



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

16 November 1989

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

FEDERAL COALITION ECONOMIC AND TAX PACKAGE - IMPACT ON WELFARE SERVICES
Ministerial Statement and Paper

Debate resumed from 25 October 1989, on motion by **Mr Berry**:

That the Assembly takes note of the following paper:

Federal Coalition economic and tax package - Impact on welfare services - Ministerial statement, 25 October 1989.

MR KAINE (Leader of the Opposition) (10.31): On 25 October Mr Berry made the most extraordinary ministerial statement on the Federal coalition's economic action, to which I would like to respond now. Mr Berry had no idea, at the time of delivering his statement, of the substance of the economic action plan. He was just responding to media evaluations of it. If Mr Berry had actually read the document he would know that the coalition is in no way stealing from the poor and giving to the rich, as he implied. What we heard was a typical knee-jerk reaction from the left, based on an inadequate and inaccurate interpretation of the proposals. I will provide the Minister with a copy of the document so that he can read for himself what it actually says. I will give it to him later.

The Federal coalition's proposed economic package is a major step forward. It provides the most detailed and comprehensive tax and expenditure program ever presented by an opposition party, and that includes the present Labor Government when it was in opposition. It is an action plan for a more productive and fairer Australia. Unlike Mr Berry, we on this side of the house are in tune with the growing economic crisis which threatens the future living standards of all Australians, and this action plan is designed as an integrated attack on Australia's economic problems.

Mr Berry claimed that those who would lose out most would be families and that those to gain most would be large corporations. That is totally and absolutely untrue. The economic package has a focus on helping families. It acknowledges the real difficulties that families face in Australia, such as high interest rates on home mortgages, high inflation rates and a high cost of living caused very

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largely by the high spending policies of this current Federal Labor Government.

The tax reforms that Mr Peacock outlined give priority to providing incentives in assisting families, particularly those with children, those that have suffered most under the Hawke Government. These reforms include the provision of a substantial child tax rebate, an increase in the eligibility threshold for the dependent spouse rebate, a reduction of the rate at which it is withdrawn, and assistance to working mothers with tax rebates for child-care.

The child tax rebate recognises the increased cost to families bringing up children, and it will be paid out at varying rates for first and subsequent children. For the first child under 13 years of age the rebate will be \$250 a year, and for the second and subsequent children under 13 years it will be \$200 a year. For the first child between 13 and 15 years of age the rebate will be \$350, and for the second and subsequent children from 13 to 15 years it will be \$300. They are very substantial amounts, Mr Speaker, and hardly deserving of ridicule, as the Minister has asserted.

The coalition will also introduce a child-care tax rebate to help those families in which both parents are at work and to help sole parent families. This will be at the rate of \$20 a week for the first child under five years of age and \$10 a week for other children under five and children between five and 12 years, something which this Labor Government could have done but which it has flatly refused to do.

Both these initiatives recognise the increasing costs of raising families. The child rebate particularly acknowledges the participation rate of women in the work force, which has risen to 52 per cent, and the fact that women in the paid work force are becoming the norm rather than the exception in Australian society. Again, it is something that this Hawke Labor Government refuses to acknowledge. This is particularly true in the ACT where a very large proportion of women make up the work force. These initiatives will be of immense benefit to women in Canberra, where child-care costs are so great.

Importantly, both are provided on a per child basis, reflecting the cost of each child in the family. The child-care tax rebate is a clear indication that the coalition has adopted the principle of funding the child, directing funds at those who are in need of assistance rather than pouring money into capital works, to which the Federal Labor Government has an overcommitment, on the face of it. The rebates will also promote choice and diversification, as they are to be applicable to expenditure in both formal and informal care, unlike the Government's current fee relief scheme. All this will be achieved without cuts to current children's services programs.

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Mr Berry chose to ignore the implication of this package and tried to denigrate its importance by saying that only tax dodgers would gain benefit. I hardly think that hardworking men and women in this country deserve to be described in this way by the Minister. He clearly does not understand the package, and he does not seem to appreciate that it is a package that is very much needed in the ACT in particular. The Federal Opposition has proposed to fund this package by rationalising government expenditure. It has no desire to penalise disadvantaged groups and is concerned with a more equitable distribution of public moneys.

Apart from the family tax package, there are other areas on which the coalition will focus. Those include increasing the tax-free threshold for superannuants from \$60,000 to \$125,000 and giving tax deductions to those who take out retirement savings accounts and plan for their future. These initiatives will be of particular importance again to workers in Canberra.

Taxpayers will also benefit from the coalition's commitment to eliminate the unplanned tax proceeds from bracket creep. This has been a thoroughly exploited bonanza for the current Federal Labor Government and a point on which Mr Berry neglected to comment in his statement. It will achieve a flatter two-tiered tax system which will benefit all PAYE taxpayers. A majority of taxpayers in the ACT fall into this category.

Mr Berry also attacked the coalition package as being discriminatory against disadvantaged groups, particularly the unemployed. The coalition's package will in no way disadvantage the genuine needy in the community, and the reductions in expenditure will reflect the coalition's commitment to: firstly, a redirection of the welfare system so that it is targeted to the areas of real need; secondly, an attack on fraud and abuse; thirdly, small and more efficient government; and, fourthly, more relevant employment programs.

The resources allocated to the welfare system are becoming so significant in budgets that it is time to ensure that programs are designed to focus on those in genuine need rather than those who simply opt out of the system and, if you like, bludge off it. The coalition's tax and expenditure policy has been developed within the framework of its overall economic policy which is designed to tackle Australia's economic crisis, as I have already stated.

It is essential that we in the ACT realise that we are dependent on the existence of a rational and economically responsible Federal government, one that can deal with an overheated economy, a government which regrettably is lacking at present. As a nation we need to raise productivity, to reduce inflation, to increase competition in the economy, to increase exports and to reduce foreign

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debt on the broader scale. But, more importantly, we need to raise incentives to work and invest, to reduce the burden of business regulation, to increase flexibility in the labour market and to lift the efficiency of our infrastructure. All of these points have specific and particular relevance to us in the Australian Capital Territory.

Mr Speaker, the Minister focused his statement on unseemly personality attacks on prominent members of the Liberal Party and the coalition front bench, rather than on the important issues. It is something which he is prone to do and which is symptomatic of Labor Ministers everywhere when they are struggling to justify an attack which is baseless. We have already witnessed this with Mr Keating. We do not want another Mr Keating in this parliament.

I point out in conclusion, Mr Speaker, that the coalition's economic and tax package will not cause high levels of unemployment, particularly in Canberra. It will not cause high levels of youth homelessness. It will not increase the incidence of children living in poverty. It will not add to the lack of adequate support for those in our community suffering from physical or intellectual disabilities and those suffering from the depredations of age.

After seven years of Labor government these massive inequities persist and grow. Knocking the alternatives put forward by the coalition, which will be the future government, will not help this Labor Government which has mismanaged the economy for so long. I would like to give Mr Berry a copy of the economic action plan so that he can actually read what it says.

MR HUMPHRIES (10.40): Mr Speaker, I seek leave of the Assembly to speak for 10 minutes on this subject.

MR SPEAKER: You do not have to seek leave. Please proceed.

MR HUMPHRIES: I do, Mr Speaker, because I have already spoken once on this.

Leave granted.

MR HUMPHRIES: We are debating, as Mr Kaine has indicated, a ministerial statement given in the Assembly a few weeks ago by the Minister for Community Services and Health, which amounted, as I said at the time, to nothing more than a lame, tedious and misleading attempt to belittle the economic action plan that was recently released by the Leader of the Opposition.

I can understand why that was the case. I can well understand, given the way that recent opinion polls have gone, that members of the Labor Party wished to come to the support of their colleagues at the Federal level. I said

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at the time that I believed that this Minister was doing nothing more than abusing the time allocated for ministerial statements, and I stand by that comment.

The Minister indulged in a 25-minute tirade on issues which are more properly the prerogative of the Federal Parliament, and I think Mr Kaine made that point very well. I am particularly concerned that this does not set a precedent for this Assembly, and I call on the Government to confine ministerial statements to matters of relevance to the ACT. I have observed, as other members will have done, the tendency in recent days to discuss international affairs, for example, in adjournment debates. I suppose it is a trend we cannot avoid, but I hope that it will not go beyond that and that the valuable time of this Assembly will not be wasted on matters which do not affect the ACT to any great extent.

The statement made by the Minister, I think, could well be described - to use his description over the last few days - as cheap political point scoring. He knows all about that. He has accused the Opposition of cheap political point scoring, and I think it is a term which very well describes the points he was making in the ministerial statement of a few weeks ago.

Ministerial statements are an opportunity for the Government to make substantial announcements about government policy or initiatives, not to engage in debate on things which are more properly reserved for adjournment debates. Ministerial statements should not be used for political ends, whereby a Minister can deliver party political broadcasts, effectively debate is then adjourned, and the opposition parties have no right of reply until a later date.

I want to turn now to the text of the Minister's speech. I am not sure who wrote it for him, but whoever it was certainly had to scrape the barrel to come up with something of relevance. The Minister even had to resort to quoting newspaper reports to hold his statement together. I could have done the same thing, Mr Speaker. I could have referred, for example, to the Age which said, "Families offered generous breaks", or the Sydney Morning Herald which said, "Peacock has taken the initiative from the Government". It described the economic action plan as a list of initiatives that the ALP has to match. The Australian said that the Liberal focus was "on the families hardest hit by Labor". It went on to say that the plan was a boost for families, built on tax rebates.

Mr Speaker, I could go on, but I think these headlines I have quoted reveal the real reason for the Minister's statement. The real reason is that Labor is running scared across Australia because it knows it is on skid row. It knows it has nothing to offer the people of Australia. It offers no hope for families and no hope for business. There is no light at the end of Labor's tunnel.

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Mr Kaine: Except the train coming the other way.

MR HUMPHRIES: Except the train coming the other way.

Mrs Grassby: Do you want to bet?

MR HUMPHRIES: I will bet you anything, Minister. We will take a bet at the next election. In the Minister's statement he focused on what he thought might be the effects of the economic plan on the most needy in the community.

I would like to turn for a short while to the subject of child-care. The Minister spent a lot of time talking about child-care. The Liberal Party's child-care rebate has already attracted strong support from women. Under the coalition's tax policy, a rebate of \$20 a week will be paid for the first child under five years of age; for each other child under five and for each child aged between 5 and 12 years the rebate would be \$10 a week. The total cost of the rebate is estimated at \$820m. That is \$820m which is going to be delivered to families, the same families that Labor has neglected, the same families that heard the Prime Minister state that no child will be living in poverty by 1990. It is little wonder that the Liberals' child-care rebate is attracting so much community support. Let me turn to what Minister Berry said. He said:

... the child-care rebate proposal is an elitist scheme which will benefit those in our community who are able to afford the high child-care costs.

In fact, this was a parrot-fashion quote, based on what the Federal Minister for Health, Dr Neal Blewett, said on 12 October.

But let us get a much more meaningful comment from one divorced from the political process with a strong interest in family matters. Let me quote the reaction of the director of the Australian Institute of Family Studies, Dr Don Edgar. He said the child-care rebates were long overdue, because child-care was a major cost to many Australian families. He said that it is a very significant move that will be welcomed by many families. The Age editorial summed up the child-care rebate by saying that, if tax cuts are affordable at all, then the priority of directing them towards families with dependent children is certainly the right one.

A Labor Government consultant, one Eva Cox, who for many years has espoused the need for child-care costs to be recognised as a major expenditure for families, stated in the Financial Review that the Liberal Party has taken the initiative and was the first political party to acknowledge the fact that child-care does cost and has made provision for it in its economic plan.

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Mr Speaker, Sir Robert Menzies talked about the forgotten people. He appealed to middle Australia and won overwhelming endorsement, election after election, in that call. Today, Australian families are again the forgotten people. Labor has forgotten these families. It is families with children that have been hardest hit by high interest rates and inflation, and it is these people who are crying out for the kinds of policies that the Federal Liberal Party will deliver.

I think, Mr Speaker, the best test of the Federal Government's fear of the action plan put forward by Mr Peacock will be the extent to which, in the coming months before the next election, it cribs from that policy. I have no doubt that in the coming months we will see the Federal Government, rather than condemning the policy by avoiding its implications and by eschewing the direction it offers, taking from that direction, attempting to emulate that and attempting to outbid the Liberal Party in its offer to Australian families. I predict that. I am sure that will be the case.

Ministers on the other side of the chamber will have to be laughing on the other side of their faces when that happens. I predict that at that time the Australian electorate will say to itself, "Well, the Liberals offered it to us. The Government is just catching up. If we want a government that pursues Liberal policies, we will vote for a Liberal government".

MR STEFANIAK (10.49): I would like to reiterate the comments made by Mr Kaine and Mr Humphries and indicate to the Minister that this tax package was very well received by the Australian public. I think the Minister implied that at page 2078 of the Hansard of 25 October, where he stated:

The proposed \$2 billion tax package for families, which I can only describe as a cynical political ploy targeted at middle-class Australia, is centred around child tax rebates, dependent spouse rebates and the child-care tax rebates for working parents.

I think he implied there that it is targeted at middle-class Australia. It is something that has been very well received. Indeed the opinion polls taken after the tax package was delivered clearly indicated how popular it was with Mr and Mrs Average Australia.

A lot of the support came from traditional Labor areas, seats that were fairly strong Labor seats out there in middle Australia - in Sydney, in the outer western suburbs, and around Melbourne. That dramatic increase in coalition support after the tax package was announced, I think, is indicative of how popular it is with the Australian public.

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Mr Speaker, as Mr Kaine indicated, there are a number of welfare moves in place which have not necessarily benefited the poor. There has been a proliferation of welfare schemes since 1972, and that obviously has not helped the poor and the disadvantaged. A healthy economy will. Australia had a healthy economy when we had 23 years of Liberal-National Party rule from 1949 to 1972, but it has been a little shaky since. As Mr Kaine said, in the last seven years it has been distinctly shaky. I think we are now behind even the Soviet Union in terms of efficiency and ahead of only about two Third World countries. That is really quite a disastrous state of affairs.

A healthy economy will turn around a lot of the problems faced by the poor and disadvantaged. Mr Hawke's statement, that there will not be an Australian child living in poverty by 1990, is patently ridiculous. I think events show what a cruel and stupid statement that was. Indeed, even some of the statements made in the last six months in this Assembly and some of the initiatives taken to alleviate that make a mockery of that claim.

I think the Minister's real concern, however, in relation to this tax package and perhaps even the reason why he raised it in this Assembly is the obvious popularity of the scheme. Also I think there is a fear held by the Labor Party about the popularity of this scheme amongst a lot of traditional Labor voters, especially blue-collar workers.

I think the Labor Party is running very scared of this scheme because it reminds it of the huge swing against it by traditional Labor supporters in the New South Wales election last year, by an electorate that was sick and tired of incompetence, economic mismanagement, a government pushing trendy issues and a government showing no concern for such issues as the family and law and order. That is not what the Liberal Party is about. We do show concern for the family; we do show concern for law and order; and we indeed are showing concern for a lot of areas which traditional Labor voters expected of their party but in relation to which they are rapidly becoming disillusioned.

I made one comment when Mr Berry was talking about how dreadful it was that, after nine months, unemployment benefit would be cut off and people would have to seek to go onto a special benefit which is subject to strict eligibility criteria. He was very concerned when I said that was good, and he went in for a little bit of personal criticism then. I might come back to that in a minute.

I think that is perhaps one of the most popular incentives taken in this tax package, and it is very popular among blue-collar workers because they know what it is all about. They are salary earners. They, more than anyone else, do not want to see people abusing a system. After nine months of unemployment relief, if people cannot find jobs, if they are in desperate need and if it is through no fault of their own, they can go onto a special benefit. But it

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encourages the people who are abusing the system - and I do not think anyone can deny that there are some people who can do a lot more to get a job - to get off their backsides and go out there and get a job. I think that is why that suggestion by Mr Peacock was so popular with the Australian public, especially among a lot of traditional Labor voters.

One thing the Federal coalition, which will become the government next year, could consider further in relation to the question of unemployment benefit is starting up a work for the dole scheme. It is very difficult, especially, for young people who have never had jobs, who get onto the treadmill of being unemployed and who after many months of unemployment are perhaps unemployable. Work should be provided, perhaps on a compulsory basis, so that in order to continue getting the dole after a period they have to do, say, 15 or 20 hours work to gain the necessary skills, to do some community service, to get some training to make them employable, to make them a much more viable proposition and also to give them a sense of self-respect and worth, which work does.

Mr Berry made a number of other comments, such as that the effect of these measures proposed by the coalition would be to increase the cost of policing and administration responsibilities for the Department of Social Security. Having worked for some five years with the officers of that department, especially in their prosecution area and with their field officers who are rather lowly paid officers within their structure - the policy workers seem to get a lot more money than they do - I am sure the proposal indicated by Mr Peacock would have overwhelming support from the workers at the coalface of the Department of Social Security. I am sure those field officers with whom I worked for some five years would love it.

This is a very positive step by the coalition, Mr Speaker. Our Federal counterparts have set out what we propose to do to help the average Australian family, to provide incentive, to get back to a sense of reality. We have indicated where the money is coming from. It balances, despite the rather desperate efforts of the Treasurer, Mr Keating, to show that it does not. It has widespread support throughout the Australian community, and indeed will probably be one of the linchpins that will have a coalition government returned federally next year.

MRS GRASSBY (Minister for Housing and Urban Services) (10.56): Mr Speaker, I listened with great interest to the speeches of the three members of the Liberal Party, and I am quite sure that they were on their feet defending their Federal Government - I mean their Federal Opposition.

Mr Humphries: That was a Freudian slip.

MRS GRASSBY: Have no fear, Mr Humphries. I will be winning the bet from you after the election, don't worry about that.

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Mr Humphries: Before, Minister.

MRS GRASSBY: No. The polls have already told us we are going back into government, so there is no worry.

Mr Humphries: Oh, have they?

MRS GRASSBY: That is right, that we are going back into government federally.

Mr Whalan: The Canberra poll.

MRS GRASSBY: We are talking about the general poll.

I listened to Mr Kaine talking about child-care rebates. To be eligible to get this rebate, the secondary earner must receive an income from employment. If we look at this we find it to be restricted to the costs of formal child-care. It still does not help the poor. If you are not paying the tax, how can you get the rebate?

Mr Humphries: If you are not working, you do not get a rebate either. If you are not working you do not need to get child-care.

MRS GRASSBY: If you are paying very little tax, you do not get the rebate or, if you are unemployed, you do not get the rebate. As the Minister said, it is the people at the bottom who are going to suffer. The people with the money will be all right, as usual with Liberal Party policy.

Mr Humphries: You do not need child-care if you are unemployed.

MRS GRASSBY: You may if you have a part-time job but you are not earning enough money to get a rebate. You still need child-care.

Mr Humphries: Well, then you're not unemployed.

MR SPEAKER: Order! Please address your remarks through the Chair.

MRS GRASSBY: Do you think, Mr Speaker, you could keep Mr Humphries quiet? All yesterday nobody could speak, including the Chief Minister, because he could not keep quiet. Do you think you could keep him in hand, please, Mr Speaker? He is terribly difficult. He is like a child.

MR SPEAKER: Please take note, Mr Humphries.

MRS GRASSBY: If we have to go through the tax package, I will leave the child-care part to my colleague Mr Berry, who knows all about that. I looked at some of the things and they absolutely frightened the heck out of me. Let us take the part where you are going to save on things such as the Royal Commission into Aboriginal Deaths in Custody.

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You are going to save \$10m on that. I think we owe these people the right to know what happened. We have taken the country away from them. We have taken everything else. So it does not really matter! Let them go off and hang themselves in gaols; it does not matter! I am not sure that they do that. That is why I think we need to have some information on whether they are really hanging themselves.

The next one is the savings of \$23m on education and training programs for Aboriginals. You believe it does not matter. They gave you the country, but it does not matter to you if you do not do anything for them.

There is also the sale of the Trade Union Training Authority. You are always complaining about the unions. Here we are saying we are going to train these people so they understand about their work and the conditions of work. That does not matter to you; you will take \$9m off that. What do you want to train them for? They do not really matter to you.

Mr Berry: It makes them weaker if you do not train them.

MRS GRASSBY: Yes, it makes them weaker.

Mr Berry: Don't train them.

MRS GRASSBY: No, don't train them; this is the way to go! One other matter which I have read about and which I thought was absolutely terrible concerned the Human Rights and Equal Opportunity Commission. I know Mr Humphries was very upset that we wasted time talking about the fact that six million people were put in a gas chamber. My point is that we should be looking into how many people who were part of that were brought to this country under the great migration program. I would like to know, and I think more money should be spent to find out because, if these people did it, I am not sure that they would not support somebody to do it again.

You will be abolishing the Aboriginal and Torres Strait Islander Commission, saving \$10m. These people have a right to have it, and you are talking about this great tax policy you have.

I read about the sickness benefit with absolute horror, especially the fact that you would make everybody take a test before they could get any sickness benefits and the 12 months residence requirement for benefits. This will virtually abolish the family sponsorship scheme for all but the wealthy. Sponsoring families will have to weigh up the risk that the immigrant family might be involved in a car accident or have some other problem. These people come here - usually their first language is not English - and they need help. You are going to abolish that.

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Your deferred pension plan would largely benefit those people who are safe and comfortable in jobs, although it might help overcome some of the problems of ageing and the capacity of other workers. Anybody who is safe in a job is fine, but God help people if they are not.

The restriction of unemployment benefit to nine months shows a lack of understanding of the current nature of unemployment. Long-term unemployed people are less likely to re-enter the work force than those who have been unemployed for only a short time. This is especially true for older workers and other disadvantaged people like migrants and Aborigines. Yet the proposal also reduces and abolishes many labour market programs which might help increase the employment opportunities among the long-term jobless people.

A tax program is fine for those who have money, for those at the top end of the scheme, but what does it do for the people at the bottom? Do we not want to give them a chance to get there? Do they not have a right to be there, like all of us? We are all sitting very happily in this house. We are all looking very well, thank you, with a good salary and a car to drive. But what about these people at the bottom? Do they not ever have a chance to see the sun? You are talking about the light at the end of the tunnel. They are never going to get a chance to see that light.

Mr Humphries: Money does not solve all problems, Minister.

MRS GRASSBY: No, it does not solve all problems. Does it not matter? Do you just forget about them? I am sorry, Mr Humphries, but I disagree with you. This Government stands for the people who do not have the chances in life. We say, "Let's give them a chance. Let's give them the chance to get there". If they do not take the opportunity to get up there after we have given it to them, then we can feel free to sleep in our beds at night, knowing that we have done the right thing, and look in the mirror when we shave.

Of course, you do not shave, Mr Humphries. We know a hairy man is a happy man and a hairy woman is a witch, and that is fair enough. As I said, Mr Humphries, you do not have to shave and look in the mirror in the morning. But there are a lot of us who do have to look in the mirror in the morning. I want to look in the mirror in the morning and know that I feel comfortable - - -

Mr Stefaniak: You have to do your hair, Ellnor.

MRS GRASSBY: No, I do not have a lot of hair on my face, thank you, Mr Stefaniak. I am very glad of that. I obviously owe that to my Irish ancestry. Mr Stefaniak, if Ned Kelly's mother were alive today she would not let him play with half of you on the other side of the house. Let us get it straight now. A bushranger has nothing on you. You take from the poor to give to the rich and make them richer. I am sorry, Mr Humphries, but I cannot back you on that, nor can I back your Federal colleagues' tax plans.

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Mr Kaine: No child in poverty by 1990.

MRS GRASSBY: We will do it, too, don't you worry.

MR HUMPHRIES: Mr Speaker, I claim to have been misrepresented.

MR SPEAKER: Please proceed.

MR HUMPHRIES: Mr Speaker, the Minister, in the course of her speech, said that I was upset and said that we were wasting time talking about putting six million people into gas chambers. She was making a reference to the debate, I think, on Tuesday, about - - -

Mr Berry: On a point of order, Mr Speaker; I think it is appropriate to raise that after the debate has concluded.

MR HUMPHRIES: You gave me leave, Mr Speaker.

MR SPEAKER: Please be brief, Mr Humphries.

MR HUMPHRIES: I will be brief, Mr Speaker. That is not the case. I have no hesitation in joining the Minister in condemning the atrocities of those who put six million people into gas chambers. The Minister's suggestion that I would do otherwise is quite mischievous.

Mrs Grassby: You said we were wasting time.

MR HUMPHRIES: We were wasting the time of the Assembly in pretending - - -

Mrs Grassby: That is exactly - - -

MR SPEAKER: Order! Let him get on with it, please, Minister Grassby.

MR HUMPHRIES: We were wasting the time of the Assembly in pretending that a debate about the fall of the Berlin Wall had anything whatsoever to do with the atrocities of the Nazis or that the fall of the Berlin Wall, as the Minister alleged, was somehow a triumph against fascism. That sort of perversion, that sort of stupidity, was what I argued against at the time.

I also want to put on record, Mr Speaker, that I do shave from time to time. This morning I took the trouble to shave the base of my beard and around the tops of my cheeks.

MR COLLAERY (11.05): I assume he also sharpens his teeth, Mr Speaker. The Residents Rally is not going to enter into an ideological battlefield between Mr Berry and the Liberal Party. Mr Berry has picked this one, so we will offer our comments. Firstly, the Rally owes its existence to a total disenchantment with the Hawke Government which flowed

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through in the last election. The real test in budgeteering, surely, is credibility. Credibility must be one of the most important issues that goes to whether we will endorse a party for government. Many of us political observers well remember Peter Bowers' extraordinary interview with Prime Minister Hawke, a couple of elections back, when Mr Bowers produced a printout of broken promises. It was all over the studio floor. It went like a wedding train, and it will probably be part of the funeral train for the Hawke Government.

One of the problems has been excessive promises, and ironically there has been a move by Mr Hawke and some of his friends further to the right of the Liberal Party on a number of issues - a most extraordinary event. I see Mr Berry wincing because I know he agrees with me. The fact is that coming with a promise to eradicate child poverty - a tragically empty promise, as it has turned out - is a process, which this Prime Minister has got this country into, of governing with the assistance of his mates.

We really want leaders. This Prime Minister, who sets the tone of his Government, draws great sustenance from John Curtin, who was a great Prime Minister of this country. I see the parallel more with Prime Minister Lyons, and I will be developing that theme in the Assembly at our next sitting.

But the fact is, Mr Speaker, that the Hawke Government has let the Australian people down. The Hawke Government is going to let into the Senate at the very least so many independents at the next election and, unless they are properly organised, there may be another period of DLP-type instability in this country at the Federal level. That is caused by a lack of credibility of the Labor Party and a number of internecine struggles in the Federal Liberal Party.

The Rally takes the view that it wants to look to this debate in terms of whether we are going to get credible leadership out of the last few months of the Hawke Government. One of the problems is that the Hawke Government is running itself in a haze of smoke from big, fat cigars, and the forgotten people are the community groups and the community itself, with the many broken promises that Mr Hawke has given.

Let me talk about a few of the aspects of the Liberal and National parties' economic and tax policy which are food for thought. Firstly, it is proposed to look very carefully at Australia's overseas aid program. That is going to look across the board at AIDAB's activities and some of the specific programs.

There is a move towards giving money out on a bilateral basis rather than a multilateral or a professional basis. There are extensive AIDAB activities in China at present. I have grave doubts as to what the purpose of all of that

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is. In particular, I will be addressing the Assembly next Tuesday on the implementation in one large Chinese city of a television surveillance system over the people, over their streets, by the Australian-funded systems in China.

I think if the Liberal Party is going to bring conscience to the next Federal government it can well look at the correlation between overseas aid and human rights and pragmatic benefits to be derived from overseas aid. We have seen the admission by Stephen FitzGerald recently about warehousing and other activities in China, which have done nothing multilaterally for our country's economy and which have been a waste of taxpayers' funds.

I personally welcome the abolition of the coal export levy, with a \$52m saving. Anyone from Wollongong would understand why I do that. I will not waste the time of the Assembly, other than to say that that levy enabled the mateship system of contracting, the working down of the smaller collieries and the grinding out of competition in the coal industry. That was the scourge of Wollongong and resulted in vast problems for the union movement and union workers in Wollongong.

Mr Speaker, there are a number of issues that the Rally has promoted. The superannuation lump sum threshold has been raised. We mentioned that somewhere along the way. Also we believe that that should be brought in, together with an approved annuity system so that superannuants in this Territory - and there are a lot of them - plough their money into approved annuities that we could possibly use in the Territory on a microeconomic basis. I am sure Mr Kaine and I will talk about that further; he is evidently interested in it.

Mr Speaker, there are some hard-hitting proposals in the tax policy in terms of privatisation. It is proposed to privatise the Pipeline Authority. The Rally absolutely agrees with that. We have already put that to this Assembly. It should be privatised as soon as possible. It is a bureaucratic monster. It is not even able to deliver gas on an equitable basis to this Territory. We know about that \$2.6m surcharge that we are wearing. I believe that private industry could do better for the Territory in that regard.

Let us look at other privatisation proposals. The Snowy Mountains Engineering Corporation is gaining contracts around the world at the moment. It is a marvellous corporation. There is no reason why it cannot move into a commercial mode and free up the rest of its shackles. I believe the Rally will disagree with the privatisation of Aussat and OTC; I am hoping it will. I speak from a personal point of view because that is not yet cleared by the Rally's executive. I believe that defence considerations should outweigh privatisation arguments in that area.

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Mr Speaker, the Rally would not agree to the privatisation of Qantas or Australian Airlines, nor the Commonwealth Bank while it remains to a degree a trendsetter and a conscience setter in the home loans industry. If it were to depart from the good works it does in pulling down some of the interest rate spiral, we might revise our views.

Mr Speaker, my colleague Dr Kinloch will talk about the Liberals' proposed policy on tertiary fees, but let me refer to some of the larger proposals in the budget which will have an ACT impact with which we agree. One of them is that there are helpful policies for small business. The Rally has a good relationship with small business in the Territory, and we believe that small business will support the two-tier tax system proposed in its interests.

We also believe that a speculative gains tax, at least in the small business area, would be a fairer method than a capital gains tax. Those of us who have been associated with small business know that, after a small business operator gets a business going and three or four years down the track wants to sell it, there is a capital gain across the goodwill.

The goodwill is about all you have in terms of superannuation in small business, particularly in this troubled small business Territory. If we can protect that goodwill and leave them with some superannuation to go out on, well and good. I have seen many small business people retire poor in this Territory. We would be interested in some finetuning of that capital gains process to reflect more the aspirations of small business.

Also the Liberal Party - and this brings me onto an interesting theme, Mr Speaker - is proposing to make the top personal tax rate equal to the corporate rate. That would reduce the number of proposals to lawyers and accountants for tax avoidance schemes, I am sure, and that is a very welcome proposal from the Liberal Party.

There are a number of other comments I would like to make - I am trying to restrict them to the Territory - but one of the issues is that the middle people in Australia have lost out under the policies of the Hawke Government. Truly, one of the major problems facing the Territory is the ACT economy and whether the Hawke Government will lack credibility again in terms of what it owes the Territory, how it should be supporting the Territory and what it should do to recognise the legacy it has left us. (Extension of time granted)

Mr Speaker, the major issue affecting the Territory is interest rates, for both residential dwellers and business persons. The drift towards big business, the drift into the cigar smoke haze that the Hawke Government has shown, means that there are people suffering in this Territory. One of the economic action plan's deficiencies is, in my view, that we have not yet seen from Mr Peacock a hard-

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hitting statement as to how he will depart from Mr Keating's use of interest rates to dampen demand in the economy.

The dampening of demand is a necessary anti-inflationary tactic, but the effect has been on the smaller people in Australia. The foreign debt of Australia - and it is widely recognised and commented upon - really is largely in the hands of a number of very large corporations which seem to be close to the Hawke Government. The large corporate borrowings in recent years have meant that sequentially Mr Keating has had to impose those dampening interest rate rises that have wreaked so much havoc on the ordinary community in this Territory and elsewhere in Australia.

We look towards any future Federal government making a more refined statement on that issue in the near future. It may well be that there is an almost irremediable legacy to be left by the Hawke Government in that area because a foreign debt is a foreign debt, and we are not a country that abrogates its responsibilities. It will be the working people of Australia who will have to climb and work the Australian people out of that. Small business, in its vast multitude in Australia, will have to work Australia out of the drift by the Hawke Government to the far right, large corporate business sector.

Mr Speaker, Mrs Grassby mentioned immigration, and she hotly defended the rights of the poor and the underprivileged to come to Australia. I have some experience in that area. There is an organisation in Canberra, the intergovernmental committee for migration, which runs a revolving fund, principally for Vietnamese family reunions. That revolving fund concept allows families that are already established in this country to fund the entry of their extended families. That is really what has gone on in history in non-regulated migratory movements.

I have long considered that that revolving fund concept could be put to use in this area. I think that could be one way in which the Federal Government could finetune its policy; it could look towards the revolving fund concept. I acknowledge that there is no point in having a revolving fund when no member of the family has yet established himself or herself in the country as a wage earner and saver. I do not see anything in the Liberal Party's policy that fails to recognise Australia's great tradition in that area.

I felt that Mrs Grassby's comments were frankly over the top in that regard and failed to reflect the largely bipartisan immigration policy that the two large Federal parties have had in this country for many years.

Mr Berry: Rubbish!

MR COLLAERY: Rubbish?

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Mr Berry: You obviously were not listening to her, Bernard.

MR COLLAERY: The fact is, Mr Speaker, that we have seen Mr Berry and Mrs Grassby speak very trenchantly on some recent issues affecting immigration and refugees. They have been emotive remarks that we support in principle, but the language, the rhetoric and the timing of them make us in the Rally ranks, at least, wonder whether they are really genuine comments.

We know that Mr Berry was at the Soviet Embassy recently. I have witnessed how the Soviet Government endlessly rakes over the coals of the Holocaust for its own reasons. I just had that funny feeling that here I am again hearing this timed statement. If you are genuine about the Holocaust I will accept it. I do not know; I have not passed judgment. But I do not think we need to start, around Soviet national day, with the same statements; we heard them again.

Julian Disney of ACOSS is a voice in the wilderness for the Hawke Government. He has never received proper recognition. I believe that the Hawke Government, in its last few months, should listen to him and see what it can do now about the poor in the community.

DR KINLOCH (11.20): On a personal note, all three members of the Residents Rally have offspring now in tertiary training, so we have a very keen interest in that part of the coalition package which deals with that area. I have spent many, many years involved with this area of tertiary education, especially in the time I was dean of students. It is a matter of very great worry and concern, of course, to students.

At the moment we have this higher education levy under the present Government. I have always had great difficulties with that. The levy looks like a good idea. In accountancy terms and budget terms maybe it could be seen as a good idea, but it begins to impact on young graduates when they are beginning to earn their first reasonable pay packets. I have always thought of that as an unfortunate way to go, and I would much prefer the form of tertiary fees suggested in the coalition tax package.

I also have some criticisms of that package, however. There are strong arguments for such straight fees. Enrolments in universities cease to be shadowy. In the past with no fees there were many so-called students who were on the rolls for reasons other than their education. I also think the present system takes care of that. Having straight fees obviously also takes care of it because usually it is parents who pay.

The coalition amount of \$1,200, I think, is relatively moderate and is paid straight up-front. If anything, I

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think it is underestimated. That is, over the long pull I suspect that about \$1,200 would be quite inadequate. I think it would more likely be up to \$1,500 to \$2,000 in no time. I do wonder whether the people who have done the figures there will really find the savings that they are estimating; I suspect not. So I would have gone further on the fees. I would have been realistic about them and put them up more.

There is also a stronger motivation for maintaining enrolment and completing courses when you have these straight up-front fees related to family finances when the fees are paid right then and there. There is an option under the present scheme to pay fees then and there. It is an option that I suspect most students do not take up because they know they can put it off. Straight fees, though, have to be paid in the year to which they apply, and I approve of that.

In both schemes there is the theme: why should the taxpayer pay for the education of those who will be especially benefited by tertiary education? That is a very arguable matter. I do believe that those who are best off in the community should pay straight up-front for the education of their children, and this is to be seen in the straight fee system.

I would want to emphasise that there must be an accompanying scholarship and/or bursary scheme based on parental financial resources. I see that as a good element of the coalition tax package. I would like to see it being much more generous than it is, and certainly much more generous than it is at the moment for more and more levels of society. There is not enough detail in the coalition tax package on that. I wonder whether the level of those merit and/or need scholarships is adequate.

Frankly, whether it is the present Government or any future coalition government, I wonder whether either has really come to terms with the overall level of tertiary training in this country. We are indeed in danger of slipping down that international scale more and more. If you look at Japan, the United States, Canada and Western Germany, for example, you will see the ways in which we are falling behind. I refer to a comment, in another connection, by Mr Stefaniak.

I believe we really have to lift our game. I do not think we should be thinking mainly about cutting tax costs. That is a very tricky issue. But if we do have to cut tax costs then why do we not ask the present Government and a future coalition government to consider cutting down drastically on exorbitant defence expenditure?

The crucial thing is not the odd destroyer or the odd submarine; it is surely our technological and educational training in order to put much more money into raising our educational, technical and technological profile. I

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believe there is some move towards that in the coalition tax package, but I would say it was quite inadequate. I think it should scrap its defence package altogether, frankly, and start again, but then I speak from a particular stance. I would say that to the present Government as well. Australia as a whole is not coming to terms with the incredible need for raising our educational profile, especially in tertiary levels, at all levels of tertiary training.

MR BERRY (Minister for Community Services and Health) (11.26), in reply: I would like to deal first with some of the comments that were made by the Residents Rally, disappointing though they were.

Mr Collaery: I knew you would. Are you hurt, then?

MR BERRY: Not very many of them were hurtful, Mr Collaery, because they were miles away from the truth.

Mr Collaery: Well, they were not worth commenting on, then.

MR BERRY: That is like most of the things you say, but your throwaway lines have set out to damage people in the past, and I suppose damage control is an important part of politics.

It is difficult to see where the Residents Rally stands in relation to the Liberal Party's economic and tax package on welfare services because its members were not very clear as to whether they supported the whole package or only part of it, whether they would be supporters of the Liberal Party or whether they would be supporters of the Labor Party at some future time. But that is not uncommon.

Mr Kaine: I thought he was pro-Labor myself.

MR BERRY: Did you? Well, there you go. It depends which side you are coming from. I find it very difficult to make out where they are coming from. What I did detect through Mr Collaery's speech was an anti-Labor tone and perhaps a little bit of an anti-worker tone, too, because there was not too much about the impact on ordinary workers, the typical populist approach. I must say, in relation to Mr Collaery's reference to my attendance at the residence of the Soviet ambassador for their national day celebrations, that Mr Collaery knows that I am a supporter of world peace; I am a supporter of human rights. One member of his party joined me on a picket line outside the South African Embassy. I applaud his party's involvement to that extent against human rights outrages. I think his comment about the Labor team's attitude to the Holocaust was absolutely outrageous and uncalled for. It was a genuine comment.

Mr Collaery: China? You're going to hear more on this soon.

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MR BERRY: It was a genuine comment, Mr Collaery. Mr Speaker, one other issue that was raised by the Residents Rally was that of higher fees in the tertiary area. I think one of the most important things that it did not oppose is that this is an up-front payment for students, and it will affect a whole lot of students in the ACT because it has to be paid up-front. It will affect particularly women and the disadvantaged, whom the Residents Rally does not seem to represent, certainly in the way in which it approaches these higher fee issues.

Mr Collaery: But your proposal is \$1,882.

MR BERRY: It is an up-front payment; it has to be paid before you start training, and that was not mentioned.

Mr Jensen: I had to pay last year, Wayne, before I started.

MR BERRY: I do not know what you wasted your money on.

Mr Collaery: Labor's fees will rise to \$1,882 - - -

MR SPEAKER: Order! Please address your statements through the Chair, Mr Collaery. Mr Berry, please proceed.

MR BERRY: I turn to the Liberal Party. One of the most interesting parts about the three speeches from the Liberal Party members was that they did not focus on the effects on the ACT. That was the entire focus of the speech that I gave.

Mr Kaine: Well, you did not read the action plan. I will have to give you a copy of my speech as well.

MR BERRY: They are getting edgy again. It is all coming out in the open. One of the major things that has not been mentioned so far is the attitude of the president of the Liberal Party: take it from the bludgers and give it to the workers.

Mr Kaine: Jim Leedman never said that.

Mr Humphries: No, that is right. Jim is a good man. He never said it.

MR BERRY: I know, but the Federal people have. Their attitude is: take it from the bludgers and give it to the workers. In effect, it means that it is an attack on ordinary working people and people in the weakest position in the community. I did not hear the Residents Rally members rise to defend those people who will be affected by that.

Mr Collaery: We did. I spoke about the workers several times.

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MR BERRY: It would only be in passing. But 172,000 people will be affected by the unemployment benefit approach by the Liberal Party - an attack on people who cannot defend themselves. That is not uncommon. The proposals will hit hardest at some of the most disadvantaged in our community: single parents; long-term unemployed people; disabled and ill people; people looking for work, especially older women seeking to re-enter the work force; people from non-English speaking backgrounds; and Aborigines. That is where the hardest hit people will come from.

Mr Kaine: You've been listening too much to your Federal mates because that is what they say. They didn't read it either.

MR BERRY: You do not like the truth on this matter because it is very clear that a Federal Liberal government would double the waiting period for unemployment benefits from one week to two weeks; people on sickness benefits would be subjected to a monthly check by Commonwealth medical officers, and some invalid pensioners would have a yearly check; and migrants would not be able to claim. I go back to the comments of Mrs Grassby. There is a clear attack on poor immigrants. It is a very clear attack, and there can be no denial of that.

Mr Speaker, the impact of these policies on the ACT is the most important focus of this debate which should have been addressed by the conservatives opposite. The extension of waiting periods for payment of unemployment benefit and the ending of unemployment benefit after nine months, with the changeover, if eligible, to special benefit, and cuts in labour and employment programs will have an impact on recipients of benefits and their dependants in the ACT. The mere fact that they were not mentioned by any of these people opposite demonstrates a clear lack of concern for those people in the ACT.

Mr Kaine: A good try, Wayne, but it is not true.

MR BERRY: It is true. You did not mention it. There is a clear impact, but no mention.

Mr Collaery: Who are you talking to?

MR BERRY: You will just have to listen to me, Bernard. There will be an increase in the need for supplementary financial assistance from this Government to which some of you aspire.

Mr Collaery: Your director of welfare would not pay the fees the other day for a child to go to Marymead.

MR SPEAKER: Order!

MR BERRY: Tell all the story, Bernard.

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There will be a need for family support during waiting periods. Assessment and review of eligibility for concessions associated with the receipt of social security payments is expected to be delayed, further increasing the suffering of the underprivileged. There was not a mention of that. While increasing the problems faced by the unemployed, disabled and ill in our community, the Federal coalition - that is, this mob over here - - -

Mr Stefaniak: No, we are local.

Mr Humphries: Are we the Federal coalition? I see.

MR BERRY: That is where they think they are headed, this hopeless mob over here. Have a look at them. They get a bit edgy when the truth starts to come out.

The transferring from unemployment to special benefit will make it even more difficult for the long-term unemployed to find jobs. Cuts in funds for community support, education and employment programs targeted at the Aboriginal community, another disadvantaged group, will result in an increased demand on mainstream services. There was no discussion of what effect that would have on this Government - no discussion at all, Mr Speaker. It just demonstrates how hopeless this lot is.

Mr Kaine: It will have less effect than \$150m for the hospital, mate.

MR BERRY: You had a go at that yesterday, and it was a big fizzer.

Mr Kaine: We will have another go later today, too.

MR BERRY: It was a big fizzer yesterday. You keep lining up on the stage, but you cannot deliver the goods.

Reduced Commonwealth funding will make it very difficult, if not impossible, for this shortfall to be covered by any State or territory government. This is a territory government, but there was no mention of that.

In summary, the hardship likely to be felt amongst the disadvantaged groups as a result of the coalition's economic and tax policy would cause a heavy reliance on, and demands for extension of, services such as family support programs, child welfare, emergency relief - here we go; these are all of the people who are ignored by the people opposite - social welfare benefits, credit and debt counselling services, general counselling and support services, youth accommodation services, and concessions on electricity, transport, et cetera. These are the people who have been ignored by the Liberal Party. (Extension of time granted)

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Mr Jensen: Go for it, Wayne.

MR BERRY: I did not waste all that money last year, Norman, so I will be pretty right; I will be able to work my way through it.

Mr Speaker, what has been demonstrated in my speech to this place in relation to the coalition's tax policy is that it is an attack on working people; it is meant to divide families in Australia; it is meant to set the rich apart from the poor - - -

Mr Collaery: What has the Hawke Government done? Wayne, you don't believe that.

MR BERRY: It is meant to set the rich apart from the poor, because the people who will benefit from these sorts of tax arrangements, Mr Collaery, are the rich. Why scrub the capital gains tax and make sure that the richest ones do the best out of it and the poorest do worst? The poorest are under attack. It is quite interesting to see where the Residents Rally is coming from now - supporters of the rich, who oppose any benefits to the poor.

One of the interesting things that Mr Stefaniak raised was the issue of child poverty and the status of it in 1990. The interesting part about that, in my view, is that this will very definitely mean that there will be not very many rich people's children in poverty. They will get plenty of support from the sorts of tax policies that are to be adopted by the Liberals and their right-wing coalition mates. They will be even richer. The same will apply whenever the working class and people at the disadvantaged end of society are attacked by the Liberal Party and their coalition mates, in trying to unload from those people who are most deserving of support vital financial assistance and putting it into the pockets of their rich mates.

Question resolved in the affirmative.

PERSONAL EXPLANATION

MRS GRASSBY: Mr Speaker, I think I was misrepresented by Mr Collaery in relation to the situation which I spoke about the other day on an anniversary. I feel very conscious of that, having a Jewish grandmother. I feel very strongly about it. Therefore I do not like it being said that I got up and spoke on something frivolous which I did not quite believe in. I believe very strongly in it, and I have a terrible fear that it could happen again. That is why I spoke about it.

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POSTPONEMENT OF ORDERS OF THE DAY

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

That orders of the day Nos 2 and 3, executive business, be postponed until a later hour.

SUSPENSION OF STANDING ORDERS

MR STEVENSON (11.41): I move:

That so much of the standing orders be suspended as would allow the debate on order of the day No. 2, private members' business, to be called on forthwith.

Mr Whalan: Mr Speaker, I raise a point of order. There has been some discussion about this matter. If members are going to spring these things on us - we are happy to continue with this at 4 o'clock this afternoon - if Mr Stevenson insists on moving the suspension now, we are not going to give leave.

MR STEVENSON: The Government yesterday was very concerned about not having the opportunity to speak on the matter, and obviously it should go ahead today. As far as the timing is concerned, provided there is sufficient time to debate the matter, I do not mind. But, of course, in this Assembly different people have different priorities and one can keep changing things around. I was asked by the Liberal Party if we could have the matter brought on now as there are other important matters this afternoon. Personally, I do not mind when it comes on, provided it goes ahead today and people have the opportunity to have a say on this most important matter. It is being debated in the United Nations on Monday, 20 November, and while this may not occur, the convention can be signed by Australia on that day and it also can be ratified immediately if there are 20 signatories. This affects the people of Canberra greatly. It is an urgent matter.

MR WHALAN (Deputy Chief Minister) (11.42): Mr Speaker, it is an outrageous abuse of the procedures of this chamber when this sort of thing is raised in this manner. There was an extraordinary situation yesterday when Mr Stevenson applied the gag to the debate on this matter. He denied the Government the opportunity to participate in a debate on it yesterday by applying the gag and then today, in this frivolous manner, he decides it is important. He did not consult us. He did not say, "Do you mind if we proceed with this? I have had this sudden rush of blood to the head overnight and have decided that this is what we should do today, Thursday, although I denied you the opportunity to do it yesterday". All of a sudden this hypocrite comes into the chamber and decides that the matter is now important. Yesterday it was not, but today it is.

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The next item of government business that we are to proceed to relates to workers compensation, which is one of the most fundamental pieces of legislation that we have to debate in this Assembly. Yesterday, during private members' business, when we could have dealt with Mr Stevenson's matter, we were denied that opportunity.

In relation to the practical administration of this chamber we heard, by rumour, that Mr Stevenson planned to effect this ploy and we are fairly confident, given the support that he gets from the opposition, that it will probably support this approach once again. We offered to discuss this matter at 4 o'clock this afternoon and - - -

Mr Stevenson: Not with me, you did not.

MR WHALAN: You are irrelevant. I understood that there was agreement in relation to the 4 o'clock discussion because - - -

Mr Stevenson: Your understanding was incorrect, Paul.

MR WHALAN: That will allow the important business, including the workers compensation, the discussion of the integrated transport strategy and the discussion on the casino to proceed, as was planned and agreed. What is the point of reaching agreement on a pattern of business if somebody can just come in and, on his whim and whimsy, move an amendment to suspend the standing orders? We will strongly oppose the suspension.

MR MOORE (11.45): I agreed with Mr Stevenson this morning that, if nothing more vital came up after lunch, I would be prepared to support the discussion of this. I agree with the Deputy Chief Minister that 4 o'clock is an excellent time to continue the discussion. In that way those members who wish to remain and continue with this debate until 5.30 pm or later - because it is a very important issue - will have the opportunity to do so.

There are some very important issues that need to be discussed. Mr Whalan has mentioned two of them. I happen to think that the transport strategy is an important issue that should be discussed. I am delighted to support the discussion of this issue at 4 o'clock this afternoon, but I really think that we have to continue with other business prior to that time.

Question resolved in the negative.

WORKERS COMPENSATION Ministerial Statement and Paper

Debate resumed from 17 October 1989, on motion by **Mr Whalan:**

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That the Assembly takes note of the following papers:

Workers compensation -

Comparison of some NSW and ACT premium rates.

Ministerial statement, 17 October 1989.

MR STEFANIAK (11.46): After debating a Federal matter, the coalition's tax policy, for more than an hour, it is good to get back to something which concerns the ACT. The prevention and management of work related injuries in Canberra is a very important issue for the overall future of the ACT. This has been recognised for many years by different organisations and individuals who have expressed concern about the ACT workers compensation scheme.

Industry groups and trade unions alike have been criticising the cost and inefficiencies of the ACT scheme constantly. These criticisms of workers compensation legislation have not been centred on Canberra alone but are Australia-wide. Most of the States have acted with widespread amendments. It is now time for the ACT to bring workers compensation up to date, ready for the year 2000 and beyond.

In his ministerial statement, Mr Whalan gave a detailed history of workers compensation in the ACT so I will not go into such detail but I will briefly outline some of the salient points. The Workmen's Compensation Ordinance was introduced in 1951. Since then there have been only three amendments to this ordinance - amendments which had little effect on the overall interpretation of the law, but which were, as Mr Whalan said, for finetuning purposes.

A working party was established in 1983 to examine different aspects of the 1951 ordinance. Its aim was to look at the ordinance and improve it in such a way as to enable workers compensation arrangements to function effectively. In 1984 the report from the working party made 37 recommendations, three of which have been implemented.

Seventeen other recommendations are ready for consideration by the proposed industrial relations advisory committee when it is formed. It is unfortunate, however, that these recommendations were not implemented back in 1984. The 17 recommendations were unanimously agreed to by unions, insurance companies and the private sector and, if introduced, would have certainly reduced premiums for workers compensation in the ACT and today we would have had a much more efficient and cost-effective workers compensation scheme for employers and workers.

Unfortunately for the ACT, four separate Territory Ministers thumbed their noses at these recommendations and put workers compensation into the too-hard basket. The Liberal Party congratulates Mr Whalan for biting the bullet and calling for a total review of injury prevention and management in the ACT.

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This review must consult very widely within the ACT and ensure that the ACT's idiosyncrasies are known and taken into account when an ACT workers compensation scheme is formulated. The insurance industry, trade unions and employers have been constantly calling for this type of review and for the implementation of the 17 recommendations of the 1984 report. It is encouraging to see that the importance of this matter has been so conscientiously looked into by all members of the Assembly.

A further report was received on 16 July 1987 which concluded what was widely known in 1984 - that changes had to be made to workers compensation in the ACT. These changes, it was agreed, were urgent but at the same time of such importance that consideration of them would take a great deal of time to ensure that the legislation introduced would be relevant and applicable to the ACT situation.

Mr Speaker, this brings us to where we are at present with workers compensation in the ACT. Certain questions must be looked at so that we can understand the problems with the ordinance at present. Firstly, why are workers compensation premiums in the ACT the highest in Australia? The Australian Bureau of Statistics has estimated that the cost to ACT industry of workers compensation in 1987-88 was of the order of \$529 per employee. This cost is simply too much for an employer to be expected to pay and still be running an efficient business.

Let us look briefly at the building and construction industry and the premium situation for workers compensation as it exists. The construction industry has the highest rate of premium in the ACT at 40 per cent for builders labourers and an average for the industry as a whole of 18 per cent.

If we look at the total wages paid to labourers registered with the Building and Construction Industry Long Service Leave Board it comes to around \$3.8m for January and February of this year. At a premium of 40 per cent, ACT employers pay around \$1.5m in premiums for workers compensation every two-month period, or \$9m per annum. This situation must be alleviated to ensure that the private sector is fully encouraged to establish new business in the ACT.

It is little wonder that new businesses are not interested in setting up in Canberra when they can establish themselves in Queanbeyan and pay a fraction of the costs for workers compensation cover. This is especially important as the private sector increases its employment ratio of the population from 50 per cent public service and 50 per cent private sector to 70 per cent or higher in the public sector in the future. The high premiums at present offer little incentive for business to come to Canberra.

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Why are premiums so high in the ACT? Firstly, there are hospital costs. In New South Wales a shared private ward in a public hospital is \$332 per night for a compensable claim. In the ACT it is \$450 per night. Why is this so? As of 1 August 1989, hospital fees in the ACT increased by up to 46 per cent, while some hospital fees for compensable injuries were increased by up to 95 per cent.

To spend a night in hospital in Canberra the cost is normally \$160. For a compensable claim the cost is \$450. So, if you break an arm by falling over in your backyard and have to spend a night in hospital, the cost will be \$160. If, however, your arm is broken while at work, then the hospital cost will be \$450. Canberra employers, motorists and taxpayers are subsidising the ACT hospital system to the tune of \$290 per bed per day for compensable claims.

This equals a false economy, and increases premiums for employers dramatically. Why can a New South Wales injured worker be treated for \$332 per day, yet an ACT worker needs to pay \$450 a day? Why can private hospitals such as the John James Hospital charge \$360 per day per bed or per room while a public hospital charges \$450 per bed per day? Compensable claims are charged quite differently by doctors, specialists and hospitals in the ACT.

The increased charges are borne by the employer in the form of higher premiums, higher than need be, due to this inequality in medical charges. These inequalities need to be addressed to reduce premiums for workers compensation.

Secondly, there is no intermediary court in the ACT. If a dispute occurs in the ACT over a workers compensation claim, the options are to go to the Magistrates Court and then, if an appeal is appropriate, to the Supreme Court. The cost of Queen's Counsel is very expensive, as we all know. So any workers compensation claim that reaches the Supreme Court is obviously going to be of great expense.

The costs through the Magistrates Court are by no means small either, not only the personal costs to the party involved but also the costs in funds and time to our already overburdened court system. This cost is also borne by the employer through high premiums.

Thirdly, the insurance industry bases its premium on the relevant legislation in each State and the benefits and controls applying in that legislation. For example, the COMCARE scheme has a maximum lump sum payment of \$120,000. The private sector in the ACT, however, due to the provisions of the obsolete ACT legislation, has an unlimited payout.

The ACT, for example, allows claims for the trip to work. People have claimed and received benefits for injuries incurred in their own homes because they were on their way out to go to work. These abuses result in higher payouts

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which are borne out in higher premiums as insurers have to put more money aside to cover those claims.

The fourth point is the establishment of an ACT database of all details of compensation premiums and costs. In previous years the ACT has blindly followed New South Wales to determine premiums and obtain any other information. This situation is totally unacceptable. The ACT and New South Wales cannot be compared, nor can other States, by any means or form in the employment situation which exists in each State.

The 1987 report on workers compensation recommends that the ACT move urgently to establish an adequate database for workers compensation premiums and costs. The ACT has been establishing a database for the past two years. The actuary who wrote the report has suggested that it will be six years before an accurate calculation is made of how premiums will average out. This, nevertheless, is a good move and is fully supported by the Liberal Party.

What can be done, Mr Speaker, to keep premiums at a level which will ensure good benefits for injured workers and also keep the employers' premiums at an acceptable level? Firstly, the retention of private sector insurance must be ensured. Competition is the essence of this happening. Competition between different insurance companies will make premium rates much more realistic.

As I said earlier, the insurance industry simply recommends rates according to the relevant legislation. The ACT legislation in its present form is inadequate and hence the high premiums, the highest in Australia. With sensible new legislation and the retention of private sector insurers, insurance premiums will be better than or at least on par, on average, with all other States. One only has to look at the disastrous WorkCare scheme run by the Victorian Government, which is billions of dollars in debt, to see the benefits of competition in this very important area.

Secondly, the present avenues open for compensation claim cases in the ACT are the Magistrates Court and the Supreme Court. Court costs are a major contributor to the high premiums paid in the ACT, especially when the Supreme Court is involved. There are a number of alternatives to alleviate these costs. One way is to develop a claim settling tribunal which would operate before the courts come into the picture. This body, which would simply involve an independent arbitrator, would in many cases avoid the need for court proceedings, save money and also reduce the workload on the court system.

An alternative is to establish a workers compensation tribunal run through the Magistrates Court. This would obviously need to be looked at very closely to ensure that an effective tribunal was established. This tribunal would also save much time and money and make available a means by which these very important and often complex issues could

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be canvassed to an appropriately qualified bar of magistrates specialising in workers compensation law. It is urgent that such moves are made so that an efficient, cost-effective legal system is established in the ACT and not, as exists at present, a congested, expensive process.

A third factor is hospital costs. I mentioned earlier the increased medical charges that exist when a compensable claim is involved. These extra charges are simply unacceptable. How can they be reduced? The hospital system within the ACT, especially concerning compensable claims, must be totally reviewed; \$290 more per bed per day is totally beyond belief and must be addressed urgently in a review to find out exactly why these costs are so high and how they can be reduced.

The ACT suffers from a basic lack of specialists, and moves should be made to encourage a greater number of top medical specialists to move to Canberra. All too often when an accident occurs in Canberra the person involved has to be flown or driven by ambulance to Sydney where specialists are available. Those costs are huge, and this is a matter that should also be addressed to relieve ACT employers of the high premium costs they pay at present.

I have also fully supported the establishment of an ACT database so I will move now to the type of legislation that the ACT requires. We are unique within Australia in that our employment situation is different from that of other States. Unlike Sydney, Melbourne and most other major capital cities, which have a much wider employment situation, our employment base is predominantly the building, retail and service industries. For this reason the Government must not blindly follow the other States' legislation.

This piece of legislation must be constructed in such a way as to encompass ACT conditions and needs. This is a great opportunity for the ACT to be innovative and develop a scheme which will be tailored to our situation. The ACT has its own idiosyncrasies which make Canberra different from elsewhere in Australia. For an appropriate piece of legislation to be introduced which will take account of those idiosyncrasies, the industrial relations advisory committee must have appropriate membership and be fully informed of the review of workers compensation by the Office of Industry and Development.

Workers compensation is an important issue for the overall future of ACT industry, and the advisory committee must have appointed members who are experienced and expert in workers compensation. Consultation with the insurance industry, and particularly the Insurance Council of Australia, must take place. Consultation with industrial relations lawyers must take place. Consultation with trade unions and employer groups must also take place.

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Considering the importance of this very complicated issue, known expertise must be utilised. There is a general lack of knowledge within the ACT Administration concerning workers compensation, and the industrial relations advisory committee selected must be a group of prominent experts in the wider range of areas which workers compensation touches on.

There are areas of the legislation as it is at present that should be brought to the Assembly's attention so that all members fully recognise the draconian legislation for what it is. I will cover a number of the problems now. The maximum penalty in the ACT for failing to take out workers compensation cover is \$200. Let us look at this scenario which has indeed been posed.

An employer might cover five of his 10 employees for workers compensation to cover himself and one of the workers not covered is injured at work. That injured worker takes his employer to court and the employer is found guilty and fined \$200. The worker has no other recourse but to sue for negligence. In New South Wales the fine is many times greater than that and, indeed, that is something that the ACT will have to look at.

Another example is that there is no termination clause in the ACT legislation. This means that, once a payment begins, it cannot be stopped despite fears and perhaps proof that a bodgie compensation claim has been accepted as a real claim. It is important to include such clauses in any new legislation to ensure that insurers have an escape route for payments if they have reason to believe that a fraudulent claim is involved.

This could be done by insurers notifying claimants that they believe that payments should cease. The claimant would then have the opportunity to represent his or her injury claim to an appropriate forum, perhaps along the lines I have spoken of earlier. This would, in the long run, reduce fraudulent claims and lower workers compensation premiums.

A third ludicrous example that exists in the ACT legislation is that a worker who is injured in the ACT has no requirement to proceed through the ACT court system if the need arises. Take, for example, an injured worker who lives in Queanbeyan and works in the ACT. (Extension of time granted) That injured worker can choose his jurisdiction, be it New South Wales or the ACT. Obviously, after legal advice, he chooses the jurisdiction which will ultimately provide the most benefit. That situation must be addressed.

These are only three examples of the need for a total review of the Workmen's Compensation Ordinance in the ACT. The importance of this issue has not been fully appreciated by the Government or the community. The Labor Government's advertisement in the Canberra Times of 28 October for a

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workers compensation consultant was so small you would need a magnifying glass to read it.

Surely a position of such importance to the ACT should be advertised in a way that will attract the best-qualified people and not in the amateurish way it was. I know that the Government has since advertised in a more professional manner, but it should not be as a result of complaints that this happens; rather, more importantly, because the ACT was after the best consultant possible.

I think the Canberra Times must also bear the brunt of some of the community apathy or lack of knowledge of workers compensation in the ACT. Its coverage of the announced review of workers compensation was nothing short of dismal, considering the importance of the issue, which makes one wonder about the priorities of the press.

I will conclude this statement by saying that this piece of legislation has to be streamlined to ACT needs. The overall effect that it will have on Canberra's future is huge. It is the responsibility of this Assembly to ensure the ACT's future. Canberra's future lies in the welfare of workers and employers and in the buoyancy of business. This Assembly has the opportunity to put the ACT at the forefront of workers compensation by ensuring that a full consultative program is arranged so that an innovative and not a "follow the other States" piece of legislation is introduced.

MR JENSEN (12.03): The Residents Rally welcomes the statement by the Minister which provides an acknowledgment of the problems within the ACT of current workers compensation schemes, and that is probably a matter that is accepted by all members and all groups within the Assembly.

Any scheme that is roundly condemned by both industry groups and the trade unions must be in line for a major overhaul. That is clearly what we are on about here. While the Rally understands that the development of amendments to current legislation will be a long, complicated process, it seems that once again we have been left with another legacy of neglect of the people of the ACT by past Federal governments and Ministers who had little time or concern for the ACT.

As Mr Berry showed by the comparison of rates for compensation between New South Wales and ACT, there is an incredible disparity. Mr Stefaniak has gone into this in some detail. For example, the building industry rate in New South Wales is 8.4 per cent, compared with the ACT rate of 40.13 per cent. Similar disparities are identified across the various classifications of industrial activity and occupation. Clearly, there is a need to review, upgrade and find out why these problems are there and why these premiums are so high. We strongly support a move to ensure that every opportunity is given to workers who are unfortunate enough to be injured in the work force to rehabilitate themselves as well.

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The Rally acknowledges the commitment by the minority Labor Government to review legislation as quickly as possible, and we will be happy to assist the current Government in this review process. It may be that this is an issue that could be considered by the Social Policy Committee.

I also note that the Workers Compensation (Amendment) Bill is included on the legislative program provided by the Government today. Unfortunately, it is just listed there as a Bill that is going to be looked at. There is no indication as to the time scale, although I understand that, because of the degree of complexity of the amendments required, this may be sometime down the track.

The Minister's statement referred to a report by a consultant. That consultancy was organised in December 1986, with the resulting report being handed down in July 1987. Unfortunately, it would appear once again that the previous Federal administration put this matter on the back burner. It, of course, provided a commitment to occupational health and safety legislation - quite laudable, particularly as the ACT was the only jurisdiction in Australia that had no OH&S legislation whatsoever. We have finally seen that legislation passed into law.

But it is unfortunate that, at the same time as the Federal Government was looking at this issue, it did not seek to provide for an overhaul of workers compensation legislation to reduce premiums and the cost to business. Decreased cost for business, particularly the cost of employment, provides greater opportunity for more workers to be employed. This, of course, is a similar argument to that for the reduction or the removal of payroll tax which, it has been suggested, would provide greater opportunities for new industry.

However, Mr Speaker, that is an issue for another time, so we may look at that one a little further down the track. We must remember that any move to abolish payroll tax and therefore increase opportunities for industry in the ACT has to provide a considerable amount of funds to make up the shortfall.

In closing my brief remarks, I would like to refer to some of the disparities and some of the problems associated with the existing legislation. I am referring to the Guidebook to Workers Compensation in Australia, sixth edition, which summarises the various workers compensation legislation in Australia. On page 687, for example, I see that there are a number of problems in relation to the employer's obligations where there seems to be little coverage in the legislation. There is no statutory obligation in the ACT upon an employer to provide work for a partly incapacitated worker.

I would suggest that, if it is appropriate for a worker who is unable to work in the area to which he or she was formerly accustomed but who would like to continue to work

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in some way and provide productive support to the community, there should be some provision for that to occur.

Another area where there is a lack of statutory provision is that there is no prohibition against an employer terminating the services of a workers compensation recipient. However, the common law relating to employment would generally apply to this situation. Another deficiency is the obligation imposed on an employer under the ordinance to keep wage records relating to his workers, although the prescribed form of insurance policy specifies that the name and earnings of every worker employed by an employer shall be entered regularly in a proper wages book.

These are the sorts of areas that need upgrading and consideration. Information to be given to a workman is another important matter. By virtue of the ordinance, a workman may require his employer to inform him of the name and address of the insurer who has issued the policy of indemnity under the ordinance. The employer is liable to a penalty if he refuses or fails to furnish this information. These are just a few of the major issues and concerns in relation to the need to upgrade and reform the workers compensation legislation in the ACT.

In closing, I would just like to comment on our support for the recommendations of the working party report that I referred to before. We support strongly the adequate database for workers compensation. We also support the need for the ACT to develop its own premiums, benefits and structure. The Rally would like to see this legislation, to which the Government is committed, adjusted, amended and brought into force as quickly, efficiently and effectively as possible.

MR WHALAN (Minister for Industry, Employment and Education) (12.10), in reply: Mr Speaker, I would like to express my gratitude for the general level of support for the review of this legislation which has been expressed by other speakers contributing to this discussion.

I noticed that, while Mr Stefaniak did qualify some of the views that have been expressed by the Government, there was a general level of support for the review. Indeed, I will refer to the terms of reference and seek to have them incorporated in the debate so that it does provide a concise summary. I think that members will find that the terms of reference deal with most of the reservations that Mr Stefaniak has about the review.

The review is important and it is certainly overdue. I think it is good that the Government has moved quickly to implement the review and that the Assembly supports that implementation. We are as concerned as anybody else about the costs of hospitalisation. Hospital costs and medical costs generally are expensive - that is not unique to the ACT - and concerns about this have been expressed across

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Australia. Indeed, officers of my department are in joint working parties with other States which are now actively reviewing and scrutinising those costs.

The Commonwealth is also concerned and involved in these working parties, both because of COMCARE and also because of the role of the Department of Community Services and Health. So it is clear that consultation is necessary, and it is expected that there will be wide consultation, both during the consultants process and following the presentation of the report. An important part of the presentation of that report will be the stage when it goes to the industrial relations advisory council. We, of course, acknowledge that within the ACT there are unique problems and we are aware of most of the problems within the current system that we face.

On the question of the advertisement for the consultant, the original ad was a small one, but it was replaced. Not only was the ad republished in the Canberra Times but it was also widely advertised in the national press. I think members will be pleased to know that there has been a very high level of interest in that consultancy, including expressions of interest from some of the largest firms of accountants in the country and from other more specialised consultants who have a much narrower range of interests. There has been quite a wide expression of interest and I am confident that we will end up with a very appropriate review.

The terms of reference require the consultant to undertake a review of and make recommendations on the operation and administration of workers compensation covering the area of employment for which the ACT Government has the responsibility. The review should include an evaluation of the experience gained from the New South Wales, Victorian, South Australian, Northern Territory and Commonwealth schemes.

It will cover compensation arrangements for both the ACT government service and the ACT private sector and meet the objectives of providing a cost-effective scheme for adequate compensation for workers, pending their return to gainful employment. It will take into account the need for any suggested scheme to be acceptable to government, private employers and workers. It will provide a comprehensive report, giving options on recommended changes to the conditions and benefits provided under the scheme, and in particular address the following issues: the need for workers compensation to complement occupational health and safety legislation and systems; the rehabilitation of workers, including how rehabilitation services for work related disabilities should be provided; journey claims and common law claims - whether to retain fully, partially, or to abolish altogether; alternatives to the current adversary systems of handling disputed claims through the Magistrates Courts; the question of benefits of a fully funded or pay-as-you-go scheme; and finally, the minimisation of the running costs of the scheme.

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The review will ensure that any changes proposed provide for expeditious handling of claims. It will consider the possibility of there being one or a limited number of insurers, which could be a government insurer or a private insurer or a mix of both. It will ensure the cost-effectiveness of any proposed scheme and provide costing details for options on any proposed scheme which may include a levy on premiums to cover costs of administering workers compensation, occupational health and safety, and related rehabilitation schemes.

The consultant will advise on the need for work related accident statistics, actuarial and other information needs in an ongoing system. Finally, the review will recommend an appropriate structure for monitoring premium levels. Consideration should also be given to the desirability of premiums being based on industry rather than occupation and to there being fewer premium classifications, whether cross-subsidisation should be introduced and how good or bad claims records could be recognised in calculating premiums.

I would like to thank the Assembly for its support, and I undertake to keep it informed at all stages as the consultancy progresses. I present the following paper:

Workers compensation - Consultancy - Terms of reference.

Question resolved in the affirmative.

Sitting suspended from 12.18 to 2.30 pm

QUESTIONS WITHOUT NOTICE

ACT Funding

MR KAINE: I would like to direct a question to the Chief Minister and Treasurer. By her own admission, on Tuesday night she had a meeting with the Prime Minister to discuss the \$295m that she has asked for. It is now Thursday, 2.30 pm, and although she has given the media the benefit of a briefing on the subject, would she now give this Assembly the benefit and the courtesy of a briefing on that meeting? In particular, would she tell us whether or not the Prime Minister has given any undertaking to give us the \$150m in respect of the hospital restructuring and, secondly, whether the Prime Minister has given any undertaking to give us all or any part of the \$22.7m of our money that has been squirreled away in a Commonwealth hollow log?

MS FOLLETT: I thank Mr Kaine for the question. I am a bit surprised that my meeting with the Prime Minister has apparently taken other members by surprise, because Mr Kaine asked me a direct question in another meeting we had

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on Monday about whether I was meeting with the Prime Minister on Wednesday and I replied to Mr Kaine, "No, I am meeting with him tomorrow". So I do not think that members can really claim to have had absolutely no indication that that was the case.

Mr Kaine: I thought you would have given us a report, which I am now asking for.

MS FOLLETT: It is indeed a fact that I had a meeting with the Prime Minister on Tuesday, and also present at that meeting was the Acting Federal Treasurer, Mr Dawkins. At that meeting we discussed two broad issues. The first of those was the Commonwealth guarantee of real terms funding to the ACT and the subsequent action that took place on that matter at the Premiers Conference. The other matter that we discussed was the broad issue of the Federal Government's and the ACT Government's financial agreement on our achievement of self-government. Members will be aware that I had written to the Prime Minister some time ago on that question.

I think that letter has had fairly wide publicity and it was given to members of the budget consultative committee, so the contents of that letter, I believe, are in the public domain. I inform the house that, had there been a particular outcome to advise you of, I would have done so, but in fact I regard the meeting that I held with the Prime Minister as part of an ongoing negotiation on both of those important matters.

There is no particular outcome to report. Indeed, I have not heard formally from the Federal Government on either of those matters. I look forward to doing so because I believe that both of them are extremely important matters for the financial well-being of the ACT, and especially because I believe it is my job to fight as hard as I can for a fair financial outcome for the ACT. That is what I am concerned to do, and the meeting that I had was part of that process.

Schools Office Staff

DR KINLOCH: My question is to Mr Whalan as Minister for Education. Can the Minister advise what savings are envisaged from the relocation of Schools Office staff from Macarthur House to Tuggeranong? If there are savings, why not move the entire Department of Education staff to Tuggeranong?

MR WHALAN: I thank Dr Kinloch for the question. It is a pertinent question in view of the misconceptions that exist, firstly, as to some figures which have been posed by the president of the ACT Teachers Federation into allegations as to cost; secondly, as to the philosophy of relocating; and, thirdly, as to the need for the

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rationalisation of office accommodation. The Schools Office currently is located in four separate locations and it is regarded as being an inappropriate and inefficient way of having the Schools Office divided in geographical locations in that way. The bringing together of all the elements into the one location will increase the efficiency and effectiveness of that office.

There is a need generally for us to rationalise office accommodation as a result of the demolition next year of parts of the South Building and the North Building as part of the redevelopment of Civic Square. So there will be a further need for redevelopment, and there is a feeling within the Government that ultimately we should seek to acquire our own assets in terms of office accommodation to house as much of our public service as is possible. In the long term we are currently entertaining a proposal to establish and build a government-owned, purpose-built building in the Tuggeranong Town Centre which would ultimately accommodate all the elements of the Education Department's administrative arm, but the division of the area into the Schools Office does not in any way detract from efficiency because of the different nature of the relationships between those areas.

What was important during the estimates debate was the discussion about the attribution of rental costs to various program areas. This has not always been the case and it could give a more effective estimate of the actual cost of operating program areas if the opportunity costs associated with rent were taken into account. The indications are that the people who are misrepresenting the cost of the move of the Schools Office to Tuggeranong at this time fail to take into account the opportunity costs associated with the current accommodation in the four areas that currently exist.

DR KINLOCH: I ask a supplementary question. Given the anxiety of staff in, obviously, Macarthur House or the four separate locations, would you be able to conduct a poll of staff about their future location and where they wish to be?

MR WHALAN: There have been some interesting debates in this city over many years, and I have just been going through some newspaper clippings back into the 1960s which were being used in another context. It has been significant that the most substantial population growth that has occurred in the ACT has been as a result of the compulsory transfer of departments from other cities throughout Australia to the ACT, and it has been a feature of the growth of the ACT. We as a government support the decentralisation of the public service by accommodation in the town centres, and I am sure that Dr Kinloch himself supports that particular policy - - -

Mr Wood: So does Mr Collaery.

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MR WHALAN: And indeed Mr Collaery probably supports it as well, so that would be quite consistent with the traditions of this city and past practice.

Secondary Education

MR MOORE: My question is also to Mr Whalan as Minister for Education. I refer to the Minister's address to the ACT secondary principals council workshop on 12 November, in which he had signalled the education system's abandonment of Dr Richard Campbell's visionary and educationally sound plan. I quote from a copy of that speech:

I should point out that you are now having to deal with another legacy of Dr Campbell, who was the instigator of the separation of the senior two years of secondary education into senior colleges. That decision led, as it did elsewhere in Australia, to an impoverished junior secondary system.

Will the Minister give this Assembly an assurance that the integrity of the college system will be maintained and funding will continue at least at current levels, and will the Minister assure us that sufficient funds will be redirected, perhaps from non-service areas, to correct the deficiency he sees in high school education?

MR WHALAN: I have had the opportunity since I have been the Minister responsible for education to spend a lot of time in schools and with various groups of professionals associated with the school system, and indeed during the budget consultative process. Because I wanted to have an idea of the management's assessment of the possible budget outcomes, I had separate meetings with the managers involved in the preschools, primary schools, high schools and secondary colleges. Each of those meetings went for a very considerable period of time and one evening I met for several hours with principals of the high schools. On that occasion I had reinforced very strongly, and quite forcefully, some of the feelings of people in the high schools that the management of the high schools themselves as an integral part of the school system had suffered from a resource point of view as a result of the creation of the secondary colleges.

It is appropriate at this point to say that the Government has not got any proposal before it, nor does it have any proposal in the back of its corporate mind, in any way related to changing the system of secondary colleges that we have here in the ACT. I think that they have been proved to be successful.

There are a number of problems that are created as a result of the division, and among those is professional development of teachers within the system. Quite rightly,

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the ACT Teachers Federation, acting in the interests of its members, has negotiated with and reached agreement with the management of our education system to provide for mobility of teachers between the various segments of the education system, so that aspect of the difficulty is being addressed. I can assure Mr Moore that there is no proposal to in any way change the college system.

ACT Flag

MR WOOD: I direct a question to the Chief Minister,. She may recall that in the adjournment debate a little time ago I spoke about the need for the ACT to acquire its own distinctive flag. I note that there is a coat of arms flying on a flag, I guess as a matter of expediency until something more permanent arrives. I ask: will the Government take some action to provide us with a distinctive flag? Is the Chief Minister able to indicate what that action might be?

MS FOLLETT: Thank you, Mr Wood, for that question. I do think it is important for the Assembly from time to time to turn its mind to matters of symbolism and status now that we have self-government in the ACT and, of course, a flag is very much a part of the symbolism that goes with that. Members, I am sure, know that there is no official flag for the ACT; in fact there is no official flag for Canberra either. There have been attempts from time to time over the years to develop one, but what we have at the moment is the coat of arms of the City of Canberra. A coat of arms was granted to the Federal Capital Commission in 1928. It adopted the practice as a matter of convenience of using that coat of arms on its flag on a red background. It is described as a red background but it is an unattractive colour. It is a sort of a brownish dried blood colour that I do not find particularly appealing. All we have at the moment is that Canberra coat of arms which is often used in a symbolic way. No action has ever been taken to have that ratified as an official flag for Canberra, so it is an informal arrangement.

I think that now is the time for the ACT to have its own flag, and I am sure that members would remember the great part that the Northern Territory's new flag played in their transition to self-government. I think it has a symbolic value, something for people to identify with, to create more of a community spirit, more of a recognition that they now have their own government. It is a particularly attractive and modern type of flag, which I would favour.

Mr Wood: And very distinctive.

MS FOLLETT: And very distinctive, as you say, Mr Wood.

Mr Kaine: The flag was always a rallying point on the battlefield, Chief Minister.

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MS FOLLETT: Indeed it was, Mr Kaine, and always will be, some more so than others. It is a matter that the Government has under consideration. We have not reached any particular conclusions on it. I would be most interested to hear if members of the Assembly have any particular views on how we might proceed.

Mrs Grassby: Let's have a competition.

MS FOLLETT: The involvement of the public would be crucial in getting a truly Canberra flag and something that everybody can identify with and learn to love. A public competition of some description is obviously an attractive proposition, but it is not something we have firm decisions on. Perhaps it is time we looked at it.

Hospitals Review

MR STEFANIAK: My question is directed to the Chief Minister. Yesterday the Chief Minister quoted figures from an interim report produced by a Treasury review team that is looking into financial problems in ACT public hospitals. Will the Chief Minister table this report so that the community can be fully informed about the financial position of our hospitals and unwarranted speculation can be put to an end? If she is not prepared to table the report, can she inform the house why not?

MS FOLLETT: In replying to the question, I would like to make two points. First of all, it is an interim report that I have received from the Treasury on its ongoing investigation in the financial area of the hospitals. It is an interim report. What it contains is not finalised, and work is continuing. Secondly, the entire contents of that report were made public by me yesterday in speaking to the matter of public importance. That is all there was. The draft Hansard I believe is available. If you have got that, you have got everything I have got, and I do not believe, therefore, it is necessary to table the actual report. Indeed, it is not a report; it is a minute. So I will give you that undertaking.

Asbestos Removal

MS MAHER: My question is directed to the Minister for Housing and Urban Services. On 14 November I asked her what was the maximum amount so far spent on any one individual property to remove asbestos, and the answer that I received was as follows:

The maximum amount spent so far on any one property, excluding trial houses where procedures are still being tested, is \$55,443.

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Could the Minister advise as to the number of trial houses and could I receive a break-up of their individual costs?

MRS GRASSBY: I will have to get back to you.

Public Service Transfers

MR COLLAERY: My question is directed to the Chief Minister. Chief Minister, did your consultations with the Prime Minister include a discussion as to the repatriation of staff back to the Commonwealth? Did you indicate to the Prime Minister in those talks that in the absence of the freeze on the funding being broken you would be transferring staff back to the Commonwealth, and have you yet, as you are obliged under section 71 of the self-government Act, agreed to any matter with the Commonwealth regarding the staffing of the Territory?

MS FOLLETT: Very briefly, the answer is no, we did not discuss those matters.

Hospitals Management

MRS NOLAN: My question is also to the Chief Minister. Is it not the case that legislation has been drafted or is partially drafted to establish a permanent hospital board of management? Can the Chief Minister inform the house of the status of this legislation and why this legislation has not been listed on the forward program which has been circulated by the Chief Minister today?

MS FOLLETT: Mr Speaker, to the best of my knowledge no such legislation has been or is being drafted.

ACT Population Growth

MR DUBY: Mr Speaker, my question is directed to the Minister for Industry, Employment and Education and concerns population growth in the ACT. On 6 October the Minister issued a press statement saying that the ACT was one of the fastest-growing cities in Australia. I was wondering whether he would like to comment on the figures released by the Bureau of Statistics early in November which showed that, in the ACT, population growth is less than for the rest of Australia, and in comparison with previous years, when the population growth was 2.5 per cent, it has now declined to 1.6 per cent per annum.

MR WHALAN: The last time we discussed population growth in the ACT was when I was trying to encourage the preservation of preschools by urging those who had not yet done their

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bit to help us out. The recent report handed down by the Australian Bureau of Statistics has in fact highlighted the slowdown in population growth in Canberra over the last 12 months. As pointed out by the bureau, the slowdown has been attributed largely to the decline in public service recruitment. You will be aware that, in that last financial year, there was not one new job created in the public service in the ACT. So there has been a decline in public service recruitment, and in the private sector a downturn in the construction industry following completion of the new Parliament House.

The forecasts of Canberra's growth over the next five years which have been prepared by my department have taken these factors into account and have concluded that the prospects for private sector growth are such that employment growth in excess of 2 per cent per annum is achievable. On this basis, we would expect Canberra's population to increase from 278,300, which was the figure in June 1989, to a bit under 350,000 at June 2001, an annual average growth of 5,700, putting it at about 1.9 per cent per annum. Should the forecast growth in private sector employment not be achieved, unemployment would certainly increase and there would be a reduction in the net migration to the ACT. Population growth, however, is still expected to remain higher than for most of the other States and territories.

Hospitals

MR HUMPHRIES: Mr Speaker, my question is directed to the Minister for Community Services and Health. I note the Minister's suggestion yesterday that the ACT Government's plan to restructure the public hospital system was not entirely dependent on Commonwealth funds. I also note the Chief Minister's reply to a question earlier today that there was no commitment made by the Commonwealth yesterday, or Tuesday, with respect to Commonwealth funding and such. To what extent is the restructuring program dependent on Commonwealth funds? In other words, what is the lowest level of Commonwealth funding required to ensure the restructuring proposal is still viable?

MR BERRY: I think I made it clear yesterday in the house, but I will repeat the Government's position. The restructuring of the hospitals is a big-ticket item and it will be a major budget issue for the Government over a period of five to seven years. There is a planning process which is to be developed and it will take about a year to plan the project. The amount of funds applied each year will be done on a budget by budget basis. It is early days for a specific answer to be available to the question that Mr Humphries has asked in respect of formulas on funding. I think that the amount of budget allocation to the project cannot really be planned until the planning process, which will precede the development project, has been developed itself.

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MR HUMPHRIES: I ask a supplementary question, Mr Speaker. The Minister seems to be saying that, because he does not know the final cost of the hospital redevelopment, he cannot therefore say what Commonwealth contribution is going to be needed. I ask the Minister to assume that what he told the house two weeks ago, approximately, was true, namely, that it would cost \$210m approximately to effect this restructuring. Let us assume that it costs \$210m over the next five years. It obviously will not, but let us assume for the moment it will. How much of that does he need to get from the Commonwealth before the proposition is viable?

MR BERRY: I hope Mr Humphries listens this time. In the first place, I do not assume anything on issues as important as the issue of funding the restructuring of the hospital system. The restructure and redevelopment proposal which has been announced is based on figures provided by the steering committee which was set up to examine the issue. Those funding levels are the indicative levels which have been relied upon by the Government.

Mr Humphries: We know that.

MR BERRY: Good. Then I will not have to repeat that again. The basis of funding from the Commonwealth has not been or cannot be planned, in my view, until such time as a proper planning process is finalised. I have indicated to this place before that an in-depth planning process will be required as part of the development of the project.

Mr Humphries: You cannot start the planning process unless you know how much it is going to cost.

MR BERRY: Mr Humphries, what I suggest you do is just be a little patient and not be so petulant.

Use of Schools

MR JENSEN: My question is directed to the Chief Minister, and it follows on from a response that the Minister for Industry, Employment and Education gave to a question asked by my colleague Dr Kinloch on the surplus schools within the ACT. Will the Chief Minister give an undertaking to refer the consolidated report, referred to by the Minister, to the Assembly's Planning, Development and Infrastructure Committee or the Assembly itself for comment before the Executive makes a final decision on this very important and critical issue?

MS FOLLETT: I thank Mr Jensen for the question. The Minister canvassed quite extensively yesterday the consultative process that has been going on in terms of the future of those schools that were closed. I believe also it has been made clear that the responses that have been

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received from the community have not yet been put to the Government on the further use of those surplus schools. As I say, I have not yet got a report from the Interim Territory Planning Authority on the consultation process that has taken place, so I do not have anything that I can refer to you at the moment. But it is my understanding that that committee can refer things to itself and take its own references. I think I would leave it at that.

Royal Canberra Hospital

MR STEFANIAK: My question is directed to the Minister for Community Services and Health. I refer to the removal of asbestos from Royal Canberra Hospital. Is there any intention of delaying the removal of asbestos from Royal Canberra Hospital in order to keep wards closed longer, thereby reducing hospital costs? What effect will such delays have on the delivery of patient services? Can the Minister assure the house that the removal of asbestos from Royal Canberra will not be slowed down?

MR BERRY: The issue of asbestos removal from Royal Canberra Hospital is an important issue for the Government and, of course, it has been budgeted for in the budget. The arrangements for the removal of asbestos, I expect, would seek to ensure that adequate patient services continue to be provided at the Royal Canberra Hospital while the asbestos removal proceeds. I do not have the details of a final plan in front of me about the removal project, but I have no difficulty in briefing Mr Stefaniak on the plan for the removal project, if that is really what he is after. There is certainly no reason why the asbestos removal project would not go ahead as planned by the Government in its budget.

Hospitals

MR KAINE: Since the Minister for Community Services and Health does not seem to be able to tell me where \$210m is going to come from to restructure his hospitals, the decision on which has been taken and announced, perhaps the Chief Minister and Treasurer can give me a better answer. Chief Minister, as I said, there has been a public statement by the Government that the hospitals will be restructured at a cost of \$200m to \$210m. I think, after your discussions with the Prime Minister, we can take it as read that you are not going to get the \$150m from the Commonwealth Government that you think is necessary, or partly necessary, for this. Given those two facts, and if we assume a seven-year spread that the Minister talks about - that is \$30m a year that is not currently provided for in any of the next two years' forward estimates - could you tell us what new and innovative tax measures you are going to take to raise the \$30m a year now required to

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implement the decision that the Government has made and announced in this matter?

MS FOLLETT: I thank Mr Kaine for the question. There are two aspects of Mr Kaine's question. The first, which has been debated over and over in this Assembly, is the fact that the ACT Government has inherited a run-down hospital system in the ACT, and it has to be fixed. In view of that fact, I have included in our approach to the Federal Government in a financial agreement between our two governments an amount that I consider is required from the Federal Government to make up for its previous neglect of our health system. Mr Kaine is not correct in saying that it appears we will not get it. There is no such indication. I have not had a response. So I think he is getting a bit premature in making that somewhat gloomy assumption. I have not had a response on that matter.

Mr Kaine: I am familiar with the attitudes of governments to expenditures of \$150m.

MR SPEAKER: Order!

MS FOLLETT: Well, that may be, but we can talk about this later. Mr Speaker might get a bit annoyed. That is as may be, Mr Speaker. The fact is that I have not had a response from the Commonwealth on it. So to say we are not getting any of it is premature at this stage. But we have indeed put in a bid to the Federal Government. Mr Kaine is correct in saying we expect that the restructuring of the hospital system will cost, on current indications, some \$210m and that the Government plans to undertake that restructuring over a number of years - up to seven years, in fact. So I would think that even Mr Kaine's mathematics could cope with the fact that that averages out at about \$30m a year. That \$30m a year is a very large proportion indeed of the Government's capital works budget.

Members will know that the capital works budget this year was about \$110m, I believe, so the \$30m each year that would be required to meet that restructuring is a huge proportion of that capital works budget. But that is where the money will have to come from - from the normal government expenditure on capital works. It will be a matter for prioritising within our capital works program which the Assembly considered this year, and there is no great mystery to it. We have put in a bid to the Commonwealth to make up for the run-down condition of the system that we took over. We also have our own capital works program, but to fund it entirely from our own capital works program, as has been pointed out, and I totally agree with it, is an enormous imposition on that capital works program. It will be up to the Government to decide between priorities how we proceed.

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Multiple Sclerosis

DR KINLOCH: Mr Speaker, my question is to Mr Berry, Minister for Community Services and Health. This is at the micro rather than the macro level. My question relates to Gloria McKerrow House in Deakin, a respite care centre established by the Multiple Sclerosis Society, which is unable to offer the care needed by MS sufferers and their families unless it receives some government assistance. Can the Minister advise the Assembly why the MS Society's request for funding has been refused and whether he would be prepared to re-examine the issue.

MR BERRY: I am not familiar with the detail of the establishment that Dr Kinloch refers to or the detail of its funding application. I think it would be appropriate for me to have a look at that and report back to the Assembly.

Telecom Vehicles

MRS NOLAN: My question is to Mrs Grassby, Minister for Housing and Urban Services. What action, if any, Minister, have you taken on requests from Telecom to have their station wagons, complete with rear compartment of technical equipment, plus possible roof-rack, categorised as commercial vehicles instead of recreational vehicles?

MRS GRASSBY: Well, it seems you want to know what contact I have had. Yes, I have had a letter from them asking them to do it.

MRS NOLAN: What action?

MRS GRASSBY: No action at the moment. I have just had a letter from them asking.

MRS NOLAN: Are you looking at it?

MRS GRASSBY: Yes, the department is looking at it.

HOSPITAL INTERIM BOARD OF DIRECTORS

MR HUMPHRIES (3.08), by leave: I move:

That the Assembly has full confidence in the Hospital Interim Board of Directors and believes that a board of management, as recommended by the Kearney report, is the most appropriate form of hospital administration.

Mr Speaker, I think it is very important for the Assembly to move quickly and decisively to attempt to clear up problems that have arisen in recent days concerning the

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future of the Hospital Interim Board of Directors. I know that yesterday in the course of debate on the MPI the Minister said that the Liberal Party was not being helpful when it came to dealing with the hospital crisis, in that it was drawing attention to various features of the hospital scene which, to the Minister's way of thinking, was exacerbating problems within the hospital system. I think it was almost true to say that the Minister was inferring that the Opposition was effectively generating the crisis by reason of the way in which it was handling the issues that came before it.

I reject that assertion. The Liberal Party has not generated a crisis in the hospital system. The Liberal Party has drawn attention to the facts. Fact one is that there has been a serious cost blow-out in our hospital system. The interim board of directors identified that to be \$2.5m in the first quarter of 1989-90. That is not made up, Mr Speaker; it is not pulling figures out of the air. It is what the board of directors of our hospital system has said our system is blowing out by.

Fact two is that the board of directors has appealed to the Minister for assistance in dealing with the problems it faces in that situation. It has appealed in particular for political support, not just for administrative backup and, with respect, that support has not been forthcoming from the Minister. The third fact is that the board's days are numbered, according to the Minister for Health. Those were his words: "Its days are numbered". The fourth fact is that the ACT, irrespective of a crisis or problem that our system faces with this blow-out, has the most expensive hospital system in the whole of Australia.

That last fact is enough to urge any responsible government into immediate and decisive action. But the fact that the Liberals take the trouble to point this out and to call for government action on these facts is branded as irresponsible by this Minister, and claims that a crisis has been generated are implied or made by the Minister and by members of the Government. The Liberal Opposition wants to help. It wants to help the situation and it wants to help the ACT get back onto track with a first-class hospital system, to which the Minister so often refers.

I think we can help the Government do that by clearing the air here and now on the future of the hospital management system, because the future of that system is fundamental to the way in which the Government deals with the problems of the hospital system. It cannot tackle the problems it faces without a good system of management. There is a need to address the blow-out and the cost overruns that have been identified and the restructuring problems that are going to arise because of the restructuring of the hospital system as a whole. But the issue of management is at a different level. The Minister's attention to the problems I have just identified is to some extent overshadowed by his ambiguous comments or signals on the future of the hospital board.

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The board has taken the trouble to identify the problems in our system. The letter I referred to yesterday made very clear what those problems were and it went so far as to identify tough options for the Minister to pursue. I have had no comment from the Minister about those tough options. He has avoided comment on those tough options to a large extent, and I think you are entitled to ask what the Government intends to do about them. What is certainly true is that the board of directors has done something about them. It said, in effect, to the Minister, "These are the problems, these are the things that you, as Minister, or at least the system as a whole, have to direct your attention to, and we want your support in making sure that those problems are faced".

Instead of responding positively to what the board put before him, the Minister said, in effect, "Your jobs are on the line". That is an extremely dangerous signal to send to people who are tackling, in my view, serious and real problems facing our hospital system. I do not believe there is any justification for the Minister abandoning the board at this time and in this fashion. I therefore put before the Assembly today a motion which indicates in no uncertain terms what the view of this Assembly is with respect to the existing arrangements for management of our hospital system and also for the direction we should take into the future.

I refer, Mr Speaker, not to any policy of the Liberal Party, the Labor Party, or whatever, on the management of hospital systems. I refer to the report which was commissioned by the Federal Labor Minister more than a year ago into our health services, the report of Dr Brendon Kearney. I want to quote from the report, in particular the recommendations Dr Kearney makes with respect to the management of our hospital system. These words are used:

It is my recommendation that the new direction -

that is, the new direction in hospital management -

be based on the establishment of a principle of a hospital board of directors, and the adoption of a 'one principal hospital' concept.

Under the heading "Hospital Board of Directors", he says:

That a fully constituted, single board of directors (for the Royal Canberra and Woden Valley Hospitals) be established to take effect from 1 July 1989.

That the board have powers, privileges, duties and responsibilities similar to those accorded to hospital boards throughout Australia.

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That the board have executive powers based in legislation, be established as a body corporate, and be granted responsibility for day-to-day management of the hospitals.

That the board comprise a maximum of eleven members all with voting rights.

That board members be appointed on the basis of their personal skills, for a period of up to three years.

Then he deals with the composition of the board and says:

That the board's membership include six selected by the Minister, with expertise in areas covering business and financial management, corporate planning, law, the trade union movement, and education -

Mr Berry: You have managed to say that.

MR HUMPHRIES: If you let me finish, Minister, you might reach the point of the debate, and you will if you bother to listen. Following the word "education", he has these words:

(following nominations by the Vice-Chancellor, Australian National University), and three staff nominees (one medical, one nurse and one other) elected by a system acceptable to the Electoral Office. The Chief Executive Officer (Royal Canberra Hospital and Woden Valley Hospital), and the Chairman, Calvary Hospital Board of Management should be directors 'ex-officio'.

If the Minister would care to look carefully at the motion that has been put before the house, the Minister will see that this motion does not defend the present composition of the interim board of directors. It does not say that this particular model, used in precisely the same form as at the present time, should be maintained. We say rather that "a board of management, as recommended by the Kearney report, is the most appropriate form of hospital administration". This is an admission that this model, including representation from the trade union movement, is appropriate for the ACT's hospital system. We are calling for that. The Liberal Party is calling for trade union representation on the hospital board of management.

What it is not calling for - and what you seem to be saying you want for our hospital system - is removal of the powers of an independent board to deal with day-to-day management issues in our hospitals. You want to take away the board system altogether, if reports are any indication, and put in its place an advisory committee or some other model which does not put the day-to-day management of a hospital system into the hands of a hospital board. That, I think, is irresponsible.

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It is irresponsible that a report which, as far as I can tell, has been highly regarded by the Government up until now - it has been accepted in broad terms by the Government up until now - should be rejected in one of its most fundamental and important recommendations. It is a recommendation which makes sense; it is a recommendation which, to my knowledge, is the model used in every other Australian hospital system; yet it is a model which this Government appears to want to reject. I have to ask why that is the case.

This motion, as I have said, does not prevent the Government from fiddling with the composition of the board. I accept that is the Government's prerogative and, if it wishes, it may remove people from the present board, add people to it, expand its membership slightly or contract it slightly. I do not personally have any problem with that. The Government is the Government; it is free to make executive decisions of that kind; and, although it would be nice for the opposition parties to be consulted on those issues, on the question of membership of that board, I do not insist on it. I accept that the Government has the power to make decisions of that kind for itself. But it must be a model of that kind.

Mr Collaery in yesterday's debate on the MPI made a very good point about the way in which advisory committees tend to operate and the way in which they tend to defeat the object of a good board system, which is to provide for decision making by people who are actually responsible for day-to-day management. He said something along the lines that a good board system does have the advantage that people know who make the decisions, they know who is responsible and it is to some extent removed - at least one step removed - from the day-to-day political considerations that affect a Minister.

I think the motion put forward by the Liberals is fairly unambiguous. It asserts confidence in the interim board of directors. I believe that confidence is the only thing that this house can vote in those directors, given that no charge of any kind has been laid against them, to my knowledge. Nothing has been put to me or to this house which I think reflects badly on that board of directors and, given the way in which they proceeded with the task of identifying problems and cost overruns and other issues critical to the running of our hospital system, they ought to have our support.

The second thing this motion does is to identify the most appropriate form of management of our hospital system. I believe that that system is, as I said, a proper board of management similar to those used in other places in Australia.

I was curious to note the Minister say earlier today that the Opposition's attack on the Government's handling of the

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hospital crisis had been a fizzer. It did not strike me that that was the case. I have certainly seen evidence in the last few days of the Government sweating quite hard on this question. It is the kind of issue that I think governments do not like to have to face. I saw the headline in today's Canberra Times which said, "Government acts to shore up Berry". My understanding of what "shoring up" means is that you shore up something which is crumbling, and "crumbling" implies to me that there is something structurally wrong with whatever you are trying to shore up. But I have to say that this Minister's approach on hospitals needs a great deal of shoring up because it does not have much to sustain it.

Mr Speaker, we have to address these problems; they are urgent. They are not things we can leave dangling for some weeks or months to come. The Minister has been unable to indicate when he will make a decision on this, except that he hopes it will be before the end of this month. I should point out that, according to our present schedule, this house rises on 14 December, and I have to wonder whether the Minister would not prefer to make a decision after that date when the accountability of the Minister to this house is no longer there, or at least not for two months.

Mr Jensen: Shades of WA Inc.

MR HUMPHRIES: Indeed.

Mr Kaine: It could be reconvened.

MR HUMPHRIES: It will be reconvened, Mr Kaine, if we find the decision is made after that date and that it is not the kind of decision that is compatible with good management. We have to face up to this problem. This Government sits on its hands and refuses to do anything. I think it is time for this Assembly to send the unmistakable message to the Government that any other system is not acceptable, that we have to have a strong management system in our hospitals, and that means acting now. It means sending a clear message and telling the people who are getting on with the job in that board of directors that they are pursuing a course of action which is proper and appropriate and they are doing their job.

MR COLLAERY (3.23): The Rally said yesterday, and I will repeat it, that 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 that the Minister may appoint. That is the position the Rally has taken. We have thought carefully about the position of the interim board. Our view is that this board by all appearances appears to have identified matters of serious financial concern. Without judging the issue either way, it is very clear that this Assembly can take a number of courses. Firstly, the Public Accounts Committee unilaterally, under its power to take its own references, could take this matter away and sit through the Christmas period. I am

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sure Mr Kaine is wincing now, but there are a number of alternatives available to the Assembly. The Assembly is very concerned about a budget blow-out that may be running at the rate of \$2.5m a quarter.

It is not a question of indulging in the personalities of the board. I accept, as I am sure my colleagues in the Rally accept, that this interim board was appointed by the former Minister, Mr Holding. We know that the relationship between the local Labor Party and Mr Holding in some of its respects has not been harmonious and there may be some Labor Party - Federal and territorial - interplay. Whatever that is, the Territory should not suffer. Whatever the inhibitions the present Minister has about moving decisively to deal with the board, it is to come to an end in about six weeks anyway, and surely by now we should know what is happening regardless of the budget blow-out. Even if we did not know - and it appears that the Liberal Party got wind before the Rally about the budget blow-out - we would still be asking you at some stage in this sitting or next week what you are doing about the future of the board.

I do not think this is all Liberal game playing. I think the rest of us in the Assembly would be interested to know whether the Minister is to reappoint the board as it stands or appoint another board. Dr Kinloch and I have made clear to the Minister that we do not support the advisory structure. Therefore, I doubt that you have got the numbers on the issue anyway and you need to move quickly on the board. The Minister may well be doing that, and he may well have an ethical problem because he has not got answers back from potential nominees. I do not know, but what I do know is, from a leaked document, that on 18 October 1989 a preliminary working budget was drawn up by persons unknown to me - it appears to be genuine - for 1989-90, for the Royal Canberra Hospital, and it says by program what the budget allocation is and what the monthly savings are required to be.

This was 18 October and it appears to have been set forth in some aura of either urgency or panic because in the administration area where the target budget allocation was \$1.461m, there were requests to save \$2,000 a month. It is amazing how the bureaucrats are the least hit in some of these games. In the cleaning area, which has a \$1.668m target allocation for this financial year, there was this target of \$29,000 a month to be saved somehow. It goes on and on. In the wardsman area, where there is a budget of \$736,000 a year, \$2,300 has to be saved. In the area of food services, where there is a budget of \$4.694m targeted, the document says that each month you had to save \$156,000. This looks like a drastic pruning or a drastic economy measure in-house or in the department. I do not know. I cannot assess the genuineness of all the documents that are flying off every truck that runs past the Assembly parties at the moment.

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It looks interesting, because everywhere that persons are affected, where there could be a reaction, the savings seem far less proportionally than to the inanimate heads of expenditure. It is quite interesting. I have not put it around, Mr Minister, because it might cause undue panic to wage earners at the hospital and the rest, but there are other things there that I could comment on. I have not mentioned other categories there.

Interestingly, there is a heading "Creche" where \$166,000 is set aside as the target, just for Royal Canberra, and the Government is going to save - I cannot read it - \$1,000 or \$2,100 a month. I do not get it.

A member: Or millions, perhaps.

MR COLLAERY: Well, you would not be saving millions, because you would be cancelling child-care there too, as well as increasing all the other problems child-care has in the Territory at the moment, and federally. The Rally supports the establishment of a board. As for the details, set out in pages 40 and 41 of the Kearney report, we have a few items we quibble with but the Rally agrees with the general representativeness of it across the board. I will not repeat it all; people can read it at page 41.

We saw the interim board for what it was in the pre-election stage. We realised it was a Holding legacy. Since it is coming to an end now, there is no need for the Rally to comment and to stir up unnecessary ill will or anything on how we see the interim board, other than to say that it was a great shame that a Labor Minister would appoint a board that did not have adequate union representation. That is a great shame and maybe one reason for the instability and the sniping that is going on at the interim board at the moment.

But we are not well placed in the Rally, and I do not know whether anyone in the Assembly is well placed, to know exactly deep down what is going on in the health system. It desperately needs a re-examination - - -

Mr Jensen: A guiding hand.

MR COLLAERY: Yes, it needs a guiding hand. The Rally supports the motion on the basis that the interim hospital board is carrying out its function as it was intended to, as it was appointed to by Minister Holding. In the absence of evidence from this Minister that the interim board is not performing its functions, which way can the Rally go on this motion but to support it? We are not going to damn an interim board in the absence of evidence that it is not doing its job. The fact is that, as things stand, unless you advise us to the contrary, Minister, we fully support the motion that the Liberal Party puts forward today, except where it says "a board of management, as recommended by the Kearney report, is the most appropriate form of hospital administration". I qualify that to say that there

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are some t's we would like to cross, and I am sure the Liberal Party does not mean that it wants the board to be exactly to a T what Kearney mentioned. I do not understand the need for a couple of the suggestions, such as having a lawyer on the board. The board should get legal advice. I do not understand why we need a lawyer on it. There may be reasons, but that requires further debate. So we support the motion as put, with that minor clarification.

MR MOORE (3.31): Mr Speaker, I feel somewhat awkward in speaking on this matter. The Rally health policy - and I still rely on those policies as a guide for me - says that the Holding hospital board will be abolished, but then it goes on to talk about the re-establishment of a different form of hospital board; in fact, a different form of health board, because the Rally perceived at that stage that, should it be in government, it would be looking to try to tie all the different forms of health into one management system, and that management "will be directly responsible to the Minister".

What we have here is a situation where I believe the Assembly is in the process of attempting to interfere with the way a Minister attempts to run his own department. If Mr Berry were in the process of removing an interim board in the middle of its working time, then I might take a different view on it, but the fact of the matter is that the interim board - and it is called an interim board - is coming to the end of its interim period.

With that in mind, what will happen if the Minister attempts to do something decisive, as people have been asking him to do for months, and re-establish a different form of board, whether it be a board or a committee system? I am not buying into the difference between Liberal and Labor philosophy. The Liberals do not like an advisory committee system, whereas it seems that Labor prefers such a system. To me, it does not matter so much which it is. As a general preference, I prefer the committee system because that leaves the Minister responsible, and then if the Minister decides not to follow the advice of a committee, then he or she wears that responsibility. I think in that way this Assembly can hold the Minister more responsible.

To vote against this motion does not mean to say that we do not have confidence in that board of management. It just means that the situation is now changing and that we may have confidence in that board of management but respect the right of the Minister to make his decision in this case about what he considers the most appropriate form of hospital administration.

There are some severe concerns that Mr Humphries raised yesterday and again today. Considering the way business in the Assembly has been going over the last couple of days, I make the point that these motions have come up with very little notice, especially after we have just spent an hour

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and a half on the matter yesterday. I think this also is quite inappropriate. I think it would have been more appropriate for Mr Humphries to present this motion at the end of the MPI yesterday. However, be that as it may, it is here.

The main reason I am going to vote against this motion is that I believe the Minister has the right to make that decision. I emphasise that that does not indicate that we lack confidence in the hospital interim board of management. We just recognise that it has come to the end of its life, and it is now the Minister's decision - he has that responsibility - to work out how he will replace that interim board.

MR DUBY (3.35): My remarks in this matter will be short and, I hope, sweet. Like Mr Moore, I have grave doubts about the validity of this motion at this particular time. We are in the middle of protracted discussions between various parties and lots of publicity about the ACT health system, and in particular the Royal Canberra Hospital.

A number of speakers have pointed out that the board of management that is currently in place is just that. It is an interim board of management whose term of duty expires, I believe, at the end of this year. At this stage no-one knows - I certainly have not been involved in any discussions as to the future - whether there is to be a board of management, whether the current board of management is to be retained, or whether there are to be new arrangements instituted by the Minister for Health. The fact remains, as far as I am concerned, that it is the Minister for Health's responsibility in this regard.

Much has been made of the fact that there has been a blow-out. We have asked questions in the house, and we have listened to statements made by the Minister in regard to the blow-out in costs in connection with the health system.

Ms Follett: And by me.

MR DUBY: Also the Chief Minister has commented on these matters. However, we do not seem to know for sure whether the projected figure of \$2.5m for the first quarter is an accurate figure or a seasonal figure for the first quarter of this year. I am just not familiar with the normal situation of hospital expenditures. But the Minister has given indications that there is no way known that, even if the figure were \$2.5m for this first quarter, the annual blow-out would be in the order of \$10m, but the fact remains that there has been a blow-out. It appears that that is the case, and my understanding of how things work is that there should not be one.

A number of people in the Assembly and in the media generally have been trying to sheet that blame home to the Minister for Health. I have sincere doubts as to whether the Minister for Health is fully responsible.

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A member: That's true.

MR DUBY: Yes. We have a board of management whose job is to manage and follow government policy and direction. If there has been a blow-out, where does the blame lie? That is the question that needs to be asked. I, like Mr Moore, am not in a position to say that I have full confidence in the hospital interim board of directors. I have no doubt that they are doing a very good job - - -

Mr Humphries: There has been no charge against them.

MR DUBY: There has been no charge against them. I am not going to be railroaded into accepting a motion in this Assembly which gives them a blank cheque for direction and a blank cheque of approval, following actions that they may have taken, actions with which I am not familiar.

At the same time I wish to make it perfectly clear that I have no reason whatsoever to have no confidence in the hospital interim board of management. Therefore, I personally am not prepared to give them a blank cheque of approval for whatever actions they may have been taking since this Minister has been in place.

Mr Humphries: You are playing into the Government's hands.

MR DUBY: You have got us between a rock and a hard place here, Mr Humphries, because we either play into the Government's hands or we play into yours. All in all, it is a very cheeky motion, I believe.

Mr Humphries: It is based on the principle that you are innocent until proven guilty.

MR DUBY: I am a great adherent to that principle, as all will know.

Mr Jensen: Well, that solves the problem. Vote for the motion.

MR DUBY: Accordingly, yes, but it goes both ways. As far as I am concerned, the Minister is innocent until proven guilty.

Mr Humphries: We are not accusing him of anything.

MR DUBY: You certainly are. The other point is that the motion then addresses the Kearney report. I have doubts about the Kearney report. I do not accept it as holy writ which has to be followed slavishly, as something that is held up.

Mr Humphries: Have you got a better policy?

MR DUBY: I may well have, Mr Humphries, but all I am suggesting is that, because it is mentioned in the Kearney

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report, that does not mean that it has to have the A-1 seal of approval from me or from anyone else for that matter. I am not all that sure that a board of management, as Mr Collaery has maintained, is the most appropriate form of hospital administration. We have had boards of management and it seems to me that the hospitals have been getting progressively worse and worse, if you listen to the publicity that is generated about the health system.

Accordingly, I decline to support the motion that the Assembly has full confidence in the hospital interim board of directors, but I want to make it perfectly clear that in so doing I in no way imply any wrongdoing or lack of confidence in the hospital interim board of directors. I regard this as a political motion put by the Liberal Party for the simple purpose of gaining kudos and undoubtedly press headlines. Accordingly, I shall not be supporting it.

DR KINLOCH (3.42): Mr Speaker, on behalf of the Rally may I re-emphasise our worries about advisory boards, especially multiple boards. I would be worried about any kind of advisory board with no power but, when you have multiple groups all advising to one point, then I have a very great concern that things can go wrong. I have seen this in the educational sphere.

I join Mr Moore, Mr DUBY, Mr HUMPHRIES and others in supporting the interim board in what it has been doing. We do not know the details but, all things considered, we are supporting that board. The Rally wants to see the effective integration of a range of concerns - child-care, respite care, hospice, community health, convalescent care - as much as possible. That is not to say that every single thing must be under one board. There could be representatives of some of these groups on the central board.

I also agree with Mr DUBY that the Kearney report is not holy writ. I would like to recognise Mr Moore's helpful contributions, by the way, to the Rally in bringing us to our own policy on health in this matter. I now ask that we support the motion.

MR STEFANIAK (3.43): Mr Speaker, I will be fairly brief. I was very pleased to see, after a fair bit of controversy when this interim board was established and some further controversy, that we do appear to have a hospital interim board of directors from a wide range of people representing a wide range of interests relevant to the management of the hospital that is prepared to make hard decisions within the board of management and make sensible and responsible recommendations as a result of that. I think we are very lucky in the calibre of this interim hospital board and indeed the strength of character it has shown. That board certainly deserves the support of the Assembly, as recommended by Mr HUMPHRIES. Also, the Kearney report was a long-awaited document. It had a lot of input. Indeed

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that report stated that a board of management would be the most appropriate form of hospital administration, and that is something that cannot be taken lightly at all.

There are a number of boards and advisory bodies in the Australian Capital Territory, some more effective than others. It appears, though, in terms of our hospital administration we have here an independent board that is not afraid to go out and make recommendations that it sees in the very best interests of the hospital administration, not pandering to any particular sectional interest, but in the best interests of the community. Mr Humphries' motion is most appropriate, and indeed a board of similar structure, perhaps, as recommended by the Kearney report, is the most appropriate form of hospital administration.

MR BERRY (Minister for Community Services and Health) (3.45): I see that Mr Kaine has lost his previous enthusiasm to speak.

Mr Kaine: I have not lost my enthusiasm. I am going to wait to hear what you say. I am not stupid.

MR BERRY: Well, there will not be a lot new in it, Mr Kaine.

Mr Kaine: I did not expect there would, but I just thought I would listen anyway.

MR BERRY: Principally because there is not a lot new in the behaviour of the Liberal Party. It is a great pity that Mr Humphries is not in the place to listen to what I have to say. Again, this is part of the program, Mr Speaker, where the Liberals create, as I have said before, a frenzy and then attempt to feed off it politically and get themselves involved in cheap headline grabbing. This is the nature of the beast, and I suppose we will all have to learn to live with that.

There are a few things that Mr Humphries said that I think I need to comment on. He correctly reported me as saying that the board's days were numbered. Of course, that was a statement of fact. It was not a cynical remark about the board at all. The fact of the matter is that the interim - and I emphasise "interim" - board of directors' term is set to run out on 31 December, and there is no avoiding that. That term expires on 31 December. The Government has the responsibility to develop a structure to replace the board when its term expires.

Those are the sorts of things that the Liberal Party members have not mentioned. They talk emotionally about blow-out figures. An overrun has been reported to me, and the Government has reacted appropriately and correctly to examine the cost overruns in the light of a request for assistance by the acting chairman of the interim board of directors. That new team is conducting its work. I have already mentioned the interim report that the Government

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has received, which to some extent shoots down the figures which have been reported thus far. Mr Humphries said that the Government had taken a different position. When the Government has a decision, it will announce it. It has the responsibility to consider the matter appropriately and responsibly and make a decision, and it will do so.

To return to the political nature of the motion, the Liberals have again demonstrated their preparedness to unscrupulously abuse their position in this place and they have used the board as a political football without any conscience at all. What this motion serves to do is to embarrass the board. I think it has to be stated in this place that the board is honorary in nature and all its members have worked hard to do the job that they were put there for. None of them, I suspect, would want to be used as a political football in this sort of debate. The introduction of this motion has done nothing else but demonstrate the Liberal Party's willingness to use these people who have honourably put their shoulders to the wheel. I am sure that this motion will serve as an embarrassment to some of the members of the board, and I must say that they deserve an apology for this political abuse.

Mr Humphries: From you. It is you who have more to apologise for, Minister.

MR BERRY: You introduced the motion.

Mr Humphries: A motion of firm support in the board.

MR BERRY: You introduced the motion, matey, and not because you particularly like the board either. You are playing your political games. Of course the Government has supported the board.

Mr Humphries: Oh, yes!

MR BERRY: It was not the Government that started the debate publicly, Mr Humphries. It was the Liberal Party and other elements in this society, relying, I might add, on a bunch of documents that have fallen off the back of a truck. There is not much information that is new in them, in any case, but certainly it was headline grabbing and, in my view, behaving irresponsibly, with no regard for the sensitive nature of negotiations which have to proceed in the industrial relations area in the health system. In fact, by their very action, those elements have promoted a difficult environment for negotiations to proceed.

The Government will deal with those difficulties and it would be in the interests of the Liberal Party's political agenda to make it as difficult as possible for the Government by any means possible. But I say again that the introduction of this motion to the Assembly has the potential to embarrass people who have put their shoulders to the wheel and assisted the community of Canberra in "minding" the health system in a difficult period.

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I have heard members speak about various levels of support for this motion. I think it was absolutely wrong that the motion should be brought before the Assembly. I have heard members say that they would not support the motion. I urge those members who have indicated that they might not support the motion to reconsider their position. We ought not play into the hands of the Liberal Party on this issue and we ought not take any action which might embarrass the board. It has done some difficult work and has gone through a very difficult stage. The environment which has caused most of that difficulty has been largely created by the activities of the bloody Liberal Party - by the Liberal Party. I withdraw that.

Mr Humphries: Minister, it has been created by the facts. The facts speak for themselves.

MR BERRY: I think they have been particularly bloody-minded on the issue and unfeeling about the potential hazards which they create in pursuing their political agenda.

Mr Speaker, I urge all members to support this motion. The Government will be supporting the motion. I might add, though, that the Government will not be prevented from taking another course of action in relation to a structure which is to replace the board when its term runs out. That is a Government decision, as has been correctly put by Mr DUBY and I think by Mr MOORE. But in any event I urge those members who might have been inclined to oppose the motion to support it, if for no other reason than not to play into the hands of the Liberal Party, but certainly to make sure there is no criticism of the hard work that the interim board has done in carrying the health system through a hiatus, if you like, between any real interest in the ACT by the Federal Government and the time that the Government was formed in the Australian Capital Territory.

MR KAINE (Leader of the Opposition) (3.54): I must say that the Minister's response to this motion is one of the most curious responses that I have heard in the six months' life of the Assembly.

Mr Whalan: What did you expect?

MR KAINE: Given the position that the Minister is in, I can understand why he reacted in the way that he did, but to attempt to turn the crisis in the management of our hospitals back on the Liberal Party is just absurd. We did not begin this debate publicly, I remind the Minister. There was a great deal of public debate with the Australian Nursing Federation, the Hospital Employees Federation and the AMA, talking about the crisis in the hospitals, long before any member of the Liberal Party raised the matter on the floor of this house. There was a crisis in place before we raised the matter for debate. We raised the matter for debate because there was concern out there. We

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did not cause the concern. We raised the debate because there was concern on the part of those people involved in running and managing the hospital and on the part of the community that needs the services of that hospital.

The Minister questions our right to talk about the fact that the life of this board is about to come to an end. The Minister could easily have removed all of the public concern, all of the debate, all of the perception of indecision on his part - just another aspect of the indecisiveness of the Minister in dealing with anything to do with his portfolio. All he had to do was to say that the board would be perpetuated. Why is it necessary to disestablish this board at this time? It was a management board, established by a Labor Federal Minister. He made it an interim board only because he knew that self-government was around the corner. He did not necessarily want to bind this Government for a long period of time as to its membership, so he made it an interim board. But the intention of that Labor Federal Minister was that it would be a continuing management board.

Our Minister only had to say that the board would continue, and there would have been no further public debate on the matter. He can change the constitution of it a bit if he likes; he can change the membership of it. Nobody said that he could not do that. Mr DUBY suggested that we were taking away the right of the Minister to make decisions on these matters. That is rubbish. He could easily have made such a decision, and then the controversy would have been over, and the question of who is running the hospitals would have been pretty much determined.

To suggest that because there is a management board there this somehow impedes the Minister in the exercising of his responsibility to his portfolio, again is nonsense. This board is subject to direction by the Minister. If he does not think they are doing the job right, he can easily tell them what he wants them to do. But it seems to me from what I have heard about this - and perhaps Mr DUBY needs to get himself informed a little better before he criticises the motion put forward by the Opposition - that the reason why there is so much concern on the part of the board is that they were making recommendations to the Minister as to what he should do to rectify the overexpenditure, and every time they did so, they were told, "You cannot do that because it will upset the trade unions". It was because of that that the board finally had to put their recommendations in writing, because they were making recommendations to the Minister which he was declining to accept or allow them to put into effect. They finally had to put it in writing because they were in an indefensible position if they did not formally go the Minister and seek his support for what it was attempting to do.

So again it was the Minister's indecision and the Minister's equivocation that led to the board registering its concern and seeking the Minister's support. It is very

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easy for the Minister to try to throw the responsibility back on the Liberal Party. We are not in government; we are in opposition; and it is our responsibility to see that this Government performs. The Government is not performing and the Minister is not performing, and we have an obligation to say so. It is not just a question of whether we want to say so; we have an obligation to do so.

The Minister talks about cheap headlines. Well, we did not generate that headline - cheap or otherwise. The Minister attracted that headline himself; it had nothing to do with anything that we were doing.

I understand that there was some suggestion that the board ought to be done away with because it was costing \$150,000 to service. Well, I would submit that if the Minister does away with the board and sets things up so that everything has to come up for his attention and his decision before anything can happen in the hospital system, first of all, there will be an incredible administrative delay before anything gets done at all. Secondly, the support infrastructure that the Minister will have to set up to make sure that the material comes to him in a form that he can digest, so that he can take a decision and feed it back, will cost more than the \$150,000 which is alleged to be the cost of supporting this interim board. He is not only making a rod for his own back in terms of having to take on all of the executive responsibility for the hospitals if he does away with this board, but he will, I am quite sure, generate an increasing cost and not a reducing one.

There is a very fundamental question here about disestablishing this board now. Whether the Minister accepts it or not, whether he agrees with it or not, there is a crisis of confidence in the management of our hospitals. We have got a board that has been there for a year and has developed a certain amount of expertise in running those hospitals. If the Minister disestablishes this board now, is he not creating a worse situation than the one we have already? If he appoints a new board it is going to take some months to get up to speed before it is in a position to advise him on what he should do. He has got a perfectly expert board there now, and I believe he is doing himself, if not the community at large, a great disservice if he simply does away with this board at this time when there is so much concern in the hospitals.

One other point that I want to speak about briefly, Mr Speaker, is Mr Duby's assertion that he does not know whether the blow-out is a normal seasonal one or not. Well, I do not know either. But I would submit that the managing board does, and that is why they went to the Minister and expressed their concern, because they know that it is not unusual or unseasonal. They were convinced, I am sure, that there was a cost overrun. They were the experts and that is what they were appointed to do. So I am not of a mind to question their advice to the Minister,

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and I do not think the Minister should either. He should act upon it and take the advice that was given to him in good faith - and I accept that that advice was given to him in good faith.

Nothing that the Opposition has done or said in this debate over recent days was meant in any way to question the integrity of the members of this board or its effectiveness as a management board. But there was real danger from the things that were being said and the things that were being leaked out and fed out to the media that the board could feel that somehow they were at fault. That is why this motion is before the Assembly, so that this Assembly can assure the board that there is no question as to its integrity and no doubt at all in our minds about its ability to do what it was appointed to do and advise the Minister, as it has done.

I am pleased to hear that the Minister will support this motion because it would be most unfortunate if he did not. But any inference that anybody draws that the Liberal Party is somehow doing something underhand or reflecting adversely on this board is totally wrong, and for the Minister to suggest it, in my view, is unworthy of him.

Question resolved in the affirmative.

CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEE Membership

MR SPEAKER: I have been notified in writing of the nomination of Mr Collaery to be a member of the Standing Committee on Conservation, Heritage and Environment.

MR WHALAN (Deputy Chief Minister) (4.04): I move:

That the member so nominated be appointed as a member of the Standing Committee on Conservation, Heritage and Environment.

In anticipation of this motion being carried, I wish the member well in his new role.

Question resolved in the affirmative.

SUSPENSION OF STANDING ORDERS

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

That so much of the standing orders be suspended as would prevent debate being immediately resumed on order of the day No. 2, private members' business.

UN CONVENTION ON THE RIGHTS OF THE CHILD

Debate resumed from 15 November 1989, on motion by **Mr Stevenson**:

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.

MS FOLLETT (Chief Minister) (4.05): I think it is unfortunate indeed that Mr Stevenson has seen fit to raise this matter in the way that he did, a way that could give rise to confusion and concern in the community. In fact there is no need for people to be misinformed in the way that he has set out to misinform them. Perhaps the best way of addressing the motion that Mr Stevenson has moved is, first of all, to make some comment on the current practice relating to the adoption of conventions, because Mr Stevenson has cast aspersions in that regard and has made some very sweeping statements about the effect of those conventions.

The draft convention on the rights of the child has been discussed in the United Nations for some 10 years, so the impression that Mr Stevenson gives, that it has been sprung upon people, is totally misleading and, in fact, probably serves only to demonstrate his own ignorance. Australia has been an active participant in the drafting of that convention, and the draft will now progress into the third committee of the UN General Assembly for discussion at the December session of the General Assembly.

There are two stages to the adoption of an international convention. First of all, the proposed convention is open for signature by all states parties. Normally this precedes ratification and indicates an adoption of the text as authentic, rather than an expression of consent to be bound.

On ratification, the legal obligations provided for by the convention are undertaken. The proposed convention on the rights of the child will enter into force 30 days after the twentieth instrument of ratification is deposited with the secretary-general of the United Nations.

The Australian Government will take a decision on ratification only after the agreed text has been endorsed by the UN General Assembly. In addition, the Commonwealth

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Government's approach to the ratification of conventions is to seek to ensure that all of Australia's domestic law and practice is in compliance with the proposed convention before ratifying. Also, as a matter of policy, the Commonwealth invariably does not ratify an international instrument which deals with matters that are primarily a State concern, unless there is agreement from State and territory governments.

The draft convention deals with matters like child welfare laws, juvenile justice, and education, which are the responsibility of the States and territories. Accordingly, the Commonwealth Attorney-General has sought the views of the ACT Government on this matter, along with the views of all other Australian States and territories. The matter has also been placed on the agenda of the Standing Committee of Attorneys-General, which is a body that meets regularly to discuss matters of mutual interest.

The third part of Mr Stevenson's motion is really quite misleading. It asserts that the ratification or non-ratification of this United Nations convention in some way takes the place of laws that are made through the ACT Assembly. I believe most members will understand that in Australia it is a fact that, under our democratic system, there is only one way for a matter to become law and that is for that matter to be passed in an Australian parliament. That is a democratic system. That is the whole basis for the establishment of this ACT Assembly, but perhaps it is a matter that Mr Stevenson does not understand well, as he stood for the abolition of this democratically elected body. It is a fact that we make our own laws and nobody can do that for us. In fact, under the constitution, it is the Commonwealth's responsibility to enter into international agreements, including the ratification of UN conventions. Such agreements affect all Australians, not just the citizens of the ACT.

The Commonwealth ratifies a convention by an instrument of ratification - that is, by executive action - but the significance of that ratification is that Australia has signalled to the international community its intention to be bound by the terms of the convention. So it creates an internationally binding agreement, but a ratified convention has no legal force within Australia per se. It is not a law within Australia. It is a signal to the international community of our intentions. So the third part of Mr Stevenson's motion is quite misleading in that the ratification of this convention is not a law. It cannot subvert the law-making of this Assembly. That is ours alone.

It is further a fact that, if the Commonwealth should choose to do so, it may give legislative force to a convention via its external affairs powers, and where it does so the legislation applies in all States and territories. But there has been no suggestion that the Commonwealth intends to legislate with respect to the

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convention on the rights of the child. I submit that that really is a red herring.

One of the main objections to the UN convention put forward by Mr Stevenson was that the legislation prevents parental control. I quote from the Hansard. He said, "The legislation prevents parental control". Nothing could be further from the truth, and if that is the basis for his objection to this convention he is totally misguided. In fact, if I read from a section of the convention it will be absolutely clear to members that nothing could be further from the truth than Mr Stevenson's assertions.

Even in the preamble to the convention it says in paragraph 5:

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.

Further, paragraph 6 states:

Recognising that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.

Article 5 of the convention states:

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom ...

Mr Stevenson's assertion that we are somehow subverting the role of the family in relation to children is quite misguided and, in fact, is absolute nonsense. The convention goes somewhat further than dealing with the family, of course, in that it explicitly puts forward some ways for governments to be obliged to care for children who have no-one else to turn to. Where children do not have a family or a guardian, the convention imposes upon governments obligations in respect of the care of those children. I think that that is also very worth while.

Mr Stevenson has also asserted that the draft convention in some way puts the rights of the child ahead of the rights or duties of parents, and that again is absolute nonsense. Anybody who reads the convention will see that the rights of parents are totally recognised. The convention itself says that the states are to respect the rights of parents or other persons responsible for the child to give the child direction and guidance. It contains many such statements. I quote one example where it says that a child

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shall not be separated from his or her parents against their will.

And so the convention goes on. It is also a fact that the draft convention contains the first concrete international steps to prevent sexual exploitation of children and sexual abuse of children. Now I see Mr Stevenson snickering over that.

Mr Stevenson: That is because from someone that would legalise pornography it does not sound particularly relevant.

MS FOLLETT: I repeat that the convention contains steps aimed at preventing sexual exploitation and sexual abuse of children. Article 34 requires parties to this convention to take measures to prevent the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices, and the exploitative use of children in pornographic performances and materials. It is a measure towards recognising internationally the responsibilities of communities to protect children from those kinds of activities. I cannot for the life of me understand why Mr Stevenson has interpreted it differently. I have before me a copy of a letter signed by Terry W. Shulze of Macquarie Street, Sydney, I presume circulated by Mr Stevenson. Is this from you, Mr Stevenson?

Mr Stevenson: No.

MS FOLLETT: If it is not from Mr Stevenson I do not know why I have got it.

Mr Stevenson: Not me. I did not know anything about it.

MS FOLLETT: But it has appeared on my desk and I think on other people's desks as well.

Mr Stevenson: It appeared on my desk too.

MS FOLLETT: This Terry W. Shulze exhorts us not to support this UN convention. I might say that his spelling is about as good as his logic; it is totally up the creek. He says:

I have not read this convention in order to make an assessment of the treaty, therefore, I would not be so bold as to state an opinion of it.

Gosh, that is really convincing! I have read this convention. I believe that it offers some provisions which offer greater protection for children. It is an international convention. We cannot assume that internationally children are afforded the same sort of protection and rights as they are in Australia, and I think we should support it.

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DR KINLOCH (4.17): I thank Mr Stevenson for bringing the Assembly's attention to this draft convention. I am very pleased indeed to have a chance now to read it, to read about it, and to read letters about it. I respect the force of his opinions vis-a-vis parental responsibility. However, having read the draft convention and the accompanying analysis of the draft, I cannot share Mr Stevenson's great anxiety about the danger to parental authority. Indeed, as a member of the Social Policy Committee, in terms of the matters we are now looking at, my worries are to do with the dangers to the child from some forms of parental authority. This is the opposite of the kinds of worries that Mr Stevenson is putting forward. I quite recognise there would be individual cases of problems, I can quite see that there could be dilemmas within some kinds of families, but I do not think that one can legislate for every possible contingency. So I want to say that I very much welcome this convention. I am really heartened by it. I wish that it could be taken seriously by all the countries of the United Nations.

One can think of some countries where, if these things were put into place, some really dreadful conditions would come to an end. Alas, we know that in some of those countries those conditions will not come to an end, but the intention of the convention seems to me admirable. I also wish to say that I am very glad that Australia is well to the fore in the United Nations. You will remember that Dr Evatt, long ago, was one of the very first people to speak for Australia in the United Nations, and ever since then Australia has played a good part in the UN. We have been part of UN peace-keeping forces; we have supported conventions; we have been behind the kinds of things that the UN at its best has stood for.

To be sure, there have been problems over the last four decades in relation to the UN, but I am very happy indeed to be aware that there is the possibility over the next 200, 300 or 400 years of this body, a very fledgling body beginning in 1945, reaching new heights of influence, not through technical power or institutional power but through the force of example - the force of valid and useful conventions that can speak all around the world.

There may be specific small clauses in here which can give people some problems. I would ask them to look again at the overall convention - at its intentions and at its concern for the child - and to support it with heart and voice.

MRS GRASSBY (Minister for Housing and Urban Services) (4.20): I rise to support the Chief Minister. The Commonwealth Human Rights Commission Act came into effect on 10 December 1981, and although it was not strong enough it was a most important Act which at least brought us into step with countries around the world that believe in human rights. Nevertheless, the Act is still very weak and I think could be strengthened up. I hope that we will have a government - - -

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Mr Collaery: It has been repealed.

MRS GRASSBY: It has not been completely repealed. The convention on the rights of the child recognises that children, by reason of their physical and mental immaturity, need special safeguards and care. This includes appropriate legal protection. The declaration also calls upon men and women everywhere - in voluntary organisations and in governments - to strive for the observance of the rights of the child. That is something which I think we have to look at.

The convention includes rights to special protection to enable the child to develop fully and the rights to enjoy the benefits of social security, including adequate education and protection from cruelty and exploitation. These are very important things. We see such things happen around the world. I was caught in the war in Lebanon some years ago and I saw children at the age of 10 with guns, fighting a war. This is exploitation of children, and it is wrong.

Let us look at the courts in Australia. No-one can dispute the fact that most of the courts and the judges in this country are conservative and reserved. By and large, they are more concerned with preserving property rights than the civil and political rights of the person. One has only got to look at what happens to Aboriginals in courts. The world has a litany of sins of both omission and commission in the human rights area. We cannot forget that all around the world people are denied their human rights - and it is worse to think that a child is denied them.

The convention on the rights of the child is not a dangerous and extreme document. Human rights are never dangerous. It is the right of a person to have them. This convention on the rights of the child is to instruct both governments and parliaments, as well as courts, in all their dealings with children. It is not a law we have to take out. It instructs us how children should be treated.

There are few of us who would not agree that a child should be protected from practices which may foster racial, religious or any other forms of discrimination. Children should be brought up in the spirit of understanding, tolerance and friendship, among people of peace and universal brotherhood, and in full consciousness that the child's energies and talents should be developed to the service of his fellow human beings. I do not always believe that charity begins just at home; it should begin everywhere. We should always believe that we, as part of a global village, should accept the broad responsibility for the welfare of our fellow man, woman and child.

Governments must ratify this convention; otherwise we could end up with a world that has views and attitudes similar to those of the former Queensland Government. That Government

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suppressed civil rights and political rights, as is already well known. Its incredible roting of the system for personal interests is also well documented. Its violations and infringements of civil liberties have earned the Queensland Government the distinction of being included in the list of complaints to the US Department of State. To make sure such a situation cannot, in our country, lead to being involved in the suppression of the rights of the child, we should all work towards ratifying this convention.

I am pleased to think that our Government is looking towards this, because I would not want to think that we were out of step with any Western part of the world that gives these rights to the child. As far as I am concerned, if we have the RSPCA giving rights to animals, we must ask: what rights do children have? After all, these children are more important than animals. Children are our future. They are the people who will run this world. Therefore they should have the right to live in a loving, caring situation and be given every possible right due to them in order to become good citizens and be able to vote for democratic governments and thus give us good governments to look after this world that we are handing on to them. I support the Chief Minister in everything she said, and I find it absolutely incredible that Mr Stevenson would ask us to vote against anything like this.

MR DUBY (4.25): Mr Speaker, I view with great concern this motion put forward by Mr Stevenson today. The rights of children in this world are extremely important, I feel. We are talking about the ratification by the Australian Government of the convention on the rights of the child. Of course, that convention is based on the declaration on the rights of the child, which was made a long time ago - in 1959, I believe. Just for the purpose of the debate, I am going to read the principles of the declaration of the rights of the child:

Principle 1: The child shall enjoy all the rights set forth in this Declaration. All children, without any exception whatsoever, shall be entitled to these rights, without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.

Principle 2: The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop, physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose the best interests of the child shall be the paramount consideration.

Principle 3: The child shall be entitled from his birth to a name and a nationality.

Principle 4: The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.

Principle 5: The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

Principle 6: The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and in any case in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable.

Principle 7: The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture, and enable him on a basis of equal opportunity to develop his abilities, his individual judgment, and his sense of moral and social responsibility, and to become a useful member of society.

The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.

The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right.

Principle 8: The child shall in all circumstances be among the first to receive protection and relief.

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Principle 9: The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

The child shall not be admitted to employment before an appropriate minimum age. He shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

Principle 10: The child shall be protected from practices which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

That document was written 40 years ago and, of course, if it were to be written in these days it would have "his/her rights" throughout it. But the fact that it uses the masculine term does not mean that it is in any way directed against females.

Debate interrupted.

ADJOURNMENT

MR SPEAKER: Order! It being 4.30 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

UN CONVENTION ON THE RIGHTS OF THE CHILD

Debate resumed.

MR DUBY: This convention on the rights of the child simply puts in practical terms the rights of the child that I just enunciated. I think it is clear from reading those principles of the rights of the child that at all times the rights of parents and guardians are adequately protected and that, first and foremost, it is the right of the child to be protected. Whilst all of us like to think of ourselves as model parents and guardians, we all know that unfortunately in society there are some people who simply

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do not look after the best interests of their children. I notice that Mr Stevenson in his letter asks whether the convention can be used to take away certain rights and responsibilities of Canberra parents. I think the convention does do that - where those rights and responsibilities of Canberra parents, or parents generally, are clearly at odds with the best interests of the child or children involved.

In respect of the handouts that we received yesterday from Mr Stevenson, once again I am fascinated as to where this material comes from, the purpose of Mr Stevenson's interest in this matter, and what pressure group is leading Mr Stevenson on this path. He has handed out, quite rightfully, a kit, which I imagine he thinks is helpful, about the UN convention on the rights of the child. In some of these items Mr Stevenson quotes, as he is wont to do, from obscure articles which raise questions in a peculiar sort of fashion. For example, he has quoted from an article in the Weekend Australian which says, in relation to conventions generally, that Justice Sir Ronald Wilson of the High Court said that the use of the external affairs power posed a serious threat to the constitution. Well, that is Justice Wilson's opinion. It does not necessarily have to be mine. Also referred to was an article in the Canberra Times of 14 June concerning the UN convention against illicit traffic in narcotic drugs and psychotropic substances. It said that all States will have to pass complementary laws to conform to Federal law on the subject even if they have differences because the foreign affairs capacity will override State objections.

Once again this quote is out of an obscure article, and on the basis of these articles in a newspaper we are supposed to say that this convention on the rights of children should not be adopted. He quoted at length from articles by the Australian Family Association. Frankly, I am not familiar with that organisation but, having read some of the ideas put forth by the Australian Family Association, I think I am going to have to start taking a bit of notice of it in terms of where it is coming from and who its members are. Listen to this. In terms of the implications for Australian families of the UN convention on the rights of the child, we are told that various measures have been "calculated to undermine parental authority, such as introduction of a junior dole, and provision of elaborate welfare support networks for teenagers".

Well, I welcome those provisions. There is no way known that those provisions are leading to the breakdown of traditional family values. We are told further that the undermining of the traditional family in Australia has not been the result of inadvertence on the part of governments; it has been largely produced by feminists, leftists, humanists, libertarians and other sectional interest groups.

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Now, this is the view that Mr Stevenson is putting forward. Personally, I am not as good a feminist as I would like to be, but I count myself as a feminist. With regard to the term "leftist", well, there are leftists and rightists - does it really matter all that much? I would count myself as a humanist, and I would definitely count myself as a libertarian. If that is supposed to put me in the position of trying to undermine the traditional family in Australia, I indicate that that is simply not the case.

Next in this kit is a publication called Let's Take a Look at Human Rights in Australia, produced by some professor; I do not know exactly who. I was fascinated to read some of the topics in this article, concerning such things as the problems with trade unions. There is also an appendix entitled "Race and Affirmative Action". (Extension of time granted)

Of course this publication has been selectively picked from. Another chapter is called "International Treaties and Human Rights". It states that UN declarations are not exhaustive; UN declarations must be critically examined; UN declarations are selectively resorted to in Australia; conclusions are that the difference is that human rights are essentially individual rights as opposed to collective social rights.

Anyone who has done any reading on the political systems that are in Australia at this time must know where this is coming from. Frankly, I feel that this sort of trash is just out of place in this Assembly. As a matter of fact, I feel rather disgusted that this sort of thing can be put up in what is supposedly the most educated city in Australia. We are living in a city where all types of political views are tolerated. As I said, I personally am disgusted. I know perfectly well where this junk is coming from. I just totally dissociate myself from this motion, and I am sure that any thinking member of the Assembly will do the same.

MR MOORE (4.37): Mr Speaker, as a parent and as a teacher dealing with children for the past 17 years, I have no fear about this convention. I must say that I find it ironic that Mr Stevenson should have chosen the tack he has on this convention. He was, not so long ago, putting himself before the people of Canberra on the claim that he would abolish self-government. Never mind that he has not taken one step towards that promise. He was telling the voters, "We don't want to take care of ourselves. We don't want that responsibility. We want the Federal Government to look after us, to make the decisions, to pass the laws for us". But now he wants to object to something the Federal Government intends doing and he wants this Assembly - this Assembly which he thinks should not exist - to cooperate with him in applying pressure on the Federal Government.

There have been, and there will continue to be, occasions when it is proper and necessary for us to exert pressure on the Commonwealth. This is not one of them. It is a

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Federal matter and a Federal matter only. The Commonwealth's right to sign a convention is hardly open to challenge. The issue falls squarely within the external powers provision of the constitution. Since the Tasmanian dams case, the Commonwealth's constitutional power to make laws in pursuit of international agreements is also clear, except to the occasional parochialist, usually of a right-wing persuasion.

Perhaps Mr Stevenson does not like these facts. He has every right of free speech to say so. What concerns me is that on the basis of some convenient misreadings of a handful of articles in the convention he wants us to stand in the way of extending similar rights to those who are fully entitled to them: our children.

Mr Stevenson also has the right to disagree with the convention as passionately and as noisily as he likes. I just happen to think that the floor of this Assembly is not the right forum for him to prosecute his opinions. If he objects to the Commonwealth's actions, let him speak out on the national stage and be judged accordingly. Let him lobby Federal politicians and vote in the next Federal election for whoever promises to rescind our agreement to the convention. He may find a fringe group here or there with sufficient tunnel vision to oblige him. He may even wish to stand for that election in the hope of pursuing the issue in the proper forum: the Federal Parliament. Again, he might find a sufficiently idiosyncratic fringe group to support him. No doubt, he will continue with his Abolish Self Government Coalition. I do not know how well it would go in a Federal election.

What is clear is that this Assembly is not, and should never be, prepared to assist him in pushing his own views on human rights to the national stage. Introducing his motion yesterday, Mr Stevenson tried a couple of the oldest tricks in the book. He tried to imply that members of the Assembly who have not dragged in a lawyer to pore over the convention have no real right to comment. On those terms, we have enough lawyers here for me to be confident that he will receive many qualified rejoinders. But, in the end, the opinions of lawyers are just that: they are opinions.

The convention is hardly written in tortured legalese. I do not know where Mr Stevenson gets his legal advice from but I am happy to speak on the assumption that an ordinary reading of ordinary English is at least as reliable as a legal interpretation fashioned to meet a client's expectations. I do not expect anyone here to submit to his appeal to authority. That is one of the earliest fallacies a first-year logic student is introduced to. If, for reasons of his own, Mr Stevenson prefers unquestioning reliance on authority, there are plenty of good historical lessons for all of us as to why we cannot share that view.

The other trick was his appeal to fear. It will not wash. It is the stuff of propaganda and disinformation. Without

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wishing to fall into the same trap, let me say that it is the stuff of Dr Goebbels, the purveyor of the big lie. Certainly Mr Stevenson is not being that extreme but his methods follow an all too familiar pattern: distortion, fear mongering and appeal to authority. There may be, in the numerical fragmentation of parties in the Assembly, a vague echo of the parliaments of the Weimar Republic. That should be where the similarity ends. Let us make sure that it does.

We often take our rights for granted in this country. We often assume that they are well entrenched and secure even though, unlike many democracies, we have no formal statement of them. We forget not only that our own situation is tentatively defined but that there are many countries where human rights are far less secure and the need for them is a much more urgent item on the agenda. Also we tend to forget rapidly the images on television of 12- and 13-year-olds being oppressed or exploited in the Iran-Iraq war, the West Bank, Belfast, and I could go on. We can forget how political, social and economic factors rob children of the right to freedom and knowledge as well as power over their own destinies in the same way as their parents are robbed by the same processes. We may even want to pretend to ourselves that these things do not happen here, but they do. Social, racial and economic oppression is as real, if not as extensive, as elsewhere. So anything which imposes moral persuasion on our governments to protect our rights and the rights of our children is to be welcomed.

I welcome this convention. It is timely, comprehensive and, above all, necessary. I would not subscribe to a process which forces meanings between the lines of a handful of articles in an attempt to condemn the whole document. If the choice, which is what Mr Stevenson's narrow analysis tries to force on us, is between rejecting or accepting the convention as a whole, I accept it.

I accept it too because I believe that Mr Stevenson's attempt to quarrel with it is muddle-headed and inaccurate. He is concerned, for example, that article 2 allows children to get away with not obeying their parents on religious matters, medical treatment, and so on. I ask him to read it again, to read the words that are there without forcing other words - his own calculated, chosen synonyms, his own peculiar meaning - into it. I may be wrong; but I have a suspicion, just a suspicion, based on the fact that I have been using the English language for quite a while, that the article prevents someone from discriminating against or punishing a child because of religion or the views of that child's parents. In any case, article 5 is the one that he should be looking at. There, parents are given the right to provide direction and guidance.

The most sensational of Mr Stevenson's allegations concerned his distortion of the right of freedom of association and the right to information as somehow

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providing licence to children to mix with prostitutes and drug addicts and to run around buying pornography. What nonsense! The claim would be laughable if it were not so dangerously wrong. It ignores the fact that freedom of association and the right to information are both subject to a country's laws, including laws on morals. It ignores, too, the very existence of article 5. Mr Stevenson's views are more than nitpicking. They are dangerous and loaded pedantry, and I will leave it at that.

What also disturbs me is the assumption in the third part of the motion that children's or any other rights are no more important than a parochial issue. These rights, any rights, should exist uniformly and equally throughout the country, and preferably throughout the world, or they are not rights at all.

The Federal Government should take, and has taken, responsibility on this. It is not an issue open to us to jump in and expect to make some special adjustments for what we see as local conditions - tinkering with rights. Circumscribing them in that way will leave us and our children no better off than South Africa, Chile and the ever dwindling communist world.

MR COLLAERY (4.46): Mr Speaker, I wish to move the following amendment:

That all words after "That" be omitted and the following substituted: "the Assembly notes that the Federal Government will not ratify the draft UN convention on the rights of the child until the terms of the convention are settled and further consultation with all State and territory governments takes place".

Mr Speaker, I wish to speak to the amendment.

Mrs Grassby: You would do anything to get Stevenson's vote.

MR COLLAERY: Minister Grassby said that I am seeking Mr Stevenson's vote. I might remind her that I have discussed this with her party leader, and I might remind the Minister that the Human Rights Commission Act was repealed by Act No. 126 of 1986. I do not know who wrote your speech.

Mrs Grassby: I wrote it myself.

MR COLLAERY: Well, that is obvious.

Mrs Grassby: That is all right. You are not very good at it either.

MR COLLAERY: I will leave you alone, Ellnor. Mr Speaker, as the Chief Minister correctly said, the present draft has been endorsed by the committee on human rights of the General Assembly. It has been passed for adoption by that

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subcommittee, a subcommittee that I know in fact, but I stress that this is a draft passed for adoption as a draft. It has not been passed for adoption as a convention. The draft will be considered, as the Chief Minister correctly pointed out, by the third committee of the UN General Assembly on Friday, the 17th, and it is going before a plenary session on Monday, the 20th. That will aptly be the tenth anniversary of the adoption by the UN General Assembly - with your leave, Mr Speaker, I will refer to it as UNGA from now on - of the declaration of the rights of the child which, as we all know, is scheduled to the Human Rights and Equal Opportunity Commission Act 1986.

Mr Speaker, the convention is designed to be an instrument to protect young persons. It contains a number of safeguards. For those of us who follow these matters in this country and internationally, the draft is not all to the Australian Government's satisfaction, nor to the satisfaction of successive governments who have worked on it and the vast and large number of dedicated and competent Australian diplomats who have worked towards the achievement, the great achievement, that the present draft represents.

The task of gaining consensus in the UNGA is almost impossible these days, as Mr Richard Woolcott indicated only a few weeks ago in a speech to the United Nations Association of the ACT. For example, article 6 of the proposed draft is on the right to life. Every child has the right to life, and states are to take measures to ensure the child's survival and development. I would not take the time of the Assembly to tell you what the history of those few words has been in the drafting subcommittee.

Mr Speaker, consensus has been reached, compromise has been reached. The question of Australian ratification of the convention does not come into it at the present time. I have informed Mr Stevenson of that. He has other views. In Australia we will not be in a position to ratify the convention until, firstly, the draft has been adopted by the General Assembly, and that is a matter that, admittedly, is a few days away. But that is only the adoption of a draft. Then, secondly, it is the Australian practice that that draft will be referred back to the Attorney-General's Department. It will go to the human rights section of the Federal Attorney-General's Department, and they will pursue consultations in a laid down format. Indeed, Senator Tate undertook just recently, on 2 November 1989, in the Senate - in the other house - that the ratification of this draft, if it does occur, will only be done by the Australian Government after the terms of the convention are settled and further consultation with State and territory governments takes place.

There is almost a non sequitur about the motions that Mr Stevenson has put, because to my knowledge much of the core of the proposed convention has already been adopted by Australia in the international covenant on civil and

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political rights. For example, I point out article 24, subparagraph 1, which says:

Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

I almost know those off by heart. I have been working with this convention for years. Further, article 23 says:

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

It goes on to say - and I am sure Mr Berry would like to hear this - that everyone has the right to respect for his private and family life, his own and - for Mr Berry's sake - his correspondence. It does not appear to have been very private lately with the interim hospital board. Anyway, there are other provisions and subprovisions and there is, of course, a further convention that already extends some of this matter. It is the international covenant on economic, social and cultural rights.

Australia has subscribed to a succession of instruments, and this current draft brings together some of that and expands it. In international law, generally speaking, these instruments impose obligations on the state. They do not impose obligations on the individual. They do not impose any obligations on me as a parent. I have never been able to control my children anyway. There is a total misconception of legal interpretation here. How could it be proposed that this convention sets up rights in parents, or in children, in opposition to each other? It imposes obligations on the state.

I will give you an example, as Mr Moore correctly interpreted, and that is the use of children in human wave assaults. I have been personally involved in investigating and assessing these issues. Of course, I could speak at length about the Australian Government's failure - the Hawke Government's failure - to move decisively several years ago when I personally sought, as the chairman of a refugee committee, a government committee, to get some help for a number of youngsters who were in difficulty in Iran. No assistance came forward, and the exchange of cables between me and our charge there make pathetic reading. I will be referring to that next Tuesday evening.

Another matter is that of income support policies. The requirement to deal with children equitably and equally has significant implications in terms of administrative consistency on income support programs. As we know, I think it is youngsters under 17, or 15 or 16, who do not receive benefits. I am not going to comment on that. All

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I say is that they are treated differently, unequally according to some of the homeless youth groups, from others who do get allowances. There are direct implications on the state, not on the individual, to pursue equitable income support policies for young persons.

In the deportation area, of course, there are in this Territory at this very time two or three children facing exclusion from this country in breach of the existing declaration which is appended to the Human Rights and Equal Opportunity Commission Act and in prospective breach of this convention. There has been a series of reports by the former Human Rights Commission criticising the Hawke Government's decision to deport a number of Australian children, as, in effect, by excluding the parents the child is forced to go. This is in absolute breach of the requirement of keeping the family together as an effective unit. These reports are No. 18, by the former Human Rights Commission, on the human rights of Australian-born children whose parents are deported; No. 10, human rights of Australian-born children, a report on a complaint of a married couple; and report No. 15, human rights of Australian-born children, a report on the complaints of other parties.

These reports are a sorry saga in the Hawke Government's failure to support the conventions that it mouths off about in the United Nations. Read them. The Attorney-General, Lionel Bowen, noted them but refused to endorse them, I understand. Further, we have had the appointment of Brian Burdekin, from the Prime Minister's own staff and direct area, to the Human Rights and Equal Opportunity Commission. Mr Speaker, I am a great critic of that commission in terms of what it has effectively done and how its funds are being spent. But that is for another time and another place. (Extension of time granted)

Mr Speaker, the complications of Mr Stevenson's motion are many and varied, but the second part of his motion, which requires full public and parliamentary debate on all UN conventions, is not something that we would disagree with. In fact, that is something that, as he says, should occur and it is something that we would all welcome.

Of course, as a democratic Assembly, I respect the strength or force, as Dr Kinloch put it, of Mr Stevenson's views and convictions. They do not find acceptance with me because I have spent a good part of recent years pursuing interests related to this convention and a failure by the Hawke Government to effectively implement human rights, not only in this area but in other areas.

Selective implementation of human rights is the ultimate bad faith, in my view, Mr Speaker. If this convention and knowledge of it and public debate about it will bring about a more equitable treatment of children and will oblige the states to put into place proper machinery to deal with child abuse and the many things that we are aware of in this society, I welcome it.

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At the same time, we need to be certain that the convention is not used by any misguided public instrumentality to pursue what I call the "pull" factors of human rights. We need not set up situations to entice children out of their own family units and out to refugees when all they need perhaps is some time-out, adequate counselling facilities and a loving relationship, if they have not got it with their parents. There is a need there. I recognise it as a need and to that extent I go Mr Stevenson's way, but no further.

Mr Speaker, my amendment really repeats what Senator Tate said on 2 November 1989 in answer to a question in the Senate, and I enjoin the Assembly to support it. It merely recognises what the processes of the Government are. There is one word now that I realise troubles me. It says "the draft". We will not know until the next few days whether the draft is accepted. I am happy to accept an amendment to alter it to "any draft UN convention on the rights of the child".

MS MAHER (4.59): Mr Speaker, I rise just to make a short statement. I believe that children do have rights. They have the right to live a healthy and happy life and I believe that this convention provides them with that right. I believe that parents, states and nations have a responsibility to provide children with an environment that is conducive to their social, emotional, physical and intellectual development. As Mrs Grassby stated, children are our future and our future depends on them. They have the right to develop fully without being suppressed.

I do not believe that this convention in any way diminishes the right to parental guidance and authority, and I agree with Dr Kinloch when he says that in actual fact some parental guidance is in doubt. Mr Speaker, I would just like to conclude by saying that I have total faith in the experts who over the last 10 years have developed this draft convention on the rights of the child.

MR STEFANIAK (5.00): The Liberal Party will be supporting Mr Collaery's amendment. The original motion as drafted by Mr Stevenson has a number of problems in it. We believe Mr Collaery's amendment is a preferable one for this Assembly to support. Mr Speaker, in the amendment as proposed by Mr Collaery, he notes that the Federal Government will not ratify any draft UN convention until the terms of the convention are settled, and that means until the necessary amendments are made to this convention.

When Mr Stevenson introduced his motion yesterday he raised a number of concerns. I have had a look at the convention, and I have also spoken to Senator Margaret Reid who has gone through it in some detail. Whilst I would not necessarily agree with everything Mr Stevenson has said, there are a couple of places where he may perhaps have a point. Hopefully these will be taken up when this draft is

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further discussed in the United Nations and the necessary amendments are made.

There are a couple of potential problems with the draft convention as stated at March 1989. Looking through it, perhaps the unofficial summary of the main provision in the preamble is far better in terms of what the supposed intent is, and far more beneficial for children, far less harmful to the worries Mr Stevenson has, than the actual text of the parts. Hopefully these terms can be amended when it is discussed further.

A further point to Mr Collaery's motion is that further consultation with all State and territory governments take place. I think that is essential. Mr Stevenson does mention some points which I think should not be lightly dismissed, as certain members have done today. As Mr Moore mentioned, the right of the Commonwealth Government to ratify conventions is part of the external power, and a very necessary and proper part of it. The external power has been used in somewhat controversial circumstances at times to override the States. One cannot dismiss even minority opinions of High Court judges when they express some concern in relation to that. Nor can one dismiss an association such as the Australian Family Association, which is indeed a reputable association, which also has some concerns. One of the concerns Mr Stevenson expressed, and Mr Collaery also alluded to it, was the very real concern that the legitimate and proper rights of parents could possibly be taken away from them and be replaced by some state-run body when the parents should have the right to look after their child properly.

I can recall some concerns expressed some years ago in New South Wales by a number of parents. There was quite an outcry there as a result of some legislation the Wran government brought in which was being exercised, perhaps misguidedly, but certainly in accordance with the letter of the law, by certain social welfare workers. Children who, as Mr Collaery stated, perhaps just needed a bit of time-out were bunged off into institutions and the parents' rights in relation to properly bringing up the children were disregarded because of the rights of the State. That was a real concern in New South Wales. I believe the Unsworth government took some steps against that and I think the Greiner government has as well, in an attempt to rectify that situation. I do not know whether all the necessary amendments have now been made, but it was a very real concern and certainly a big problem. It caused a lot of parents in Sydney a lot of concern several years ago.

I think there are some potential problems with this draft, but it is still a draft, and I think Mr Collaery's motion is the way to go for this Assembly in relation to it. I can also understand the concerns, expressed by Mr Stevenson and mentioned by Dr Kinloch as well, in relation to the world community and the United Nations. In one of the documents passed around in the last few days mention was

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made of the fact that two-thirds of the United Nations comprise tyrannical and non-democratic governments. We have heard mention today of children as young as 11 and 12 being used in human wave assaults during the Iraq-Iran war. Children are still slaves in certain areas. Only recently in the Central African Republic, which was the Central African Empire, it was proved that Emperor Bokassa ate several children. He committed a large number of crimes but that perhaps was one of the most barbaric.

I fear that, whatever convention is ratified by the United Nations, there will be many states in the world who will sign it and perhaps even have an input but will then promptly turn their backs on it and go their own way. That is a problem with a body such as the United Nations. The make-up of that body causes concern to a large number of people in Western democracies, and I think Mr Stevenson is quite right to point that out to this Assembly, as is Mr Collaery. I think that is something we all should bear in mind. I commend that to Mrs Grassby, who spoke most eloquently in relation to the Holocaust on Tuesday during the adjournment debate.

One of the results of the Holocaust was the establishment of the state of Israel, a home for the Jewish people. I am not going to buy into an Israeli-Palestinian argument here; I will merely say that one of the first acts of the United Nations and one of the first acts of the Australian representative, Dr Evatt, was to vote in favour of the establishment of a state of Israel. Israel, of course, is a prior state in the United Nations now, so we must be wary when we look at what motions come up in the United Nations and be wary of any conventions there.

However, having said that, I believe that Mr Collaery's motion covers the legitimate fears raised by Mr Stevenson. It also covers the legitimate criticisms made by certain members in relation to some aspects of Mr Stevenson's original motion, and I commend it to the Assembly.

MR BERRY (Minister for Community Services and Health) (5.07): I rise to speak on this issue, greatly concerned about the apparent direction which Mr Stevenson would require this Assembly to take in relation to the rights of children. I have had a look at a lot of the information that has been circulated, Mr Speaker, and I must say that the misleading nature of something that appears under Mr Stevenson's signature gives me great concern.

I have heard Mr Stefaniak say that the Australian Family Association is a reputable body. However, I must say that some of the paraphrasing that they have involved themselves in, in relation to the descriptions of the articles of the convention, causes me great concern.

MR SPEAKER: Mr Berry, I am flat out hearing you and I suspect that there are others in the Assembly who cannot hear you.

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MR BERRY: With the use of this very modern device here I might be able to help you hear better.

Mr Humphries: It is a Berry booster, is it?

MR BERRY: A Berry booster, yes, but of course Mr Humphries would know that Berry needs no boosting when it comes to attacking the Liberal Party for their misplays in the health issue.

These descriptions or paraphrasing cause me great concern. I will just refer to a couple of them, Mr Speaker. This is from the Family Association document. Article 13 assures to the child the right to freedom of expression which is declared to include freedom to seek, receive and impart information and ideas of all kinds. The Family Association document states:

This provision could make it very difficult for parents to resist exposure of children in schools and elsewhere to material which parents may find objectionable on religious, moral or other grounds.

The UNICEF briefing kit, of course, describes article 13 in a very different way. It states:

The child has the right to freedom of expression and information, subject to any restrictions necessary to protect the rights of others, or public order, health or morals.

In relation to article 14 the Family Association document talks about the right of the child to freedom of thought, conscience and religion. It says:

Parents and guardians are allowed by the convention only a limited right to direct children in the exercise of this right. Parents might find that this article could create difficulties for them if they were trying to discourage their children from joining fringe religious sects or trying to encourage their children to adhere to traditional religious practices in the family.

The UNICEF document, of course, describes it in this way:

The child has the right to freedom of thought, conscience and religion, subject to the right of parents and guardians to provide direction and guidance.

So there is a very clear conflict there. I must say, Mr Speaker, when it comes to an analysis of the convention on the rights of the child, the UNICEF briefing kit has got my vote.

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In relation to article 15, the Family Association document says that these rights make it difficult for parents to resist associations by their children with persons whom parents find objectionable, especially since children are now taught their rights in schools - I am pleased that they are taught those rights in schools - for example, the new right of freedom of association may make it difficult for parents to resist a young teenager forming inappropriate and possible harmful associations. The UNICEF document describes the article in the following terms: the child has the right of freedom of association, subject to restrictions necessary to protect public safety, order, health or morals or the rights of others. Again, Mr Speaker, the UNICEF document gets my vote.

Mr Speaker, I will not go on for too much longer. I think much has been said about the issue, but the rights of the child, of course, are very important in the world today. We know in this country that the occurrence of incest is in outrageous proportions and, in my view, a proper set of articles and proper action by governments will make it more difficult for that sort of unlawful and dreadful behaviour to take place.

Another thing that the Family Association document talks about is that the rights of children in Australia are already protected by State legislation and by common law, and an intrusion into this area by Federal Government legislation based on the UN convention on the rights of the child would be completely unwarranted. Well, Mr Speaker, if State laws or territorial laws do not protect the rights of the child, then the Federal laws should be able to intervene. It is a most appropriate course, and I think that for the Family Association to take that line in relation to the convention is utterly outrageous.

Mr Speaker, adoption by the UN merely marks the preliminary step to voluntary acceptance by governments. The convention cannot affect Australia's legal position until it is ratified by Australia and included in domestic law. I think the motion by Mr Stevenson fails to recognise that, and to that extent at least is extremely misleading.

Many of the matters dealt with in the draft convention concern areas traditionally dealt with by the States and territories. Therefore, the Government has begun preliminary consultations with the State and territory governments with a view to establishing whether Australian laws and practices are consistent with the expected requirements of the convention. A decision on ratification can only be taken after the terms of the convention are settled, the convention is adopted by the General Assembly, and the necessary consultations with the States and territories have been undertaken.

Mr Speaker, one of the reports in the ACT in recent times which has been applauded by all is the Burdekin report on homelessness in the ACT. The thrust of Burdekin's approach

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to the development of that report was, of course, in line with the general focus of the articles. So, Mr Speaker, it is most appropriate that the rights of the child be established properly and it is most appropriate that it be a matter for the Federal Government to ensure that there is uniformity of law in Australia for the protection of the rights of the child.

One of the things that concerns me about the style of approach by Mr Stevenson is the similarity that seems to exist between this approach and approaches which I have seen in the political area which germinate from League of Rights sources. Now, there is something that I would like Mr Stevenson to do, and I think he needs to do this to ensure that his supporters know where he is coming from. I know that there are some people in the gallery who have a view about the line that Mr Stevenson has taken and I am sure that they would be very interested in some sort of an admission as to his association with the League of Rights. I think that is a very important feature of this debate and he should make it very clear to everybody in this Assembly whether he is associated in any way with that organisation.

MR JENSEN (5.17): Mr Speaker, I do not propose to take up much of the time of the house in this matter but I wish to put on record my own feelings in relation to this very important issue. When Mr Stevenson approached me with a view to discussing this matter, I listened very intently to what he had to say and I looked at the information that he provided for me to look at. I also looked very carefully at the motion that he has put here before us. Mr Speaker, I have some problems with some aspects of the motion, particularly in relation to the information that has been provided to us here today on the floor of the Assembly, in relation to the Government's and the States' responsibilities with regard to the rights of the child.

As a parent with young children, I am watching them grow up in a changing world. In some respects it is a very dangerous world for young people in relation to their involvement and participation, or possible participation, with things like drugs and other associated problems and hassles. I have watched my children at school get a different sort of education in relation to understanding and appreciating their own rights from the one I received as a youngster going to school, but it is information that I think is very important for our youngsters to receive these days, in a changing and very diverse society.

Let me make some comments on the actual convention and some of the various articles that are referred to in the convention on the rights of the child.

MR SPEAKER: Order! If members wish to caucus would they please go to the back room to do so.

MR JENSEN: I thank you, Mr Speaker, for your protection in that area. I know Mr Stevenson has expressed some

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considerable concern about the rights of the parent in relation to the rights of the child. If we read article 5 of the convention on the rights of the child it is quite clear that the parents also have rights. The parents or guardians or others who are responsible for the child have a right to give direction and guidance to their child, consistent with the rights of the child. This article, Mr Speaker, applies to all specific rights of the child and is recognised in the convention.

Mr Collaery has already mentioned one aspect in relation to parental care and separation from parents - articles 9 and 10 - in relation to family reunification. We are all aware of the decisions that have been taken by the Federal Labor Government to remove two children from their parents in this fair city of ours, to require them to leave the ACT because of Federal Government decisions. The members of the Rally trust and hope that the Federal Government will review this particular matter because the children have the right to family reunification and have the right not to be separated from their parents.

Article 12 is on the child's right to express his or her own opinion, Mr Speaker. I have already referred to that in relation to my own experiences with my children. I think it is important that our children receive that important guidance and information. With freedom of association, I know that many of us with growing teenagers have some problems at times with the company that our children keep. But, Mr Speaker, let me put it to the members that I think it is our responsibility to make sure that we give our children all the guidance and information they need to encourage them to make the best of the opportunities that are put before them. We cannot make decisions for them. We can only hope and trust that we will provide the necessary guidance to our children and they will make the decisions in their own interests. Therefore, we then have freedom of association. We must trust in our own abilities to guide our children in that area.

One of the other areas that I wish to comment on, Mr Speaker, is article 30, which says that children of minorities or indigenous populations must have rights. Many of us who have looked at the history of the Aboriginal people in this country, particularly since white settlement, have found that the history of Australia has been rewritten in some respects in relation to the Aboriginal people. Those children, Mr Speaker, had no rights; they were removed from their parents in an attempt to bring them up into an alien way of life. I think that we should deplore any proposals or any - - -

MR SPEAKER: Order! Members, please, there is a caucus room out the back. Every member has a right to be heard; he does not have a right to be listened to but he certainly has a right to be heard. Please abide by the rulings. If you wish to caucus in such groups, remove yourselves to the

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caucus room at the back. I will wait until the caucusing ends, Mr Jensen, and I will give you extra time.

MR JENSEN: Thank you, Mr Speaker. I do not intend to continue on much longer but I wish to make a point in relation to minorities. In the past there have been instances when the indigenous population, the Aboriginal population, of Australia has not been afforded the necessary rights of this draft convention which will more than likely at some stage be agreed to and accepted by the Government of Australia and therefore apply to the States.

I note Mr Berry's point that, if the States do not provide the necessary protection for the children of this country, then it is up to the Commonwealth. That is their responsibility and that is their right; it is a State's right. There are a number of other aspects, including protection from sexual exploitation and abuse. I do not think anyone in this house would argue with the right of the child to be free from that sort of incredible, unfortunate and very bad practice.

Let me make one other comment before I close. I would like to note that Mr DUBY, when commenting on the Australian Family Association, seemed to indicate that there was some hidden agenda with regard to their principles. This is a democratic country. They have the right to form their own opinions. If they do not agree with what you say they have a right to say so and that, Mr Speaker, is all that this organisation is doing. They see an issue; they do not necessarily agree with it, and they wish to have their say. Let the democratic process decide whose way will out. On that notice, Mr Speaker, I will conclude my remarks on this very important subject.

MR WOOD (5.25): I rise to indicate my support for the articles contained in the draft convention. I do not have any difficulty with them. I might say that I was unaware of them in any detail until Mr Stevenson raised this matter yesterday. As one of those people who have a general confidence in the United Nations, bearing in mind all its difficulties and some of the politics that go along with it, I would generally have confidence in the conventions of the UN. Since this matter was raised I have read the articles. I believe they are quite clear and understandable and I have no difficulty with them. I do not think they will have enormous impact in Australia. I do hope that they will have very considerable impact in other countries where there would be much greater need for them.

I read Mr Stevenson's motion. I do not agree with it but what I disagree with most is the philosophy contained in the speech that he made yesterday. I cannot relate the remarks he made to the text. I cannot follow the connections that Mr Stevenson has made to the text. It appears to me that someone has gone through and totally misunderstood the thrust of that text. That is the point

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that I would take up and follow on from Mr Jensen. While agreeing entirely with what Mr Jensen says about the rights of all people in the community to express their views, I would emphasise that by adding, "Let us be open about it. Let us be sure that we know what the views are that we are hearing".

By way of example, I want to instance the case of the Logos Foundation. Some three years ago, I think it was, my local church received some literature from that foundation. It looked fine, it read fine, it seemed above board, and it was purporting to deal with religious matters. But in the end, much further down the track, we discovered that there was a political agenda to it. Now, as I read the newspapers from Queensland, it is revealed that the Logos Foundation is a political organisation, and the religious connection is incidental.

Mr Duby: Come in, sucker.

MR WOOD: Well, I am not deeply knowledgeable about it. But let us be open about these things; let us express all views. I will express my views, and I will be open to others. I think that, as I belong to a political party, my policies are fairly well known. Where they divert from that or where they are additional to that, I am very happy to have them expressed. Therefore - - -

Mr Collaery: Who chooses your ties?

MR WOOD: That is my conservation leaning, Mr Collaery; it is my expression of support for the environment.

Therefore, if there are other views on this, let us express them. It is clear from what I see in a couple of media clippings that this view that Mr Stevenson expresses is not being expressed uniquely in Canberra. It is part of a small, a minute, perhaps a massive campaign across Australia. It is a legitimate campaign, a very clear, legitimate campaign, if the background for it is fully expressed.

So, if it is the Logos Foundation behind this or, as my colleague Mr Berry, the Minister for Health, expressed, if it is the League of Rights or an offshoot of that body, that is fine, but let us have it up front. As we like to say in this Assembly, "Let us have everything open". Let us have it up front. Mr Stevenson might indicate whether there are links across Australia for this. I am sure it would give greater validity in that case to his arguments.

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

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ADJOURNMENT

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

That the Assembly do now adjourn.

Events in Eastern Europe

MR STEFANIAK (5.30): After a debate on a matter that largely concerns the external affairs power, I am a little bit reluctant to speak today, but I think a point raised by Mrs Grassby in the adjournment debate on Tuesday should be addressed. Mrs Grassby quite properly raised the question of the Holocaust, but initially referred to it as the dismantling of the Berlin Wall. Now what I would like to do is just briefly talk about that particular incident, the dismantling of the Berlin Wall, and with it, as a result of other events in Eastern Europe in recent months, the dismantling of the Iron Curtain.

Mr Humphries will also be speaking on this. I want to make a couple of points. Firstly, I think this shows - and hopefully will show - the victory of Western parliamentary democracy over totalitarianism. It shows the bankruptcy of Soviet communism and socialism. Having talked about one dreadful regime in the twentieth century on Tuesday - and there were some very eloquent statements made by Mrs Grassby and her colleague Mr Berry - it also behoves us to look back on an equally abhorrent regime, that of Soviet Russia. Since 1917 it has repressed its own people. Certain classes and also certain nationalities were largely exterminated, especially under the reign of Joseph Stalin who, according to Aleksandr Solzhenitsyn, killed at least 60 million of his own countrymen. When one adds to that other nationalities outside the Soviet Union killed by Stalin and also by other Soviet leaders, one has a very abhorrent regime that has adversely affected the world throughout most of the twentieth century. It is very pleasing to see the developments in Eastern Europe. It is very pleasing to see the reforms that finally a Soviet leader is taking. That leader, of course, is Mikhail Gorbachev.

One must look back on the horrors of the Soviet system initiated by Lenin, made into a dreadful form of repression by Stalin, and continued to varying degrees by his successors, Krushchev and Brezhnev. The people of Afghanistan have recently witnessed the terrors of Soviet imperialism in its most brutal form. That unhappy country is going to take many, many years to overcome the might of the Soviet Union that crushed its freedom back in 1978 and again, even worse, in 1979. One of the points I raised in the debate on the Holocaust on Tuesday was the fact that it would never have happened had it not been for the gutless appeasement of the Western powers. I think, despite some hiccups - - -

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Mr Duby: On a point of order, Mr Speaker; Mr Stefaniak's comments here on the gutless appeasement of the Western powers obviously do not take into account historical facts. If it was not for the statesmanship of Neville Chamberlain - - -

MR SPEAKER: Order! You are debating the issue.

MR STEFANIAK: I would like to note that, despite a few hiccups, the reason why events have occurred in Eastern Europe and have been able to occur as they have in recent months is that NATO has remained firm against threats from Soviet imperialism and it has been contained - I think the Western world owes a great debt to such persons as Truman and Konrad Adenauer, the first chancellor of West Germany, for their efforts in the early days - and in more recent times the rearmament of the West to meet a very dangerous Soviet threat in the 1970s, carried out by the Reagan administration in the United States, ably supported in Europe by the Thatcher administration in Britain and the West German administration of Mr Kohl, as well as the rest of the European allies.

Maintaining a position of strength against Soviet imperialism has led to a change in the Soviet Union because their economy is in tatters. It is an economy geared for war and not geared for consumer goods and/or for consumers. The Soviet Union is quite unable to match the West in a real arms race. They realise that; they have been forced into changes and those changes are now being seen. I think it behoves this Assembly as a democratic body of this Territory to applaud the very positive signs that we are now seeing in Eastern Europe, but let us not forget the steps and indeed the hardships which the people of Eastern Europe have suffered over the last 70-odd years. Let us also not forget the vision of certain leaders in the West that ensured that the West has remained free during these very troubled 45-odd years since World War II.

Berlin Wall

MR HUMPHRIES (5.35): I would also like to speak about the Berlin Wall, and I rise to address what I see as the real implications of the symbolic breaching of the wall over the last days. I say "real" because I believe that last Tuesday night, when two Ministers of the Government engaged in debate on this matter, they were effectively engaging in a quite extraordinary hijacking of this debate in mounting, as they did, the suggestion that the breaching of the wall was in some way a triumph over fascism.

They spoke at length about fascism, and they spoke about the Nazi Holocaust, the horrors of Nazism and so on. When it was put to them that notwithstanding their eloquence on this subject - and I acknowledge that both Ministers Berry

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and Grassby appear to be knowledgeable in this area - notwithstanding that the wall's demise had very little to do with the atrocities of Nazism, they rounded with comments and interjections which I think implied quite clearly that their detractors were in some ways soft on fascism and soft on the Holocaust.

If I had come into this place and supported the move-on powers Bill or Mr Stevenson's motion earlier this afternoon by saying, or insinuating, that to reject the Bill or the motion was an insult to the memory of six million dead Jews, the Government would understandably be ropeable with anger and rage. Yet what they did on Tuesday night was very similar. They have effectively perverted the real meaning of this particularly important historical occasion. I can understand why that occurred. I imagine that Ministers Berry and Grassby had a conversation earlier this week or perhaps late last week and said to themselves, "Gee, the bloody Liberals are going to be sort of crowing and calling about the fall of the Berlin Wall. What are we going to do about it? They are going to be carrying on about socialism and stuff like that. What are we going to do?". And, of course, the Minister - - -

Mr Doby: Wrong.

MR HUMPHRIES: You were there as well, Mr Doby? I apologise. Well, Mr Doby and the Ministers were present together and were discussing this and decided that the best way of defending is actually attacking and that is what they did. The fact is, and I made this point the other day, that the breaching of the wall is a victory of human spirit over totalitarianism, but particularly over totalitarian socialism. It was totalitarian socialism which built that wall. I regret the way the debate occurred on Tuesday night because I regret the fuel that those comments must have given to the anti-German feeling which has been generated in recent weeks around the world.

There is a stream of anti-German feeling as a result of the suggestion that the two Germanys might reunite. Those feelings have been allayed quickly, certainly by the chancellor of West Germany. I would be very reluctant to think that anybody in this house would add to that feeling by suggesting that there was some connection between the fall of the wall and Nazism. I hope that has passed. We have passed that. I hope the free venting of the human spirit which we have seen in recent days in Europe is a great wave of the future which will engulf the whole world. Certainly there are many places it ought to engulf. I mentioned Cambodia last Tuesday. I hope that when we debate things of this kind we can acknowledge that and support in all things we do that very important element of the human spirit.

Berlin Wall

DR KINLOCH (5.40): I, too, was confused the other night. I assumed that we were talking about the Berlin Wall and I welcomed - no, that might be the wrong word - I was glad to have the chance to remember what had happened in the 1930s and 1940s. May I repeat my requests to you as of the other day? Those requests are in Hansard.

United Nations

MR COLLAERY (5.40): I rise to endorse the comments of the last three speakers. I believe I have the answers to what happened the other night. The fact is that the prepared speech on the Holocaust was held by Mr Berry but he was not able to be in the chamber in time and Minister Grassby ably took his place on the topic. But it did throw us off, on the other side of the house, and we thought that you were addressing the Berlin Wall. I trust that persons reading the Hansard will take note of that, as my colleague Mr Humphries said.

On a further note, during the debate today on the proposed convention on the rights of the child, I believe it is incumbent upon us to be very conscious of our proximity to the national capital and the diplomatic activities of the Federal Government. We had here today a debate which may be noted diplomatically and may have some effect either way on the negotiating position of the Australian Government abroad, at this very time, tomorrow and over the next few days. It behoves us to bear in mind when we put matters of this nature on the agenda that we may or may not affect a negotiating position of our Government.

I believe, in terms of draft conventions, it may be better in the first instance for this Assembly to consider the views of other States and territories and to seek that the public debate be well ordered, well rehearsed, and that there be some consideration of the position of our diplomatic service. I am not saying that we cavil to them, but we should bear in mind the significance of what discussions of this nature can sometimes do to a negotiating position. It would be similar to us debating a commercial takeover before it had been announced, or doing something like that. We must bear that in mind.

I do take the point that we are a sovereign Assembly and we could ask the Federal Government to stop doing something that we greatly disagree with. But I feel there was no evidence that there was great disagreement with it. We do not know how we will be reported internationally in terms of Mr Stevenson's comments. That is a very significant thing and I would publicly ask Mr Stevenson to consider that in the future in terms of Australia's diplomatic position.

Events in Eastern Europe

MR DUBY (5.43): Mr Speaker, I endorse the comments of Mr Collaery in that matter. I would like to address some comments made by Mr Humphries in his debate closure speech. I also agree with him entirely that the bringing down of the Berlin Wall was a victory of the human spirit over conditions of privation.

However, one of the things that he mentioned - and, of course, being Mr Humphries, he cannot resist scoring points - was that the great flow of folk from the totalitarian regimes of Eastern Europe was of people fleeing from totalitarian socialism. I noticed on Tuesday all the way through his speech he referred to people fleeing from socialism. Well, it should be put on the record clearly that people who were fleeing from East to West in most cases fled from totalitarian socialist states to democratic socialist states. It does not really matter whether they are socialist or not; the situation is that they were fleeing from totalitarian states to democratic states.

Holocaust

MR BERRY (Minister for Community Services and Health) (5.44): Mr Speaker, Mr Collaery, of course, answered for me in his usual fashion. The fact of the matter is - and I must have a bit of a shot at Mr Humphries here - that 9 November comes only once a year. It was the anniversary of Kristallnacht and it was an appropriate time to raise the issue. It had nothing to do with what we may have thought about the anti-communist fervour of the Liberal Party. It was about properly remembering a significant event. The Labor Party is well known for its support of human rights under any regime and, of course, I was very disappointed that neither Mr Humphries nor Mr Stefaniak mentioned the human rights abuses by some of the rightist regimes around the world.

Mr Collaery: It was a comment. It was nothing to do with the Berlin Wall.

MR BERRY: Well, just at this very moment I was listening to the debate and that is the debate I am referring to. I think that would have given some balance and more credibility to their argument. I must say that the issue is that the remembrance of the Holocaust and the events which surrounded it was appropriately raised on that day. It was not a party political thing; it was a means of drawing it to the attention of the members of the Assembly and promoting a remembrance of it. I think that what ought to be recognised is that all people would oppose imperialism of any sort, whether it be leftist or rightist, and I think it would have been nice to have had some balance in the Liberal approach on that issue.

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Mr Speaker, remembrance of the Holocaust and events which surrounded it is appropriate for this Assembly this week and I am certain that all of the members here would support remembrance of that significant period in this century and look forward to the expansion of human rights throughout all of the world for as long as we care to foreshadow.

Socialism

MR STEVENSON (5.47): The Chief Minister, on the matter of the convention on the rights of the child, said that I was saying - - -

MR SPEAKER: Mr Stevenson, I draw your attention to standing orders 58 and 59. I hope you are not going on to debate the issue that is before the house.

MR STEVENSON: Good heavens, no. I am not going to debate it; just talk all about it.

MR SPEAKER: Well, I am afraid I will have to rule on that. I draw your attention to standing order 58, which states:

A Member shall not digress from the subject matter of any question under discussion:
Provided that:

(a) on a motion to adjourn the Assembly, irrelevant matters may be debated ...

This is not an irrelevant matter. I will take you to standing order 59, which says that a member may not anticipate any discussion of any subject which appears on the notice paper for further discussion.

MR STEVENSON: It does not say anything about the Speaker anticipating what I was going to do.

MR SPEAKER: Well, I certainly disagree. I asked you the question and you said you were going to talk on that matter.

MR STEVENSON: Indeed. That is fine. I understand that. As I said a few moments ago, so much for the right of reply to the rather fascinating information that has been passed across by various people. Perhaps I can make a comment on what was said. Mr Speaker, do we need a quorum? (Quorum formed)

I think I will take the opportunity to mention something that was spoken about last night regarding the problems with various governments, such as Lenin's Soviet socialism and Hitler's Nazi party. There has been much attention given to left- and right-wing politics in this and other countries. I think it worth while to make a point that perhaps the stellar example of left-wing politics or left-

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wing extremism in history would be Lenin's socialism, and the example of right-wing extremism would be Hitler and his party. I think we would do well to look at the fact that that is right-wing socialism. The suggestion that they are at two ends of a pole is nonsense. They are one and the same, and I have absolutely no adherence whatsoever to any form of extreme socialism.

Mr Duby: On a point of order, Mr Speaker; for Mr Stevenson to equate Nazism and communism is the same as saying that he is a democrat, for goodness sake.

MR SPEAKER: That is not a point of order. That is a frivolous comment.

MR STEVENSON: This is a point that obviously Mr Duby is not aware of and many other people are not aware of, but it should be made known, because when Mr Duby calls someone an extreme right-winger what he is saying, in fact, is that he is a rotten socialist, an extremist, and I would agree, but first of all one would have to have social principles. In the debate yesterday the point was not made that the Z in Nazi, of course, stands for socialism. Perhaps this is something we can remember in the future.

Question resolved in the affirmative.

Assembly adjourned at 5.53 pm until Tuesday, 21 November 1989, at 2.30 pm

ANSWERS TO QUESTIONS

The following answer to a question was provided:

Internal Investigations Unit

Mr Collaery asked the Chief Minister, upon notice, on 15 November 1989:

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?

Ms Follett: The answer to the member's question is as follows: the investigations unit answers to the head of the Chief Minister's division, not directly to the Chief Minister. At no stage has the investigations unit been instructed to interview persons involved in any way with the Residents Rally. On the contrary, the investigations unit's charter specifically precludes it from investigating matters relating to Assembly members.

Mr John Rockey has been interviewed by the investigations unit on a number of occasions on matters unrelated to the Residents Rally. In a number of instances these interviews have been at Mr Rockey's request.

Mr Lawrence advises that the only interview he has ever had with Mr Rockey was in relation to a claim by Mr Rockey that an FOI request he submitted was not handled satisfactorily. Mr Lawrence found no basis for the claim and at the conclusion of the interview Mr Rockey decided not to proceed with his claim. The interview was not concerned in any way with the Residents Rally, or its activities.

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APPENDIX 1

(Incorporated in Hansard on 15 November 1989 at page 2567)

MAJOR PROJECTS APPROVED SINCE MAY 1989

BELCONNEN

Belconnen Mall Extension 10,000m² \$10.0M
Lakeview Square Belconnen Town Centre 10,000m² \$10.0M
Belconnen Family Club 2,500m² \$ 2.5M
Ginninderra Cove Food Village 2,250m² \$ 2.25M
McDonalds BTC 500m² \$ 0.5M
Westfield Tower BTC 19,000m² \$19.0M
St Vincent de Paul BTC 300m² \$ 0.3M
Enterprise Zone BTC (Residential) 250 units \$22.5M
Bruce West Stage I (Residential) 120 units \$18.0M
Bruce West Stage II (Deed of Agreement
Outline Approval only) 120 units \$18.0M
Bruce Tech. Park (Computer Facility) 9,500m² \$ 9.5M
Coptic National Church (Kaleen) 300 seats \$ 0.8M
Indoor Recreation Centre (Kaleen) 2,000m² \$ 2.0M
Wests Canberra Football Club (Holt) 300M² \$ 0.3M
Baptist Church (Page) 250 seats \$ 0.5M
Uniting Church (Melba) 300 seats \$ 0.4M

\$116.55M

TUGGERANONG/WODEN

Lend Lease (Social Security) Offices 35,000m² \$35.0M
(Greenway)
Service Trades (Greenway) 6,500m² \$ 6.5M
NRMA Offices (Phillip) 2,000m² \$ 2.0M
Rugby Union Club (Phillip) Boom \$ 0.8M
Woden East Housing (Phillip) 130 units \$13.0M
Isabella Plains Local Centre 700M² \$ 0.7M
Korihor Industrial Building (Hume) 10,000m² \$ 5.0M

\$63.0M

CANBERRA CENTRAL

Yarralumla - Hyatt Leisure Centre 1,200m² \$ 1.2M
Deakin 66/35 National Association 1,200m² \$ 1.2M
Aust Private Hospital Association
Yarralumla - Belgium Embassy (Alt & Add) 2 \$ 1.0M
Redhill/Commonwealth Park - P&G Depots 500m² ea \$ 0.5M
Campbell 1/63 Ainslie village \$ 2.0M
Griffith 2/49 Government APUs (8) \$ 0.6M

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Narrabundah 2&4/73 APUs (12) \$ 0.9M
Braddon 2/15 P.E. APUs (4) \$ 0.3M
Yarralumla 4/44 Commonwealth Club Ext. 2 \$ 1.2M
Fyshwick 49/34 Compucat 6,000m \$ 6.0M
Fyshwick 1/6 Parks & Conservation Dept 2 0.2M
Deakin 70/35 National Association 1,000m Aust. Jewellers HQ
Deakin 2/80 Hungarian Embassy \$ 3.0M
Griffith 2/96 Capitol Cinema Refurb. \$ 1.0M
Narrabundah - Anglican Church APUs (13) 2 \$ 0.97M
Lyneham - Indoor Hockey Centre 2,500m \$ 1.5m
Redhill - Boys Grammar Additions 2 \$ 1.2M
Deakin 27/35 Medical Centre 2,500m \$ 2.5M
Deakin 47/36 The Grange APUs (78) and
Community Centre and Hostel 2 \$12.0M
Deakin 72/35 National Association 2,000m \$ 2.0M
Australian Library Association
Yarralumla - Saudi Arabian Embassy \$ 2.25M
Kingston 21/21 Townhouses (30) \$ 2.25M
Ainslie 12/26 Medical Consulting Rooms 2 \$ 0.25M
Deakin 38/35 National Association 1,200m \$ 1.2M
Public Health Association Redhill - Boys Grammar - Outdoor Education Building
Braddon - Three Office Buildings 1,350m2 \$ 1.35M
Ainslie - 5&6/33 Government APUs (8) 2 \$ 1.0M
Deakin 36/35 National Association 1,000m2 \$ 1.0M
Fyshwick 53/34 1,200m \$ 0.6M
Fyshwick 11/36 3,000m2 \$ 1.5M
Fyshwick 57/34 1,200m2 \$ 0.6M
Fyshwick 11/21 1,200m2 \$ 0.6M
Redhill 24/31 St Davids APUs (20) 2 \$ 1.5m
Fyshwick 64/34 1,200m \$ 0.6M
Fyshwick 65-67/34 4,000m2 \$ 4.0M
Griffith S30 St Edmunds Extension \$ 1.2M
Kingston 12-15/21 Cussacks Ext/Alt 2 \$ 1.0M
Fyshwick 15;6 2,800m \$ 2.8M
Deakin - Girls Grammar Ext \$ 0.9M
Fyshwick 16/22 Workshop Depot 2 \$ 0.6M
Deakin 65/35 National Association 1,200m \$ 1.2M
Redhill /6 Boys Grammar Resources Centre \$ 1.5M
OConnor 11/34 Womens Refuge 2 \$ 0.35m
Deakin 54/35 National Association 1,200m \$ 1.2M
Australian Surveyors Fyshwick 65/29 Warehouse \$ 0.9m
Campbell 1/29 Presbytery Add. \$ 0.2M
Fyshwick 50/34 \$ 0.9m
Fyshwick 17/11 DHC Depot \$ 0.2M
Fyshwick 33-34/20 Fitout/Refurb. \$ 0.2M
Fyshwick 3/6 Storage and Process Building \$ 1.5M
Fyshwick 1/10 Australian Construction \$ 4.0M
Service Building Fyshwick 62/34 1,200m2 \$ 0.6M
ANU Tech Building 3,000m2 \$ 3.0 M
TOTAL \$82.12M