impending Federal Court appeal could be disregarded.

I am sure that I speak for my colleagues on this, in saying that nothing would be further from our minds. All committee members took exceptional care to ensure that the proceedings of the inquiry, which preceded the report, raised no possible reflection on the judiciary. The committee reference was taken on board after advice was received on the question of the sub judice rule, which we were advised was not offended in any way by the inquiry.

15 November 1989

The paramountcy of the legislature is well recognised in constitutional law, and the committee was careful to ensure that the separation of the powers and the absence of any reflection on the judiciary was maintained.

Propriety does not allow me to comment on the Federal Court appeal, other than to say that all committee members have been careful not to intrude in this area. I made an additional comment, since I was the practising lawyer on the committee, indicating that a mere authorisation to issue a lease without such authorisation being well founded in law and fact would be improper. I trust the Assembly and the media will take note of this statement, because it is not the first time that this reflection has been cast on the committee and committee members.

I am well aware of the current concerns of the judiciary regarding their tenure after 30 June 1989. I believe it is incumbent on the Chief Minister to make the proper guarantees at an early date, but in the meantime the relationship between the legislature and the judiciary is not well served by statements of this nature occurring at this time.

HOSPITAL CRISIS **Discussion of Matter of Public Importance**

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

The Minister for Community Services and Health's disastrous handling of the hospital crisis.

MR HUMPHRIES (3.15): Mr Speaker, only a fool would pretend that there is not, in our hospital system in the ACT at present, a crisis. More than a year ago, the then Minister with responsibility for the ACT, Clyde Holding, identified health as the critical problem facing the ACT, and he proceeded to appoint Dr Brendon Kearney to conduct a review of the ACT's hospital system. He did so in order to tackle what he saw as serious problems in that ACT health system. In particular, he indicated, among other things, that the ACT hospital system suffered from poor operating procedures, low morale and, above all, that it was too expensive.

At the same time, or shortly thereafter, the Minister also appointed an interim hospitals board. It was an interim board because, with self-government in the offing, it was naturally improper to set in concrete for too long a board which would manage the hospital system, and it was felt appropriate that this board should be one which made decisions for only 12 months, subject to reappointment. I will not comment at this stage on the extent to which it was expected by members of the community and, in

15 November 1989

particular, by members of the health community that this committee would continue to have responsibility for the running of the hospital system.

Mr Speaker, it is undoubtedly true that the board appointed by the Minister was a good one. Since the eruption of this issue in recent days I have made the effort to speak to people involved in health about the hospital system and asked them what they thought of our interim hospitals board. I have to say that, with the exception of individuals who are associated with the management of the union movement, particularly with respect to hospital unions, I have found universally good words spoken about that board.

Unfortunately, it is necessary to raise the quality and the conduct of that board because that is the issue that is being raised in this debate, and it is being raised particularly by the way in which the Minister has suggested on a number of occasions that the existing board will have to go. The words I think he used were "its days are numbered". So, to some extent, personalities come into this, and that is very unfortunate.

The board, Mr Speaker, has a number of representatives. It is broadly representative, I think, of the community. It has a lawyer, a business person, a public servant and, of course, it has representatives of staff. I understand it is one of the most generously inclined in that sense towards staff representatives of any board in the country. The kind of board that has been set up in this situation is standard across Australia; it is not exceptional. It is the kind of board that runs almost every, if not every, hospital in this country.

Then we had self-government, and we had our own Minister for Health elected, with responsibility in this area. He inherited, undoubtedly, a less than desirable health situation. Indeed, he acknowledged that in today's question time. He could be excused for acknowledging frequently the poor system that he inherited. But that has not been the line he has taken.

Almost consistently since the beginning of his tenure as Minister for Health this Minister has said that we have a first-class hospital system. Those are his words, "a first-class hospital system". He makes reference to that all the time. He is saying constantly, "The garden is rosy. Don't worry, be happy. Things will sort themselves out". That is a strange attitude, Mr Speaker, because clearly, at the time he inherited that garden, things were not rosy, and I would submit to this house that things today are very far from rosy. In fact, our garden is a mess.

Mr Berry: You would have to take a bit of the credit for that.

15 November 1989

MR HUMPHRIES: No, Minister, I will not, and I will explain why. Mr Speaker, six months of self-government have now elapsed. Last Saturday was the anniversary, and we are entitled to ask ourselves what improvements have been effected by this Government in the health system in that time; in particular, what improvements have occurred in our hospital system. The fact is, Mr Speaker, that it has not got better; it has got worse. We are deeper in crisis than ever.

The Minister's reaction to these sorts of problems has been predictable. It has been, first of all, to deny that there is any crisis; secondly, to counter-accuse people who have attacked the health system and described properly - - -

Mr Berry: Like Gary Humphries.

MR HUMPHRIES: Not just Gary Humphries, Minister; many people have done it, if you would care to be reminded. As I was saying, he has attacked the people who have made reference to these points, people who have been "disloyal" to the hospital system. Thirdly, he has, quietly, on the side, acted on the complaints. I think that the ambulance crisis of a few months ago was a good example. In this house and in press releases I raised the problem of the ambulance system, saying it was seriously under strength. Mr Berry reacted by saying that my attacks were "untimely and inaccurate", although in questions in this place he was unable to say in any way how those statements were either untimely or inaccurate.

A few days later the secretary of the Transport Workers Union, David Lamont, confirmed that the ambulance service was understaffed. He said that he had twice spoken to the Health Minister about staffing concerns raised by ambulance officers. Mr Lamont said that the Health Minister had, on two occasions, directed the ACT Health Authority as a matter of urgency to instigate discussions with the TWU to arrange a solution. He said that the authority, in turn, had ignored that directive. Here we have the pattern: deny that anything is wrong, attack the accuser, and then act on it in a sort of fashion. Mr Speaker, that is just one example of how our so-called first-class system is in trouble.

I want to quote now from a body which is, perhaps, best able to comment on this matter and which most accurately reflects the position of our hospitals at the moment, the interim board of directors of those hospitals - Royal Canberra and Woden Valley. There was reference yesterday to a letter from which I want to quote.

Mr Berry: It fell off the back of a truck somewhere for you, too?

MR HUMPHRIES: Yes, Minister, off the back of a truck. I quote the acting chairman of the board, writing to the Minister on 27 October this year.

15 November 1989

Mr Berry: Why did you want me to table it, if you had it?

MR HUMPHRIES: So that we could all read it, Minister. The acting chairman said:

I reiterate the Board's commitment to delivering the best-possible level of care with the funds available. We sympathise with your dilemma in balancing effective budget management against the difficult political imperatives. But, to be frank: time is running out and some firm political resolve and support is needed if the Board is expected to meet your budget priority.

We can all see, can we not, why the Minister yesterday was so anxious not to have this letter tabled? The acting chairman went on:

Year-to-date operating expenditure is \$39.1m which is \$2.5m over the monthly pro-rata allocation of available funds.

The Minister yesterday was unable to confirm this was the case. I continue:

Whilst continuation of over-spending at the same rate would result in a \$10m deficit in operating expenses, there are several initiatives currently in place that will, we estimate, halve this effect.

I draw attention to those words, Mr Speaker, because they indicate clearly that the Minister's attempt yesterday in effect to cast aspersions on the view that there was a \$10m blow-out was simply a diversionary tactic.

The board made it quite clear here - and we would all have known that if he had been prepared to table this letter - that the \$10m deficit is being contained by proper measures to restrict growth in the hospital expenditure budget. But he also made it clear that further things had to be done. You could have made that clear, Minister, and you did not. He went on to say:

The tough options follow: Our priority - doubtless in step with your political realities - is to identify major cost-saving initiatives which will have minimal effect on patient care. I know you are not entirely comfortable with the industrial consequences, but the choices, short of additional funding, are running out.

He went on to list those choices:

1. The introduction of productivity measures in food preparation and food distribution.

15 November 1989

2. Elimination of the employment category of hospital assistants and the return to nurses of some of their former duties.
3. Changes to nurse rostering arrangements including the removal of the two and a half hour shift overlap at RCH.

And he said:

These items in the long term would result in continuing savings in the order of \$2-3m.

This is the issue, Mr Speaker - the \$2m to \$3m which could be saved if this Minister was prepared to face up to his responsibilities. The issue is not whether there has been a blow-out in the hospital budget. You can cover a blow-out by increasing your allocation to the hospital system. That is not the point. The point is that there is waste and mismanagement in our hospital system and we need to address it.

Although the Minister has known for six months that this is here, he has not attempted to address those issues. He should have done so. Finally, Mr Speaker, I read the last paragraph of that letter:

As we are already four months into the financial year and fast running out of savings options, I seek your early consideration and assistance in the urgent resolution of these difficult issues.

This is the acting chairman of the interim hospitals board writing to "Sit-on-your-hands" Berry, asking him for urgent action. Well, I am afraid that he will not get it from this Minister.

Rather than support this board, rather than back up his own interim hospitals board, the Minister has chosen to attack it. He has said, in effect, "Board, your days are numbered". He has sent to it and to any other board which might succeed it an unmistakable signal. This Minister is saying that he does not wish it to address cost saving measures which entail rolling back the overmanning and inefficient work practices which have grown up in the hospital system over the last few years. He has shown a complete unwillingness to do that. The fact is, however, Mr Speaker, that our hospital system is foundering. It cannot afford more indecision. It cannot afford to wait. But that is what is being offered by this Minister.

I come to a few points made in a paper which was prepared for the interim hospitals board. It indicates very clearly the kinds of rorts which are going on in our hospital system and which this Government is apparently incapable of addressing. Let us look at the comparison of labour costs and numbers between the ACT and the rest of the country. These figures are, unfortunately, a couple of years old but they probably have not improved from the Minister's point

15 November 1989

of view. Let us look at the cost per bed day, for example, of medical salaries in the ACT and Australia. In the ACT, \$33 a day; in Australia as a whole, \$31 a day. We are 6.45 per cent more expensive in the ACT. That is medical salaries. We should bear in mind that nurses and others in recent days have been saying that doctors need to take some cuts. There is not a great deal to cut there, is there?

Let us look at nursing salaries. The Australian average, \$74; the ACT average, \$97 - a 31 per cent over-average payment in the ACT. It is the same with administration. In Australia, \$19 per bed day; in the ACT, \$36 per bed day - 89 per cent more in the ACT. It is 89 per cent more expensive to run a hospital bed in the ACT than it is elsewhere in Australia. Why Minister? Why does this have to go on? That, I might mention, does not take into account the nurses dispute of 1987, which I think would have made the differential between the nursing salaries in the ACT and the rest of Australia even more marked.

Let us look at the number of level 4 nurses used in the ACT's hospital system compared with, say, the Royal Adelaide Hospital. The Royal Adelaide Hospital has 795 beds, the combined Woden Valley and Royal Canberra Hospitals have 772 beds, so it is slightly smaller than Royal Adelaide. How many level 4 nurses does Royal Adelaide need? It needs nine. How many does the ACT's hospital system need? It needs 27 - three times as many as in comparable systems. Those figures do not vary from State to State, Minister; they are all consistent. The ACT is vastly overmanned, we have inefficient work practices and you are responsible and you should be making a decision about this.

Let us look at the food services. Food services are carried out in the ACT hospital system by in-house staff in each of the two hospitals. Staff from the hospital services division prepare on average 45 meals per shift per staff member, and this compares in a commercial kitchen with an average of 100 meals per shift per staff member - 100 to 45. On the current production level of 3,750 meals per day, private contracting arrangements have the potential to save up to \$2.5m a year. (Extension of time granted)

This has not come as a surprise to the Minister for Health; this has been the situation for some years in the hospital system, and he has known about it for six months. Why has nothing happened? I hope we will have an answer to that question when the time comes. It should be noted that the average cost of meals produced for patients in the hospital is \$9.43 each, whereas meals sold to non-hospital staff, visitors and others range from \$1.50 to \$5. But of course different people prepare those different meals.

Let us look at the cleaning services conducted in hospitals. Woden Valley Hospital is cleaned by outside contract staff, private contractors. Royal Canberra,

15 November 1989

however, is cleaned by staff who are, I assume, mostly members of the Hospital Employees Federation. The cost of cleaning Woden Valley Hospital per year is \$18 a square metre. The cost of cleaning Royal Canberra Hospital per year is \$32 a square metre.

Minister Grassby has said in this place on occasions that she opposes the idea of privatising: privatising is wrong, we must not privatise. Minister, if we privatise cleaning services in the ACT hospital system we are going to save hundreds of thousands of dollars per year for the people of the ACT, the people whom you and your colleague the Minister for Health are supposed to be looking after. But are you going to do that? I very much doubt it. Of course Royal Canberra is an older hospital than Woden Valley, which may account for some of that difference, but by no means all.

Let us look at the cost per bed day for 1987-88 across the three hospitals in the ACT. These are slightly more current figures. And this, I think, bears on the argument that somehow Calvary should be taken into account and should have its head as much on the chopping block as other hospitals. The cost per bed day at Royal Canberra Hospital is \$428. At Woden Valley Hospital it is \$340. At Calvary it is only \$264. To my knowledge, Calvary Hospital is much more efficient than either of the other two, and in my view the reason is simply, among other things, that it is run privately and has the additional potential which private operation gives it.

Mr Speaker, I cannot complete this debate without quoting from the editorial of the Canberra Times of 9 November. This is one of the most damning indictments that I have ever read of any Minister of any government. It says:

The ACT Minister for Health, Wayne Berry, is showing every sign that he lacks the experience and the guts to handle the crisis in the ACT health system. He simply will not make the hard decisions. And when the unpalatable options are put before him, he runs away from them, thinking that the crisis will go away. Now he is thinking about doing away with the board system when the interim ACT Hospital Board's term expires in December. He appears not to like the board's persistence in giving him the bad news.

It goes on further:

Mr Berry must make an attack on work practices, contract out some services, get improved efficiency (necessarily involving staff cuts) in administrative and non-clinical services, and rationalise clinical services to particular hospitals. He must resist the pressure to find cost savings by reducing clinical services. To do the latter would be an abrogation of his public duty.

15 November 1989

And yet, Mr Speaker, it seems to me that that is exactly what the Minister is considering - taking the easy way out and cutting patient services. That is the only thing left to this Minister if he is not prepared to tackle the hard questions of overmanning and poor work practices. The editorial concludes:

Undoubtedly, making the necessary changes will cause pain to the trade unions and some of their screams will be focused on Mr Berry's own political power base. But Mr Berry was not elected or given his ministry to serve the industrial interests of the nurses and other hospital staff. If he has not got the guts to put a higher interest - the people of Canberra - before them, he should resign. And he should do it quickly before the damage that his irresolution is causing becomes too great.

I endorse those comments, Mr Speaker. I ask the Minister to seriously consider his position, decide whether the interests of the hospital system would not be better served by some other Minister being there, and consider whether he has the fortitude needed to make the hard decisions in our hospital system.

MR BERRY (Minister for Community Services and Health) (3.36): Mr Speaker, I think the first and most important thing that the Assembly has to deal with is the Government's approach to the management of hospitals from the outset. The Government's territorial budget statement, announced in July, was framed to achieve short- and long-term adjustments. It was grounded in the principles of social justice and, of course, we had to recognise responsibly the overfunding identified by the Grants Commission.

In health services, Mr Speaker, the budget began the longer-term strategy to address the \$13.4m above-standard expenditure identified by the Grants Commission. All of this puts to rest any of the allegations that Mr Humphries made, and later I will be able to explain where Mr Humphries has irresponsibly dealt with this issue and stirred up more trouble in the hospital system than should have been the case. But the interesting part about it is that Mr Humphries can do it very safely from his side of the house because he will never have to deliver.

Despite a difficult economic climate, I announced some important programs. These included asbestos removal from the Royal Canberra Hospital, upgrading fire penetration provisions, sanitising equipment for Woden Valley Hospital, a 24-hour mental health crisis admission service, the child abuse assessment clinic and a critical incident stress debriefing service.

15 November 1989

To achieve expenditure reductions, I proposed measures totalling \$2.9m in a full year based on better use of limited resources, improved productivity savings and better client outcomes. For 1989-90 they included the obstetrics early discharge program; the coordination of accrued days off, the savings from which were \$250,000 for this year and \$450,000 in a full year; hospital pharmacy rationalisation, \$100,000; commercial cleaning standards at Royal Canberra Hospital, \$50,000; consolidation of post-natal beds, \$125,000 this year and \$165,000 in a full year; suspension of enrolled nurse training, \$130,000, and \$170,000 in a full year; the ambulance subscription scheme, \$200,000 this year and \$550,000 in a full year; the two-hour shift overlap, \$250,000, and \$1m in a full year; and extension of the five-day surgical wards, \$170,000, and \$250,000 in a full year.

The budget consultative process - a very successful process which the Liberals walked away from, I might add - demonstrated strong concern about the potential impact of some measures on low income, mainly female employees. The two-hour nursing shift overlap, about which Mr Humphries bleats so much, along with other measures, is still on the agenda as part of the constructive negotiations - not the bull in the china shop approach which seems to be promoted by Mr Humphries - at a high level that are now taking place between the department, the Trades and Labour Council and other unions.

We have talked to the unions. We do not turn our backs on them and we do not attack their wages and conditions in the media. We conduct our negotiations with the trade union movement in a sensible industrial relations environment. That would be foreign for the Liberal Party, but it is something that the Labor Party has been able to base its successes on.

Mr Humphries: What successes?

MR BERRY: I have just read out quite a number. Meetings have been held regularly since 19 October and I expect this process to conclude soon. Other measures announced in the budget are being introduced progressively and savings will be achieved. It has been made clear that the bottom line will be achieved.

I turn to the hospital redevelopment. This Government inherited a public hospital system which required restructuring. Since we came to power, the major development needs of the public hospital system have been addressed. These decisions, as I have said on a number of occasions, will shape the future of the system into the year 2000 and beyond. That took a lot of hard, involved work on behalf of the Government. Of course it is a success for the Government and, while the opposition would not be particularly happy about it, I am sure it is entirely envious of it.

15 November 1989

In this regard, since I took responsibility for the portfolio, the role of the steering committee was endorsed and its membership was expanded to include trade union representation. In August the report was received and the Government invited public comment. The Government took into account comments made in the many submissions in the consultations. That is something the Liberal Party would not have had to worry about because it would not have been consulting.

The Government's decision was announced on 31 October and essentially my commitment is to ensure that a high-level, high-quality service for the Territory and the surrounding New South Wales region is maintained. There are good opportunities for education, research and quality assurance and there is recruiting for the best available health professionals and other workers.

A comprehensive and accessible hospital system will prevail and there will be unnecessary avoidance of duplication. There will be enhanced public use of the Acton Peninsula and there will be savings in excess of \$5m annually. The Government is now moving ahead quickly. Processes to ensure full, ongoing consultation with staff trade unions and the general community on planning, design and implementation are being developed.

Mr Humphries: Make a decision on the board then. Announce a decision today, Wayne.

MR BERRY: Mr Humphries said earlier that I, as Minister, had attacked the board. There has been no attack on the board by this Government. The credibility of the board has been raised by the Liberal Party. It has been responsible for making a public scandal out of this. It has tried to develop a public scandal, create a frenzy and then feed off it. It is common knowledge that it is an interim hospitals board. I am sure Mr Humphries has read the Kearney report; he will see this fact in there. The Government is required to make a decision about that board. I indicated in a statement in this Assembly in October that a decision on the future community consultative arrangements for health and community services, including hospitals, would be held over until the Government had formulated its plan for the restructuring of the ACT public hospitals.

Mr Humphries: Have you done that yet?

MR BERRY: The plan has been announced, Gary, or were you not listening that day either? The Government is currently considering a range of community consultative options. No decision has yet been made. It is essential that the Government properly consider all options and move in the most appropriate direction to meet the challenges of the future. The Government is addressing this issue quickly, and I expect to be in a position to announce a decision around the end of November. But whether he likes it or not, Mr Humphries has to recognise that it is a Government

15 November 1989

decision and the Government is acting to deliver a decision in relation to that matter; it just cannot be left lie.

Mr Humphries: But how long does it take?

Mr Kaine: Seven years.

MR BERRY: Well, it will take five to seven years for the restructuring of the hospital system. You have got mixed up, Mr Kaine. I have already said that the decision will be taken by the end of November.

The interim hospitals board raised the issue of budget problems in October. I responded immediately by setting up a Treasury team to assist the interim board to identify the extent of its problem and to formulate measures to overcome the deficit. That was done at the request of the interim board.

The Treasury team has been working in a constructive and cooperative manner - no bull in a china shop stuff - with officers from my department since Monday, 6 November. It is operating under the guidance of a steering committee comprising the general manager of my department, the acting chairman of the interim hospitals board, and the under treasurer.

I received a preliminary report, which I mentioned in this house, from the Treasury review team on 14 November - that was my birthday and I treated it as a birthday present - which does not support the recently publicised figure of a suggested \$10m blow-out. It did not support it. So we acted responsibly in getting that team in there. The review team also advised that a supposed overrun of \$2.5m to the end of September was probably exaggerated. The review is still under way, and it is expected to be completed by the end of this month.

Mr Humphries: Release the whole report so we will know.

MR BERRY: Watch my lips. Of course I am not going to anticipate the recommendations but I will work quickly to address any issues raised just as soon as they are raised.

Mr Humphries: Quickly, yes; Wayne "Lightning" Berry strikes again!

MR BERRY: The current industrial situation has to be addressed, and I hope that Mr Humphries will support an extension of the time that I am given to enable me to deliver this speech because his interjections are holding me up.

Mr Jensen: I will give you an extension, Wayne.

MR BERRY: Thanks, Norman. There is no doubt about it, there is an element of disappointment in that two of the major health industry unions are considering industrial

15 November 1989

action over alleged cutbacks in hospital funding. But I will tell the Assembly who marketed all of that - Mr Humphries himself. He marketed it all, and no wonder they are stirred up about it, because it is the old bull in a china shop approach again - create a frenzy and feed off it, as I said earlier. The Government is committed to genuine consultation with the trade unions and staff, and that includes all health care workers.

Mr Humphries: How long is it going to take?

MR BERRY: Well, it will take as long as it takes to do it properly, Mr Humphries.

Mr Humphries: Too long.

MR BERRY: Of course it would be too long for you. You would do it in a most improper way, I am sure. The opportunity already exists for unions to be involved in a consideration of options for improving productivity. In my view, the threat of industrial action is premature, and I have written to the unions and advised them of that view. I have also suggested that they take full advantage of the opportunity to address, in an appropriate industrial relations environment, the need to achieve the most productive use of available resources.

The Government has acted quite properly in its approach to the industrial situation. The problem is merely a response to irresponsible statements by the shadow Minister for Health, Mr Humphries, who has been singing the same old tired anti-union song of the Liberal Party since May. It is just getting a little bit boring, Mr Humphries; it is about time you laid off and allowed the Government to get on with delivering the service and managing it appropriately. I do not mind if you help, but, if you run this anti-union line, attack workers' conditions and attack the hospital system and therefore the health carers, of course they will get angry.

Mr Humphries: Health conditions depend on addressing these issues, Minister. You cannot get away from that.

MR SPEAKER: Order!

MR BERRY: Who is responsible for the rorts in food services? The workers, of course, in your view.

Mr Humphries: There are rorts, that is right.

MR SPEAKER: Order! Minister Berry, please resume your seat. I just draw members' attention to standing orders 39 and 42. I will read them, because obviously you have forgotten. Standing order 39 says:

When a Member is speaking, no other Member may converse or make any noise or disturbance to interrupt the Member.

15 November 1989

Standing order 42 says:

Every Member desiring to speak shall rise and address the Speaker.

Please take note of your own standing orders. If you wish them to be revised so that it can turn into a free-for-all, we will do that, but, until that happens, please abide by them. Please proceed, Minister Berry.

MR BERRY: Thank you for your protection, Mr Speaker. I think that my demonstrated performance in this matter as Minister for Community Services and Health is clear. I have considered the issues of greatest significance in the hospital system. I must say that I do not include Mr Humphries as a significant part of the hospital system although, if he continues to interfere, with these sorts of outrageous attacks on both the system and the people in it, then it will be more difficult for the Government to address the issues as they arise. But we have addressed them quickly, with careful consideration of all options. There has been no knee-jerk stuff. We have made firm and clear decisions; we have taken a long-term view and demonstrated concern about the best services for clients. I repeat: our actions are in stark contrast to those of others. We have not reacted to selective individuals and groups but have consistently taken action in the best interests of the Canberra community.

MR KAINE (Leader of the Opposition) (3.50): The Chief Minister, as Treasurer, undertook as part of her budget strategy to ensure that the ACT is in no way burdened by debt and that the budget is balanced and cost-effective for ACT citizens. What we have seen, however, is a continuous budget saga that has been going on for four months and has not ended yet. Despite the fine words, we have a government that presents the image of uncertainty and indecision, both in developing a budget and in managing it.

The entire so-called consultative process appears to be the action of a government that wants somebody else to make the decisions for it. We are lucky, Mr Speaker, that there are no productivity measurements or performance indicators for our Ministers. Having regard to the low performance that we have witnessed over the past few months, I think they would, in most cases, be hard pressed to justify themselves based on their output.

Let me focus on the current debacle, one in which we have seen the Minister for Community Services and Health procrastinate and evade responsibility while the hospital system reaches boiling point. In her initial budget statement in July this year, the Chief Minister stated that the forward estimates report had revealed that the ACT would face a serious shortfall in the funds required to carry out the ongoing functions of government.

15 November 1989

In order to avert this, the Government had developed a package of measures which would help balance the budget by reducing recurrent expenditure. Proposals in the health area, we were told, responded to some of the sources of overfunding identified by the Grants Commission. The Chief Minister stated that she would address this problem in a manner which would "realise substantial savings".

We have heard the Minister run through some of the specific proposals, including matters such as the rationalisation of nursing shift arrangements at the Royal Canberra Hospital to eliminate excessive overlap, the rationalisation of food preparation services and the coordination of staff days off to align elective service with staff availability. The nursing shift proposal was abandoned by the Minister after he had been put in his place by the Royal Australian Nursing Federation. No public announcement has been made about staff days off, so we must assume that the Health Minister is still negotiating with his union mates on this one, and that is hardly cost-effective.

Mr Berry: The Liberals have not got too many mates, Trevor.

MR KAINE: I listened to you very carefully, and I would appreciate it if you would do the same for me. On food service, the Hospital Employees Federation is currently telling the Minister that that is not on, so we can safely assume that he will go to water on that one too. So much for all these savings that the Chief Minister and the Minister were going to make.

Mr Berry has been well aware of the fact that the ACT hospital system has spent far more money than was allocated to it. The board, which he is so determined to get rid of, has informed him and offered solutions to rectify the situation. But it clearly depends on how much union clout one has. If one has plenty of union clout, the Minister listens and he does what he is told. But if one does not have any union clout, like the board, one gets fired.

We have already seen a \$2.5m blow-out in the first quarter of the fiscal year, and if it continues it could cost taxpayers over \$10m this year. Mr Berry denies this, but he will not produce any real figures to say what the extent of the blow-out really is. In my view and by any measure, this represents an absolute failure on the Minister's part; firstly, to control the financial operations of his department; secondly, to take firm management decisions to rectify an out-of-control system; and, thirdly, to account to this Assembly and the community for his stewardship. Rather, he hides behind the smokescreens of confidentiality and further investigations - two time-honoured practices of ineffective managers who try to avoid the issues.

So much for the Chief Minister's open government. We cannot even get an answer in question time as to what is going on. The Minister is certainly not going to tell us

15 November 1989

in this debate. The Chief Minister said recently, "When the going gets tough, the tough go shopping". Well, here we have a situation where, when the going gets tough, the tough hide behind a bureaucratic smokescreen. Certainly, it is no "bull in the china shop" approach, as mentioned by the Minister a little while ago; it is really a "hide your head in the sand" approach.

As the Canberra Times editorial pointed out on 9 November, the Minister really does hope that, if he does not do anything about it and he stays quiet, it will all go away. Well, it will not, and it simply is not good enough.

Neither the Health Minister nor the Treasurer has stated where the money is going to come from to cover this blow-out. The Minister is still talking about the bottom line, but we do not even know what the bottom line is supposed to be, and I do not think he does either. Funding will have to be found either from the Territory's meagre resources or by necessary cuts in expenditure. Those necessary cuts have already been recommended to the Minister by the interim ACT hospitals board. He has rejected them and, instead of implementing them, he has decided to fire the board.

Yesterday, during question time, the Minister referred to a Treasury team examining the financial management of the hospitals. He referred to it again today. Yet the Minister did not even say whether this was in response to the hospital board's statement concerning the blow-out in costs. Did the Minister just dream it up and send the team in, or on this occasion was he really taking notice of what the board had told him? He did state that the suggested blow-out was an exaggeration, but again he made no attempt to state what the figures really were or how the Government intended to handle the matter. We are just having an investigation. Hopefully it will all go away. Again, it will not.

If there really is no problem, as the Minister has claimed and continues to claim today, it is amazing that the Treasury team should be sent to examine the financial management of the hospitals only a few months after the creation of the interim board. Or is it simply that the Treasurer has realised that her Health Minister has created such a mess that it is now necessary for her to bail him out and send the Treasury in?

This is only one aspect of the funding issue. The other great gem that the Government has been guarding is the issue of capital assistance of \$150m for restructuring the hospital services infrastructure. According to the Minister, the total cost will be in the vicinity of \$200m to \$210m. Mr Berry makes much of the fact that this is over a five- to seven-year period, but even if it is a seven-year period we are still talking about \$30m a year.

15 November 1989

Where is the money coming from? We have a government decision on this matter but, throughout the extremely lengthy and almost unending budget discussions, neither the Treasurer nor the Health Minister stated where the money is coming from. At the time of self-government, a range of financial issues was unresolved, and this was one of them.

The Chief Minister stated that there would be continual negotiation with the Commonwealth to ensure that the ACT would receive the \$150m of an outstanding financial commitment. That was the amount then assessed as being required to upgrade the Royal Canberra Hospital. However, there have not been any negotiations for these funds so far. I understand that the Chief Minister and Treasurer was seeking to speak to the Prime Minister on this matter for the first time today.

Ms Follett: No, you are wrong. You do not understand.

MR KAINE: You told me, Chief Minister, last week that today was the day. Perhaps there are reasons why that meeting has not taken place.

Ms Follett: It was yesterday. That is why.

MR KAINE: We have not had a report on it, so presumably we are not getting the money.

Ms Follett: You never asked me a question on it.

MR KAINE: This is open government. If we do not ask a question, the Chief Minister does not tell us. We are only talking about \$150m or a total of \$395m, according to the letter she wrote! But it is only minor; she does not bother telling anybody about that!

Mr Speaker, we are already aware that the Commonwealth Government has not made provision for \$150m in its 1989-90 budget. I know that the specific outlays for the ACT were decreased overall this year by some \$325m - from a total of \$950m to \$625m. It would be interesting - and I keep repeating this - for the Assembly to know where that \$150m is coming from, if it ever comes. If the Government cannot tell us where it is coming from, how can it take decisions to restructure the hospital and commit us to at least the \$30m of expenditure the Minister admitted was required just for restructuring over the next five to seven years, when we are already in a deficit budget situation?

In these stringent economic times, when the Federal Labor Government is in its last term of office, it is hardly likely that Paul Keating will see fit to part with \$150m just to bail out the Chief Minister. It is a sad indictment of this Government - and particularly of the Health Minister - that it is playing with our hospitals by making costly management decisions without any regard for the source or availability of the money that is needed to implement them. It is the measure of the calibre of this

15 November 1989

Government that it cannot or will not put into effect its budget decision and it cannot control the expenditure of the money that is available.

In conclusion I would like to say that this Government showed some clear undertakings in its budget statement which it does not now apparently wish to implement. If it cannot get this function right, how is it ever going to succeed further down the track in getting extra money for funding the upgrading of the Royal Canberra Hospital in order to maintain it as an effective community hospital?

The Government must make some hard decisions and the Minister must take some responsibility for his portfolio. Part of that responsibility is being accountable to this Assembly and to the community, which so far he has flatly refused to acknowledge.

MR MOORE (4.01): In rising to take part in the debate on this matter of public importance, I must say I am disappointed that the Liberals have not shared with me the document that they have, because I feel that I would have been more able to support their arguments.

Mr Kaine: The Government will not share its document. Why should we share ours?

MR MOORE: It looks as if I miss out both ways, does it not, Mr Kaine?

Mr Humphries: I offered you a copy, Michael.

MR MOORE: When?

Mr Humphries: When I saw you yesterday.

MR TEMPORARY DEPUTY SPEAKER (Mr Jensen): Mr Humphries, would you mind allowing Mr Moore to continue, and address your remarks through the Chair.

MR MOORE: Yesterday in question time the Liberal Party asked several questions without notice and I understand that it also tabled a further 70 questions which were taken on notice. Given that the Liberal Party - and presumably Mr Humphries in particular - hopes that the answers to these questions will go a considerable distance towards supporting Mr Humphries' suspicions, including his allegations of mismanagement within the health system, I feel that raising this issue in the Assembly before these answers were available was a little premature. What the Liberals are asking us to do is, in effect, condemn a Minister and at a time when the evidence which may well back up that condemnation is not yet available. I grant the Liberals the right to have their enthusiasm, because for once in this Assembly they have managed to sink their teeth into what seems to be a very juicy bone. But this bone may, of course, prove entirely illusory.

15 November 1989

Mr Humphries: Whom are you attacking here - the Government or the Opposition? Both?

MR MOORE: Exactly.

Mr Humphries: It is about his performance as Health Minister.

Mrs Grassby: He sits on the crossbenches.

MR TEMPORARY DEPUTY SPEAKER: Order! Members, I think it is appropriate for Mr Moore to be allowed to speak without continual interruptions. I ask you to show him that courtesy.

MR MOORE: I do not wish to be so hasty as to condemn the Liberal Party, but I do want to say that there are signs that the health system is approaching a crisis point. Not only do we want answers to questions about the current state of affairs but we also want answers to questions as to what we should do about it.

The Liberals may find fault with the Minister and offer their own solutions to the current problems of the health system or demand the solutions from the Minister himself. That is fine. I want the Government to come up with answers to those questions that the Liberals have presented; to give the Assembly positive signs that urgent consideration is being given to the matter and that it intends to propose solutions to avert the crisis. If the Government cannot do that, and do it quickly, then we should seriously consider condemning the performance of this Minister.

The Liberal Party has no right at this stage to be saying, "We want answers to questions, but regardless of what the answers are we intend to condemn the Minister now".

Mr Humphries: No, we are not.

MR MOORE: That is definitely the implication of the way in which I read the words "disastrous handling of the hospital crisis". The Liberals have asked the questions and they should be waiting for the answers - and that does not mean a ridiculously long wait either. I am quite happy about that.

Mr Humphries: You are getting the Minister off the hook, Michael.

MR MOORE: Now, I am not. I am about to get to that. The issue I am most concerned about is the Minister's mishandling of the public debate on the fate of the interim board. Minister Berry should not have fuelled speculation that undermines public confidence in the interim board and undercuts its ability to act upon and implement its decisions and those of the Government. Obviously, Mr Berry is not happy with the way the interim board is functioning.

15 November 1989

The board is not happy with its impending demise. Obviously, there is dissatisfaction all round, not the least within the Assembly nor amongst those with specific interests in the solution of the problems being experienced within the health system. These problems have definitely been exacerbated by Mr Berry's mismanagement of the media.

Mr Berry: I don't own them, Michael.

MR MOORE: No. Of course, some of that blame must also go, although not to the extent that Mr Berry has suggested, to Mr Humphries. Let us therefore criticise the Minister for what we know he has done. Let us say to Mr Berry, "Your handling of public debate about the interim board has not been good enough and we seek an improvement on that". But, at this stage, let us not go leaping to conclusions and criticising the Minister for what we think he might or might not have done.

MS FOLLETT (Chief Minister) (4.05): I am pleased to have this opportunity to speak on the matter of public importance for today. I think it is regrettable that the subject matter of the MPI does reflect a certain lack of balance in the Liberal Party's perceptions of the current situation in the hospitals. The fact is that the Government is taking a responsible approach to the management of the hospitals and we are doing so against a background of two firm principles. The first is that we have a commitment to a hospital system of excellence in the ACT; and the second commitment - and it is very important so I wish the Liberal Party would listen - is to the budget and responsible financial management of the hospitals.

MR TEMPORARY DEPUTY SPEAKER: Order! I think it appropriate for members to give the Chief Minister the courtesy of listening to her speech without continual chatter.

MS FOLLETT: Thank you. It is well known to the Opposition and to all parties in this Assembly that we need to come to terms with the Grants Commission's estimates of the overspending on the hospital system. The ACT does spend far more on hospitals than other States do to achieve the same standard of care. We cannot ignore such a problem, and we certainly do not deny that it exists. But those issues will not be solved overnight. In fact, those problems have been developing over a great many years. I expect that, in resolving those problems, we are again in for a long haul.

I think it is important also that we keep the issue of the ACT hospital system in some kind of perspective. Hospital funding problems are all too common throughout Australia. We are currently looking at ways in which State governments have attempted to come to terms with the issues in their States, because it is a fact that this Government is very clear in its intention to fix a budget for the hospitals which will not require supplementation.

15 November 1989

The Government cannot continue to allow hospitals to be a large and uncontrollable drain on the Territory's resources. It is because of that responsible financial approach that the Government has sought continual monitoring of the health budget, and it is our vigilance in that matter that has brought about the current focus on budgetary issues.

Unfortunately, publicity has been given recently to figures which do not represent a true picture of the situation. Our information does not support the recently publicised figures suggesting a \$10m so-called blow-out in the hospitals' budget for the 1989-90 financial year.

I repeat that it is very important that we keep this matter in perspective. To call the current situation a crisis is humbug. Such talk alarms the staff, the unions, the patients and the wider community, and I reject such an approach to a very serious part of our social fabric here in Canberra.

In the normal course of responsible financial management, we are fully investigating the reported overrun, how that overrun has been calculated, and its causes. Members will know, and many of them have mentioned it, that a review team from the Treasury is currently investigating these matters. This investigation is still under way. However, at this stage, I can give some preliminary indications of the findings of that review team.

The \$10m figure was derived by a straight line projection of a reported overrun of \$2.5m to the end of September. However, both these figures are based on a number of assumptions which do not represent a true picture of the budget outlook. I think it would be useful to point out some of the factors which must be taken into account in providing a more accurate picture of the potential budget outcome for the year.

In-patient activity levels in our hospitals are measured in terms of occupied bed days. In the first quarter - that is, to the end of September - activity levels rose by 4.5 per cent over figures for the previous quarter and for the comparable period in the previous financial year. We are looking at the reasons for this abnormally high level of activity. It largely occurred at Woden Valley Hospital and appears to have dropped off again in October. Indications are that it will not be sustained. Because of ACT staffing policies, this increased activity flows directly and quickly into higher levels of expenditure on salaries. There is also a flow-on effect to the other costs involved in providing hospital services.

At this stage, analysis of the impact of this abnormally high activity on the year's expenditure pattern has not been completed. Other fluctuations in activity levels will affect the total picture for the year. The traditional

15 November 1989

downturn of activity over the Christmas period must also be taken into account. There is a normal closure of wards and operating theatres at Christmas to enable staff to take leave. Again, this will have a significant effect on salaries and other costs.

Other seasonal trends show up clearly in an analysis of expenditure over past years. In particular, it is apparent that non-salaries items historically have peaked in the first quarter of the financial year. Current indications are that this effect would abnormally inflate a straight line projection of costs by at least \$2m for the year.

Another issue which will impact on this year's activity is the need for urgent and essential works at Royal Canberra Hospital to remove asbestos and to upgrade fire protection measures which have been found to be below standard by the fire brigade. This work is vitally important if Royal Canberra Hospital is to retain its accreditation. This work will clearly affect hospital activity, and it needs to be taken into account in any analysis of patterns of expenditure.

There are a number of other basic trends in expenditure patterns which the much-publicised \$10m figure does not take into account. For example, current expenditure is abnormally inflated by workers compensation payments which will be refunded under new arrangements with COMCARE. It is expected that the COMCARE refund will total \$2.2m for the financial year. In addition, the Government's savings measures announced in the budget will reduce expenditure by \$1.4m in the current financial year. The impact of these measures has not yet been reflected in hospital expenditure figures because the measures will only take effect later in the financial year. The final factor which will alter the overall picture is that certain adjustments to the base level of funding, largely associated with the Commonwealth grants to the ACT, have yet to be determined.

An amount of approximately \$0.7m has not yet been allocated to the hospitals from the ACT Department of Community Services and Health, and a further amount earmarked for pathology is currently under negotiation with the Treasury. These increases to the base funding for the hospitals will naturally affect the outcome.

From this outline of the circumstances surrounding the publicised \$10m blow-out and the problems ACT hospitals have had over recent years, members will see that there is, indeed, a great deal of work involved in coming to terms with the hospitals' budgetary situation. The Government is adamant that this work must be done. We will not be drawn into making hasty and ill-considered decisions before we have the facts on which to base those decisions.

In conclusion, we are determined to take a responsible attitude towards the hospitals' budgetary problems. We have taken a number of decisions in the budget that are

15 November 1989

being progressively implemented, after consultation, and hopefully in concurrence with the staff. In this way we can ensure that the commitment to a system of hospital excellence can be carried through.

I would urge members to take notice of the information that has been offered to them, to agree with the Government that the provision of an excellent hospital system is a very basic part of the ACT and an essential part of our community services. I would urge the members opposite to be a little bit more responsible in their comments on these matters and to refrain, where they can, from gossiping and scandalmongering about the hospital system because the situation of the provision of hospital services is too serious and too important a matter to be debased in that way.

MR SPEAKER: Order! The time for the debate has now expired.

Suspension of Standing and Temporary Orders

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

That so much of standing and temporary orders be suspended as would prevent the discussion on the matter of public importance continuing until 4.45 pm.

DR KINLOCH (4.15): As a preliminary, I am not blaming Mr Berry for initiating some of the problems I am about to raise but he has now inherited those problems and therefore must cope with them and, fairly or unfairly, take the responsibility, especially for long-term problems of the bureaucracy of the Department of Community Services and Health and the hospitals.

I want to concentrate on only one matter, Calvary Hospital, and to draw some comments from that. I would like to report on one matter which comes under the bailiwick of the Minister for Health, although I recognise that the relationship between the ACT Government, the ACT legislature and Calvary is somewhat different from that between our Government and our legislature and the WVH and RCH. Calvary is unquestionably part of an overall system of hospitals in the ACT.

As a result of an invitation from Calvary, I went there on Tuesday, 7 November, for an orientation meeting and tour of the facilities. I thank Lindsay Sales, director of administrative services, for making the arrangements; also Dr Margaret Hayman, recently retired director of medical services; Dr Spike Langford, her successor; Sister Beverley Neill, director of nursing; and Sister Marie Tooze who, like Sister Neill, is a member of the religious order, the Blue Nuns, which manages the hospital.

15 November 1989

I was very impressed by the basic physical plant of Calvary Hospital. It was described to me in terms of its building and plant as a Rolls Royce of a hospital. It was distressing, however, to discover that although Calvary potentially has 300 beds only about 120 are open, of which 50 are private beds. In addition, there are 20 nursing home beds. One whole floor is completely empty. Another floor, which could be a medical facility, is now an administrative and storage area and that could be described as medically empty.

One area intended for emergency crisis care is completely unused. That is quite creepy. There are about 10 beds in a great three-quarter circle, full of expensive equipment and so forth, and there they all sit. The facility for obstetrics is also greatly underused. One of the staff to whom I talked, knowing the levels of youth homelessness and the need for more nursing home beds, felt distressed that Calvary Hospital cannot be fully utilised. She was blaming no-one, and nor am I, but clearly she had a conscience on the matter.

What I saw at Calvary was obviously a well-run hospital, a place with a sense of love and peace. It was a pleasure indeed to be there. Clearly, it has a devoted staff. But there is also a sense of very great dismay in some quarters at the inability of that hospital to expand, to provide needed and comparatively reasonably priced medical facilities. I remind members of Mr Humphries' quoted price of \$264 per day compared with much more inflated prices at the WVH and RCH. Having now seen and been involved to one degree or another with both the RCH and the WVH - and I do not include the John James, which I do not know really - I very seriously worry whether publicly run hospitals are being properly and efficiently run in terms of comparative costs.

I have a series of questions which I would pass onto Mr Berry. All these questions need to be addressed urgently. Why is there this problem of comparative costs? Is it to some degree overstaffing in public hospitals? Is it rather too heavy overstaffing in the areas of non-medical services, of administrative and bureaucratic services? That is certainly an impression that I have. Is it justified? Is it not so much about overstaffing as an inappropriate pyramid of too many chiefs and not enough Indians both in the administrative and medical areas? I have no figures on that, but surely that should be very carefully looked at. Is it essentially management inefficiency? Is that what needs to be dealt with, especially in public hospitals? Or could it be said that a Catholic hospital is able to call on levels of devotion and service not to be found in public hospitals? I am sure that members of public hospitals would not want that to be said, so perhaps we should discount that. All I am doing here is passing on those questions to Mr Berry as serious worries about the Government's performance in this area of public and private hospitals.

15 November 1989

MRS GRASSBY (Minister for Housing and Urban Services) (4.20): I feel that Mr Humphries is just grandstanding. He thinks he has found a loose link in the Government's program. But I noticed that, when the Minister was trying to give him some figures, he was not even terribly interested in listening; he was talking to somebody else. It is no mystery; he got a letter that fell off the back of a truck. Obviously, the board has made up its mind about what it thinks the Minister will do. I am always fascinated by the way in which people seem to know exactly what you are going to do when you have not made up your own mind about it. So immediately, obviously, they send a confidential
- - -

Mr Humphries: I raise a point of order. The Minister is casting aspersions on the members of the interim hospitals board and I think that is a totally unjustifiable assertion to make. She suggested quite clearly - - -

MR SPEAKER: Order! Mr Humphries, thank you for your point, but it is not a point of order. Please proceed, Mrs Grassby.

MRS GRASSBY: I find it interesting that Mr Humphries had exactly the same letter as the one the Minister had, and the Minister's letter was marked "confidential". Obviously, Mr Humphries has had it for a few days, as he virtually admitted when the Minister asked him why he had asked about it when he already had a copy of the letter. Mr Humphries just wanted to see what the Minister had to say.

This Government has had to make a hard decision about Royal Canberra Hospital, and at least we have made it. We have inherited a run-down, out-of-date hospital that should have been pulled down. But instead we will spend \$2.5m on Royal Canberra to keep the hospital and take it into the year 2000. Of course it is cheaper to run Woden. It is a much more up-to-date, modern hospital. It was built to run as a cheaper hospital.

As for Calvary, we are speaking of an even more modern hospital. As we have just been told by Dr Kinloch, it has many empty beds, so it does not require so many staff. It has different services. It is also run by nuns. As I was trained in a hospital run by nuns, I can tell you they work much longer hours than any nurse works. They work from sun-up to sundown and they do not get paid for it, so of course their hospital is cheaper to run. As they will tell you, they do it all for the love of God. I used to think I was doing it all for the love of God when I worked for them, too.

I feel that Mr Humphries thinks he has unearthed something, does not know what it is and wants to find out what is going on. It would be better if he waited to find out what the Minister had in mind. I think the nursing staff at

15 November 1989

Royal Canberra are wonderful, as are all our nursing staff throughout Canberra. They are under the most terrible strain, which has been beaten up by Mr Humphries. This Government had the courage to make the decision on the Royal Canberra Hospital, and we have done the job.

Mr Humphries: You haven't done the job. You haven't even started to do the job.

MRS GRASSBY: Mr Humphries, we have done the job. You have not given the Minister a chance, as usual.

Mr Humphries: What job? He's had six months.

MRS GRASSBY: What you have done is to follow the usual British system - divide and rule. You think you have found something so you are going to ride on the pig's back. There is a very good saying, "Put a beggar on a horse's back and he'll ride to hell". So just be careful, Mr Humphries, you might find yourself up there. I congratulate Mr Berry on his wonderful job - - -

Mr Kaine: It is a long way from pigs to horses.

Mr Stefaniak: What happens if they see a ferret, Ellnor?

MRS GRASSBY: You never can tell. There are lots of ferrets, I think. Mr Humphries has been ferreting around, but he cannot find anything.

Mr Humphries: I have found lots, Minister.

MRS GRASSBY: Mr Kaine said virtually the same thing. I cannot agree with him, although at least I could see more sense in Mr Kaine's speech than I could in Mr Humphries' speech. I thought it was just a ferreting-around speech.

Mr Kaine: My speeches are always sensible and reasonable.

MRS GRASSBY: Of course they are, Mr Kaine. That is why you are Leader of the Opposition and Mr Humphries is not.

Mr Collaery: Divide and rule. See, you are doing what you just accused him of.

MR SPEAKER: Order! Please stick to the debate, Minister Grassby.

MRS GRASSBY: Thank you, Mr Speaker, for your protection.

I would like to congratulate the Minister, Mr Berry, on what he has been able to do. It has been a very difficult job. As I said, we have inherited a run-down, badly built hospital. Anybody else would have said, "That's it. Let's put the bulldozer through it". We have made a hard decision - we will bring it into the year 2000 as a well-run hospital - under very hard conditions, and we have to find \$2.5m that we should be given by the Federal Government.

15 November 1989

MR COLLAERY (4.25): I think the first light was thrown on this debate in the last few comments by Minister Grassby when she said, "We have made a hard decision on the matter". One waits to know what it is. Presumably she is referring to a Cabinet decision of which we are not yet apprised. In case they were just throwaway lines, Mr Speaker, the Resident Rally's view on the hospital issue is recorded in early debates in this Assembly. For example, in June, in response to a question asked by Mr Moore about a staffing crisis in the hospital system, Mr Berry indicated at page 564 of Hansard of 27 to 29 June that there was no crisis. He said:

In response to the member's final point as to whether the Royal Canberra Hospital is in crisis, it is not in crisis.

I think the Chief Minister denied that there was a crisis. We can play with language, but when you have health providers and health carers - dedicated people, in major part - wanting to go on strike, wanting to withdraw services, as we have seen, and which we may suffer yet, that is a crisis in my language.

We do have dedicated health providers, but they need leadership; they need something at present, and they are all calling for it. Unless the Minister does something dramatic, and his Government has the capacity to do it, the discordant voices, sometimes cast against each other, not yet united, of the HEF, the ANF, the TLC and the doctors - imagine it - may get together when they have had enough because reasonable people finally revolt when there is a crisis of this nature. What is more to the point is that the community may revolt because we are surely sick of this mess and there are decisions being taken in cloistered situations. We are having to rely on leaks and documents because we are not receiving the full, open, consultative treatment that was promised by this Government.

Mr Berry: Weren't you listening for the last half an hour, Bernard?

MR COLLAERY: Mr Minister, early in the budget process your Government committed itself to achieving a balanced budget, yet you will continue to work towards those objectives. Throughout Hansard, as I look in the indexes, there is indicator after indicator of malaise in the health system. Admittedly, you are dealing with a legacy, and certainly it is a Federal legacy. But when do you start action on the legacy? When are you going to have a bureaucratic shake-up? When are you going to take action to get the poly-optimum principles going in relation to nursing and staffing and all the rest of it?

When are you going to look at the levels 3 and 4 nursing situation that has attracted some criticism?
When are you going to look at this internecine battle between the HEF

15 November 1989

and Mr Withers, the correspondence relating to which does no credit to any properly managed organisation? When are we going to have frankness and an impression that this Minister, Mr Berry, is receiving the full, unqualified support of his senior bureaucrat, Mr Bissett? I do not, regrettably, get the impression that the Minister is blessed with dedicated and totally committed top pyramidal officials. For that reason the Rally is of the view that this problem is of such a dimension, the \$2.5m quarterly blow-out is of sufficient importance to a territory - - -

Mr Berry: On a point of order, Mr Speaker; I find it impossible to sit back and listen to Mr Collaery's - - -

MR COLLAERY: Well, I sat back before.

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

Mr Berry: To make a very serious attack on two hardworking people within the system, I think, is most inappropriate.

MR SPEAKER: Order! Minister Berry, that is not a point of order.

Mr Berry: They were named in the place.

MR SPEAKER: You are debating the point of order. Please proceed, Mr Collaery.

MR COLLAERY: Thank you, Mr Speaker. The Rally takes the view that the pyramid, at the top of which there exists this Minister, requires firm direction and some dramatic steps to bring this public issue to light and to resolve this matter of acute public concern. One way in which the Minister can do it is to give confidence to a board of management, a structural situation that has defined objectives, responsibilities and a reporting duty, so that interposed between the Minister and the elements of the bureaucracy is a competent overseeing board, such as exists elsewhere in the country.

I do recognise, of course, the irony that Dr Kearney came from Adelaide and last Wednesday's Advertiser in Adelaide carried a letter, I believe from 20 doctors, about chaos at Daw Park hospital. I have not confirmed that yet. So really there are many straws in the wind; this Minister has not brought them together. This is not a censure motion as such but certainly, Minister, you have a problem on your hands which is not evidently being solved and in relation to which you are not evidently offering solutions.

The Rally has the advantage of being able to have a dialogue with the unions, surprising though that may seem to you. Certainly from that personal dialogue it is apparent to me that you do not have the confidence across the board that the Chief Minister suggested. It is not a question of personal confidence in you. I am sure that everyone in this house finds this Minister a most agreeable

15 November 1989

person, an agreeable human being, but there is a time when personalities are not the paramount issue. The paramount issue is the public good, the public interest. We are seeing incremental policies in the health area; we saw an incremental budget in relation to which you let out a little every few weeks, tentatively and carefully. Now we are getting a drip-feed health policy system, in relation to which the Minister drip-feeds us on each and every bit of his processes.

We are not sure sometimes whether Mr Bissett is talking for the Minister or whether the Minister is talking for himself or whether the Minister is talking for Mr Bissett. It is all very, very confusing, and it is not appropriate. But I do hasten to say that the Rally exemplifies the pyramid by simply referring to Mr Withers' correspondence with the HEF, which is not edifying, and by referring to the fact that Mr Bissett may well be there in the pyramid, but you may need, Minister, a very competent, eminent Australian organiser. I am not suggesting - - -

Mr Berry: Like Bob Ansett?

MR COLLAERY: I am not suggesting Kate Lundy or Bob Ansett. I must say that was an example - - -

Mr Berry: I heard you say it on the television last night, Bernard.

MR COLLAERY: Yes, I saw it, too. But the fact is that we need someone with proven managerial skills.

Mr Kaine: What about Bob Hawke?

MR COLLAERY: I am sure that we could find the right guards to ensure that if Mr Hawke were admitted to the ACT hospital system he would not be fallen upon. This is partly a Federal legacy, and we recognise that, but, Minister, when are you going to take the initiatives required of you to deal with this long-running public sore?

The matter of public importance today is to stress again to you, Minister, that you must bite the bullet; you must make some decisions. One of the first decisions you could make is about assuring the Canberra people that there will be a competent board of management. The Rally is not going to comment on the composition of the interim board as it stands now or the future composition of any board you may appoint, but we are totally opposed to the appointment of advisory committees.

They belong in post-war reconstruction periods, and they come a little out of the Labor mythology of the Hawke Government, where you get some of your mates around you and intersperse them with some other good, eminent Australians who are going to fall patsy for that idea, regrettably. You will get a fairly compliant group, but you will find that that will boomerang on you, Minister. Those people

15 November 1989

are not responsible properly; they do not have proper reporting functions. This advisory tactic which is coming across other areas of your Government is not going to get the support of the Rally, as you know.

Mr Berry: You ran away from the advisory budget process, too.

MR COLLAERY: We would not run away from the issues. I commend the Minister to appoint the right union representatives, the right doctors and the right community representatives to a statutory board with defined functions, defined roles and obligations which it may not overstep. You will remain, Minister; they will not usurp your role. But you must do something before disaster really sets in.

MR SPEAKER: The discussion has now concluded.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE Inquiries

MR COLLAERY, by leave: I wish to inform the Assembly that the Standing Committee on Planning, Development and Infrastructure has resolved to inquire into and report on: firstly, the development of the national and Territory plans; secondly, the proposed integrated planning, heritage, environment protection, and leasing system for the Australian Capital Territory; and, thirdly, planning policies for small-scale residential redevelopment. I present the following papers:

Planning, Development and Infrastructure - Standing Committee - Terms of references -
National and Territory plans.
Planning legislation.
Small-scale residential redevelopment.

ESTIMATES COMMITTEE Report

MR STEFANIAK, by leave: This statement deals with the following part of the Estimates Committee report which relates to the Legal Aid Office:

The Committee is concerned that during an Estimates Committee hearing the Legal Aid Office tabled amended figures for 1988-89 actual expenditure. The Committee considers that if errors occur in the preparation of Budget documentation amendments showing corrections should be tabled in the Assembly and provided to all members as soon as the error comes to light.

15 November 1989

It was brought to my attention that there is a possible implication that the ACT Legal Aid Office had given incorrect figures. I point out to the house that, as a result of some questions I was asking Mr Staniforth, the chief executive director of that body, prior to his giving evidence, he indicated to me that a number of figures which appeared in the document were incorrect and were not supplied by his office.

I then proceeded to ask him about those, along with a number of other questions. He identified the error when I was asking him to explain certain figures to me outside. He drew that to my attention, and then went through it and brought to the attention of the committee those errors, which indeed were quite different from figures his office supplied. I would merely like that put on record, in case there is any imputation that the Legal Aid Office had prepared incorrect figures. I am assured that that was not the case.

Assembly adjourned at 4.39 pm

15 November 1989

ANSWERS TO QUESTIONS

The following answers to questions were provided:

Asbestos Removal

Mrs Grassby: On 14 November **Ms Maher** asked the following question on the asbestos removal program:

What is the maximum amount so far spent on any one property? Can the Minister provide a breakdown of that cost?

My answer to the member's question is as follows: The maximum amount spent so far on any one property, excluding trial houses where procedures were still being tested, is \$55,443.

This sum comprises:

- \$47,100 for the actual asbestos removal.
- \$3,041 for carpet replacement, necessary in this case as the previous carpet had been laid directly on top of loose asbestos following renovations.
- \$1,802 for furniture storage, necessary in this case in order to completely remove the carpet.
- \$3,500 for restoration work.

The price for this house was higher than normal because of a number of unusual factors incurred with this job.

Bicycle Storage

Mrs Grassby: On 14 November **Mr Jensen** asked the following question:

I understand that ACTION has met with Pedal Power to discuss a proposal for bicycle storage facilities at bus interchanges. In view of an agreement by ACTION to conduct a survey to determine the likely patronage of these facilities if they were to be installed at Belconnen, Civic and Woden interchanges, can the Minister advise whether the survey has been conducted and, if so, when the results of the survey can be expected to be released.

Can I add to that for the Minister: if it is proposed to install these facilities to encourage dual bike-bus transport within the ACT, when may ACTION be considering doing that?

My answer to the member's question is as follows:

15 November 1989

- . ACTION has conducted surveys of cyclists to establish the demand for bicycle storage facilities at bus interchanges. These indicate that there is a small but significant demand for cycle lockers.

Discussions have also taken place with Pedal Power and manufacturers of cycle lockers.
- . ACTION is currently investigating the installation of cycle lockers.

There are practical difficulties in installing cycle lockers at interchanges but provided space can be found for the lockers, installation may be feasible in the second half of 1990.
- . ACTION is also investigating the possible installation of lockers at key bus stops in conjunction with the introduction of new express buses.

Street Lighting

Mrs Grassby: On 1 November **Mr Jensen** asked a question concerning the provision of street lighting around Argyle Square in Reid.

My answer to the member's question is as follows: ACT Electricity and Water propose to undertake street lighting works within the area of Argyle Square in December 1989.