



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

7 August 1990

## Tuesday, 7 August 1990

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**Tuesday, 7 August 1990**

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The Assembly met at 2.30 pm.

**ABSENCE OF MR SPEAKER**

**The Clerk:** I inform the Assembly of the absence of Mr Speaker. In accordance with standing order 6, the Deputy Speaker, as Acting Speaker, will take the chair.

**MR ACTING SPEAKER** (Mr Stefaniak) thereupon took the chair and read the prayer.

**PETITIONS**

**The Clerk:** The following petitions have been lodged for presentation, and a copy will be referred to the appropriate Minister:

**Community Use of School Space**

To the Speaker and members of the Legislative Assembly for the Australian Capital Territory.

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that

The community is concerned that the criteria for the Schools Reshaping program as given by the Department of Education make no allowance for the use or reuse of School space by community groups.

Your petitioners therefore request the Assembly to

Amend the criteria to allow for community use of School space, particularly use that enhances the educational experience of children such as the Aranda Music program and the Aranda After School Care program.

By **Mr Moore** (from 49 citizens).

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### **Education Cuts**

To the Speaker and members of the Legislative Assembly for the Australian Capital Territory.

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly:

- . that your petitioners are strongly opposed to cuts to the ACT education budget for the 1990-1991 financial year.
- . that education should be given the highest priority in the allocation of funds since society as a whole benefits from a healthy education system.
- . that the present high standard of education in the ACT cannot be maintained if further cuts are implemented.
- . that additional revenue be raised to fund the ACT education system adequately by the introduction of progressive and equitable rates, charges or taxes which are determined by full consultation with the ACT community.

Your petitioners therefore request the Assembly to refrain from implementing further cuts to the education budget, and to investigate the above revenue raising methods.

By **Mr Moore** (from 66 citizens).

### **School Closures**

To the Speaker and members of the Assembly for the Australian Capital Territory, the petition of certain residents of the ACT draws the attention of the Assembly to our opposition to school closures. We believe the continued functioning of all schools is essential to quality education and the well-being of our local communities.

Your petitioners therefore request the Assembly to respect the wishes of parents, students and residents who desire the retention of small local schools as places of learning and as centres of their community.

By **Mr Wood** (from 5,192 citizens).

### **Tuggeranong Swimming Complex**

To the Speaker and members of the Legislative Assembly for the Australian Capital Territory.

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly:

That there is a need for a 50 metre public swimming pool in the Tuggeranong area of the Australian Capital Territory.

Your petitioners therefore request the Assembly to:

1. Make a commitment to construct in the financial year 1990-1991 a swimming complex in Tuggeranong;
2. commence immediately the design of the complex in consultation with swimming clubs, schools and other relevant community groups;
3. locate the complex adjacent to the bus interchange in the town centre.
4. construct a full recreational and competition standard complex including an olympic standard pool, a diving pool, spectator accommodation and recreational pools; and
5. provide for the full enclosure of the pool to ensure full-time operation throughout the year.

By **Mr Connolly** (from 52 citizens).

### **Weetangera Primary School**

To the Speaker and members of the Australian Capital Territory Assembly:

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:

- 1) the ACT Government has decided to close the Weetangera Primary School;
- 2) this decision was based on inaccurate and inadequate information provided to the Government;
- 3) the decision did not take account of the following facts relevant to the criteria established by the Government for the closure of schools:
  - the Weetangera programs for After-school Care (catering for 180 children from all over North Canberra) and the Hearing-Impaired have been ignored;
  - substantial numbers of current Weetangera pupils, including the Hearing-Impaired Unit,

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were involved in the close of Page school and were given written guarantee of no further disruption for at least five years; these children's brothers and sisters will have no places reserved for them at Hawker;

- the capacity of the Weetangera school is greater than Hawker, which will not be able to accommodate the combined school population;
- the operating costs of Weetangera school are less than those of Hawker;
- the Weetangera school grounds are substantially larger than the area available at Hawker (half Hawker playground has been sold);
- the Weetangera school is the only community facility in the suburb, in contrast to other suburbs.

The petitioners therefore pray that the Assembly direct the ACT Government not to close the Weetangera Primary School.

By **Mr Moore** (from 830 citizens).

### **School Closures**

To the Speaker and the members of the Legislative Assembly for the Australian Capital Territory.

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that we believe that the neighbourhood school concept is a vital and essential part of our children's education.

By **Mr Humphries** (from 206 citizens).

### **School Closures**

To the Speaker and members of the Legislative Assembly for the Australian Capital Territory.

The petition of certain residents of South Belconnen in the Australian Capital Territory draws to the attention of the Assembly:

- . that your petitioners are strongly opposed to the threatened closure of primary and secondary schools in the ACT.
- . that education should be given the highest priority in the allocation of funds since society as a whole benefits from a healthy education system.

- . that the present high standard of education in the ACT cannot be maintained if further closures are implemented.
- . that communities in the ACT will suffer both economic and social loss with the closure of neighbourhood schools.

Your petitioners therefore request the Assembly to refrain from closing schools in the ACT.

By **Mr Humphries** (from 1,355 citizens).

Petitions received.

## QUESTIONS WITHOUT NOTICE

### Absence of Speaker

**MS FOLLETT:** Mr Acting Speaker, my question is to you. Can you inform the Assembly of the authority under which Mr David Prowse is absent from the Assembly today?

**MR ACTING SPEAKER:** I will just take advice on that.

Leader of the Opposition, I will take that on notice and I will give you a formal advice, and that will be today.

**MS FOLLETT:** Mr Acting Speaker, may I add some supplementary parts to it that you might also want to take on notice? Has Mr Prowse sought leave? Are the minutes of the last meeting of the Parliamentary Association confirmed and, if not, when will they be confirmed? Would you also consider making a ruling on the retrospective granting of leave for Assembly members?

**MR ACTING SPEAKER:** I will take all those matters on notice. I will not necessarily undertake to give you any advice on those latter points today as you raise a number of issues.

### School Closures

**MR STEVENSON:** My question is directed to the Minister for Education. Due to the massive community concern about school closures, would he be good enough to indicate how many signatures on petitions would be required before the Government would keep schools open? Indeed, if every person in Canberra except the 10 members of the Alliance signed the petition, would that suffice? Is he prepared to put the matter to referendum?

**MR HUMPHRIES:** To answer the last question, I think putting issues that governments have to face fairly and squarely under their responsibilities as governments to referenda is



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not a sensible idea, particularly given the very large costs entailed in a referendum. Referendums can cost up to a million dollars and I do not think it is a good idea to have one every time a controversial decision has to be made by a government.

In terms of number of signatures, there is no formula that says that a certain number of signatures equals a change of government policy. The appropriate test for our policies as a government will come on the third Saturday in February 1992 when we go to the electorate. We will put our record before the electorate and see how they respond to it then.

**MR STEVENSON:** I have a supplementary question, Mr Acting Speaker. In line with the cost of referendums if there is a referendum held on the electoral system would the Minister be prepared to push for school closures to be included in that referendum?

**MR HUMPHRIES:** You are asking for a matter of opinion, Mr Stevenson.

**Mr Stevenson:** A matter of action.

**MR HUMPHRIES:** The Government has no view on whether there should be a simultaneous referendum. It has not discussed this matter. It has been put by you for the first time in today's meeting of the Assembly. I have no opinion on it at this stage and I will - - -

**Ms Follett:** Just have a guess; you have been guessing all through the schools debate.

**MR HUMPHRIES:** I have no intention of firing from the hip. In any case, Mr Acting Speaker, the matter is a matter for the Commonwealth. It is not this Government's decision whether there be any simultaneous referendum on ACT matters at the same time as there is a Commonwealth sponsored referendum on electoral systems. It is not up to me, nor, I suspect, this Government, to make a decision about that.

### **School Closures - Budget Savings**

**MR WOOD:** I direct a question to the Minister for Education. Minister, this question tests your mathematical ability. I use the word "ability" advisedly and I will use predominantly Government figures. I refer to your endless claims that schools have to close to make budget savings this year. Can we begin with your figures of \$450,000 to refurbish South Curtin School and \$90,000 to relocate the Life Education Centre at Holder; probably a similar amount is needed to relocate the Independent Living Centre at Macquarie, and we will have to add an unspecified, but substantial, cost to relocate the very specialised Theodore Street centre. Add to all this the cost of relocation of two regional directors from South Curtin and add \$100,000

at least for the one transportable you indicate will be needed - although I guess it will be more than that. I relate all this to the \$2m or so you claim you will save - and I have not mentioned buses at this stage. Minister, just what budget savings can you make from school closures this coming year?

**MR HUMPHRIES:** Mr Acting Speaker, I thank Mr Wood for his question, but I have to tell him that the announcement on what extended budget savings will be made from this decision will have to wait until the budget.

**Mr Wood:** No. You told us you would know when you had indicated which schools would close.

**MR HUMPHRIES:** Mr Acting Speaker, it is obvious to anybody - - -

**Mr Wood:** You are changing your answer again; you told us you would tell us now.

**MR ACTING SPEAKER:** Order, Mr Wood!

**Mr Wood:** Three months ago he told us he would be able to tell us when he announced the schools.

**MR ACTING SPEAKER:** Order, Mr Wood; let him finish!

**MR HUMPHRIES:** Mr Acting Speaker, I think Mr Wood is getting a little bit emotional about this matter. I think he ought to realise just how difficult the decisions that he and his Government previously avoided are. This Government has faced up to them. The fact of life is that saving money does flow from the consolidation of school moneys. That announcement will come in the budget; it is properly a budget decision and you will see it in the budget. I am not coming into this place announcing budget decisions ahead of time. You have only got a few weeks to wait and I am sure you can sit and simmer in your little pots for another few weeks - it is not very long to wait. This is a budget decision and the announcements will be made then.

Regarding the figures that Mr Wood has quoted to me; I do not think I have, at any stage, put to any public - - -

**Mr Wood:** It was \$450,000 to Pru Goward; that was the figure you used.

**MR HUMPHRIES:** That was not the figure I believe I used.

**Mr Wood:** Yes, you did. On the Pru Goward show you said, "\$450,000 to refurbish South Curtin".

**MR HUMPHRIES:** Mr Acting Speaker, could I have some protection from the interjections opposite?

**MR ACTING SPEAKER:** Order, Mr Wood!

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**MR HUMPHRIES:** The fact is, Mr Acting Speaker - - -

**Mr Wood:** I was two feet away from you.

**MR ACTING SPEAKER:** Order, Mr Wood!

**MR HUMPHRIES:** I recall a different figure: if you want to produce a figure, Mr Wood, you can do that. I certainly have not indicated any other figures for any of those other things that Mr Wood has rattled off. I suspect Mr Wood has some sources somewhere that tell him that all these things will cost this much. If they are typical of Mr Wood's usual sources, I would not think they have very much credibility at all. I am prepared to wait and see what the ultimate figures are before I make any announcements in this place about what those costs and those savings are going to be.

The fact of life is that a number of decisions have to be made before those figures can be fully and properly laid before this Assembly. For example, there are three units that are operational at the South Curtin School that will have to be relocated. A suitable location for those units has to be determined. I could come in here and say, "This one's going there and that one's going there and this one's going here" and make decisions on the run. I am not going to do that. I am going to wait and consult with the organisations concerned and with their clients and come back to this Assembly with properly thought through and properly costed decisions, not before.

**MR WOOD:** Properly thought through, my goodness! I have a supplementary question, Mr Acting Speaker. What we see, of course, is the total lack of any planning at all. Can I remind you, Minister, that - - -

**MR ACTING SPEAKER:** Can we have the supplementary question, please, Mr Wood.

**MR WOOD:** The question is this: day after day in the last session of parliament, you said, "We will tell you these figures" - and it is there in the Hansard - "when we know what schools we are closing". That is what you said, day after day.

**MR ACTING SPEAKER:** What is your question, Mr Wood?

**Mr Collaery:** On a point of order, Mr Acting Speaker; there is a matter of public importance for this debate. The rest of the ministry is anxious to receive questions but Mr Wood wishes to utilise question time for debate; I think it is improper.

**MR ACTING SPEAKER:** I thank you, Deputy Chief Minister. Mr Wood, would you get to the question.

**MR WOOD:** The question is: you told us that you would tell us when you knew what schools would be closed. Why have you repudiated the earlier statements you made in this house?

**MR HUMPHRIES:** I did not say I would tell you on the same day, Mr Wood. No such statement was made and you will simply have to wait. These are budget announcements and they will come in the context of the budget.

### **Tuggeranong Community Park**

**MRS NOLAN:** Mr Speaker, my question is to Mr Duby as Minister for Urban Services. The question is: what is the construction activity taking place on the edge of Lake Tuggeranong in front of McDonald's and Kentucky Fried Chicken?

**MR DUBY:** Mrs Nolan, the Government, through the ITPA, has identified the site as part of the Tuggeranong community park and work is currently being carried out in that area by the ACT Public Works on behalf of the ACT Parks and Conservation Service.

Mr Acting Speaker, this will be one of the high quality urban parks on the Lake Tuggeranong foreshores of which we already have quite a number of examples. Its location close to the proposed Tuggeranong Community Centre and, of course, the existing fast food outlets will make it a popular destination for residents, workers and visitors to the town centre alike. The park, which is due to be completed before Christmas, will provide paved seating, viewing areas, garden beds, irrigated grass and shade trees. It will prove a valuable addition to the community facilities being provided by this Government to the citizens and residents of the Tuggeranong district.

### **ACT Police Force Funding**

**MR MOORE:** My question is directed to Mr Kaine as Chief Minister and Treasurer. Chief Minister, in explaining your Government's decision to reduce the education budget by \$6m, you have constantly referred to the Grants Commission report of 1988 which claims an over-standard expenditure in education. I quote from page 47 at point 5.16:

... the ACT's cost of service provision ratio was more than 12 per cent higher than standard.

The same Grants Commission report set a standardised police expenditure of \$26.858m, yet you have allowed the Attorney-General to sign a \$50m agreement with the Federal police, which is an overfunding of approximately 48 per cent on top of the Grants Commission figures. In paragraph 5.41 the

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Grants Commission invited the ACT Administration, at that time, to explain why expenditure had increased so markedly during 1985 to 1987 - actually 28 per cent at that stage. As Treasurer, have you simply decided your priorities are to increase police spending at an enormous rate while cutting back on education, or is your Government simply the incompetent money manager that the school closures debate has illustrated?

**MR KAINE:** I will start with the end of the question first, Mr Acting Speaker. The edge to the question is that we are incompetent money managers. That remains to be seen, Mr Moore. We have not even brought down our first budget yet but what we have done is to bring in the former Treasurer's budget, after making some very significant decisions after we took Government. We have brought in last year's budget with a budget surplus because we stopped spending a lot of useless money that they would have spent if they had stayed there.

**Ms Follett:** But you passed the budget. It is your budget.

**MR KAINE:** It is your budget. You were the Treasurer. You brought it down. It is your budget and you still live with it.

**Ms Follett:** I will do the next one, too, if you like.

**MR KAINE:** You will have a go but I tell you what, you will not stuff it up like you did the last one. You asked me a question. Let me answer it, because the next part of the equation of incompetent financial management flows from the fact that when we took Government and we took out our forward estimates in February we had made no decisions affecting the outcomes of last year's budget at all, but merely projecting Ms Follett's budget into this year with no policy changes whatsoever would have produced a \$37m deficit. That is financial incompetence for you - \$37m.

**Ms Follett:** That is rubbish.

**MR KAINE:** The forward estimates are on the table. It is a public document and it is as a result of your budget - no changes whatsoever. That is a matter of record. You can talk about rubbish. If you want to talk about your budget that way that is fine because that is what it was.

You talk about the 6 per cent reduction in the Education Department. There is no such target, no such target in connection with the Education Department's budget at all. I have not put a \$6m savings target on it. Once I had discovered that we had a \$37m potential deficit next year and it was obvious that we had to start doing something to eliminate it, I did a study - - -

**Ms Follett:** It is suddenly a potential deficit.

**MR KAINE:** It was an actual deficit. It was an actual deficit as a projection of your budget, Ms Follett. Do not talk about financial incompetence because we will get to you at the right time. All I did in trying to rectify the \$37m budget deficit that would have ensued in this fiscal year if we had done nothing was to carry out an internal exercise where I asked all Government agencies to tell me how they would reduce their expenditure by 4 per cent. That was an across-the-board target to see what could be done to reduce expenditure, because 4 per cent would have gone about two-thirds of the way to closing the budget gap. It would have gone about two-thirds of the way, not closed it totally, because I recognise that there are other things that would have needed to have been done. Out of that we got some proposals and the Education Department came up with some proposals which have partly reflected - - -

**Mr Connolly:** To save how much money? Can you put a figure on it?

**MR KAINE:** To save, in total, across the whole budget around about \$24m to \$25m. I did not set a target for the - - -

**Mr Connolly:** How much from school closures?

**MR KAINE:** Listen carefully, Mr Connolly; just be quiet and listen. I did not set a target for the Education Department.

**Mr Connolly:** You do not know how much from school closures.

**MR KAINE:** Have you got that? Did you get that clearly? I did not set a target for the Education Department. I set an overall objective of reducing the budget expenditure by about 4 per cent. Out of that came, as part of the Education Department's proposals, a consolidation of the resources committed to education. There were surplus resources there. Any sensible person looking at the education system in the ACT would have to acknowledge that there are surplus resources being identified and some of this reflects in the schools.

**Mr Connolly:** What value of surplus resources?

**MR KAINE:** You will find that out when I bring my budget down in a month's time. Just have patience, old chap, and you will find that you will get a good budget and you will get a budget that we can live with, not the rubbish that we got last year that we are still trying to live with. The budget that you brought down last year is part of the problem.

So much for the financial incompetence in the Education Department. We are doing what we have to do to produce a balanced budget this year and the Education Department, like every other department, has to make its contribution

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but it is not a target of \$6m as you suggest. I repeat, there was no financial target set for the Education Department.

Now we come to the police, and you insinuate that somehow or other this Government is conniving in overexpenditure on police services. What we have just done is signed an agreement with the Commonwealth that the ACT Police, or the ACT division of the police, will transfer to our responsibility, and the Commonwealth will transfer with it the amount of money that it would have spent this year if it had continued to manage it. We have not set the figure. We have taken the figure put on it by the Commonwealth and it said in round figures that if we had continued to run the ACT division of the Police Force in 1990-91 it would have cost us about \$48m. That is the amount that it has transferred. There is no continuing commitment beyond this year for us to spend that amount of money, or more or less, on the ACT division.

We will be reviewing it during this fiscal year, the first year in which the police are under our control, and before this time next year we will be making a determination about what the annual budget of the ACT Police Force ought to be. That is responsible management. We cannot second guess the Commonwealth. We do not know what it cost it to run the ACT division of the Police Force last year. We have to take the Commonwealth's figures and work from there. This is what we have done. I believe this is responsible. It says nothing about the financial management capability of this Government. That will be reflected in next year's budget which this Government will again bring down, despite the wishes of the Stalinist rabble opposite. This Government will bring down the budget next year and after the election in February 1992 this Government will bring down a series of three more budgets and you will have five years at the end of which you can make a judgment about whether this Government is financially competent or not.

**MR MOORE:** My supplementary question is directed at the leader of the gestapo over there and -  
- -

**MR ACTING SPEAKER:** Mr Moore, I would ask you to withdraw that.

**MR MOORE:** I withdraw that, Mr Acting Speaker. I just remind you, Mr Acting Speaker, that you did not ask him to withdraw the Stalinist comment before, and I would have thought that Stalin and Hitler were on a par.

It is fair to say then, Chief Minister, that you are prepared to cut the police budget over the next year from roughly \$48m, the figure you just gave, to what the Grants Commission gives as its figure, which is \$26.858m, on page 56?

**MR KAINE:** No; it is not as simple and as black and white as that, Mr Moore, as you would understand.

**Members** interjected.

**MR KAINÉ:** When the Commonwealth gave us self-government it said we had a three-year transition period to adjust to the figures which were then in the ACT budget. We are not even through that three-year period yet. This is the last of the three. You are saying that because there are some excess figures, in your view, in the police vote - - -

**Mr Moore:** I am just using your logic that you used with education. It is the same logic.

**MR KAINÉ:** We are not closing the total gap in education in this year.

**Mr Connolly:** More schools to close.

**MR KAINÉ:** We are not the only government to close schools, Mr Connolly, and if you ever get back in government, which I doubt, you will have to face the same problems and the same decisions that this Government is facing. It will be interesting to see what you do. It will be interesting to see what you do when the time comes and you have to confront the issue. You see, you are all very sanctimonious when you are sitting over there. You did not make any decisions last year. You were not there so you would not know, but your leader, who was the Chief Minister and Treasurer, made no major decisions in connection with last year's budget.

**Mr Connolly:** We did not close any schools.

**MR KAINÉ:** No, and you did not close the budget gap either. That is the point. If you want to close the budget gap you have to make decisions to do so. This is exactly what we are doing. We will make the same decisions about the police force, now that it is our police force and comes on to our budget and is added to our budget base. Over the next three years or so we will make the same proportional reductions in the police vote as we are making across the original vote to which the police force has now been added. But in no way, just as your Government - - -

**Mr Moore:** Nothing to do with my Government. I do not have a government.

**MR KAINÉ:** The one that you are associated with - you are sitting over there so it is your choice to be there. Your Government could not close the education gap last year; in fact, not only could they not close it, they made no effort to close it. When they nibbled around the edges and the unions objected, they backed away from every last cent; even when they were nibbling around the edges they backed away. They did not have the courage - - -

**Members** interjected.



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**MR KAINE:** We will close the budget gap because we have to, and I am not afraid to make the decisions to do it. I will stand the yapping of the Labor Opposition, and that is all it is, because its members know that if they were sitting here today they would be making exactly the same decisions that we are making.

**Members** interjected.

**MR KAINE:** It is very easy to sit over there and yap. It sounds like feeding time at the zoo, as it always does. We will make the decisions. We will make the same decisions about the police force and over a transition period we will bring the expenditure on the police force back to a reasonable figure, just as we are doing in education and health.

### **Seniors Cards**

**MS MAHER:** My question is to the Minister for Finance and Urban Services. Would the Minister say what has been the response to the recent release of the Government's seniors card, and will the concessions be extended into other areas?

**MR DUBY:** I am pleased to say that the response to the release of the ACT Government's seniors card has been rather overwhelming. More than 4,000 cards have been issued and distributed since 2 July this year when the cards were made available to our senior citizens. The ACT Government decided to introduce these seniors cards which, of course, are very similar to those concessions provided in New South Wales, Western Australia and South Australia. The seniors card is available to all Canberra citizens 60 years of age or more. It currently entitles the holder to concessional bus travel on ACTION buses in off-peak hours. The ACT senior residents have responded very enthusiastically to the new seniors card which is being distributed at the ACTION counters at the City and Tuggeranong shop fronts.

In relation to the second part of the question that Ms Maher has asked, about whether any further concessions will be available on the card, I am pleased to say that seniors card holders will in due course be entitled to other concessions and discounts which are being negotiated, not only within the ACT Government area but within the private sector. In addition, I am currently negotiating with other Ministers throughout Australia so that the ACT seniors card may be accepted in other States and provide the concessions on travel services in other States which we currently supply here. On the basis of an equity issue, I am confident that at the end of negotiations we will be able to announce that our card will be able to be used in all other States of Australia.

### School Closures

**MRS GRASSBY:** My question is to Mr Humphries, the "don't know" Minister. As Minister for Education, do you, along with your three cabinet colleagues, Messrs Doby, Collaery and Kaine, accept the responsibility for the decision to close schools?

**MR HUMPHRIES:** Did you ask me, do we accept? Obviously Mrs Grassby has spent too long in opposition. She seems to have forgotten that the principle of Executive Government and responsible government means that Ministers share responsibility for issues. Perhaps her period in opposition has clouded her memory about these things. I realise that the period of time that she and her colleague - then colleague Mr Whalan, now colleague Mr Connolly - have spent fighting their other colleagues, Ms Follett and Mr - - -

**Mrs Grassby:** I am asking the question, do you take responsibility? I do not want to know anything about anything else.

**MR HUMPHRIES:** I have already answered your question in that respect, Mrs Grassby.

**Mrs Grassby:** Do you take responsibility? Yes or no? It is a simple answer.

**MR HUMPHRIES:** I can see the time you have spent fighting each other has made you wonder whether you have a responsibility to each other as well as to the people of Canberra.

**Mrs Grassby:** Cannot you give a simple yes or no answer? That is all I want. Yes or no.

**MR HUMPHRIES:** I can see that Mrs Grassby is embarrassed by my proceeding with this course of response.

**Mrs Grassby:** No, I am not embarrassed. I would just love an answer to a question from the "don't know" Minister. Mr Acting Speaker, could he get to the point? Could he give me a yes or a no answer?

**MR ACTING SPEAKER:** Order, Mrs Grassby. Mr Humphries, if you could get to the point - - -

**MR HUMPHRIES:** Mrs Grassby realises that I have touched a raw nerve - - -

**MR ACTING SPEAKER:** I have asked him to get to the point, Mrs Grassby, so you sit down and be quiet. Mr Humphries, please get to the point.

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**MR HUMPHRIES:** I will be glad to get to the point. The point is that Mrs Grassby asked me whether there is a collective responsibility of Ministers. I can say that on this side of the house Ministers share responsibility. Although of different parties, we are of one mind on almost all the issues that we discuss. As we know, we are a real team. We are a real team as opposed to those opposite who are two teams, the left team and the right team. And of course - - -

**Ms Follett:** What about Bill?

**MR HUMPHRIES:** We have certain hangovers from that number and one unfortunately is Mr Wood. However, Mr Acting Speaker, to answer Mrs Grassby's question, we will and we do take responsibility jointly for our decisions, as I am sure you and your colleagues in the right took responsibility for decisions that the right made.

**MRS GRASSBY:** You do take responsibility; good, I got an answer. Now I will give you the supplementary question. Do you agree with the published statements by Messrs DUBY and COLLAERY that - and I quote - "We beat the bureaucrats"? Is this a responsible statement to make, and have you reprimanded them or apologised to your bureaucrats?

**MR HUMPHRIES:** I am sure, Mr Acting Speaker, that Mrs Grassby is in constant touch with all the bureaucrats of the administration. She knows what is going on and she knows in particular what sorts of problems we have inherited from her Government that we are now trying to sort out. Those problems are the ones that we are now facing up to very fairly and squarely. The remarks that she attributes to my colleagues may or may not have been made - it is not for me to say. I think that Mrs Grassby tries to ride two horses at the one time. She tries to say that she supports Mr DUBY and Mr COLLAERY in the responses that they expressed in the newspaper the other day, and yet she says that we should be sticking with my view, the view that she claims was expressed by me.

I think Mrs Grassby is slightly confused. I am quite confident, Mr Acting Speaker, that the expressions of different opinions which emerge from this Government's ranks are healthy, they are positive and they certainly do not result in us calling each other names of the kind we have seen in recent days in the press in describing members of the Opposition. There have been no expulsion motions moved in this Government or in these parties against their own members. I would never dream of calling one of my colleagues a Stalinist reprobate, or whatever it was. It was a very colourful expression. That does not occur in this Government, Mr Acting Speaker, and I am proud of it.

### **Betterment Tax on School Sites**

**MR JENSEN:** Mr Acting Speaker, my question is directed to the Chief Minister. I refer the Chief Minister to a recent statement by the ALP Opposition spokesman on education that a Labor Party government would impose a 200 per cent betterment tax or levy on developers who purchase vacant school sites for commercial or non-community use. I note, of course, Mr Acting Speaker, that he has not indicated whether this decision applies to school sites closed by the previous Federal Labor administration. However, would the Chief Minister please comment on the possible effect such a tax would have on the ACT economy?

**MR KAINE:** Mr Acting Speaker, this was one of the wackier things that came out of the whacky weekend that we have just experienced, or that the members across the other side of the table seem to have experienced. Based on what has been reported in the media, Lord knows what happened in the other 97 per cent that did not get reported in the media. They must have had a really terrific time out there.

As I said, it was one of the wackier ideas because the proposal simply does not make sense. I would have thought that at least some of the members over there might have had a little more sense in approaching such a subject. It is simply unnecessary to impose such a tax because the Government will make sure that any sale of any school site for commercial purposes will be sold at a full market value return to the community - not with a betterment tax but with a full market value return.

The ALP proposal is impossible to implement and it is probably wrong in law anyway. It demonstrates just how out of touch the ALP has become since its members were bundled out of office, and obviously rightly so. In being bundled out of office it subsequently lost its only good performer in the Assembly. I exclude Mr Wood from that.

**Mr Duby:** I do not. He put the motion.

**Mr Wood:** It was my idea.

**MR KAINE:** I must say I am surprised, Mr Wood. It was interesting, Mr Acting Speaker, to read Mr Whalan's view on his former colleagues now, particularly the Leader of the Opposition.

The proposal to impose a 200 per cent betterment tax on any school site left vacant by decisions of the Alliance Government shows a lack of understanding of betterment as it has been used in the ACT leasehold system. Betterment applies in cases where an existing leaseholder obtains extra development rights to an existing site. The tax is applied to provide the community with some return for approving a new use for a site that a lessee already has. This is not the case with school sites. There are no existing leases. They are on Government property; they

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remain Government property. The community will reap all the benefits from any sales of these sites and there is no need or justification for any additional betterment charge. The planning and preferred use will be determined before the sites are sold at their new full market value.

**Mr Moore:** The sites will not be sold because the schools will not close.

**MR KAINE:** You really are remarkable people. You are prepared to see all those school sites sitting there empty in a few years' time with no students in them, yet you still will not sell them. What a bunch of ratbags! Talk about whacky!

The proposed imposition of such a tax also raises grave questions as to its legality. In the first instance the tax may amount to the acquisition of property without a proper legal basis and may be invalid by reason of section 23(1) of the Australian Capital Territory (Self-Government) Act 1988. I advise the Opposition to check that possibility. Mr would-be practising lawyer Mr Connolly might revert to the self-government Act and see whether or not the proposal is illegal.

**Mr Connolly:** Mr teacher of constitutional law, I can tell you that there is no difficulty with the acquisition of property.

**MR KAINE:** Just let us see if your proposal is illegal, Mr Connolly, but perhaps your understanding of the law does not go far enough to understand that it might be illegal. Additionally, any such tax would have to be retrospective in operation. It would have to be selective and it would have to be discriminatory. I know the Labor Party does not care about those things but it would have to confront them. For example, if some of the school sites were to be developed for aged persons units, does it intend to levy the tax to the owners of the units? No doubt the original developers would be long gone before Labor could even attempt to introduce the tax, even if it had the guts to do it when the time came, which it would not, and even if it were legal. Mr Acting Speaker, the Opposition and its whacky party have not thought this thing through at all; they do not understand any of the ramifications of it. The proposal demonstrates that they are prepared to seize on any half-baked idea and will do or say anything to avoid facing up to the hard decisions that have to be made in connection with the ACT.

Mr Acting Speaker, let me make one last point about this matter. This Assembly has faced great difficulty in establishing credibility for itself and self-government for the ACT. The process has been exacerbated by the - - -

**Members** interjected.

**Mr Moore:** On a point of order, Mr Acting Speaker; standing order 118 states:

The answer to a question ...

(a) shall be concise and confined to the subject matter of the question - - -

**MR Kaine:** If you would give me the opportunity to answer it, it would be much shorter.

**Ms Follett:** You have had 10 minutes.

**MR Kaine:** You have filled in five minutes of it with interjections as you always do because you do not want to hear the answers; you do not like what you hear.

**MR ACTING SPEAKER:** Would you finish, Mr Kaine, with a concise answer.

**MR Kaine:** If they will give me another minute I will answer the question conclusively, Mr Acting Speaker. The process has been exacerbated by the withdrawal of previous levels of Commonwealth financial support and this has placed strains on the delivery of essential Government programs. This difficult situation is not assisted when those out of power assert that they will retrospectively reverse decisions made by the Government. We can all play that game, Mr Acting Speaker, but in my view to do so would be grossly irresponsible, but they do not mind being grossly irresponsible when they are in opposition. I invite the Opposition to follow the style of the Federal Opposition Leader and adopt a constructive approach to the problems of the community rather than simply seek some easy popularity.

### **School Closures - Budget Savings**

**MR Connolly:** My question is very simple and it invites a very simple answer, but I am sure it will not be given one. It is the question that every member of the Canberra community is asking: what are the anticipated savings to the Government in 1991 resulting from the closure of each school? A simple question; it cannot be answered.

**MR Humphries:** Unfortunately the Opposition is wasting valuable time. Its members have already asked this question once today in question time. I have already answered it once today in question time. I will happily reanswer all of my questions over the last few months if they like. I am very proud of all my answers and would be happy to do so at great length, but it is a great waste of the precious question time that members opposite constantly complain about not having enough of. I have answered this question already, Mr Acting Speaker.

### School Closures

**MRS NOLAN:** My question is also to Mr Humphries and it is in relation to education. In light of concerns over school consolidations, will the Government consider alternatives to reducing expenditure in the ACT school system?

**MR HUMPHRIES:** Mr Acting Speaker, I thank Mrs Nolan for her question. I think it is well asked in terms of the present debate and that is what this question time unfortunately has become. I think it is easy to lose track of why decisions like these have been made by the Government. We do face an extremely serious budgetary problem which the Chief Minister has outlined on numerous occasions beforehand and which those opposite refuse to acknowledge exists. Mrs Nolan has asked whether we have an alternative to reducing expenditure on schools. In our financial plight, we have two choices across all Government services: either we reduce spending and increase revenue so that we live within our means or we run into debt. These are the simple choices we have.

The Alliance Government is committed to us living within our means and as a result is seeking to ensure that we make our school system affordable. The alternative approach of running up debt is simply investing in a time bomb, as demonstrated by the desperate financial plight of States like Tasmania and Victoria. Tasmania has run into a financial brick wall. It is dramatically reducing capital expenditure on schools and is looking for budget cuts of more than 5 per cent, including the sacking of teachers.

Victoria now spends one and a half times the ACT's total budget just to service its debt. One in every \$5 of State revenue goes for this purpose. Let us be clear, Mr Acting Speaker, one and a half billion dollars could be going into the private services of Victorians but the current taxpayers are spending one and a half billion dollars to pay for the services provided in previous years. This is the course of action which those opposite seem to be urging on us. They want us to borrow from tomorrow to pay for today's services.

Now, they say, "rubbish". If the answer is rubbish, what are the alternatives? Let them spell out what the alternatives are to the Government's course of action. What are they going to cut? We know what they cut last time, Mr Acting Speaker; they cut school services. They tried to cut reading recovery programs. They cut relief teacher hours. They cut programs of service directly related to the quality of education in our schools. That is what they cut or tried to cut. Mr Wood and others have said they never tried to close any schools. They tried to close preschools; let us not forget about that.

These are the alternatives this Opposition offers. This has been an approach eschewed by this Government. We

prefer instead to look at the infrastructure costs of education. These are what we are attacking now and these are what I believe we will succeed in reducing, without reducing the quality of education in this Territory.

**MR KAINE:** I request that any further questions be placed on the notice paper.

### **PAPERS**

**MR COLLAERY** (Attorney-General): Mr Acting Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I table subordinate legislation in accordance with the schedule of gazettal notices for a number of ministerial determinations and regulations made by the Executive. I table the following papers:

Administrative Appeals Tribunal Act - Regulations 1990 No. 10 -  
Administrative Appeals Tribunal Regulations (Amendment)  
Adoption of Children Act - Determination of fees - No. 42 of 1990 (S56, dated 1 August 1990)  
Ambulance Service Levy Act - Regulations 1990 No. 3 - Ambulance Service Levy Regulations  
Audit Act - Regulations 1990 No. 8 - Finance Regulations (Amendment)  
Building Act - Determination of fees - No. 36 of 1990 (S56, dated 1 August 1990)  
City Areas Leases Act - Determination of fees - No. 24 of 1990 (G30, dated 1 August 1990)  
Cemeteries Act - Determination of fees 1990 - No. 17 of 1990 (G30, dated 1 August 1990)  
Community and Health Services Act - Determination of fees and charges 1990 -  
Nos. 2 (S31, dated 21 June 1990), 12 (S49, dated 6 July 1990) and 28 (S56, dated 1 August 1990)  
Co-operative Societies Act - Regulations 1990 No. 11 - Co-operative Societies Regulations  
(Amendment)  
Credit Act -  
Determination of fees 1990 - No. 45 of 1990 (S56, dated 1 August 1990)  
Regulations 1990 No. 9 - Credit Regulations (Amendment)  
Dangerous Goods Act - Determination of fees - No. 34 of 1990 (S56, dated 1 August 1990)  
Dog Control Act - Determination of fees 1990 - No. 29 of 1990 (S56, dated 1 August 1990)  
Gaming Machine Act - Determination of fees - No. 16 of 1990 (G30, dated 1 August 1990)  
Hawkers Act - Determination of fees 1990 - No. 18 of 1990 (S30, dated 1 August 1990)



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Housing Assistance Act -

Determination of fees 1990 -

Long Stay Caravan Park Housing Assistance Program - No. 19 of 1990 (S30, dated 1 August 1990)

Scheme for Providing Concessional Home Loans - No. 21 of 1990 (G30, dated 1 August 1990)

Scheme for Providing or Assisting in Providing Dwelling Houses - Nos 20 and 22 of 1990 (G30, dated 1 August 1990)

Variation No. 6 of 1990 (S39, dated 29 June 1990)

Instruments Act - Determination of fees - No. 40 of 1990 (S56, dated 1 August 1990)

Liquor Act - Determination of fees - No. 14 of 1990 (G30, dated 1 August 1990)

Lotteries Act - Determination of fees - No. 15 of 1990 (G30, dated 1 August 1990)

Milk Authority - Declaration (S45, dated 29 June 1990)

Motor Omnibus Services Act - Revocation and Determination of Charges - No. 11 of 1990 (S47, dated 2 July 1990)

Motor Traffic Act -

Determination - 1990 - Nos 8 (S41, dated 29 June 1990) and 37 (S56, dated 1 August 1990)

Determination of fees 1990 - Nos 1 (S26, dated 7 June 1990) and 9 (S43, dated 29 June 1990)

Regulations 1990 -

No. 6 - Motor Vehicle (Third Party Insurance) Regulations (Amendment)

No. 7 - Taxi and Private Hire Car Regulations (Amendment)

Nature Conservation Act - Determination of fees 1990 - No. 33 of 1990 (S56, dated 1 August 1990)

Pounds Act - Determination of fees 1990 - No. 30 of 1990 (S56, dated 1 August 1990)

Publications Control Act - Regulations 1990 No. 4 - Publications Control Regulations (Amendment)

Public Place Names Act - Determination No. 3 of 1990 (S36, dated 21 June 1990)

Public Trustee Act - Determination of fees and charges - No. 43 of 1990 (S56, dated 1 August 1990)

Rabbit Destruction Act - Determination of fees 1990 - No. 31 of 1990 (S56, dated 1 August 1990)

Radiation Act - Determination of fees - No. 27 of 1990 (S56, dated 1 August 1990)

Real Property Act - Determination of fees - Determinations 1990 - Nos 23 (S30, dated 1 August 1990) and 39 (S56, dated 1 August 1990)

Registration of Births, Deaths and Marriages Act - Determination of fees No. 38 of 1990 (S56, dated 1 August 1990)

Registration of Deeds Act - Determination of fees - No. 41 of 1990 (S56, dated 1 August 1990)

Registration of Interests in Goods Act - Commencement of provisions, other than sections 1 and 2 - 30 June 1990 (S46)

Roads and Public Places Act - Determination of fees 1990 - No. 35 of 1990 (S56, dated 1 August 1990)  
Sale of Motor Vehicles Act - Determination of fees and charges 1990 - No. 46 of 1990 (S56, dated 1 August 1990)  
Surveyors Act - Determination of fees and charges 1990 - No. 26 of 1990 (S56, dated 1 August 1990)  
Taxation (Administration) Act -  
Stamp Duties (Licensed Vehicle Dealers and Acquisition of Businesses) - Determination No. 4 of 1990 (S33, dated 25 June 1990)  
Stamp Duties (Insurance and Vehicle Registration) - Determination No. 5 of 1990 (S33, dated 25 June 1990)  
Unit Titles Act - Determination of fees 1990 - No. 25 of 1990 (G30, dated 1 August 1990)  
Water Pollution Act - Determination of fees 1990 - No. 32 of 1990 (S56, dated 1 August 1990)  
Weights and Measures Act - Determination of fees 1990 - No. 44 of 1990 (S56, dated 1 August 1990)

### **GOVERNMENT'S LEGISLATIVE PROGRAM**

**MR COLLAERY** (Deputy Chief Minister): I seek leave to make a ministerial statement concerning the Government's legislative program.

**MR ACTING SPEAKER:** Is leave granted?

**Mr Connolly:** Mr Acting Speaker, leave is not granted. This is not an appropriate subject for a ministerial statement and no warning was given to the Opposition as to its nature. If the Opposition had been advised of the subject matter of the ministerial statement, as we have been for what I understand will be a subsequent ministerial statement, then leave would gladly have been granted. Leave will consistently be refused until the Government learns the simple courtesy of advising the Opposition two hours in advance of the subject matter of a ministerial statement.

**Mr Kaine:** I can only assume, Mr Acting Speaker, that the Opposition does not want to know what our legislative program is. It is up to you; please yourself.

**MR COLLAERY:** Mr Acting Speaker, if the Opposition does not wish to have open consultative government we will find another venue through which to make this important announcement to the people of Canberra. I will leave it at that and trust that the people of Canberra will note this attempt to muzzle the activities of the parliament.

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## **SCHOOL CLOSURES**

### **Discussion of Matter of Public Importance**

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

The Alliance Government's decision to close schools has been taken with a total disregard for community interest and with a lack of any careful or accurate planning.

The result of this action will

1. Bring no significant savings in school expenditure;
2. Cause distress to children;
3. Disrupt their education; and
4. Damage the social infrastructure of suburban life.

In view of the enormous damage done for no gain, the closures cannot be justified.

**MR WOOD (3.17):** Mr Acting Speaker, I was pleased to hear you read that out, saddened though I am by the content of that motion. The Government is in the process of making a number of very bad decisions. To compound that, the processes it has used to make those decisions are badly flawed. At the same time the data it has used is also flawed.

The problems which this Government and the 10 people who sit on that side of the house are bringing upon themselves start from that strange mix of ideologies that occupies those benches. Their decisions begin from that problematic starting point. The No Self Government Party, now called the Independents Group - - -

**Ms Follett:** Liberals, they are Liberals, some of them.

**MR WOOD:** Some of them are. They came into this parliament elected to close down self-government. That is what they campaigned on. I believe I can remember statements they made after that, that they would give general support to the institutions in this city. Nowhere in all their propaganda before the election was there any suggestion of closing schools - nowhere.

The Residents Rally was rather more forceful. Its members came into the election campaign not with a promise to close schools - indeed not - but with strong support for education, with a promise to increase education spending by \$7.2m. That ought to be said every day of the week to these people. With this gross deceit, with this repudiation of their promises and disregard of any integrity, it is no wonder that politicians in Australia, generally, are held in such low regard. This dishonourable

behaviour brings discredit to us all. Inevitably also, this Assembly comes into greater disrepute when members break promises so wilfully and so blatantly.

**Mr Collaery:** What a load of nonsense.

**MR WOOD:** Well, you get up and explain how you can campaign to spend \$7.2m extra, with no mention of closing schools, and then a year and a half later come in with what you are now doing. You explain that. You stand up and explain it, and you might tell me how you are explaining it to John Gagg. Of course, your way out of the problem is to let John Gagg take the public running while you meekly say yes to the Liberals; the Liberals who came into this parliament, pledged - as I recall Mr Humphries saying many times - to reform the system. He talked about testing students and standards in schools, and made some mention of scrutiny of expenditure, but nowhere in the debates I had with Mr Humphries and others did I ever hear suggestions of closing schools. Though, certainly, he indicated he would have to look at expenditure; there is no question about that.

The Liberals, at least, have some background that would justify their closure of schools, and it is that Liberal policy that is now ascendant. We have a group of very dry Liberals here who hold the Residents Rally captive in that joint party room upstairs that we hear so much about.

**Mr Collaery:** Little do you know.

**MR WOOD:** They hold you captive.

**Mr Moore:** And there will be five of them shortly.

**MR WOOD:** Five of them. The No Self Government Party - the Independents Group - simply do not care. It is not a part of their agenda at all. The problem for me - - -

**Ms Maher:** Take that back; I do care.

**MR WOOD:** I am pleased to hear that. Now do something about it.

The problem with all this debate from the Government is that its members cannot get beyond the economics. I suppose that is not surprising coming from Liberals, but it is incredible to me that in all this time in parliament - now a year and a half - and in all the time that this Government has been on the Government benches - that is about eight or nine months now - we have heard nothing from the Education Minister about a philosophy of education. Nowhere has he ever expressed educational aims, nowhere has he had a discussion about how our education system should be benefiting the children. Nowhere have we ever heard anything to suggest that he knows or that he cares about the education of children. We come back to decisions on economic grounds - and indeed, on spurious economic

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grounds - and this from the people who would claim to be the competent financial managers.

Regrettably, it has taken the community and this side of the parliament to draw some other matters to the attention of Mr Humphries. He does not know of nor does he care about the wide range of social costs involved in this closure; the costs out of someone's pocket are not always easily seen. There is the change of habits; the parents who have to change the way they go to work - perhaps from a bus to a car. They have to change their timetables because they have to get their children some considerable further distance to school. The isolation of parents who do not have that centre to which they were formerly attached is a factor. The simple reorganisation of childcare is another. Of course, Mr Humphries would not realise that around every school there is a group of parents authorised to care for children. It is something he does not know about, but it is a cost.

The more obvious costs that he was at first not disposed to consider have had to be forced down his throat by other people; costs such as bussing costs, the cost of relocating transportables, the cost of refurbishing schools, or putting in road crossings and relocating existing tenants, to name just a few. These very substantial costs were not previously any part of the consideration.

Remember, time after time I stood up here and I said, "What's this going to cost? How much are you going to save?". Time after time the Minister said, "When we know what schools, we can more easily identify what the costs around each school will be". And now, of course, this has changed again today.

This should be a demonstration of good planning - that you know what you are on about and you know what the implications of what you do will be. But nowhere do we see this, and I do not think we are ever going to see it. When the budget turns up I do not think there will be anything in that either, because you have never gone down this path. Thankfully, Frances Perkins and others in the community have drawn your attention to some of these things. They have made you aware that there are costs attached to closing schools, but you do not want to consider them. You do not want to consider the clear, obvious economic costs, and the social costs are not part of anything that crosses your horizon at any time.

I recall the Minister saying some considerable time ago that we had to close 15 to 25 schools to produce the savings we needed. In the end he proposed six schools. Well, it was supposed to be six. I still do not know the real story of whether the joint party room voted for six, and then they were double-crossed, as some people seem to be suggesting afterwards, and the number finished up at nine or ten. Maybe you could explain that one day. But there seem to be some people on your side of the house who think they did not vote to close any more than six schools.

At any rate, the Government has come down to closing six schools. How are we going to save money from them? The Minister says that a figure something above \$2m will be saved, although he cannot specify it school by school. It is a bit of a guess by the sound of it but he said something over \$2m. That is his data. Frances Perkins, in whom I would have more confidence, says something different. Indeed, I do not know how much confidence we can have in the Minister. He repudiated part of the Priority Review Board's report when he said that they got it wrong on special education. He has taken back the preschool task force report. Did you know that? He has taken it back because there were 52 mistakes in it. So, how much notice of the data can we take?

**Mr Humphries:** Typographical.

**MR WOOD:** Typographical?

**Mr Humphries:** For the most part.

**MR WOOD:** When I saw it, it was all relating to numbers - all relating to numbers.

Now that this Government has responded in a couple of pages - half a page per school - to the schools' cases for keeping their schools open, we get a stream of submissions from those schools saying "They're wrong. They're wrong. They've left out the special needs children at Rivett. They didn't think of these children over there. The space isn't available in Hawker for these children". Time and time again we have been shown good figures from people out there, in those schools, who know how wrong the Government is.

I want to repeat that exercise I did today. Let us start with Mr Humphries' \$2m - more than \$2m. He does not know how much more. Let us start with that. I sat much closer than we are now in the ABC studio and heard the Minister say \$450,000 to refurbish South Curtin School. No doubt about that.

**Mr Humphries:** I have no recollection of that.

**MR WOOD:** I am amazed. Go through it; add up all those figures that I listed in question time; transportables, relocation. I also heard you say you would pay for the relocation - no, I correct myself - I heard you say that the tenants would not have to pay for the relocation. That is perhaps not quite the same as saying you would pay.

**Mr Humphries:** In most cases.

**MR WOOD:** In most cases, yes, I can accept that. That is a pretty substantial cost. I do not know if you have seen the Independent Living Centre, a very substantial undertaking, or the Life Education Centre at Holder Primary

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School - very substantial costs to relocate. Perhaps you have not heard about the Theodore Street centre with the behaviourally disturbed children and the very specific requirements they have for relocation, which are consequently fairly expensive. You add all these up and take them away from your \$2m, and then add on the buses too, the extra cost of that, although you have not specified what buses you will be providing. You have got a figure that is in the red. There are no savings. That is this year. I can see as you go on, year after year, maybe something will turn up, but it will not ever be anything very much. So, what budget savings are you going to make next year? They are not there. From closing schools there are no budget savings at all, but there is an enormous amount of damage to the children who are in those schools - an enormous amount of damage to those poor little kids. I will say more about that tomorrow.

Along with it, of course, there is the damage to the community. Ms Maher, who is listening, went to a meeting at the OEC some little time ago. There we heard some very impressive data about the social consequences of closing a school. We heard just how integral they are to the planning in this community. Unfortunately Mr Humphries was not there. Ms Maher, I hope you gave him a full report. I hope you did, because while I had some appreciation, the extent of the planning that goes into our suburban life and the central importance of that school was still an eye-opener to me.

Mr Acting Speaker, it has become quite clear that school closures will not bring savings. We understand - as our budget faced last year - the financial problems of this Territory. It is no good simply saying, "We have got to save money". We understood that and you approved our budget. You voted for it. You put your hands up for it. But closing schools will not help you in those savings. It is a fruitless exercise and it is about time you realised it. Even if down the track, year by year, as you get over those first year costs, there is a small saving, it is not a saving that justifies the cost you are putting the community to. It does not justify what you do - the distress you cause to so many children: it does not justify the damage to many fine educational programs and, of course, it is negative in its impact on the social infrastructure of suburbs, the viability of small shopping centres and, a matter I do not press but nevertheless some people out there appreciate, the damage it does to the valuations of their property.

If there are savings they do not justify the very great damage that you will be causing. There is no benefit to the Government. It should not proceed. Above all, it should consider the children. It should consider the children and the future of this Territory.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (3.32): This is a fairly predictable response from the

Opposition. They obviously resolved some while ago that getting back into power was the most important consideration and it is appropriate - - -

**Mr Wood:** No. We resolved before the last election that we would not close schools.

**MR HUMPHRIES:** Mr Acting Speaker, can I have some silence. I heard Mr Wood - - -

**Mr Wood:** Not only that, we knew the facts. We knew the sums. This is not political opportunism.

**MR HUMPHRIES:** I heard Mr Wood in relative silence. I hope he gives me the same courtesy.

**Mr Wood:** If you keep yourself honest, I will be quiet. I just ask that you take me seriously. I mean what I say.

**MR HUMPHRIES:** I mean what I say, Mr Wood. Mr Acting Speaker, I mean what I say, too, when I say that those opposite are hypocrites. They are shame-faced hypocrites.

**Mr Moore:** On a point of order, Mr Acting Speaker; that is totally unacceptable and unparliamentary.

**MR HUMPHRIES:** I withdraw that. The Australian Labor Party is hypocritical. It is hypocritical in the extreme because all the arguments Mr Wood has used here today with such pomposity and with such deep-felt anxiety about the needs and the wants of children in the ACT could equally have been applied to decisions made previously by the Australian Labor Party. Not only by the Federal Government - - -

**Mr Wood:** We made those arguments to them. Did you know that? We made those arguments to them.

**MR HUMPHRIES:** I am not matched by decibels in this debate. Mr Acting Speaker, the fact is that all those arguments could have been put and were not put by members of the ALP sitting opposite. How many demonstrations was Mr Wood involved with against the previous Government school closures? How many demonstrations did you march along to, Mr Wood?

**Mr Wood:** I was with the Teachers Federation and I was out with them.

**MR HUMPHRIES:** Not one. Out with them. Not one. What were you doing when your Minister for Education in your ALP Government in the ACT announced the preschools were going to close at the end of last year? Where were you then? You were supporting the line - you were running the line. You were defending Mr Paul Whalan when he announced he was going to close preschools.

**Mr Wood:** Yes, I was.



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**Mr Jensen:** On a point of order, Mr Acting Speaker; I raise standing order 61. Mr Wood was allowed to say his piece in silence. I would request that you direct him to do the same.

**MR ACTING SPEAKER:** Mr Wood, would you watch your interjections.

**MR HUMPHRIES:** Mr Acting Speaker, I had no idea that if we threw Mr Berry out at the end of the last session we would end up with him being replaced by Mr Wood. If this is the consequence, I will never again exclude Mr Berry from the Assembly.

It is obvious, Mr Acting Speaker, that I have exposed a gross inconsistency on the part of those opposite when it comes to the issue of - - -

**Mr Collaery:** Mr Acting Speaker, I do point out that you are, under standing order 37, required to maintain order in the chamber. Mr Wood clearly wants to be thrown out because it will meet his political profile on this issue. I ask that you maintain order without creating a martyr.

**MR ACTING SPEAKER:** Thank you for that, Mr Collaery. Mr Wood, as I said before, I will have to get a bit more serious with you if you continue to interrupt Mr Humphries because you are in breach of standing order 61.

**MR HUMPHRIES:** To earn myself some peace and quiet to conclude my remarks I will have to move on to the next point, although I think we have all well understood the sensitivity indicated by those opposite to the very accusations that I have just made. They themselves stand accused of the very things they say this Government is insensitive to.

I think the basic question comes down to this; the Opposition has incumbent upon it an obligation to spell out the alternatives to the course of action that this Government is embarking on. Notwithstanding all the rhetoric and all the flamboyant language used by those opposite, they have not said how they would deal with the financial crisis that this Government faces up to.

The previous Government made no effort to deal with our problems. It acted on the basis that tomorrow was another day and, "We will deal with that situation when we come to it". They pretended that there was no financial crisis looming. We have had to inherit that situation, that lack of foresight, that lack of planning. We have had to face up to that situation because we will not be forgiven by the people of this Territory if we make no effort to put the ACT in a better, stronger financial position than we found it. We will be criticised and attacked and voted out of office if we fail to act, and that is why we feel, despite the political dangers and the perils that we face in taking this very controversial course of action in closing schools, we have chosen the better course of action.

Mr Acting Speaker, there are real savings in this process. I need only to point to the fact that in 1988 when the previous Federal Australian Labor Party Government closed five schools on top of a high school closed at the end of 1987 real actual savings were produced in the education budget.

**Mr Moore:** How much?

**MR HUMPHRIES:** To answer Mr Moore's question, in the order of \$1.2m in respect of the closures at the end of 1988, and about \$400,000 I believe in respect of the closure at the end of 1987. These were real savings. I am not saying that there were no costs associated with them. The previous Government - that is the Federal Labor Government - no doubt took that into account. I understand that the savings referred to are savings calculated after the costs of providing new facilities in those new schools were put into the equation.

If that Government found that there were real savings to be made by closing schools, if it felt that was the case with all the advice on the hill, why can we not draw the same conclusion? Why is it wrong for us to close schools and right for them? The answer is that there is no difference.

Mr Wood sought an indication of our position on principle as far as education is concerned. I refer him to the Hansard of 20 March 1990, page 555, in which I made an extensive statement of the Alliance Government's position and philosophy on education provision in the ACT - page 555 et al. It is there.

**Mr Kaine:** It has not changed.

**MR HUMPHRIES:** It has not changed, as the Chief Minister accurately points out. Mr Wood also fails to be aware that many of the costs he talks about in respect of the relocation of facilities and the refurbishment of schools are, in fact, one-off costs. They are one-off costs whereas the savings made from the ceased operations of a number of surplus schools are recurrent savings. They accrue every year; each and every year after that saving is made and after that school is closed.

I think that the references in this matter of public importance to a number of things ought to be commented upon. Those opposite make all sorts of knee-jerk responses, all sorts of predictable and unfounded responses which I think we ought to examine very critically. First of all they say on the second line of this motion, or this matter, that there is - - -

**Mr Kaine:** This tirade.

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**MR HUMPHRIES:** Tirade is probably a better word. They say that we have had a total disregard for community interest. I have mentioned already that in my view the community interest is very much in providing ourselves with a financial environment in which we can move into the future, but I want to answer the comment that there has not been proper reflection of the needs of the community through this process.

We have had a two-stage public consultation process, a long and extensive one. It was not an exercise in cosmetic activity. It was not a piece of face-saving. It was a real exercise in public consultation. It resulted in over 180 submissions being received from people in the community and it did result in the Government actually modifying the criteria that it had put forward in its first stage of consultation for consultation in the second stage. If the Government was intent on proceeding with a particular course of action, one would ask why it went through that process of seeking public views and being rebuffed on particular points.

The fact is we were intent on hearing what the community had to say. I, as Education Minister, made a policy to get to as many public meetings as I could and to speak to as many people about the issue as I could. I responded to every letter that came in to me on the subject, I went to as many public meetings as I could arrange, I met with a number of delegations from schools talking about the issues and I reject the assertion, made by Mr Wood, that I was not appraised of the issues that this whole debate brings up. I am appraised of those issues. I am thoroughly appraised of them and I believe that on this basis the Government is entitled to make some decisions in the light of the evidence before it.

To say there has been no careful or accurate planning, as this motion also affirms, is simply not true. More than 100 options were considered by the project team before a reduced range of options was presented to me and to the joint party room and to the Cabinet. A great deal of time, hundreds of man-hours - or whatever we call them in this non-sexist world we live in - were employed by the Education Department carefully considering the options, exploring the opportunities and discovering what costs and what benefits would flow from particular decisions. To suggest that there has not been enough work I think is just ludicrous, utterly ludicrous. Information supplied to the Government, both from the community and from the Education Department, was extremely detailed, running into a very large pile. Objections came from some of the closing schools, but I have to say that in many cases they were based on a number of factors which I believed we were entitled to put to one side, and I think that we have to get on with particular decisions in the light of the evidence before us.

I have emphasised already the basic reasons why the Government finds itself needing to act and I will emphasise once more the key aspects of those reasons. We need to reduce our education budget in the light of our problems with the Commonwealth funding of the Territory.

**Ms Follett:** How much?

**MR HUMPHRIES:** Mr Kaine, the Chief Minister, has clearly indicated that he sought savings across-the-board, as an overall exercise, of about \$25m. Whether a proportion of that, a strict 25 per cent proportion of that, is required ultimately by the Education Department is a matter for which Ms Follett will have to wait. The education budget, in case she is not aware, amounts to a quarter of the ACT's overall budget. To insulate that from any cuts, to insulate that from any of the obvious budget saving that needs to go on is just impracticable, particularly given the fact that if we were to do so the pressure on other areas of the budget would undoubtedly give rise to calls by those opposite for us to insulate them as well.

We get back to the basic problem. Those opposite have not shown how they would make the equation work. They have not shown where they would put money in or take money out to produce a result that would give us a balanced budget into the coming years, and I think we have to ask and demand that before we listen to the frantic ravings of those opposite.

It has to be acknowledged that there are some problems and, for example, some distressed children and other issues that give us concern. It would be insensitive and foolish not to be aware of those things. Frankly, I think that a much greater disruption to children's education, a much greater distress to them and their parents would be an inability on our part as a Government to fund education services properly in the places where they really matter, and that is what this Government is intent on ensuring continues to be provided by this Territory.

For example, I could easily have said that I would make these savings by increasing class sizes. It has been done by previous Governments, not necessarily expressly and not necessarily openly but it has been done. The ACT's position relative to other places in Australia has declined over the last few years in respect of class sizes and hence of teaching numbers, and those opposite will have to be aware that some of that fault lies very squarely in the court of the Australian Labor Party. I think that that is one course of action we could have taken and we chose not to.

We could have reduced the number of ancillary services available to education in the Territory. We could have done what the previous Government did and reduced the number of relief teaching hours available, cut into the reading recovery program, reduced particular services

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available to teachers as classroom teachers. We could have made all those sorts of moves but we chose not to because we believed there was one area where education savings could be made which would not ultimately affect the quality of education going on in a classroom. I stand by the view, Mr Acting Speaker, that education is not a matter of the bricks and mortar in which teaching goes on; it is a matter of the quality of our teachers, the quality of our resources to those teachers and the attitude of the parents and those who make up the school system. This is what I hope we can save in this process.

**MR MOORE (3.47):** Mr Acting Speaker, the difficulty with the school closures is basically that the Alliance Government has been almost totally incompetent in its handling of the area. The debate that it has run has been at a very limited level and it was only taken to a reasonable level in terms of the economic analysis thanks to the efforts of a community member - and I refer to Frances Perkins.

Let me now refer quite heavily in the next 10 minutes to part 6 of the OECD 1985 document, Surplus Space in Schools - An Opportunity. Here it has been seen as anything but an opportunity. In 1985 the OECD document recognised that there would be surplus spaces, as it refers to it, in schools right across the western world. I quote from it now:

The focus in the past has been on simplifying the procedures for closing and selling schools, an essentially negative option.

That is what this Government has gone for. It has gone for the essentially negative option of closing schools instead of taking it as an opportunity. This document goes on to say:

What is needed in the future are positive measures to overcome problems of ownership, facilitate joint use, define legal responsibilities more clearly and make adequate insurance arrangements.

In other words, the Government must find a positive manner in which to use that surplus space so there can be a contribution to our community, instead of what it is doing - but it still has the chance to reconsider it. Instead of taking the negative option, it has the opportunity to turn over to this community an essentially positive option, that is to find ways that it can use the space. This should have been essential reading for each one of you before you actually made the decision.

We know that this particular document was passed to Mr Jensen a number of weeks ago so that he could read it and so he could speak to his colleagues - if he does - about the possibilities of school closures and the ramifications of them. This same document goes on on page 65 to say the following:

Faced with falling enrolments and rising unit costs authorities are sometimes tempted to apply in a fairly mechanical way what is known as the "transfer principle" i.e. transferring pupils in such a way that in the case of two half-empty schools in an area, one becomes full and the other empty.

This OECD document then goes on to warn about it:

Although the "transfer principle" aims at ensuring that no school's enrolment falls below a threshold considered educationally or economically viable, a policy based on this principle is open to serious objections.

Did you know about this? You should have known about this document.

First is the risk of depriving the community of an important element in local life and of increasing the difficulties (and costs) involved in transporting pupils. Secondly, concentrating the school network often results in large schools and in a need for extensions. Finally, if the empty school has to be "mothballed" to keep it in reserve for any future upturn in enrolments, the economic advantage of closure is partly offset by the fact that the buildings have to be maintained and heated to some degree; empty buildings are also more prone to vandalism.

I realise you are intending, instead, on the last point to use the bulldozer and - - -

**Mr Humphries:** So, you agree with this?

**MR MOORE:** I am saying that I realise what you intend to do. I do not agree with any of it at all, Mr Humphries, and I am sure you well know that.

**Mr Humphries:** The OECD says that we should not keep the buildings.

**MR MOORE:** Mr Humphries, I have tried to explain this to you and I will read it again if you really want me to, but let me go on and you will see that what it says, quite clearly, is that this is a negative option and you ought not pursue that option at all. There is a positive situation and you can use that space. If you read it, it talks about how it can be useful for the community both in terms of the financial profit in terms of the private sector, and in terms of the advantages to the school and to the community when community users are added. This is what it talks about. The OECD also talks about the decision. It says:

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Any decisions on redeployment require for their success, a commitment from those directly concerned. To achieve this it is necessary to develop a process which allows more people to take part in decisions and provides for wide consultation within the community, e.g. in the form of public hearings, inquiries, etc.

Now, your concept in terms of that decision is to say, "We are closing 20 to 25 schools". With the "Yes, Minister" approach, that really means 10 or something along those lines. "We will start with that and then see how you like it. You can discuss which schools and the criteria for which ones we are going to close". The OECD actually talks about the process. They go on to say:

Such a process hinges on better and more widely disseminated information, in particular as regards the cost implications and relative advantages and disadvantages of various options.

Those options were never presented to the community and will not be presented to the community by this Government. The interesting part is that the OECD also forecast what would happen, and it is happening now, and listen to it:

There are numerous examples to show that technocratic blue-prints imposed on a population by an authority result in protests and distrust, particularly when they involve the closing down of schools.

This is what you have got. You have got protests and distrust, as you would know if you had been to any of the meetings that have been held in the last week. One of those distrusts is about economic grounds and about when you talk about savings. If you go back, very few people accept the notion that there are no particular costs added to school buses. In the Concrete Construction case, the transport planner, Ian Morison, gave in evidence to the Supreme Court that a bus with driver and all the other costs associated costs in the order of between - as my memory serves me - \$80,000 to \$100,000. Certainly, in today's money, probably in the order, for easy calculation, of \$100,000. This allows you to try and assess what it is going to cost if you need buses.

The Grants Commission is even more interesting considering that you said in your speech a short while ago, Mr Humphries, that there were \$1.25m in savings, but no doubt there were costs. Those costs were identified by the Grants Commission on page 48 and they were projected costs. Initially, the closures will mean additional estimated recurrent costs of \$2.4m. So, you can work out the difference.

We go on to say that "Any sensible person would recognise the need to close schools" - a quote at question time from

Mr Kaine today. The OECD may be considered a group of sensible people. The report would certainly be considered, I think, to be made up by sensible people, and no, Mr Kaine, you are wrong. That is not the case. The report makes it quite clear that it is not a sensible option to close schools.

**Mr Humphries:** Are you quoting in context?

**MR MOORE:** I am quoting totally in context. I am totally in context.

**Mr Jensen:** Which page?

**MR MOORE:** I quoted the page numbers. You were not here, Mr Jensen; I am not going back over them now, but I will be happy to provide them for you later.

So, what were the responsibilities of the members who were making those choices? What has come out in the press since this is that some members of the joint party room had not even read the submissions made by the people whose schools were to be closed; they had not even read their submissions. What a great shame that would be. "We did not get all the information presented by our bureaucrats", they say, trying to shift the blame onto the bureaucrats. They knew that submissions had been made by every school, and once it had been decided that a school was going to close, surely it is an abrogation of responsibility if the submission is not read. They are talking about not knowing that there were 50 students from Page at the Weetangera School. The very first sentence of the submission on reshaping by the Weetangera Primary School starts, "The Weetangera-Page Community". What could be more obvious than that, I ask you?

Then we have a situation today where, on the Matt Abraham show or on the Pru Goward show - the morning show anyway - Dr Kinloch is saying, "No more schools will close". Then we get, of course, a different story from other people. What is the truth?

Finally, I will draw attention to hypocrisy, because it goes on to the accusations that Mr Humphries has been making here. I will draw his attention to the announcement that at least six preschools will close, and draw his attention to the actions that he took about this time last year when the Labor Government was talking about preschools.

If you look at the whole situation in terms of a logical and rational decision, what you have done is made an illogical and irrational and unjustifiable decision and you have not followed the best advice that is available and you have not taken the opportunity to do something positive for the community.



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**MR DUBY** (Minister for Finance and Urban Services) (3.57): Mr Acting Speaker, my remarks in this debate on this matter, or supposed matter, of public importance shall be brief. This statement that we have had addressed to us today, that the Government's decision to close schools has been taken with a total disregard for community interest and with a lack of any careful or accurate planning, would, of course, be a matter of public importance if that were the case, but I think the Minister, Mr Humphries, has demonstrated that such is not the case. Such is not the case and can be clearly demonstrated not to be so.

In my remarks I shall, first of all, address the issues that were raised by Mr Wood and Mr Moore. In particular I think I shall talk about the mumbo jumbo that was reiterated over there by Mr Moore. Mr Moore, in his usual fashion, has quoted from an OECD document. Of course, he has quoted completely out of context. The references that Mr Moore was making to this supposed - - -

**Mr Moore:** On a point of order, Mr Acting Speaker; it is certainly totally inappropriate that he is suggesting that I quoted out of context. I certainly did not.

**MR DUBY:** It is not a point of order at all, Mr Acting Speaker, and I shall demonstrate so. The simple fact is that Mr Moore was supposedly quoting from some OECD document which he had in his hand. He could never, of course, quote chapter and verse. He could just say, "this document, this OECD document". The number of times he mentioned OECD in that speech must have come to something like 30. I suppose it is only a matter of time before there will be a submission before some inquiry of which Mr Moore is a member and then he will go to New York or Paris or wherever the headquarters may be to investigate fully the further ramifications of that document. Mr Acting Speaker, Mr Moore claims that - - -

**Mr Moore:** On a point of order, Mr Acting Speaker; I raise standing order 55. I believe that that is an imputation of an improper motive. The imputation is that I only use such documents when I speak so that I can in some way wangle an overseas trip. This is totally inappropriate and improper.

**MR DUBY:** I think the imputation might be more that he uses these documents, quoting them out of context, so that when people try to refute them he can take up their speaking time with fruitless points of order.

**MR ACTING SPEAKER:** Continue your speech, Mr DUBY.

**MR DUBY:** As I was saying, Mr Moore used the example of a community with two schools which each had only sufficient students to half fill each school. He said that it was uneconomic to move students from one school to the other to fill it and to somehow use those premises, or especially to mothball them - and I can assure him we are pleased to hear that he does not agree with that procedure.

The implication was that half the students could stay in each school and those spaces could be used for an economic purpose. That may well be the case where those spaces can be used for an economic purpose, as is the reference in this report which Mr Moore referred to. The simple fact is that they are not rentable spaces and that is the difference between what the report says and what Mr Moore imputed.

Mr Moore continually referred to the references by Dr Perkins. At our instigation, which again seems totally in contrast to the claim that these decisions were made with a total disregard for community interest or lack of care for accurate planning, Dr Perkins came and reported to the members of the Government on various implications of this closure of schools.

Let us not hide the fact that Dr Perkins is a very well qualified and competent econometrics expert. She, along with many other people, maintains that the costs involved in closing 25 schools and the subsequent disorganisation to the community that that would entail, given today's current circumstances, makes the decision to close that many schools uneconomic. However, and I must repeat this, when asked specific questions Dr Perkins admitted that there was a certain threshold number of students at a school below which it became uneconomic to keep those students there. In other words, the marginal costs of operating those schools rose dramatically as the number of students at the school declined below a certain threshold number. Dr Perkins has never disputed that.

**Mr Moore:** What are the numbers?

**MR DUBY:** The numbers are in the order of between 280 and 300 students.

**Mr Moore:** What nonsense.

**MR DUBY:** You cannot quote the expert and then refute the figures that I am sure Dr Perkins will support again publicly.

**Mr Moore:** I am sure you are quoting them out of context, Mr Duby.

**MR DUBY:** That is not quoting out of context; that is the academic figure. Anyway, Mr Acting Speaker, as I have said, Dr Perkins is a respected econometric expert and one whose views were seriously listened to and seriously taken into consideration by the members of this Government in coming to a position.

But, more to the point, I want to go to the ludicrous situation of this supposed matter of public importance. It is a matter clearly based on a simple pack of untruths. Mr Humphries went through the issue that there had been a

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total disregard of community interest. I think he pointed out that there had been a number of public consultations - a two-stage period - and over 180 submissions were considered and received and a whole range of information was provided. To say that there had been a total disregard for community interest is clearly ludicrous.

He also covered the point about the lack of any careful or accurate planning. He went through the fact that more than 100 options had been considered by project teams before a reduced range of options was presented to both himself, the joint party room and the Cabinet. The planning implications involved in the closure of any schools in the community were carefully considered, not only by the education experts but also by the people who are most suited to considering planning issues, the Territory planning authorities.

This matter of public importance goes on to say that these closures will bring no significant savings in school expenditure and I think it needs to be shot out of the water. The fact remains that the 1988 closures of schools within the ACT realised recurrent annual savings of some \$200,000 per primary school and some \$400,000 per high school. These facts are irrefutable and I defy any member of the parties on that side of the house to refute these figures. The savings that were achieved from the closure of schools in 1988 were \$200,000 per primary school and \$400,000 per high school - recurrent figures. Those savings have been checked by Treasury and details will be released in the budget context.

Apart from anything else, the costs involved in closing a school and not doing anything about the site are well known. Those problems have been apparent for some time to anyone connected with the ACT finances. It is worthy to note that from May last year when the previous Follett Government was in power, until the time that it left the Treasury benches, no decisions could be made and substantial recurrent costs, well in the order of \$100,000, were being incurred by the community because once again the Follett Government had demonstrated its inability to make a decision.

The MPI goes on to say that children will be distressed by these closures. I would like to point out that provision is being made for the counselling of students affected by any school closures or school transfers and the distress will be least where communities work together constructively to minimise it. I think it should also be pointed out that schools that amalgamated at the end of 1988 have reported many positive results as a result of those amalgamations and the distress has been reduced.

As regards the damage to the social infrastructure of suburban life, Mr Acting Speaker, these assertions are simply unsubstantiated. It has been asserted that land values depreciate near schools that have been closed. The

consultant engaged by the Save Our Schools committee, McCann and Associates, states in its report that "To date there is no discernible loss in value to residential areas where schools have, in fact, closed already". Are you going to refute that, Mr Moore?

**Mr Moore:** I do not mind that either way.

**MR DUBY:** I am also counting out-of-area enrolments in government schools and enrolments at non-government schools. Almost half the children in each suburb do not attend their neighbourhood government school right now. Accordingly, Mr Acting Speaker, this supposed matter of public importance is nothing but a waste of this Assembly's time.

**MS FOLLETT (Leader of the Opposition) (4.08):** I am quite pleased that Mr Duby has now shown publicly the depths to which he will sink in his hypocrisy, in his contempt for the Canberra community.

**Mr Collaery:** On a point of order, Mr Acting Speaker; I ask that that be withdrawn as that is a personal allegation. The Leader of the Opposition can refer to Mr Duby by party affiliation; that is the practice that we have developed in the Assembly.

**MS FOLLETT:** Which party?

**Mr Collaery:** You pick one.

**MR ACTING SPEAKER:** That remark is getting a bit close, Ms Follett.

**MS FOLLETT:** Mr Acting Speaker, how any member of this Assembly - - -

**Mr Collaery:** Mr Acting Speaker, I sought a ruling. Earlier on there was a withdrawal of the same remark by Mr Humphries.

**MS FOLLETT:** Is this a point of order?

**MR ACTING SPEAKER:** Yes, it is a point of order. Which particular remark do you say should be withdrawn?

**Mr Collaery:** The remark that Mr Duby was personally a hypocrite. The standard that we have developed here, Mr Acting Speaker, is that we can accuse parties of political posturing and use that term but not persons. Mr Humphries withdrew that earlier.

**MR ACTING SPEAKER:** Yes, Mr Humphries did do so. I would ask you to withdraw that remark, Ms Follett.

**MS FOLLETT:** Mr Acting Speaker, that was not my remark. I referred to the depth of hypocrisy to which Mr Duby would sink.

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**MR ACTING SPEAKER:** I ask you to withdraw the remark that Mr Duby is a hypocrite, Ms Follett.

**MS FOLLETT:** Mr Acting Speaker, I withdraw the remark, but I maintain that Mr Duby has demonstrated today the utter contempt in which he holds the Canberra community. His assertion here today that this matter of public importance is not, in fact, of public importance is an outrage that is equalled only by his political actions, where he has swapped from being a No Self Government person to being a so-called independent - as independent as a newt, if you ask me. I believe that any minute now he will be joining the Liberal Party along with the rest of his colleagues.

Mr Acting Speaker, from the very outset of this debate a number of crucial questions have been asked of this Government in regard to their proposals to close Canberra schools. Those questions are: how much are you going to save; how are you going to make those savings; what are you going to do with the money? Those questions have been asked throughout the months of this debate. We have never in all of those months had anything like a reply from any member of this Government. I think that the community holds them in contempt for that total failure to answer the basic questions. Furthermore, today we have heard from the Treasurer that, in fact, there was never even a target for savings on this project - never even a target. He said so himself.

Mr Acting Speaker, I think that we must ask the Government, as the Canberra community will ask it: "Why on earth are you doing it? Are you doing it on a mere whim; have you got it in for schools?". You have not even set a target. I find that extraordinary. Are you doing it on an ideological basis? We know that Mr Humphries has said publicly that in an ideal world, in his view, we would have all children in private schools. It must be an ideological whim.

**Mr Kaine:** I am surprised that you would say that, Mr Humphries.

**MS FOLLETT:** Mr Humphries said that in public. I think that that really does go to the heart of the matter. We have had a contrary view put by Dr Frances Perkins, to whom I believe we all owe an enormous debt of gratitude. She has put the view that the school closures being proposed by this inept bunch opposite will, in fact, cost the community money. Its members have not denied it because they have never put forward any figures.

Mr Acting Speaker, I think that their attitude on this as a so-called cost saving exercise is absolutely pathetic. There was never even a target. They do not know how much they are going to save. They are not even game to hazard a guess at what might be the savings on any particular school, let alone on all of them, and yet they proceed. Talk about the blind leading the blind.

Mr Humphries has waxed lyrical about his community consultation process. He claims that he has fully consulted using a two-stage process. Let me read you some of the things the community is saying about that consultation process. I think that you will find, Mr Acting Speaker, that the community is totally disillusioned with this Government and it is reflected in their comments about the so-called consultation process. The Holder Primary School has said:

It is obvious that the copious and detailed information provided in the Holder Primary School ... submission, for one, has either not been read, or ignored.

**Mr Humphries:** Rubbish; that is rubbish.

**MS FOLLETT:** That is their wording, Mr Humphries, not mine. Let us turn then to the residents of Cook and their comments on the consultation process. Again I will quote:

The Cook Action Group believes that many issues raised by our school's submission in response to the Department of Education's Reshaping document have not been provided to the Joint Party Room for their consideration.

I think its members have taken a fairly charitable view of the thing myself. They go on, Mr Acting Speaker:

We have reached this conclusion ... after discussions with Departmental officials last week and after reading the Department's Rationale for Closure with regard to Cook ...

They then go on in a desperate attempt to get to this Government by reiterating all the points they made in the first place.

I will turn to the Weetangera school, on which even Dr Kinloch admits that there were facts which did not come to light in the Government's consideration. The spokesman for Weetangera school says:

Government sources have indicated that Cabinet may not have been aware of 4 key facts when making the decision to close Weetangera.

They had not heard of Weetangera's after school care and the 180 children ... who use it ...

They did not know about the Weetangera hearing impaired unit let alone that the children would not be allowed to move to the nominated new school with their peers.

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They did not know about the 50 Page children who were being moved for the second time in 2 years following the Page school closure.

And so it goes on. We also have a submission from Rivett school where they have gone through point by point and refuted every item, every item in the rationale for the closure of their school. The Government has got every fact wrong in that regard. The enrolments have been projected by the Government to have fallen to 252. Rivett says no, they are 288. Why are they 288? Because the Government forgot about the 26 special needs children. Just wipe them; forget them. Who cares? You obviously do not.

The Government has even nominated the wrong roads for the children to cross. It has left those children from the Rivett school crossing some extremely busy and dangerous roads and has it costed in a crossing for them? No, it has not; nor has it been able to answer how it would do it.

Mr Acting Speaker, the community holds this whole process in contempt. Community members are disillusioned. They know that in taking on a so-called consultation process the Government has only sought to hoodwink them, has given them insufficient information and has not acted upon any of the legitimate hard work that these community groups have done to try to make this Government opposite care a bit about our school system.

We have heard from Mr DUBY about how much he cares. He does not think it is a matter of public importance. He must have been asleep at the time. He has been asleep for the past six months.

Mr Acting Speaker, in finishing off I would just like to have a look at the people who will suffer most, the children. There will also be an impact on local business as there has been where schools have closed, but those who will suffer most are those who are the least able to defend themselves. They are the children from the Weetangera hearing impaired unit, the special needs children at Rivett, the children at Macquarie in the Independent Living Centre and so on. They are the people that this Government has completely overlooked.

**MR ACTING SPEAKER:** The debate on the matter of public importance is now concluded.

#### **LEAVE OF ABSENCE TO SPEAKER**

**MR ACTING SPEAKER:** Before Mr Collaery continues I wish to make a statement. At the commencement of questions without notice the Leader of the Opposition asked me a question concerning the absence of the Speaker and his attendance at the current regional seminar of the Commonwealth Parliamentary Association. I would advise you that Mr

Prowse has not been granted leave of the Assembly, although I understand that there will be a motion proposed to the Assembly today by the Attorney-General. The matter of the confirmation of the minutes of the last branch meeting of the Legislative Assembly branch of the CPA is a matter for the branch and I trust those minutes will be considered in due course. I understand that a motion to grant leave will be put to the Assembly soon. I do not propose to comment on the question of the retrospective granting of leave.

**MR COLLAERY** (Deputy Chief Minister) (4.18): Mr Acting Speaker, I move:

That leave of absence from 7 to 14 August inclusive be given to the Speaker.

Mr Acting Speaker, I understand that Mr Prowse, as Speaker, is attending a regional seminar of the Commonwealth Parliamentary Association.

**Mr Wood:** Is this retrospective leave?

**Mr Kaine:** No.

**MR ACTING SPEAKER:** Order, Mr Wood! The question is that the motion be agreed to.

**MS FOLLETT** (Leader of the Opposition) (4.19): Mr Acting Speaker, we on this side of the house will be opposing this motion because we believe it is absolutely improper. Mr Prowse has been absent from this chamber without leave and if you look at your standing orders, particularly standing order 23, they say:

A Member shall be excused from service in the Assembly, or any committee, as long as the Member has leave of absence.

Mr Prowse has been absent from the Assembly all this afternoon without any such authority and that was the point of my question. When I asked you a question in question time it was not, where is he? Is he in Rarotonga or where? The question was: under what authority is he absent? He is absent under no authority whatsoever.

Mr Acting Speaker, we cannot consider this question of granting leave. If Mr Prowse is in the Assembly precincts I think you ought to send for him. I think we know where he is.

**Mr Kaine:** I do not know where he is. Perhaps if you know you should have taken action sooner.

**MS FOLLETT:** He has not sought leave. Mr Acting Speaker, the whole point of my having raised this issue is that it was quite open for the Government or whoever are Mr Prowse's friends - the Liberal Party perhaps - to have moved a motion at the very start of this sitting that he be



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granted leave. They did not. We have now heard from the Chief Minister, his political colleague, that he does not know where he is. It is absolutely improper for us to be considering the motion at this point when the question which I asked in question time and which you undertook to provide an answer to has not so far been fully answered.

**MR ACTING SPEAKER:** Ms Follett, if we want to quote standing orders I have been advised that the applicable standing orders are 23 to 24. You could also look at subparagraph 14(1)(b)(ii) of the self-government Act as well.

**MR KAINE** (Chief Minister) (4.21): Mr Acting Speaker, I am a little intrigued at the nature of the debate. I must admit that I do not control the Speaker. He is not responsible to me. I presume that some endorsement was given to him going wherever he is by the procedures committee, so it must have been dealt with somewhere.

**Ms Follett:** "Under what authority", was the question.

**MR KAINE:** I do not know. I do not know the answer to the question. It is up to the Speaker to answer it. The only comment that I want to make, Mr Acting Speaker, is to ask a question: if the Speaker of this house is representing it at a Commonwealth Parliamentary Association meeting - - -

**Ms Follett:** Is he? Do we know?

**MR KAINE:** I do not know. That seems to be the implication. You said, "Is he in Rarotonga or somewhere". I presume that you mean he is at that meeting. I do not know whether that is true or not but if it is true, is he not actually on duty for the Assembly? Does he need leave of absence at all? I think that it raises - - -

**Mr Wood:** Nobody need apply for leave then.

**MR KAINE:** You have raised an interesting question, Mr Wood. You do not apply for leave when you travel to Darwin or Brisbane or Adelaide on committee business. If you are out of town on Assembly committee business I would submit to you that you would not seek leave.

**Mr Wood:** Never in Assembly time.

**MR KAINE:** It has not happened yet, but it is quite conceivable that you could have to travel somewhere on Assembly business - - -

**Mr Wood:** I would apply for leave.

**MR KAINE:** I submit that you would not because you would be acting in your capacity as a member of the Assembly. I think it is a very hypothetical question. Mr Acting Speaker, are we indulging in a general sit around and chat or are we indulging in a debate on this matter?

**MR ACTING SPEAKER:** I think we are probably just sitting around and chatting, Chief Minister.

**MR KAINE:** I seek a ruling from you.

**MR ACTING SPEAKER:** I will now make a ruling and let us get back to it. The ruling is that the motion is completely in order and accordingly, if the Assembly wishes to debate the motion, let us get on with the debate. I rule the motion in order.

**MR KAINE:** I am attempting to debate it but what I am discovering is that I am carrying on a conversation with eight people.

**Mr Wood:** You said, "Let me ask a question".

**MR KAINE:** Yes, but I wanted a response from you, Mr Acting Speaker, not from Mr Wood or Mr Moore and everybody else sitting over there.

**MR ACTING SPEAKER:** The motion is in order; let us get on with the debate.

**MR KAINE:** I am not complaining about you, Bill; I am just complaining about the other seven.

It is a very interesting question as to whether or not leave is required in this case. Perhaps rather than asking where is the Speaker and by what authority is he someplace else, the question that you ought to be asking is whether he needs the authority or the approval of leave by this Assembly to be where he is. I would very much question whether leave is required in the first place. I would submit that what the Deputy Leader of the Government has done is to seek to rectify what the Opposition saw as an omission in order to satisfy its members in a formal way. However, instead of them acceding to the request and accepting the fact that the Speaker is absent legitimately and in a pro forma way endorsing his absence, we find ourselves in this curious debate about whether we will give him leave to be absent. I doubt that it is precedented that any member of any legislature in Australia, having sought leave to be absent for whatever reason, has ever been refused it.

What are we engaging in this debate for? Are we, I presume, trying to make some sort of political point again? It is not a question of whether the Speaker ought to be absent or whether he is entitled to be absent or whether members of the Assembly knew of his intention because it had been discussed in the procedures committee. That all seems to have been set aside. Now we are on this chase to nail somebody to the wall. In this case it happens to be the Speaker. I find it rather bizarre that we are debating this matter at all. I would have thought that if a member sought leave to be absent, the Assembly would automatically

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grant it, and if its members do not intend to do so they should put forward their reason for not doing so. What is their justification for refusing a request for leave of absence of this member of this Assembly? If they cannot put their case forward for refusing leave I submit that the debate ought to be over.

**MR CONNOLLY (4.27):** Mr Acting Speaker, the Chief Minister asks what are the Opposition's reasons for opposing this motion? That question is best answered in the Chief Minister's own remarks when he expressed his lack of awareness as to where Mr Speaker is and as to what Mr Speaker is doing wherever he happens to be. I could also ask how he is attired wherever he happens to be. We are led to believe that he may be attending a Commonwealth Parliamentary Association conference in Rarotonga. That may or may not be the case. It leads to the question, if he is attending the Commonwealth Parliamentary Association meeting, on what authority is he doing so? The Chief Minister indicated that if the Speaker is travelling and is at a Commonwealth Parliamentary Association function, it may follow that leave of absence is not needed from the Assembly because the Speaker is conducting Assembly business. This is the same as if, while the Assembly was sitting, the Chief Minister was called away to Executive Government business. He would not be said to need leave of absence from the Assembly, just as when our Leader, Ms Follett, is absent from this chamber attending to Opposition business, it would not be said that leave of absence was necessary.

**Mr Kaine:** That sounds reasonable to me, very reasonable.

**MR CONNOLLY:** The Chief Minister says that is reasonable. When Mr Speaker is absent from the chamber on official duty, leave of absence may not be required, says the Chief Minister. Without necessarily agreeing with that, I think that that may well be the case. The question is, is Mr Speaker absent from this chamber on official business? He is attending a Commonwealth - - -

**Mr Humphries:** You were told he was.

**Ms Follett:** On what authority?

**MR CONNOLLY:** Well, whatever Mr Speaker may happen to say, if Mr Speaker decides to attend any conference anywhere in whatever form of robes he might be wearing at the time, does that mean it is official business? If he is attending a Commonwealth Parliamentary Association function, the Commonwealth Parliamentary Association has met on this matter. Our understanding is that there is no resolution of the Commonwealth Parliamentary Association ACT Legislative Assembly branch authorising Mr Speaker to attend that function on its behalf. It is for this reason that the Leader of the Opposition asked the legitimate question at the opening of question time this morning: on what authority is the Speaker absent and what do the

minutes of the Commonwealth Parliamentary Association say about that?

We are told that the minutes are yet to be confirmed. I put it to members of this house that leave ought not to be granted to Mr Speaker until we are satisfied that, if he is attending a Commonwealth Parliamentary Association meeting, he is doing it with the authority of the branch. If we are to do otherwise, we are to allow the Speaker to attend any function, anywhere, any time on his own mere whim, and that is not the role - - -

**Mr Kaine:** He may be in hospital somewhere for all I know and I am not going to refuse him leave if he is.

**MR CONNOLLY:** Of course, we would not refuse him leave if he was in hospital, but the best information we have been able to glean from the remarks of the Chief Minister is that he may be in Rarotonga attending a Commonwealth Parliamentary Association meeting. If the Speaker wished to obtain leave, he could have asked this Assembly. Mr Speaker has gone through an educational process, going from being a No Self Government member to an independent member and now to a, heaven forbid, Liberal member. One would have thought that in that process of political evolution - - -

**Mr Humphries:** I rise on a point of order, Mr Acting Speaker. Can I ask the member to resume his seat while the point of order is being made? The question of Mr Speaker's political affiliation is totally and absolutely irrelevant to this debate and I ask that Mr Connolly refrain from talking on that subject.

**MR ACTING SPEAKER:** I uphold your point of order, Mr Humphries. Stick to the point, Mr Connolly.

**MR CONNOLLY:** The relevance is, Mr Acting Speaker, that people who are active in political parties tend to learn to use telephones and even occasionally write letters to one another, and in sophisticated political parties and political times occasionally can use a fax machine. It would therefore seem that Mr Speaker had at least three options of communicating to this Assembly why leave is necessary. He could have telephoned; he could have faxed; he could have sent a message in a bottle, assuming that he is sitting on a tropical isle. There are a variety of means by which Mr Speaker, secluded as he is on this tropical isle, could have advised this Assembly of his whereabouts and himself requested leave of absence.

**Mr Humphries:** He did; that is what his staff do.

**MR CONNOLLY:** Did he? The Attorney-General moved leave of absence, but at no point in his remarks did I hear the Attorney-General saying he was doing so as a result of correspondence and a direct request from Mr Prowse. If there has been a direct request from Mr Prowse, I would be interested to hear it.

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Mr Acting Speaker, I do not believe that members of this Assembly should grant leave of absence in these circumstances where we have had no request from the individual for whom leave of absence is sought and no clear explanation of where the individual is. In particular, if it is asserted that Mr Speaker is attending the Commonwealth Parliamentary Association conference on behalf of this Assembly, then members of this Assembly ought to be satisfied that he is properly representing them.

If he is attending this Commonwealth Parliamentary Association conference we need to know that the ACT Branch of the Commonwealth Parliamentary Association authorised Mr Speaker to attend on its behalf. My recollection of the meeting in question was that there is no such resolution. Nominations were to be called for to see whether any members of the Commonwealth Parliamentary Association, which comprises all the members of this Assembly, were interested in attending this conference. There was no resolution of the Commonwealth Parliamentary Association authorising Mr Speaker to attend the Rarotonga meeting.

It cannot be debated that in August Rarotonga is more pleasant than facing this Assembly in Canberra, particularly facing hostile Opposition questions on education issues, but that does not authorise Mr Speaker to take it into his fancy to attend a meeting at Rarotonga purportedly on behalf of this Assembly, with no such resolution of the Commonwealth Parliamentary Association. As Mr Moore says, how has it been funded? I do not believe that the Opposition can support this motion which is a clear authority for Mr Prowse's absence.

If it is believed that the Commonwealth Parliamentary Association minutes can confirm this, I would suggest to the Government that this debate be adjourned until we have had an opportunity to consider those minutes. I would move that the debate be adjourned.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (4.34): Mr Acting Speaker, I wish to speak in favour of the motion put by the Attorney-General and against the motion moved by Mr Connolly, assuming that we can debate both at the same time. I began the debate not quite sure on what grounds the Opposition claimed it was not going to grant Mr Speaker the leave that has been sought in the Attorney-General's motion today. I am still not sure that I am much enlightened. Someone said - and I think it was Ms Follett, but I could be mistaken - that because leave was sought later in the day rather than at 2.30 there is some reason not to grant him leave. I gather that the argument about the time is that if you ask leave at 2.30, as soon as the Assembly resumes, then it is okay; if you ask for it at 4.20, when it was actually sought, apparently, it is not okay. The logic of that escapes me entirely.

The other argument put forward by the Opposition seems to be that it is absolutely improper of him to race off to Rarotonga or wherever he has gone unless he had the authority of the Commonwealth Parliamentary Associations ACT branch. That is a superficially attractive argument, but we have to ask ourselves what proof has been required on previous occasions when members have sought leave. What proof that they have obtained authority from a particular committee or branch or whatever, on whose behalf they were off to do the work, has been required? Where is the evidence that authority had been obtained in those cases? When Mr Moore, for example, went off on his little jaunt to the United Kingdom and to Holland I do not recall there being any documentary or other evidence that the committee of which he was supposed to be chairman had authorised that trip

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**Mr Moore:** There was.

**MR HUMPHRIES:** No, I think members of the Opposition are jumping to conclusions. I am sure there was the approval of that committee, but where was the evidence of the approval of that committee? There was none. No evidence was required. Supposing I should require, for the sake of my health, to make a trip to Rarotonga during the sitting week? If I had my good friend the Attorney-General come to the Assembly and seek leave, it would be a matter for the Assembly to decide whether I should have leave or not. The purpose for which I had travelled to Rarotonga is entirely irrelevant. Mr Collaery has kindly supplied to the Assembly the reason that Mr Prowse, the Speaker, has gone to Rarotonga, and I would have thought that ought to be good enough for our purposes. The point of the matter is, as the Chief Minister has indicated, not what the reason for the absence is but whether the member has sought that leave of absence. I think in the circumstances it is churlish of us not to grant it.

I recall that members have made trips overseas for purposes other than parliamentary ones. I recall that Mrs Grassby went overseas last year. She was not, as far as I recall, attending to any parliamentary functions or working on behalf of any committee. She was graciously and promptly granted leave of this Assembly. Why cannot the Speaker be granted the same courtesy? What is more, Mrs Grassby had already left when the leave was sought. Mrs Grassby was in California when the leave was sought. It was given immediately, without hesitation. There was not one word of demur, as I recall, from those on this side of the house when they were on that side of the house. Apparently, however, once again the standards that applied to the Labor Party when it was in government no longer apply to the Labor Party in opposition. I do not intend to adopt those double standards. I intend to support this motion giving the Speaker leave.

**MR ACTING SPEAKER:** Mr Connolly asked for the matter to be adjourned. He was, however, according to standing order

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65, a member speaking to the question, so he is unable to ask for the adjournment of the debate. Someone else can and it will be put forthwith.

**MR MOORE** (4.38): One of the things that we are all wondering about concerns the robes of the Speaker. Is he wearing the wig or is he one?

It would appear that the Administration and Procedures Committee that I went through and wrote to as chair of the HIV, Illegal Drugs and Prostitution Committee, provided advice to the Speaker as to whether or not I should go. That would be a normal method of dealing with these sorts of circumstances.

I think what we are really dealing with is politeness and letting people know what is going on. That, to my way of thinking, is not enough reason to knock back leave and I will be supporting Mr Collaery's motion that we give the Speaker leave. However, I would like to draw attention to a couple of things. One is that had we all known beforehand that that was the intention then we would have been quite prepared, and I am sure my Labor colleagues would have been quite prepared, to give him leave as well. It was just a simple courtesy.

As for when the motion was put, clearly this matter of business for the house was not on the daily program. It was certainly not discussed between myself and your whip and his new Liberal Party whip until just a few minutes ago. So, it is quite clear that what we have is a knee-jerk reaction which is very important, particularly for the Liberal Party, because one of the problems with not granting leave to the Speaker is that if we go to the Australian Capital Territory (Self-Government) Act, section 14(1), it states that:

A member vacates office if the member ...  
is absent without the permission of the Assembly from:

(i) such number of consecutive meetings as is specified by enactment -

which has not been done -

or

(ii) if no such enactment is in force - 4 consecutive meetings of the Assembly ...

So then what would happen is that Mr Prowse would actually be ejected from the Assembly, and since the No Self Government Party no longer exists and he is actually at this stage at least an independent, then the Assembly as a whole would have to decide who was going to replace him. And, of course, that would be very difficult, unless we were quick enough to get an enactment in to change it from four days to six or seven days.

What I would really like to do is to berate my Labor colleagues for ruining what was a very good opportunity for changing somebody from No Self Government back to being nowhere near the Government at all. Had they not raised that we probably would have got away with it. They should tell me when they are going to raise something like that as a question so that I can advise them from my great background as a bush lawyer.

What we have got here is a sudden realisation on the part of the Liberal Party that they are at great risk. Mr Collaery has blown it as well, because he could have improved his numbers. As it is, when Mr Prowse joins the Liberal Party in the next couple of days the numbers will go five-five. If Mr Collaery had not moved the motion and had said, "I'll do it later" and had put it off for about four days, then he would also have had the opportunity to make sure the numbers were around the right way. What I can say to you is that politically you have all blown it. In any case, just to make sure none of that happens and you do not get political advantage over one another, I shall be supporting the leave.

**DR KINLOCH** (4.42): I would like to say that I have much enjoyed Mr Moore's speech. It was one of the liveliest and most interesting I have heard in some time. Secondly I wish to say it is absolutely a wicked rumour and falsity that the Speaker is at the Cook Island sub-branch of the Rarotonga Liberal Party. That is not true.

I would wish to say, in the spirit of all that has been said, that if anything - especially in view of Mr Connolly's comments - we should, whether by bottle or telephone or fax, send our commiserations to the Speaker for missing a most interesting afternoon. This should be a codicil to this motion. He is having a rough time and we are enjoying ourselves and I think we should feel sorry for him. I think we should send him our warmest greetings and support as he represents us at that Parliamentary Association. We all know that these trips to these difficult places are not easy, not simple, whereas we live in the lap of luxury here in Canberra. I would ask that we get on with voting on this motion, which I certainly will support, and if need be, refer the question to the Parliamentary Association.

Motion (by **Mrs Grassby**) proposed:

That the debate be now adjourned.

Question resolved in the negative.

**MR DUBY** (Minister for Finance and Urban Services) (4.44): What we are seeing today and witnessing in this house is another example of the quite irresponsible attitude adopted by those members of the Labor Party opposite. I think this is a very petty and vicious form of attack upon the Speaker, someone who is not here to defend himself. It was



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initiated by the supposed Leader of the Opposition, who, having spoken her vexatious words, has left the Assembly as usual and is not here to - - -

**Mr Kaine:** She should seek leave. We do not know where she is. We had better have an application for leave.

**MR DUBY:** Yes, where is her leave of absence from the business of the Assembly? I think this is an outrageous method of behaviour of the Labor Opposition. It has been pointed out already that when Mrs Grassby opposite was engaged in an overseas trip, for which I think the reasons pertaining to leave were extraordinarily tenuous, leave was granted without demur by all members of the Assembly after she had already left the shores of Australia and was in California. I might point out that House of Representatives Practice specifies that leave is usually granted for reasons such as parliamentary or public business overseas or ill-health. I do not really know how Mrs Grassby managed to fit into that category last time, but I was happy to support that application for leave. Why should not Mrs Grassby, or any other member for that matter, choose to defray themselves from the business of the Assembly for a short time?

However, more to the point, I should add that there is no question in my mind that the Speaker is currently attending a conference overseas for reasons such as parliamentary or public business. There is no dispute about that. The imputation made by Mr Connolly, that the Speaker may not be at the CPA conference, he may be somewhere else, I think is quite outrageous.

**Mr Connolly:** No, the implication was that he did not have the authority of this branch.

**Mr Kaine:** Parliamentary procedure does not say that he has to have it.

**MR DUBY:** That is right. The Leader of the Opposition's implication or statement that he had not advised members of this Assembly that he would be going there on their behalf is, as are most of her statements, patently untrue. I have here a circular that was circulated by the Speaker to all members. It is dated 13 July 1990. I shall read it:

On 2 July, 1990 the acting Clerk wrote to all Party Leaders on my behalf seeking nominations for a delegate to attend the forthcoming Ninth Australian and Pacific Regional Parliamentary Seminar in Rarotonga and Sydney from 5 - 18 August 1990.

As no nominations had been received by the time of the CPA meeting (10 July '90), I contacted those party leaders who were not at the meeting. No nominations were forthcoming. Therefore, as the only member nominated, I will be attending the

seminar on the Assembly's behalf. I wish to add, that as this is the first CPA seminar to be attended by an ACT Branch delegate, I thank you all for allowing me the privilege of being your representative.

You scumbags.

Some members have expressed interest in attending the Sydney section of the seminar as unofficial observers.

**Mr Stevenson:** On a point of order, Mr Speaker; the term that was used by Mr Duby, "you scumbags", is not parliamentary behaviour.

**MR DUBY:** If it is good enough for the Labor Treasurer, it is good enough for me.

**MR ACTING SPEAKER:** I am sorry; I did not hear that term, Mr Stevenson.

**Mr Stevenson:** It is recorded in Hansard.

**MR DUBY:** It will be now.

Some members have expressed interest in attending the Sydney section of the seminar as unofficial observers. The Regional Secretary of the CPA has advised that there is a standing practice of actively discouraging unofficial observers during the seminars. This has been found to be necessary because of previous abuse of this concession -

And it goes on. The point remains, Mr Acting Speaker, that Mr Prowse advised every member of this Assembly that he would be attending the CPA seminar during the time specified. He advised the reason why he would be attending and he also said that anyone who had any problems with him being there had three weeks in which to object. For Ms Follett to come into this Assembly today and imply that it was all a mystery to her where the Speaker was, for Mr Connolly to sit there and say, "We do not know where he is, who knows?", is just out of the question.

Mr Connolly, I think the statement that the Speaker has given to us is a little bit different, for example, from the communications you have had with your own factions. I quote. It says here, "We felt we were lied to.". Well, the answer is you were not. "We felt we were deceived.". The answer is you were not. "And I suppose it could be said we were stupid;" the answer is you are.

Mr Acting Speaker, I table the following paper:

Commonwealth Parliamentary Association - Copy of letter from the Speaker to all members concerning the ACT Branch delegate to the Ninth Australian

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and Pacific Regional Parliamentary Seminar, dated 13 July 1990.

**Mr Stevenson:** On a point of order, Mr Acting Speaker, is leave required for a tabling of documents?

**MR ACTING SPEAKER:** No, he referred to the document in his speech and leave is not required for a Minister, Mr Stevenson.

Question resolved in the affirmative.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE**  
**Report on Stage '88 Fencing**

**MR JENSEN (4.50):** I present report No. 3 of the Standing Committee on Planning, Development and Infrastructure, "Stage '88 Fencing", together with extracts from the minutes of proceedings. Pursuant to the resolution of the Assembly, the Deputy Speaker authorised the printing and distribution of the report on 12 June 1990. I move:

That the report be noted.

Mr Acting Speaker, on 12 April this year the Standing Committee on Planning, Development and Infrastructure resolved at its meeting that it would inquire into and report on the proposal to construct a fence at Stage '88, Commonwealth Park. Members may recall that the Assembly's Estimates Committee tabled a report on the 1989-90 estimates on 2 November 1989. There the Estimates Committee requested that the Government review its decision relating to fencing Stage '88 and develop alternative proposals for the funds consistent with the grant. Subsequent to that, Mr Acting Speaker, the Minister for Health, Education and the Arts wrote to the committee requesting that the committee provide informal advice. The committee decided that it was inappropriate to do so and decided to adopt formal terms of reference to consider the matter raised with it by the Minister.

The committee then placed advertisements in the Canberra Times and invited organisations and individuals to comment on the proposal to construct a fence. The committee received three submissions supporting the proposal to fence Stage '88. Two of those submissions were seen by the committee as offering only qualified support. The committee heard two basic arguments in support of the proposal: one, that the fence was an original unit of the original proposal for a music bowl in Commonwealth Park as the Commonwealth's bicentenary gift to the people of the ACT; and two, that the fence was seen as a way of ensuring that at least some of the running costs associated with the stage could be recovered.

The Canberra Theatre Centre, who currently manage Stage '88, pressed strongly for the fence in the ACT Government's submission on the basis of contributions to recurrent funding for the stage. There was also some suggestion during the hearings that there would be three to five commercial uses of the stage to assist in the offsetting of recurrent funding. The committee was concerned at the lack of information provided on the competitive position of Stage '88 and the vague estimates of income likely to be generated by commercial use and was not convinced that fencing Stage '88 would necessarily generate this level of income.

During its deliberations the committee needed to consider the conflicting arguments of the need for economic rationalism in times of economic constraint as against the need to ensure unlimited access by the residents of Canberra to their bicentennial gift from the Commonwealth. We adopted two primary positions, as are identified in the report in paragraph 3.2: that Commonwealth Park belongs to the nation and not just to the residents of the ACT; and that Stage '88 is a gift from the Commonwealth to all residents of the ACT. The committee heard evidence that suggested that it would be possible for economic necessity to eventually lead to a temporary fence becoming a de facto permanent structure. This apparently is something that has taken place in Melbourne in the past. Based on these issues, the committee recommended in its report in paragraph 3.5 that the proposal to construct a fence around Stage '88 not be proceeded with.

During our deliberations we were aware of the commercial responsibilities of the Canberra Theatre Centre and we considered that the Department of Urban Services which manages similar public facilities, for example, Lanyon Homestead, the Nolan Gallery and others, should take on the role of managing Stage '88. We recommended accordingly.

Finally, Mr Acting Speaker, in reaching its decision not to fence Stage '88 the committee was conscious of the Estimates Committee recommendation concerning alternative proposals for the funds consistent with the grant. The committee therefore recommended that the remaining \$177,000 from the Commonwealth's initial grant of \$1.4m should be expended by the Department of Urban Services on minor works and equipment for Stage '88 that would aid in the reduction of current costs in a manner not inconsistent with the grant.

I think it is important to recall that this particular facility has been a cost to the taxpayer of the ACT, and will be a continuing cost to the taxpayer of the ACT. It is a facility which must be maintained, but rather than spend the money on a fence the committee felt that it would be more appropriate to spend that money on facilities for the stage which would reduce the ongoing cost of its operation. I commend the report to the Assembly.

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**Mrs Grassby:** Mr Acting Speaker, I rise to adjourn this debate to another day.

**MR ACTING SPEAKER:** No, I think we need speakers from the committee first.

**MRS NOLAN (4.56):** As this report has been around for some time, in fact, it was handed down in June, it is perhaps inappropriate to be speaking to it today, but there are a couple of comments that I would like to make. As has already been stated, the report was handed through to the Speaker some time ago, but this is the first opportunity for it to be tabled in the Assembly.

The fencing of Stage '88 first came up last year, as Mr Jensen has already stated, during the Estimates Committee report when it was discovered that an amount of \$177,000 left of the Commonwealth initial grant of \$1.4m was to be expended primarily on a fence round Stage '88. The Estimates Committee requested that the Government review its decision relating to the fencing of Stage '88 and develop alternative proposals for the funds, obviously while still remaining consistent with the original grant.

In its response to the Estimates Committee the former Government agreed with that recommendation and stated it would advise the Assembly of the outcome of the review. However, by March this year the present Minister, Mr Humphries, wrote to the committee as we have already heard, and the committee then took the question of fencing Stage '88 as a formal reference.

As is stated in the committee report, there are many issues that are unresolved. They are listed at 1.7 of the report and I think it is probably relevant that I should name them. They are: lack of public consultation; the apparent haste with which the project was proceeding; the absence of costing for the use of the facility; the lack of information on the competitive position of Stage '88 in an increasingly crowded market for commercial venues; the vague estimates of the income likely to be generated by commercial use of Stage '88; and the practical limitations and the security problems of the use of such a facility for popular entertainment.

I must also say that at this stage I was concerned as a member of the committee that only a small number of submissions was received - in fact, there were only six. As we have already heard from Mr Jensen, three of those supported the proposal to fence Stage '88 but two of those really only offered qualified support for such a proposal.

I do not believe that the two basic arguments put forward in support of the proposal, they being that the fence was an original unit of the original proposal for a music bowl in Commonwealth Park as a Commonwealth bicentennial gift to the people of the ACT, and that the fence was seen as a way of ensuring that at least some of the running costs

associated with the stage could be recovered, really justify a fence being erected around the facility.

I must say, Mr Acting Speaker, as a member of the committee I was concerned with the Canberra Theatre Centre's estimate of revenue which could be generated from a fence, and I refer to 2.7 of the report. The Canberra Theatre estimated that between three and five commercial uses of the stage annually could be obtained if a fence was provided. According to the Canberra Theatre Centre, income from such sources was estimated to be between \$12,000 and \$20,000 per year. The committee was concerned at the lack of information provided on the competitive position of Stage '88 and the vague estimates of income likely to be generated by commercial use, and was not convinced that fencing Stage '88 would necessarily generate this level of income, especially in a marketplace increasingly crowded for commercial venues.

The likelihood of a temporary fence becoming a permanent feature was something the committee was also very concerned about. I have seen the Melbourne Myer Music Bowl and I have seen how easily the temporary structure became a firm permanent structure during the summer months. This was also given as evidence to the committee as a strong argument for not fencing the stage.

Mr Acting Speaker, I consider the recommendations to be the appropriate course of action. I hope the Government response will be forthcoming very quickly and this matter can be finalised. Given the circumstances, the only course of action I believe is open to the Government is not to proceed with the fence. The principal argument against a fence is as stated in the report. It has to be the aesthetic argument against alienating any part of Commonwealth Park. This was stated by the Australian Institute of Landscape Architects, the ACT group. They also expressed the view that as the stage was a gift from the Commonwealth, it is not in the spirit of the gift, or in the interests of the residents of the ACT, for an area to be permanently fenced for the exclusive use of special interest groups. I agree with that argument and believe that Commonwealth Park is something that should be available for all ACT and Australian residents, not with part of it fenced off for particular events.

The only other point I want to mention is that I recognise that the Canberra Theatre would not be the most appropriate manager of the stage under the proposed circumstances. I believe the Department of Urban Services could take over the management, given that that agency already manages other similar facilities; the Nolan Gallery, Lanyon Homestead, Calthorpe's House, to mention but a few.

Of course, Mr Acting Speaker, I do not see the grant being returned to the Federal Government. I believe the reference in 3.11 takes care of that. That states that:

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The committee recommends that the remaining \$177,000 from the Commonwealth's initial grant of \$1.4 million be expended by the Department of Urban Services on minor works and equipment for Stage '88 that would aid the reduction of current cost, and in a manner not inconsistent with the grant.

Mr Acting Speaker, I commend the report to the Assembly.

Debate (on motion by **Mrs Grassby**) adjourned.

**Sitting suspended from 5.03 to 8.00 pm**

**TENANCY OF COMMERCIAL PREMISES - SELECT COMMITTEE  
Report**

Debate resumed from 6 June 1990, on motion by **Mrs Nolan**:

That the recommendations be agreed to.

**MR CONNOLLY** (8.00): Mr Acting Speaker, the purpose of this speech this evening is to state the Opposition's position on the recommendations of the Select Committee on the Tenancy of Commercial Premises. Following the tabling of this committee report, the Chief Minister responded on behalf of the Government on 6 June. The Chief Minister's remarks on that afternoon essentially supported the findings of the select committee which recommended that the problem of unfair trading practices in the area of commercial tenancies - that is, tenancies of essentially retail premises - was best dealt with by a code of conduct, a code of practice, to be negotiated between the tenants and shopping centre owners or their associations, backed up by fair trading legislation.

This position, in the view of the opposition, is clearly inadequate. The Opposition has long maintained the policy announced by the Follett team in the last election and by the Residents Rally in the now famous, or infamous, pink book, that long litany of broken promises. The pink book clearly stated the Rally's rejection of a code of practice and stressed the need for legislation to deal with this problem.

This view is clearly shared by Labor and is the established practice throughout most of Australia. In Queensland the Retail Shop Leases Act 1984, which was introduced by a National Party government, provides clear protection for commercial tenants. The Western Australian Commercial Tenancy (Retail Shops) Agreements Act 1985, the South Australian Statutes Amendment (Commercial Tenancies) Act 1985 and the Victorian Retail Tenancies Act 1986 provide clear statutory protection for small commercial tenants and a statutory model for arbitration and resolution of disputes between landlord and tenant.

The alternative proposal set forth in the report of the select committee - which I incidentally note contained no representative from the Australian Labor Party - instead suggests that the problem can be dealt with by a code of conduct, or a code of ethics, to be negotiated between tenants and landlords. The essential problem with this, Mr Acting Speaker, is that which we find throughout the field of consumer protection legislation - the fallacy that a level playing field exists between the tenant and the landlord. In classic free market economics the power of the consumer is often extolled as the solution to all business problems.

That may well apply at the Fyshwick fruit markets where the traders need not be compelled by legislation as to quality or freshness of fruit. The consumers at the Fyshwick fruit markets have clear sovereignty because they are dealing on a basis of equality with a number of traders who have no particular domination over the market. The consumer is free to choose between traders and can exercise that consumer sovereignty.

That is not the case in the field of commercial tenancies. The small business owner, the owner of a retail outlet in one of the great shopping malls around Canberra, has no freedom of contract with the owner of those retail premises. By and large, the ultimate owner of the retail premises will be a major national corporation, and the tenant will deal with the managing agent. The mere suggestion that the small shop owner is in an equal bargaining position with the major commercial shopping centre proprietor or its managing agents, we suggest, has only to be stated to be laughed at.

The code of ethics, which is proposed in the select committee report and which was endorsed in the remarks of the Chief Minister, is modelled on the solution that was adopted in New South Wales. Central to that solution is the backing up of the code of ethics by a fair trading Act. A problem with applying that solution to the ACT context is that, in common with a number of areas of consumer protection, we do not at present have a fair trading Act. The Chief Minister promised in his remarks that it would be made a matter of urgent priority, and I welcome that statement.

In the Opposition's view, while the code of ethics proposal is insufficient, it could provide some protection for the small retail tenant, provided that it is backed by an adequate fair trading Act with substantial penalties or enforcement provisions. While it is an inadequate response, the option which was put forward in the select committee report and endorsed by the Government can at least provide some protection, provided that urgent action is taken on the introduction of this fair trading legislation. The Opposition earnestly hopes that this is not yet another statement of pious intent by the



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Government, which will not be brought into being with legislation in this session of parliament.

Mr Acting Speaker, the paucity of legislation on the table and for consideration by this house is well demonstrated by a mere glance at the business paper this evening. All day we have been doing little but debating ministerial statements, and we will continue to do that tonight. The fair trading legislation promised by the Chief Minister should be fairly quick to draft, being based, I assume, on the New South Wales model. I hope that the Chief Minister's intention in this regard will soon be fulfilled by the tabling of that legislation for consideration. That will provide at least a backing for a code of ethics. We can only hope that the code of ethics to be negotiated between retail tenants and the owners of major retail premises will be adequate.

We return to the problem in this regard of the inequality of bargaining power between the tenant and the commercial shopping centre owner. It was argued in the report that legislation may not be necessary in the ACT, as opposed to those States that have adopted the legislative model, because the select committee was not convinced that there were sufficient instances of abuse to warrant the legislative solution. Mr Acting Speaker, I would suggest that the fact that retail tenants were reluctant to come forward and quantify the number of times that they have had complaints is not a sufficient basis on which to conclude that all is well in this field.

Dissatisfaction, fear and concern are felt by retail tenants, particularly the small business owners, the franchisees of major chains in the major shopping malls in Canberra, who in many cases are family groups that may well have mortgaged their residential homes to set up the small businesses. At the moment they are completely at the mercy of the dictates of the shopping centre owners. They can be forced to move about in the Belconnen, Tuggeranong or Woden malls. The Australian Labor Party has constantly been receiving complaints from these people, and that is why it was made a clear policy of Labor before the last election to introduce legislation. I am sure that similar complaints had been received by the Residents Rally and that this explains the clear statement of policy in the Residents Rally manifesto that a legislative solution was necessary.

Mr Acting Speaker, the Opposition is disappointed that the Government has taken the view that legislation is unnecessary and that a code of ethics, backed by fair trading legislation, will suffice. We would reject that view but, given the Government's statement of intent, we can only hope that the fair trading legislation that it promises will be introduced promptly and will be adequate to provide at least some statutory protection for the small retail shop lessee in the ACT.

**MR COLLAERY** (Attorney-General) (8.09): Mr Acting Speaker, I have never heard such nonsense in the time I have been in the Assembly. I say that with great respect to Mr Connolly, but it is a most extraordinary event. I will proceed, and I trust that when members of the Opposition post copies of Hansard to whatever mates they have in the small business sector they will not cut out my remarks and will have the courage to send them, too.

The Government endorsed the findings of the relevant committee, but it went further to strengthen them. Mr Connolly has made some pious statements about the power differences between tenants and landlords. That sort of doctrinaire statement does little to advance the causes of either party - the landlord or the small business tenant. The vast majority of small business tenants in this Territory look to the Alliance Government with favour in relation to this issue.

Mr Acting Speaker, I was present at the first of the working party meetings that was held between the respective parties and the Consumer Affairs Bureau and the elements of the Chief Minister's Department involved in developing the fair trading legislation. That is certainly under way at the moment. If the Stalinist clique opposite had allowed me to table our legislation program there, there would have been ample proof of the priority that we place on the introduction of this legislation.

Firstly, Mr Acting Speaker, Mr Connolly said that the Labor Party has always supported this legislation. I do not know what he is talking about. I have looked through its election policies. I find under the heading "Consumer Affairs" a bald statement that this will be achieved. It states:

Food is the most basic consumer item and an ACT Labor Government will ensure that Canberrans have high quality and affordable food products. This will be achieved by:

- introducing the Food Ordinance; and
- making full use of the price watch network.

In that same context the Labor Party refers to investigating the introduction of class actions for large scale consumer grievances in order to lower legal costs and introduce fair trading legislation. This is at paragraph 18 of their election thing. Firstly, there is the Stalinist manifesto - investigate the introduction of class action for large scale consumer grievances. This is the class warfare mentality of those opposite us.

Then it goes on to introduce fair trading legislation. I do not believe the member opposite knows what he is talking about. Fair trading legislation in that context is out of context. I use the Chief Minister's words in another document which he has issued to the Commercial and Retail Tenants Association:

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Such matters -

in that fair trading Act -

include, the prohibition on landlords obtaining payments in connection with renewals and extension and assignment of leases, the restriction of advance rent payments, entitlements to lease renewals, entitlements to compensation in compulsory relocation and redevelopment of premises and lease negotiations, and a rent calculation mechanism.

Mr Acting Speaker, I draw attention to the Residents Rally policy on commercial tenancies, which is clearly a much more specific policy on business. The Residents Rally had a specific policy on business, devoted to business, but you cannot find a policy on business in the ALP's platform because it does not know what business is about; it does not understand it. It has doctrinaire statements.

The policy on commercial tenancies referred to the need to bring in legislation to include the right of a tenant to renew a lease, the right of a tenant to sign a lease, the method of fixing rent variations, et cetera, all of which I have read out and on which there is broad agreement in this Government. That is the way in which a drafting group is presently proceeding. This Alliance Government has fully met the promises that it has made to its electors. The Labor Party did not even have a policy on it and has only doctrinaire statements to make tonight on the subject. I am not surprised that not all of your members can stomach you tonight, either.

Mr Speaker, in response to this report, the Government has decided to invite principal industry groups to negotiate a code of practice to regulate commercial tenancies. The New South Wales code is being used as a starting point for discussion, and the code will be supported by fair trading legislation. The Government has thus accepted the committee's main recommendations.

In evaluating the select committee's recommendations, the Government considered two options which were available to address the problem - enactment of specific legislation or introduction of an industry developed code of practice backed up by fair trading legislation. The Government decided that a code agreed by industry and backed by legislation will achieve the same objectives as specific legislation but will have the advantage of providing a practical framework of cooperation. Cooperation is not in the ALP's lexicon. It wants to have large-scale consumer warfare in this Territory. That is what its policy says.

We should not lose sight of what would have happened if this clique had remained in power - or the whites, the reds, the Mensheviks, the Kalashnikovs or whatever clique

they are. The practical framework of cooperation will result in an accepted, not an imposed arbitrary, basis. It will be agreed to by industry. I have every confidence that it will result in an effective, low cost dispute resolution mechanism. I am very happy to say that all the players in this affair are working in harmony with our respective government groups - my department, the Chief Minister's Department and the Consumer Affairs Bureau - and we hold great promise for the outcome of those negotiations.

Mr Acting Speaker, the Government will consider the need to make specific provision in legislation for some important matters, to which I alluded earlier. This is an approach that gives the industry an opportunity to work out its own destiny, with a minimum of government involvement. But it recognises that there is a role for government in ensuring that an appropriate legal, protective framework exists to ensure the success of the code of practice and harmony in the business sector.

Mr Acting Speaker, of course, the fair trading legislation will be a measure dealing with broader matters than merely the issue of commercial tenancies. It is an important initiative for the Alliance Government in the consumer affairs area. It is designed to complement the Federal Trade Practices Act and will address a range of unfair and anti-competitive marketing practices with which, unfortunately, it is necessary to deal in order to protect consumers and minimise the distortion of a competitive marketplace.

I might add and put on record now that it was a Labor government that sold the Belconnen Mall, and I believe the tenants of Westfield plaza have that to remember and rue. Similarly, the framework for codes of practice established by legislation will be a facility which other sectors of industry may well be able to utilise and a facility and a model in this Territory for cooperation between labour and capital. That will be a significant achievement of this Government.

Mr Acting Speaker, since 6 June, when the Chief Minister conveyed the Government's response to the select committee's report, we have been actively trying to get the process of developing the code under way. Meetings are under way at the moment. The industry has welcomed the Government's approach, as has the Commercial and Retail Tenants Association. At this point, I am confident that the code can be agreed on quickly, and that, by seeking the cooperation of industry, the Government will be able to achieve in a short time a long overdue reform in this important field from which successive Labor governments shied away and which they had no courage to tackle.

**MRS GRASSBY**, by leave: Mr Acting Speaker, I table our policy as set out in this letter:

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Commercial tenancy - Australian Labor Party - Copy of letter from Spokesperson on Industry to commercial tenants.

**MR DUBY** (Minister for Finance and Urban Services) (8.19): Mr Acting Speaker, I applaud the initiative of my colleagues on this committee, firstly, in examining the plight of shopkeepers trying to wrestle with a myriad of commercial lease practices - not all entirely fair, I must add - and, secondly, in taking decisive action to introduce a fair trading Act and a code of practice to assist the retail sector in the ACT. The principle of fair trading is something which this Alliance Government considers to be a fundamental aspect of commercial policy. It recognises that there is much which can be done to ensure and maintain a fair market in the ACT.

Mr Acting Speaker, Canberra is unique in Australia in its leasehold and planning system, and this means that the situation faced by commercial tenants in the ACT has required a solution tailored to meet ACT conditions, which it is obvious that the Labor Opposition has not realised. Very recently several tenants in a Kambah shopping centre were exposed to potential ruin as a result of lack of information given to them about restrictions applying to their landlord's lease. The Government acted quickly to remedy that situation, but, for the future, the present initiative of a code of practice for the commercial lease sector, backed by fair trading legislation, will do much to ensure that such problems cannot recur.

The Alliance Government recognises that the expansion of business and the growth of the ACT economy are not impeded, but stimulated, by creative and well-constructed regulation. A measure which promotes fair dealing and discourages anti-competitive practices is a species of regulation which, for this reason, will be welcomed by business and consumers in the ACT. When I say "business", I mean both sides of business - the tenant and the landlord - in the ACT.

The approach decided on by the Government represents a balance between the total regulation of the Victorian model and regulation only by a code of practice, as in New South Wales, which is not wholly compatible with the Canberra leasehold system. This sensible and practical approach, however, preserves the advantages of both by actively involving industry in the process of developing appropriate regulatory mechanisms, thereby ensuring that business will be committed to the code's success, and also by ensuring that the Government can play a role to provide the legal supports for the solution worked out and preferred by industry.

Mr Acting Speaker, again I take this opportunity to congratulate the Government on this initiative - of course, the Opposition is not capable of taking an initiative - and I look forward to the early introduction of the proposed code and the legislation in the coming days.

I think it should be pointed out that this policy which has just been tabled by Mrs Grassby is a beauty. It is a letter addressed to commercial tenants and is signed by, of all people, that person who is anathema to the current Leader of the Opposition - - -

**Mr Berry:** Trevor Kaine's mate.

**MR DUBY:** One Paul Whalan. How the tide has turned, Mr Acting Speaker! One who used to be the loyal acolyte of the former deputy now refers to Mr Whalan as "Trevor Kaine's mate". Times have changed. I believe this letter was put out by Mr Whalan the week before the election, promising legislation.

**Mr Jensen:** Where is it?

**MR DUBY:** Where is it? Where is the legislation? It was not produced in the seven months. Obviously the loony left and the squishy squashy soft centres of the party prevented it coming into fact. Is this really what was tabled? It is amazing! There are not many policies, Mr Acting Speaker, that start:

Commercial Tenants

Next Saturday you will vote for the first Parliament to govern the ACT.  
... We invite your support.

What a great policy! As I said, I take this opportunity to congratulate the very learned members of the Government on this initiative and look forward to the early introduction of the proposed code and the legislation promised by a very far-seeing man, Mr Whalan.

**DR KINLOCH (8.24):** Mr Acting Speaker, I would like to add another voice in support of the Deputy Chief Minister and congratulate the Government on this initiative. It was a great pleasure for me to be at an executive meeting of the Residents Rally last Sunday, at which we talked to some of the people who are interested in this kind of problem about the tremendous difficulties that they face.

At present, the Alliance Government is faced with a considerable number of tough and, we well understand, controversial decisions, and these can often obscure the achievements of the Government in a range of less controversial or less fashionable fields. This present initiative is an excellent representative example of how this Government has gone about its task, establishing a non-partisan committee of this Assembly to report quickly on the situation and then acting to address the need emerging in the community by getting its experts in the public service, together with representatives in the community, to develop a solution. I thought the whole enterprise was to be commended.

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The result has been to put in train a process which will not only provide a constructive solution for the retail sector and small commercial tenants generally but also put in place a legislative framework which will have lasting and wide-ranging benefits for the ACT.

Why will it benefit ACT consumers? It will benefit them by regulating a range of unfair and misleading marketing practices which unfortunately persist in some sections of the commercial world. They are practices including false advertising and other false claims about goods and services. Also, it will benefit ACT consumers by reducing practices which are anti-competitive and which impede the marketplace from rewarding products on the basis of quality rather than marketing tricks. This is effective capitalism.

Mr Acting Speaker, the small commercial tenants, the small retailers, are important people in the ACT economy. They are flat out running their own businesses and are not always in a position to seek the protection of their rights in a complex legal system. The Alliance Government has recognised the importance of this sector of the economy and has responded quickly to a need arising in it. It is an example of responsive and good government, and I heartily congratulate the Government on it.

**Mr Kaine:** I just need to be sure, Mr Acting Speaker, that I am not closing the debate.

**MR ACTING SPEAKER:** Apparently you have already spoken, Chief Minister, but you can speak again, by leave.

**Mr Kaine:** This is a debate on the Government's response to the report. I presume that I will have an opportunity to conclude the debate and that, if I speak, I will be the final speaker. I do not want to cut anybody else off from speaking. I am quite happy to speak now.

Leave granted.

**MR Kaine** (Chief Minister) (8.28): I have been listening to what passes for debate on this matter. Once again it is amazing to anybody who has listened how little contribution the Opposition has made to this question. It was considered to be a serious matter a little while back because this Assembly asked a committee to examine it. At that time it was obviously thought to be important.

Now that the report is before the Assembly and there are proposals as to what should be done to rectify a real problem in this Territory, which has been a festering sore, to my certain knowledge, since 1975, what does the Opposition do? The best that Mr Connolly can do is talk about the Fyshwick fruit markets. I presume that indicates his level of knowledge about the problem between landlords and tenants. I think it speaks for itself about Mr

Connolly's position, how much he really understands and what his appreciation of the problem really is.

What have we heard from the rest of the Opposition? Mrs Grassby tabled the Labor Party's policy. For nearly 15 months the Liberal Party - I am not speaking about the rest of the members of the Alliance Government - has been trying to find out what the Labor Party's policies were. We could not find out. Most of the time its members spoke straight off the tops of their heads. I had a copy, which I still have, of the policies that they published from December 1988 to March 1989, which purported to be those under which they went to the election, under which they claimed to have some mandate when they took office as a minority government in May 1989 and on which basis they denied the other members of this Assembly any mandate.

This mandate question is interesting, but after 18 months we discover that in terms of fair trading practice the Labor Party policy is a letter that was written by Mr Whalan to commercial tenants. What sort of a policy is that? A letter to commercial tenants is what the Labor Party claims to be its policy on fair trading legislation. That is why we heard nothing about fair trading from you lot for seven months, while you were in government.

Some of us in this Assembly happen to be aware of the problems in the business world between landlords and tenants. We know there is a problem. We know that the future of the Territory depends on the private sector, and the small business men and women collectively in this Territory constitute the major part of the private sector. We know that they require some assistance.

I think it was Mr Connolly, in fairness, who made the point that there is often not equality between people who have contracts. What is fair and reasonable when partners who are unequal go into business together needs to be set down. What we are proposing here, and what the committee has recommended, is that such a fair trading practice code - - -

**Mr Connolly:** Let them work it out between themselves!

**MR KAINE:** Exactly. Who better to do it than the people who are involved, with some sort of support and encouragement from government for them to get together and identify their differences and set them down in a code of practice?

Does Mr Connolly, for example, imagine that he - somebody who has never engaged in business - is better qualified to come to a place like this and write down the terms and conditions under which people should do business together? Does he really claim that? Frankly, the position that the Opposition has adopted tonight would indicate that he believes that to be true, that he knows better than landlords and tenants what their problems are, that he is



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better able to put in place some legislation on how to do business and that he is better qualified than the people who engage in business every day of their lives. His example is the Fyshwick fruit markets, the real epitome of the problem between landlords and tenants as to how they do their business together.

**Mr Connolly:** It is an example of Adam Smith's perfect market.

**MR Kaine:** I am sure that you are an expert on economics and that you would understand what a perfect market is! Since you have been out there and really practised in the private sector, you would understand the concepts of a perfect market, no doubt! Perhaps you can explain to me where one exists.

**Mr Connolly:** In classic economics texts, it is a fruit market.

**MR Kaine:** I doubt that the people who trade at Fyshwick would consider it to be a perfect market, and I doubt very much whether the landlords who provide the accommodation for the traders at Fyshwick would regard it as a perfect market either.

**Mr Berry:** You do not know much about Adam Smith, and you do not know much about economics.

**MR Kaine:** It is very interesting that Mr Berry challenges my qualifications in economics. Only at the weekend your whacky mob expelled from your party a guy named Barry Reid. For years I duelled with Barry in the old House of Assembly. I used to describe his economics as bazzanomics, because he had the socialist approach to it. It was different from mine but, although we sparred for a long time in the old House of Assembly in relation to economics, I had a great deal of respect for Barry Reid, and I still do. You did not have the sense to put him in this Legislative Assembly and, to use your words, you were so stupid as to expel him from your party.

Barry Reid was the only guy whom I know who, as a practising member of the Labor Party for the last 15 years, had any concept of economics. What did you do with him? You dumped him because you do not understand what economics is about. That is why Barry Reid is an ex-member of the Labor Party. If he were here today, he and I would be having a much more interesting debate about economics than I could ever conceive of having with any of you lot because you do not understand what the word is all about.

Do not quote Adam Smith to me. I suggest that you read his writings first and then those of a few more modern economists who relate to the world of 1990. Then we will have an interesting debate about economics.

**Mr Collaery:** They have Jim Cairns. They have Jim Cairns's writing.

**MR KAINE:** I have a certain regard for Jim Cairns, too. But he is on the outer with the Labor Party as well.

**Mr Duby:** Who isn't?

**MR KAINE:** Everybody is. As a government we have attempted to have consultation. This is a word that the people in the Opposition use constantly, but they do not have the faintest idea what that means. They talk about consultation.

**Mr Berry:** You wouldn't understand it.

**MR KAINE:** I understand it very well. We will put into effect what we understand, and that is that there should be a dialogue between landlords and tenants, that they should consult, each with the other, and that they should come up with a solution to their problem. You would not understand that, Mr Berry. You shake your head because your solution is for the trade unions to heavy everybody else. You do not want to consult or negotiate. You want the trade unionists to tell everybody how they will do their business. That is your solution to the problem. If they cannot get their way they go on strike; they hold the whole community to ransom.

**Mr Jensen:** No, it is not a strike any more; it is a health and safety issue now.

**MR KAINE:** Whatever it is, they withdraw their labour. The different solutions are interesting. The Labor Party, through Paul Whalan, another ex-member - if he is not now, he soon will be - wrote a pre-election letter about introducing fair trading legislation, but it did not introduce it. We are doing it because we believe there are two elements to this: One is an agreement between landlords and tenants as to how they do their business; the other is some legislative backing to give that code of practice some force in law. We will do it. You have talked about it - there has been a great deal of rhetoric - although I am absolutely confident that you do not understand it, but we, Mr Berry, will do it. That is the difference.

**MR STEVENSON (8.38):** There is no doubt that we all agree that there are serious problems in this matter. A letter to the Speaker of this Assembly, dated 27 February 1990, from the Commercial and Retail Tenants Association, CARTA, painted a different picture of what the recommendations contained. I will quote from that letter, to put on record exactly what the people who are one side of this debate - not members of this Assembly, but the people who are having the major problem - say.

**Mr Jensen:** What is the date, Dennis?

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**MR STEVENSON:** It is 27 February 1990. They said that there is no particular difference; that is the problem. We have just spoken to them, and they said that the problems are still there.

**Mr Collaery:** To whom did you speak?

**MR STEVENSON:** Ross Gengos.

**Mr Kaine:** That is not what he said on Sunday, Dennis.

**MR STEVENSON:** Once again we can go only on what he said. In February, nearly six months ago, he said:

We reject the recommendation that the Assembly should take no further action for a period of six months while these negotiations are carried out.  
... We therefore reject the Report, and oppose its adoption by the Assembly.

**Mr Berry:** When did you last talk to him, Dennis?

**MR STEVENSON:** He was spoken to about four minutes ago. You saw the report that was just brought in; the letter of 27 February is still okay. Since then CARTA and its members have done much more work to refine it, but it did not substantially change anything. CARTA membership has grown greatly, and there are many more examples of the problems. Members of CARTA are saying that nothing has changed since they wrote the letter. I have spoken to people in the malls in the last few months. There are enormous problems, and they are not getting better; they are remaining the same. They have been very bad, and they remain bad.

They are concerned that something be done urgently. If something is being done urgently - it has already been six months - that is fine. Where is the urgency to the matter? People could be losing their businesses. About two months ago one of the landlords was refusing to renew the tenancy of a business that had been there for some time, but there was no practical reason for that refusal. A reason was that the tenant was prepared to speak up within the mall and say that something needed to be done. I have spoken to the tenant over a number of years. That person is perfectly reasonable and runs a very sound business but is being driven out simply because of being prepared to speak up.

The claim has been made - and it is quite true - that any number of people were not prepared to talk to the committee for fear of retribution. One can understand, in the light of things that have happened. We should not need to reiterate the problems. We know that once you are in a mall you basically do as you are told, pay what you are told to pay, and go where you are told to go. That is the problem.

I think I have mentioned on a number of occasions that perhaps the only way Canberrans will be able to survive the financial imposts of the Federal Government abrogating its responsibilities of looking after the nation's capital is through the small business sector. We need to assist it, but most of the assistance would be to get off its back. However, there is one very real way in which we can assist it. The Chief Minister mentioned self-regulation. As a general principle I agree entirely with self-regulation of industries. What we have here is an industry, if you like, in which the tenants cannot really regulate themselves. They have a battle with the landlords, and they are highly disadvantaged in any communication with them. The talk in relation to this self-regulation has been going on for many months. But what has happened? Where are the meetings? Where are the sit-down talks together, with useful results? They are just not happening.

**Mr Jensen:** Oh, Dennis, goodness me.

**MR STEVENSON:** How many meetings, Norm? Tell me.

**Mr Jensen:** A letter will be read out in a minute.

**MR STEVENSON:** That is fine if you have some information. I am going on what I was told. These people do not have a say in the Assembly. If they give us some information I am prepared to present it on their behalf. They said that there have not been the meetings that would have to be held to get some decent benefit from what was happening.

They need legislation. What we are told by the Alliance sounds reasonable, and I do not disagree with self-regulation, but you have already agreed that it needs to be backed up by legislation. So what we are saying really is that without legislation this will not work. The Labor Party, the tenants, the Alliance and I agree with that. We are looking for legislation urgently, but it has not come urgently in many months. That is the problem.

**Mr Jensen:** You'll get your letter tomorrow.

**MR STEVENSON:** That is excellent. I will convey it to the people who are most concerned, the representatives of CARTA.

As I said, I look forward to receiving a letter tomorrow and to legislation which resolves the problem being introduced into the house. But until that is done, CARTA will have problems. I have spoken to people within the malls, and they certainly have problems. We all agree that there is a problem, but let us give it some urgency and get the debate going on fair trading legislation or specific legislation - some legislation. We no longer want talk; we want some action.

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**MR BERRY** (8.46): The most important issue which emerges in relation to this matter is the small businessmen's position in terms of power in the areas in which they operate. I particularly would like to direct members' attention to small businesses in the retail trade. My experience in these matters goes back to when the Belconnen Mall was sold by the Federal Labor Government. That was a matter of great shame, which was opposed by members of the ALP in the ACT and the trade union movement.

The difficulty that I experienced in trying to mount a campaign against that closure in respect of the tenants was the fear of the tenants to be outspoken on the issue. They were frightened because there was no legislation to protect them, in terms of their leases and the arrangements under which they were forced to work in the larger shopping centres, or indeed in not so large shopping centres. In my view, that campaign would have been a great deal more successful had the retail tenants been in a better position in terms of power within the areas in which they operated, but they were not. They were frightened to be outspoken, and the campaign ultimately failed.

It has been proposed that the way to fix all of this is by self-regulation. Self-regulation seems to me to be proposed by people who want to turn back the clock, because private enterprise never provided adequate protection for people who were less powerful than others; it was only public enterprise and public regulation which provided the protection that was necessary. Now people want to take us back a century or so to the era of private regulation. It does not work because the element of greed comes into the equation, and the less powerful lose. That has been the experience in the trade union movement as well as amongst small business people.

One of the most telling paragraphs in the report is the first one on page 13. It mentions the Residents Rally's survey of about 30 tenants out of the 2,790 individual business premises in the ACT, and rejected the notion that that survey had any relevance. One recognises the doubtfulness of anything that the Residents Rally has ever done, but what worries me mostly is the fact that the committee refused to accept that there was a problem amongst tenants with their lessors. There is a problem, but people do not come forward, and they will not come forward until there is adequate regulation to protect them.

These people opposite, who pretend that they in some way represent the interests of small business, say that they ought to work out all these problems themselves. They are condemning small business to be manipulated by the more powerful people in this Territory while ever they are able to produce a dollar. Mr Acting Speaker, that is the big flaw in this whole exercise. There has been no recognition that big business is more powerful. I can understand that from members of the Liberal Party because, after all, they do represent big business and have proved in recent times

that they are not interested in small business in the Territory. I think there is no more evidence of that contempt for small business than their approach to the small businesses that will be decimated by the closure of the schools by the Liberals.

**Mr Humphries:** The wall will come tumbling down! We've heard it all before.

**MR BERRY:** The education Minister should take the time, get out of the kitchen, and talk to some of the small business people in this Territory. He should look closely at what is going on in those premises around the schools that he is going to close; he will destroy them; they will have to close. Some of these people will lose their houses. He ought to take the time to go around and talk to them. I have.

**Mr Collaery:** Why did you not take any action when you were in the ministry?

**MR BERRY:** We were not going to close the schools. We were going to balance the budget and maintain services for the people of the ACT, not withdraw them and close schools and demolish the health system, and hand it all over to your big business mates. This is another example of how you operate in terms of protection that is necessary for ordinary working people. In many cases small business people see themselves as ordinary working people. The Liberal Party has never represented ordinary working people in this country, and the Residents Rally has not yet worked out whom it represents, although I am sure that it will be different tomorrow.

Mr Acting Speaker, this issue is extremely important for people in the Territory. I can give you one example of a small self-serve shop which was frequented by some members of this Assembly - a Shop-Rite, I think. It has had a 200 per cent rent increase and was given a couple of weeks' notice.

**Mr Moore:** One week's notice.

**MR BERRY:** It was given a month's notice.

**Mr Kaine:** Get your act together. You don't even know what you are talking about, obviously.

**MR BERRY:** If it were given a month's notice, it would not be too much. It has no protection by regulation and you, the old bookkeeper, will make sure that it has no protection. These are the people who will suffer under this Residents Rally, Liberal, No Self Government and soon to be Liberal Alliance Government.

**Mr Duby:** We're bigger than I thought!

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**MR BERRY:** Your size would be measured by the swelling head, but I do not think it has much to do with the brains inside because you have not recognised the protection that these people need in this community. You have turned your back on them, and they will pay you back.

**MR ACTING SPEAKER:** I call Mr Humphries.

**Mr Berry:** It's not about school closures, is it?

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (8.55): Mr Acting Speaker, I will not be rising to debate school closures. I suspect that members opposite would claim that virtually anything that happened in Canberra, including bad weather, road accidents and the Raiders losing, would be attributable to schools closing, sooner or later. So we will put that in our little notebook, to remember that every time something is raised it is blamed on school closures.

Mr Acting Speaker, I think it is obvious that the Labor Party members again are experiencing the selective amnesia that has afflicted them several times since joining the opposition benches some months ago. That amnesia seems to give them a great sense of their own wisdom and capacity to have spied out the world in a perfect fashion when they were in government, and all these things would have come right if only time had not beaten them. If only they had been permitted to stay in office for a little longer, all these wonderful things would have occurred, which would have shown how clearly their vision and perspicacity would have cast the ACT into a new light, and we would all have been saved. I do not believe that.

I think that the Labor Party members were saved only by time from a great series of mistakes coming to light, and I particularly think that it was fortuitous in a sense that they were not able to stay in power long enough to expose themselves as having no intention of getting on to a great many of the things of which they now claim to be advocates.

I am particularly intrigued by the way in which they now claim that they are the real champions of fair trading legislation and the sorts of things that appeared on our forward legislation program, particularly given that the evidence simply does not really back up that assertion. The document that my friend Mr Connolly refused to allow to be tabled today would clearly have shown, had members opposite been open-minded enough to see it, that the Government had placed fair trading legislation in its first priority category, for passage this session. There it is in black and white. It is only the obstreperousness and poor judgment of those opposite that prevented it being tabled this afternoon by the Attorney-General.

It is obvious, Mr Acting Speaker, that this Government has made a considerable effort to ensure that the issues raised in the report have been addressed and to see that action is

taken to ensure that those outcomes desired obviously by most parties in the field are seen to be, and are, brought to fruition.

The Chief Minister has kindly passed on to me a letter which he addressed to Mr John Clarke, the Executive Officer of CARTA, only a few days ago - it is dated 30 July. I will table this letter shortly, but I want to read part of that letter, to make this perfectly clear, particularly for Mr Stevenson's benefit. The Chief Minister stated:

In evaluating the Select Committee recommendations the Government considered two options which were available to address the problem - enactment of specific legislation, or the introduction of a Code of Practice backed by Fair Trading Legislation. The Government decided that a Code of Practice agreed by the industry and backed by Fair Trading legislation will achieve the same objectives as specific legislation but with the advantages that it provides a practical framework for operation by setting out standards of behaviour for the industry which is accepted and agreed by the industry and an effective, efficient and low cost dispute resolution mechanism.

There it is in black and white, sent to the Commercial and Retail Tenants Association only a few days ago. The letter also invites that organisation to be, with other organisations, a participant in the process of working out details of that code.

**Mr DUBY:** Table that, and put it in the record.

**MR HUMPHRIES:** I think I will take Mr DUBY's advice and table the following paper:

Commercial and retail tenancy - Copy of letter from Mr T. Kaine, MLA, Chief Minister to Executive Officer, Commercial and Retail Tenants Association, dated 30 July 1990.

It is obvious that considerable work has been done in this area. The Government has not been resting on its laurels, and it is progressing this matter responsibly. I am advised that, notwithstanding what Mr Stevenson and others have said, members of CARTA and the Buildings Owners and Managers Association Ltd have, only in the last few days, got together in the office of the Deputy Chief Minister to discuss, and agree substantially on, the process by which these issues will be resolved. I think that is a pretty clear indication of government action in this area.

However, in contrast to that, we have the so-called action of the ALP. In particular, we have the claim by the ALP members that they have policy in this area. The policy is in the form of a letter addressed affectionately to "Commercial Tenants", which was obviously a last-minute



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thought before the last election. It says, "Next Saturday you will vote", et cetera, and it contains this brief reference:

A Labor Government is committed to introducing legislation to protect commercial tenants. This will be known as the "Business Leases Review Act".

The Opposition's manner of enacting policy is a rather curious one. If only we had the idea that it was so easy to make party policy, I am sure that parties on this side of the chamber would probably do the same thing. But we all know it is not possible to do that. We all know that policy has to be thrashed out with our respective parties, and we all know - in particular, in respect of the Australian Labor Party - that it is supposed to be the party convention or council, or whatever it is called, that sits down and makes policy for the party.

Where is the evidence that it made this policy? Where is the evidence that this was the policy of the Labor Party as opposed to the policy of Mr Paul Whalan? There was obviously no effort to make sure that this little gem went into the party policy. It was a small oversight, I think, but a significant one. What about the party platform? I wonder what my friends opposite were spending last weekend doing, if they were not improving and modifying their party platform. That would have been a perfect opportunity to incorporate this important feature of party policy in their party document. However, they seem to have forgotten that.

**Mr Kaine:** It will be in the \$10 edition that is coming out shortly.

**MR HUMPHRIES:** Yes, it could be in the special \$10 edition, the Chief Minister suggests, that is to come out. Mr Acting Speaker, it is very clear that this Government has produced, and is producing, action in this area. It is aware of the needs of those in the marketplace, perfect or not. It will see that action occurs in this area, which will be better for all tenants and landlords in the ACT. I think Opposition members should be applauding the Government's actions, not pretending like Johnny-come-latelys that they thought of it first.

**MR MOORE (9.03):** I think it is important to say, Mr Acting Speaker, that it seems to me that the expectations associated with this, in hoping that tenants and landlords can get together and sort out these problems in a nice friendly way, is akin to expecting that members on that side and this side of the house would be able to get together and sort out their economic differences in a nice relaxed and orderly fashion that would be suitable to us all.

I really feel that introducing legislation is the way to go, rather than having a code of practice. I thought I should add my little bit in that way. It is interesting

that so much fuss was made by the Residents Rally and that a wonderful job was done in this area by Chris Donohue who, I understand, was very disappointed with the report in the end.

**Mr Jensen:** Have you spoken to him lately, Michael?

**MR MOORE:** Last Friday night.

**MRS NOLAN (9.04):** After all this time, I am not so sure that I will continue the debate much longer. I was of the understanding that we were going to have just a couple of speakers, but it has gone on for quite some time. As chairman on the Select Committee on the Tenancy of Commercial Premises, I welcome the Government endorsing the select committee's recommendations, and I am hopeful that very soon we will have a code of conduct, as has been recommended by the committee, with the proper mechanism of support, as in the fair trading Act.

I think it is important to mention and reiterate that the fair trading Act is very important to give teeth, if you like, to the code of conduct in regard to the landlord-tenant relationship. But I guess the other point that we have not heard mentioned here tonight is that it will give some protection to the retail trader-consumer relationship.

The other point that I would like to mention at this time is the contribution that was made by Peter Barda from BOMA in New South Wales, along with the Retail Traders Association of New South Wales, in working through the code of conduct. I am hopeful that that basis will be used by the landlords and tenants in the ACT. Much work has gone into that code over a long period, and I certainly see it as something that other States will consider introducing. Those of us on the committee saw the effect of the prescriptive legislation in Victoria. It certainly had not made any contribution to alleviating any of the problems in that commercial area. There were still the same number of problems in the commercial landlord-tenant relationship; it was put to the committee that there had been a significant increase, not decrease, in problems in that area.

I want to mention just a couple of other matters, and one is in relation to the Labor Party introducing as a private members Bill, in March this year, a piece of legislation that I think dates back to 1983. On the first or second page of the legislation reference was made to 1983. The legislation was introduced by Mr Whalan, I am sure, just as a political point-scoring exercise. I do not think he even gave consideration to what it actually said. It is my understanding that it still sits on the books; it certainly has not been removed. It is so out of date that perhaps somebody can take it off.

The other point that I think is important is that this problem has been discussed since 1975. The committee heard of the problems that were first raised in 1975, and some

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years later they were raised again. I understand that the Labor Party has had a member representing Canberra in the Federal Parliament since 1980, but it did not do anything about solving the problems from 1980 to 1990. Now it suddenly sees that there is urgency and that the matter needs to be addressed. What happened in the last 10 years? Certainly, it did not bother about it then. I am surprised that it is even bothering about it now.

The other thing that I think needs to be said is that this particular select committee was set up last year - I cannot remember the exact date - and it took quite some time to consider all the evidence put before it, speak to as many people as possible and come up with the recommendations.

**Mr Jensen:** It was 26 July 1989.

**MRS NOLAN:** It was 26 July 1989. It reported in February. The Labor Party did not even have a representative on that committee. Obviously, it was not too concerned about it then either, to get all the evidence that was required.

**Mrs Grassby:** We were not - not when you have an executive deputy as the chairman. We told you that.

**Mr Collaery:** That has nothing to do with that committee.

**Mrs Grassby:** It does.

**Mr Jensen:** It was a select committee, Ellnor.

**MRS NOLAN:** It was a select committee, and you could have put forward a nomination. I would like to go back to the problems that the committee saw with legislative control. They include rents and the basic rights in connection with the ownership of property. The committee doubted then that prescriptive legislation could ever restore a relationship that has reached the point at which inconceivable differences exist. We believe that this particular code, which is worked through by both the landlords and tenants, backed by a fair trading Act which will give teeth to that code will be the most satisfactory solution to the problems that people have mentioned occur in the industry.

We all accept that there are some problems, and in this way they will be addressed. They will not be left for 10 years as the Labor Party has done. For 10 years it had the opportunity to introduce either a code or prescriptive legislation, as it has favoured this evening, but it did absolutely nothing about it. The committee is pleased that the Government will be introducing the code very soon. It is hopeful that the two parties can sit down and that an amicable arrangement can be worked through.

I am also hopeful that the fair trading legislation will be introduced very soon and that it will address not only issues that relate to the landlord and tenant but also issues that relate to the retail trader and the consumer

because there are certainly matters in that area that need to be addressed as well.

**MR CONNOLLY**, by leave: I table the following paper:

Commercial tenancy - Australian Labor Party policy - Copy of Extract from Australian Capital Territory Branch's Platform, rules and regulations, dated 1989/90.

Question resolved in the affirmative.

**BELCONNEN REMAND CENTRE**  
**Ministerial Statement**

**MR COLLAERY** (Attorney-General), by leave: Mr Acting Speaker, I wish to make a short statement of explanation in relation to a statement that I made in this house on 7 June 1990 about a matter of public importance relating to the management of the Belconnen Remand Centre. I make this statement to set the record right and to apologise to the house.

On 7 June 1990, the last day of the previous sittings, Mr Stevenson raised a matter of public importance relating to the management of the Belconnen Remand Centre. Members will recall that there was considerable debate surrounding the introduction of the matter of public importance. My view was that it was inappropriate to raise that matter. At the time a number of issues pertaining to the proposed matter of public importance were the subject of public service disciplinary processes which are the responsibility of the Head of the ACT Administration, not this Assembly.

In attempting to clarify for Mr Stevenson information surrounding the alleged issuing of defamation writs, I sought advice from an officer of my department, who happened to be present in the gallery. The officer concerned provided advice in my presence and that of Mr Stevenson, which, he informs me, he believed to be accurate at the time. This advice subsequently proved to be incorrect. At no stage, however, did I or my officers deliberately set out to provide wrong information with the object of misleading this Assembly. Indeed, I was genuinely attempting to assist Mr Stevenson by giving him direct access to my advisers.

Unfortunately, I had to leave to attend the social welfare Ministers conference in Brisbane shortly after the discussion took place between Mr Stevenson, an officer and me. Had I been present when Mr Stevenson informed the Assembly that the information provided to him was incorrect, I would have immediately sought to correct the error and apologise to the Assembly for inadvertently misleading it in relation to those matters. I now, therefore, Mr Acting Speaker, apologise to the house for

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inadvertently misleading it in relation to the advice that I was given by one of my officers.

**MR CONNOLLY**, by leave: The Opposition accepts that the statement that the Attorney-General made to the house on 7 June was based, in good faith, on advice of his advisers and commends him for the action of promptly making this statement to the house, which sets a clear precedent for ministerial responsibility. The house will accept a genuine apology for an inadvertently misleading statement made in good faith.

### **PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE Report**

**MR JENSEN** (9.15): Mr Acting Speaker, I present the report of the Standing Committee on Planning, Development and Infrastructure on the new capital works program 1990-91, together with extracts from the minutes of proceedings, and I move:

That the report be noted.

On 31 May this year the Government's proposed 1990-91 new capital works program was referred to the Planning, Development and Infrastructure Committee for inquiry and report. The annual process of the planning committee inquiring into and reporting on the capital works program is an important means by which the members of the Legislative Assembly, as the elected representatives of the people, can involve the general community in the decision making process. It enables the works proposals for the coming year to be publicly scrutinised and analysed before final decisions are made by the Government.

This year's program involves 93 projects, with a total estimated expenditure of \$110m - \$26.9m of which is to be spent in the 1990-91 financial year. Given the relatively short period which the committee had to inquire into and report on the program, to enable it to fit in with the budget timetable, it was decided to concentrate on several key aspects: the mechanisms and processes adopted in formulating the program and, in particular, the amount of community consultation undertaken; the projects involving large amounts of expenditure; and those projects about which there was some doubt as to whether they conformed with the three criteria used by Treasury to determine priorities. As well, the committee pursued two sub-themes - that of noting the continuing problems caused by the transition process to self-government, and the need for the recurrent implications of capital works expenditure to be fully explored when priorities are determined.

The committee had a briefing from senior Treasury officials, during which the scope and process of the works

program for 1990-91 were explained. The committee advertised, calling for public submissions, five of which were received. The committee was disappointed that more public submissions were not forthcoming, although this may have been due to the short period allowed for the inquiry process, which was a result of the budgetary requirements, as I have already indicated.

Public hearings were held on 28 and 29 June, at which officials from all the government agencies were questioned on their works proposals. In all, a total of 32 officials appeared before the committee at the public hearings. I will comment later, Mr Acting Speaker, on why I believe it is unfortunate that a member of the committee, Mr Berry, did not participate in those public hearings.

The committee made 21 recommendations, of which one of the main ones is that a formal response from the Government be made to the recommendations in this report before the 1990-91 budget is brought down. This recommendation is particularly important because, unless a formal response is made before the budget is released, the report will lose its currency and relevance.

Another main recommendation is that the Government, when it responds to this report, provide full details of where the \$22.1m of reserve funds are to be allocated. The reserve funds listed in the program are specifically set aside for projects awaiting final government consideration. It is important that a full listing of all potential projects, including their indicative costs, be made publicly available.

Another recommendation is that the detailed population projections for the Tuggeranong Valley, together with an explanation of schools in the south Tuggeranong area, be made publicly available before work on the Bonython school is commenced. The committee believes that it is imperative, particularly in view of the public interest and concern about the school consolidation process, that the Government and the Education Department clearly articulate their policy on the provision of schools in the south Tuggeranong area.

The next main recommendation is that the Government take no precipitate action with respect to the Playhouse Theatre and that a final decision not be made until after the Select Committee on Cultural Activities and Facilities completes its inquiry. I note that Mr Wood, the chairman of that committee, unfortunately is not present in the house at this point.

The committee also recommended that a broadly based consultative committee on community services be established to allow for more public input into identification of priorities for capital works in the community services portfolio.

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It recommended also that before any transport and engineering works are planned or designed all residents and organisations who will be directly affected by those works should be consulted and, where possible, involved in the decision making process.

Another recommendation is that before any work is commenced on the upgrading of Athllon Drive the following takes place: a further study of current traffic travel figures be completed; the results of the traffic travel survey be used in a review of the two options for the upgrading of Athllon Drive from Sulwood Drive to Beasley Street - either construction of bus-only lanes or dual carriageway - to confirm which option should be proceeded with, and justification be given as to why only sections of the staging strategy recommended by the Denis Johnston and Associates 1989 report on the upgrading of Athllon Drive are included in this capital works proposal.

The committee recommended that comment on the extent of community consultation be added to the criteria used in preparing the list of projects for the final works program and that the future recurrent implications of capital works projects should be added to the criteria used. The final major recommendation was that the Government continue its efforts to convince the Commonwealth to release funds from the ACT Transitional Funding Trust Account for urgent capital works.

Mr Acting Speaker, the processes and procedures by which the capital works program for 1990-91 was devised are generally sound and represent a vast improvement on past experience. However, there is still room for further refinement to those processes and procedures. With respect to some agencies, there is a need to involve the wider community in the capital works process to a much greater extent than is presently the case, and the provision of information to the committee on programs could still be improved. In the interests of getting the best value out of the taxpayers' dollar, there is a need for the Government and the agencies to give priority to those projects that lead to long-term recurrent savings when devising the capital works program.

Mr Acting Speaker, this inquiry has clearly demonstrated to the committee that when the Commonwealth handed over control of many of the capital assets to the ACT in May 1989 they were not in a well-maintained condition, and the costs of that poor maintenance are now having to be paid.

At this stage of the proceedings, in my closing remarks, I would like to refer briefly to the minority report of Mr Berry. These comments, unfortunately, reflect a clear attempt by the Labor Party in the Assembly to indulge in political point scoring by refusing to participate in the examination by the committee of the new capital works program. Here we have a failure to carry out one of the key duties of a member of the Assembly, not as a member of

the Opposition but as a member of the Assembly. Members who hold no executive office have a responsibility to participate fully in the process of committee work in the ACT Legislative Assembly.

Notwithstanding the previous posturing of the Labor Party members on the issue of executive deputies participating in committees, as they have also done in the past on the Standing Committee on Legal Affairs, this committee, I suggest, provided a perfect opportunity for the Opposition to question formally departmental officials who are responsible for the preparation and implementation of the Government's new capital works program. Failure to do so is, quite frankly, a grave dereliction of their duty to the Assembly and the people who elected them.

I would have thought that the report that was tabled this afternoon by this committee clearly indicates the commitment of me particularly, as chairman, to maintain the integrity of the committee system. I am sure that I am supported in that by my colleague on the committee, Mrs Nolan.

It is also somewhat ironic that Mr Berry has made his dissenting comments available to the rest of the committee only this afternoon, yet he has had the benefit of receiving the minutes of the committee meetings and various drafts of the report as they were prepared, following the hard work of the members and secretariat, on which he has reneged.

However, I digress. I am concerned that in Mr Berry's justification he has trodden a dangerous path. This, I think, is important - and I would like members to listen carefully to this - regarding discussion of matters raised during private committee deliberations. I believe he is straining the intent behind standing order 214, even if he may be just within the letter of that standing order.

What really concerns me is that, if the Labor Party is going to go down this path, committee members may think twice before they make any statements in the confines of the committee room. This may well lead us all to a point at which we are no longer prepared to conduct our affairs in committee in a frank and forthright manner. In the past, our ability to do so, knowing that cheap political point scoring will not result, has led to much better reports. One must wonder whether Mr Berry's limited productive time in committees has led him down this path. One must also wonder whether, when considering his options, he has sought advice from his colleague Mr Wood who participates in committees in an exemplary manner. Certainly my experience on the number of committees on which I have served with Mr Wood bears that out, and I am sure that other members of the total Assembly would agree with that.



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Mr Acting Speaker, I hope that members will see this as a temporary aberration on the part of Mr Berry and will not seek to use his statement as a precedent to turn our excellent committee system into a political football. I can assure members that I will take every opportunity that I can, as a member of any committee on which I serve, to ensure that due convention is maintained.

**Members** interjected.

**MR ACTING SPEAKER:** Order, members! Would you let Mr Jensen continue.

**MR JENSEN:** I implore Mr Berry and his Labor colleagues to forget their partisan attitude in such matters and return to the committees with the aim of ensuring that our committee reports continue to provide a major source of information for decision making by both the Government and the Assembly on a purely and utterly bipartisan basis. I commend the report to the Assembly.

**MRS NOLAN (9.26):** As a member of the Standing Committee on Planning, Development and Infrastructure, I rise today to speak briefly on the report on the new capital works program 1990-91. Mr Jensen has already touched on many of the comments that need to be made in relation to the program. However, there are some areas that I specifically want to address.

Firstly, thanks to the committee secretary, Greg McIntosh, and David James and Kim Blackburn for their invaluable assistance. As a member of the committee, I must say that it is unfortunate that it operates with only two government members. I had hoped that those parties concerned in allowing this to continue would give more consideration to the reason for the committee's existence. I hope the community is not the loser.

I think it is absolutely necessary that the Government give a formal response to the committee report on the 1990-91 capital works program before the budget is brought down. In the first recommendation of this report, the committee recommends that this be done. It would be of no value whatsoever if a formal response is not given by the Government before delivering the budget.

I will not go on and mention all the recommendations, although I consider them to be important. But I will turn now to an area of particular concern, and that is transport and engineering. The first recommendation that I want to address in that area is recommendation 14, that before any transport and engineering works are planned or designed all residents and organisations who will be directly affected by those works should be consulted and, where possible, involved in the decision making process. I believe this is necessary, and I cite the case of the closing of one of the major arterial roads into the Tuggeranong Town Centre for three months earlier this year with no-one at the town

centre even having been advised that this was going to happen. Surely that could have been done as a courtesy, if nothing else. That is just one example. While we accept that slip-ups occur, a town centre should have been considered.

Recommendation 15 is another one on which I must comment - that is:

before any work is commenced on the upgrading of Athllon Drive the following takes place:

- . a further study of current traffic travel figures be completed;
- . the results of the traffic travel survey be used in a review of the two options for the upgrading of Athllon Drive from Sulwood Drive to Beasley Street (either construction of bus-only lanes or dual carriageway) to confirm which option should be proceeded with; and
- . justification be given as to why only sections of the staging strategy recommended by the Denis Johnston and Associates 1989 report on the upgrading of Athllon Drive are included in this capital works proposal.

The upgrading of Athllon Drive is a major capital work of transport and engineering at a cost of \$1.08m. During the committee's deliberations officials from each of the agencies were questioned. As a member of the committee, I must thank these officials and also members of the public for their cooperation and assistance. However, in relation to Athllon Drive, there was not as much information as that which could have been provided. No mention at all was made of a consultant's report on the upgrading of Athllon Drive, which was done in January 1989, which recommended this upgrading but which also recommended a number of other works to be completed prior to the upgrading of Athllon Drive.

### **Adjournment**

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

That the Assembly do now adjourn.

**Mr Collaery:** Mr Acting Speaker, I require the question to be put forthwith without debate.

Question resolved in the negative.

**MRS NOLAN:** Obviously the committee is concerned that some of these recommendations do not appear to have been commenced or even perhaps considered. How can pieces of that report be considered and not others? The proposed bus lane part of that report hinges very much on other changes.

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However, a real concern must be that the figures used in the traffic travel figures for Athllon Drive and identified in that survey were taken from a November 1987 survey. As is stated in the committee's report, the figures identified in this survey will be more than three years out of date by the time the work has been completed.

At this point it is probably worth mentioning some traffic figures that were provided to my office only today in regard to Athllon Drive, and at the same time I want to compare them with those for Ginninderra Drive. One is a dual carriageway, the other is not, but both, I think, are described as what one would call regional arterial roads. On Athllon Drive, with a proposal for a bus lane to be added, in November 1989 traffic movement southward was 10,455 vehicles and northward was 9,553 vehicles; on Ginninderra Drive, a dual carriageway, the figures taken at Haydon Drive in November 1989 were 8,000 vehicle movements towards the city and 9,000 away from the city.

Understandably, we can see why all public submissions which were forwarded to the committee and which commented on Athllon Drive recommended a dual carriageway rather than bus-only lanes. I am sure that, if a period longer than 14 days for receipt of submissions had been available, many more would have been forthcoming on this issue. It was, I believe, unfortunate that such a short period was all that was available, this being partly due to the time taken in obtaining a copy of the proposed capital works documentation which was not, unfortunately, tabled in the Assembly. The nature of the reference will always ensure that the inquiry is a short one. However, as is stated in the report on page 2, the community must be given every opportunity to be fully involved and have adequate time to put forward submissions.

The report contains 21 recommendations. I have touched on only a few of those. As I said earlier, each one is important and will need to be addressed closely by the responsible government agency. Each one is, I believe, a positive recommendation.

The committee is also of the view that proposals to upgrade the Civic olympic pool must be identified by subprogram and that full details must be made available. The community should have been informed as to the allocation for such a proposal. To allow a reserve amount of \$22.1m, supposedly listed as a balance item being held in reserve, is neither appropriate nor acceptable, and recommendations 2 and 3 of this report address this issue well. I think it is important to read these recommendations. Recommendation 2 states:

... future new capital works programs include details of the indicative costs of projects identified as part of a reserve amount pending consideration by government.

As I mentioned a few moments ago, the project that immediately comes to mind is the proposed bubble over Civic pool. The third recommendation states:

... the government, when it responds to this report, provides full details of where the \$22.1m of reserve funds are to be allocated.

Mr Acting Speaker, this is where I want to leave my comments today in relation to this year's capital works program. I am hopeful that by next year the information process will have been properly addressed. After reading last year's report, I am sure that this committee was provided, on the whole, with much more information from the beginning, thus making our task easier. I commend the report to the Assembly.

**MR BERRY** (9.34): Mr Acting Speaker, the problem with these Assembly committees is that they have turned out to be government committees. I turn to a statement made by Ms Follett on 27 March which is recorded in Hansard on page 879 and which is mentioned in my attachment to the report. Ms Follett said:

... I have said many times before - that we stand ready to participate fully in the life and the work of Assembly committees. But committees must be an arm of the Assembly and not simply a rubber stamp for government decisions.

**Mr Humphries:** How does this make it a government committee? It criticises the approach.

**MR BERRY:** You are not a very bright Minister, Mr Humphries. If you pay close attention, I am sure that by the time I am finished you will have worked that out. I am sure that your training, if it has done nothing else, has taught you how to listen.

**Mr Duby:** Yours has not taught you how to talk.

**MR BERRY:** Honesty is a difficulty for your side, though, Mr Duby. The issue is one of the separation of powers. There must be a clear separation of powers between Executive Deputies and the Executive. That has not occurred. The Labor Opposition has not participated in the proceedings of these committees because they are an arm of the Government. That is how they are seen by the ordinary person in the street, and that is the difficulty with the ordinary person in the street having any confidence in the process.

Mr Acting Speaker, I think this was also recognised by members serving on various committees. Mrs Nolan expressed her concerns about the propriety of the committee continuing with only government members on it, and you, Mr Acting Speaker, recognised the difficulties that might arise from time to time in the committee in which you

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participate and indicated that there may be times when you might have to withdraw from the chairpersonship of that committee because of the question of bias.

There is more legal form on bias than Saturday's racing form at Randwick. One example of that, which has been pointed out in my statement, is when the Master of the Rolls, Lord Denning, dealt with an issue in 1969 and rightly said:

The court looks at the impression which would be given to other people -

in referring to the issue of bias -

Even if he was as impartial as could be, nevertheless if right minded persons would think that in the circumstances, there was a real likelihood of bias on his part then he should not sit ...

That comment of Lord Denning is entirely relevant in relation to the attendance of Executive Deputies at Assembly committee hearings. They become government committees.

Having set out Labor's position in relation to these areas and the recognition of that conflict of interest in one way or another by both Mrs Nolan and you, Mr Acting Speaker, in your role as a committee chairperson, I think it is clear that the Government needs to sit back and take another look at the chairing of these committees by Executive Deputies. It should look at that, in the context not of a win-lose battle with the Opposition but of arriving at a position which is acceptable to both sides of the house but which, most importantly, presents committees of this Assembly in an unbiased light as far as ordinary members of the community are concerned. That is not the case now. Something needs to be done, and the Government needs to look at it. If it does not, it will indicate its indifference to the committees being seen as arms of government.

Mr Acting Speaker, the recommendations are issues with which I would also like to deal. Recommendation 3 talks about the issue of \$21m of reserve funds. The committee should have ensured that such detail was made available. It seems to me that if that sort of pressure is not applied by this committee it adds to the concern that community members might have about conflict of interest in the chairpersonship of such committees.

If a government policy might be offended by the actions of a committee, an ordinary person, I assume, would come to the rightful conclusion that the committee's actions were biased when they do things in accordance with, or to cover up, government policy. There is a real danger of that in the way in which the committees of this Assembly are structured.

It is interesting, Mr Acting Speaker, that some interest has been expressed by members of the committee in matters of importance to the south side of Canberra but I notice that they have forgotten that there is a north side.

**Mr Kaine:** How would you know? You weren't there.

**MR BERRY:** One has only to read the recommendations, and the Chief Minister obviously has not bothered to do that. The population projections for Tuggeranong have been noted in the report, but what is most important in relation to that recommendation is that it is a vindication of the claim by the Labor Party and community groups that this Government has not offered justification for school closures again.

The Government has not based its school closure policies on sound projections. It has not done it again. Dollar-driven motives have been the only ones that have been considered by members of this Government - dollars for their big business mates - because, on their own admission, they will save only a couple of million dollars.

**Mr Kaine:** Only?

**MR BERRY:** Only a couple of million dollars. Look at the pain and suffering that will be imposed on the community and small business in Canberra, as a result of your decision.

**Mr Kaine:** I know that was your attitude when you were in government; even \$216m did not matter.

**MR BERRY:** Mr Acting Speaker, I notice that the Chief Minister's behaviour has not changed much since before the long break.

**MR ACTING SPEAKER:** Order, members! Let us just get on with it.

**MR BERRY:** Mr Acting Speaker, I am sure the quality of the decisions that you might take in relation to his behaviour would be better than those of the Speaker. As I said before, dollar-driven motives are not the only issues which should drive consideration of matters which affect the people of Canberra.

Bonython school, which has been mentioned, is a major part of the schools budget, but the focus of the report suggests that programs that dealt with areas other than Tuggeranong did not receive the same scrutiny as Tuggeranong projects. That is clearly true. The report recommends that the Education Department fully explore the advantages of school facilities being geographically placed to offer greatest community access. But the Government is closing schools to ensure that community access is limited. I just cannot believe these sorts of recommendations from government

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members. It is fascinating, but hypocritical. It follows an unprecedented attack on our school system by this Government, and I guess that the two members on this committee even voted for it in the party room.

Our school system was already based on the geographic location of schools to offer the greatest community access. Is it possible that there might be a change of tack by the Government? Can we expect that maybe the Government will ignore these recommendations, in the same way as it ignored the recommendations of another committee of this Assembly when it chose to close the Ainslie Transfer Station? Dr Hector Kinloch will be able to tell us a little about that. I wonder whether he voted in the party room for the closure of the Ainslie Transfer Station.

**Mrs Grassby:** I move:

That Mr Berry be granted an extension of time.

Question put.

The Assembly voted -

AYES, 6

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

NOES, 9

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

Question so resolved in the negative.

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

### **PUBLIC ACCOUNTS - STANDING COMMITTEE Inquiry**

**MS FOLLETT** (Leader of the Opposition), by leave: I wish to inform the Assembly that the Standing Committee on Public Accounts, at its meeting on Wednesday, 11 July, resolved to inquire into and report on:

- (1) the conduct of and the processes involved in the Priorities Review Board's review;
- (2) the costs involved and the use of consultants in the review; and
- (3) other matters to which the committee is of the opinion that the attention of the Assembly should be directed.

**Assembly adjourned at 9.51 pm**

**ANSWERS TO QUESTIONS**

**ATTORNEY-GENERAL**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 85**

**Human Rights**

MS FOLLETT - Asked the Attorney-General on notice on 13 February 1990:

- (1) Who were the "legal colleagues from the human rights area" that the Attorney-General claimed in his media release of 25 January 1990 to have consulted in Sydney that day about "some of the more complex issues surrounding identified weaknesses in the Federal and state laws".
- (2) In general terms, what were "some of the more complex issues" which required discussion.
- (3) Which (a) members of the Attorney-Generals staff, (b) public servants and (c) other persons accompanied him to Sydney that day.

MR COLLAERY - The answer to Ms Folletts question is as follows:

As I outlined in the House of Assembly on 22 March 1990 all the issues raised in this question were answered. I attach page 801 of Hansard of 22 March 1990.

AGREED/NOSED/NOTED

B CREOLE CREOLE

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DEBATES of the Legislative Assembly for the  
Australian Capital Territory

Weekly Hansard 20-21-22 March 1990

22 March 1990

composition of the community. As far as antidiscrimination legislation is concerned, those who are informed on the subject realise that it is a very complex and difficult area of law. Due regard must be paid to the fact that there is already a system of Commonwealth laws which operates in the ACT in human rights matters. I refer to the sex Discrimination Act, the Racial Discrimination Act and the HPLEOC Act, to name only some.

These Commonwealth laws are commendable, but they do not provide a complete coverage of human rights matters. That brings me to the first point about bringing a HEROIC office back here. They do not deal with a complete coverage. For example, certain acts of discrimination may provide HEROIC with grounds for reporting on such activities, but there are no avenues of redress, such as a determination. Proposals on a suggested system of lava to complement the Commonwealth scheme in the ACT were well advanced when the Alliance Government came to power on 5 December 1989. The former Follett Government announced these initiatives in its policy discussion paper after, I believe, the motion of no confidence was moved in it.

I have reviewed a set of proposals on antidiscrimination laws put to me by officers of the Government Law Office. I was impressed with the proposals, but I believe they did not go far enough. For example, I believe that the issue of age discrimination is critical and of immediate concern but was not addressed in the papers that had been advanced by the former Government. I instructed my officers to analyse that issue and ensure that it is included in the overall proposal for legislation.

I also draw attention to the need to examine the problem of discrimination surrounding HIV patients and those who provide care for each persons. In that context I Went to Sydney, with my principal private secretary; we drove just about all night and got there at 1.00 am. In the morning we met with Professor Patricia Hyndman at the University of New South Wales and her colleagues. I had a brief discussion with Professor Ivan Sheerer who is known to me in these contexts.

Two issues arose out of that. The first is that we had a pretty good package of lava, partly needing development, particularly in the age discrimination area and in one or two other areas. Specifically, I proposed to Professor myndman that we move to have a seminar in the ACT at an early date, at arms length from my office, at arms length from political issues, so that we can get this debate on a non-political basis where humanitarian concerns belong In due course, I trust that I can bring the excellent academics from the Human Rights Centre at the University of New South Wales to Canberra to fill is .a gap here on these issues and to hold a seminar - a public seminar, hopefully - on the issues. That is in answer to a comment made by the Leader of the Opposition about that trip.

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**ATTORNEY-GENERAL  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO. 112**

**Statutes - Reprints**

MS FOLLETT - Asked the Attorney-General on notice on 29 March 1990:

What is the current policy on the reprinting of the ACT laws?

MR COLLAERY - The answer to Ms Folletts question is as follows:

Most A.C.T. statutes were reprinted in 1979 but very few have been reprinted since then. All have been further amended and most have undergone several substantial changes.

In the transition to self-government every statute was amended, many extensively.

As a result, the 1979 reprints are badly out of date in most cases.

Following self-government, the Law Office became responsible for reprinting A.C.T. statutes and a program has been established with the object of reprinting the entire collection of statutes as soon as possible.

Priority is being given to statutes most extensively amended.

A proposal is also being developed to computerise the reprinting process to facilitate future regular reprinting at a greatly reduced cost and to provide the Law Office and other users with access to a database of up-to-date consolidations of A.C.T. statutes.

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**ATTORNEY GENERAL FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Self-Government Legislation - Amendments**

**Question No. 116**

Ms Follett - asked the Attorney General:

Have any amendments been made to the Australian Capital Territory (Self-Government) Act 1988, the Australian Capital Territory (Electoral) Act 1988, the Australian Capital Territory Planning Land Management) Act 1988, or the ACT Self-Government (Consequential Provisions) Act 1988, and if so what are the details of each amendment.

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

The Commonwealth amended the Australian Capital Territory (Self-Government) Act 1988, the Australian Capital Territory (Electoral) Act 1988, and the ACT Self-Government (Consequential Provisions) Act 1988. The Commonwealth has not amended the Australian Capital Territory (Planning Land Management) Act 1988.

The details of each amendment are as follows:

The Australian Capital Territory (Self-Government) Act 1988 was amended by Part 3 of the Art. Territories Territories and Environment ,Environments Amendment Act 1989 (No 60 of 1989). The amendments:

amend section 25 of the ,Australian Capital Territory (Self-Government) Act 1988 to make provision for the notification of enactments made by the Assembly: and

- permit the Governor-General to add certain

enactments to Schedule 5 of the Australian Capital Territory (Self-Government) Act 1988 (no such regulations have been made to date).

2484

The Australian Capital Territory (Electoral) Act 1988 was amended by Part 4 and Schedule 2 of the Arts, Territories and Environment Legislation Amendment Act 1989 (NO 60 Of 1989).

The amendments:

- permit the making of regulations under the Australian Capital Territory (Electoral) Act 1988 which make provision for on-the-spot fines for persons who fail to vote at elections for the ACT Assembly; and
- make minor technical changes to Paragraph 16(2)(a) and Schedule 1 of the Australian Capital Territory (Electoral) Act 1988.

The ACT Self-Government (Consequential Provisions) Act 1988 was amended by Part 5 of the Arts, Territories and Environment Legislation Amendment Act 1989 (No 60 of 1989). The amendment corrects a drafting error in section 25 of the ACT Self-Government (Consequential Provisions) Act 1988.

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7 August 1990

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Travel Expenses**

**Question No. 122**

MR WOOD - Asked the Chief Minister upon notice on 24 April 1990:

In each Budget program and including statutory bodies for the 1988/89 and 1989/90 financial year

(1) What was the total cost of travel and accommodation.

(2) How many officers travelled overseas.

(3) What was the destination, purpose and cost of each trip.

MR KAINE - The answer to Mr Woods question is as follows:

The information provided in response to this question has been based on organisational and program structures existing in the ACT Government Service as at 31 May 1990.

**BUDGET DEPENDANT AGENCIES**

**ACT Legislative Assembly (Program 1)**

(1) 1988/89 - \$1,462

1989/90 - \$40,200 (estimated)

(2) 1988/89 - nil

1989/90 - 1

(3)

Destination Purpose Cost

S

1989/90

Liverpool, To attend First International  
United Kingdom/ Conference on the Reduction  
Amsterdam of Drug Related Harm and to  
investigate control of drugs  
and prostitution 7,027

**Chief Ministers Department (Program 2)**

(1) 1988/89 - \$49,100

1989/90 - \$83,000 (estimated) (including \$4,000 in respect  
of the Priorities Review Board)

(2) 1988/89 - 2

1989/90 - 2

2486

(3)

Destination Purpose Cost  
S

19889

Rotorua, New

Zealand To attend Electronic Data

Processing Auditors

Conference 89 1,385

Indonesia To attend International Union of Local Authorities (officer recalled to duty whilst on overseas holidays) 351 1989/90

New Zealand To attend Local Government Joint Officers Group and Local Government Ministers Conference (2 officers) 5,972

ACT Treasury (Programs 4, 22)

(1) 1988/89 - \$65,367

1989/90 - \$100,000 (estimated)

(2) Nil

If

(3) N/A

Office of Industry and Development (Programs 5-7, 23-24)

(1) 1988/89 - \$132,692

(In 1988/89 expenditure on domestic travel and accommodation was not always recorded separately from other administrative costs. While every effort has been made to extract the required information, we are unable to certify that the figures provided represent a complete record of OIDs domestic travel expenditure for 1988/89).

1989/90 - \$215,000

(2) 1988/89 - 5

1989/90 - 4

(3)

1988/89

Hong Kong To attend Business migration seminar as Business Migration

Agent for the ACT 4,962

2487

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- 3 -

Hong Kong/Taipei To attend Business Migration seminars and follow up on potential clients (2 officers) 13,782  
Malaysia/Brunei To participate in seminar  
Singapore/Hong Kong series on Business Migration  
Taiwan/China/ Program (2 officers on first 13,276  
Phillipines three legs, 1 on remainder)  
1989/90  
Hong Kong/Taipei/ To participate in joint  
Phillipines Business Migration/Education  
seminar series 7,891

Vancouver, Toronto/ To attend ILO symposium on  
London/Barcelona/ occupational health and  
Stockholm safety in Spain and to examine  
OH&S rehabilitation and  
workers compensation  
organisations in Sweden and  
Canada 10,622

San Francisco/ To participate in overseas  
Toronto, Ottawa/ study mission organised by  
Washington/Paris, the Commonwealth/State  
Cologne/Stockholm/ Training Advisory Committee  
London/Singapore (visit recently completed  
- final costs still to be determined) 15,000 (estimated)  
Los Angeles, New To market Section 19 project 14,263  
York/London/Vienna/  
Hong Kong/Tokyo

ACT Institute of Technical and Further Education (Program 8)

(1) 1989 Calendar Year - \$145,866  
1990 Calendar Year - \$150,000

(2) 1989 - 2  
1990 - Nil

(3)

Destination Purpose Cost

1989 New Zealand Attend Biennial Conference of Australian Institute of Tertiary Education  
Administrators 2,264 United Kingdom/ Investigate approaches in United States of comparable  
institutions to America Management Information Systems and Physical Facilities Management  
and other Corporate Support issues 8,073

2488

- 4 -

As part of the Institutes involvement in marketing ACT TAFE in South East Asia, three officers joined an Austrade delegation in 1989 to encourage overseas students to enrol in full time fee paying courses at the Institute. The travel expenses associated with these ventures were funded outside the ACT Budget, through Austrade and the Institutes commercial activities.

## Territory Planning Office (Program 9)

(1) 1988/89 - \$5,878  
1989/90 - \$12,000 (estimated)

(2) Nil

(3) N/A

## ACT Government Law Office (Programs 10-12)

(1) 1988/89 - \$61,169  
1989/90 - \$76,000 (estimated)

(2) 1988/89 - 1  
1989/90 - 5

(3)

## Destination Purpose Cost

S

1988/89

Canada/United To study contract policing  
States of America arrangements 10,885

1989/90

Auckland, New To attend Law Conference and Zealand Commonwealth Association of  
Legislative Counsel 3,573 Wellington, To attend Commonwealth/State New Zealand Consumer  
Product Advisory Committee, pre meeting inspections (2 officers) 3,900  
Christchurch and To attend Standing Committee Queenstown, of Attorneys-General meeting  
2,157 New Zealand Auckland, New To attend Commonwealth Law Zealand Conference 2,872  
ACT Housing and Community Services Bureau (Programs 13-14)  
Housing (Program 13)

(1) 1988/89 - \$26,656  
1989/90 - \$17,215 (estimated)

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(2) Nil

(3) N/A

Community Services Program 14)

(1) 1988/89 - \$91,685  
1989/90 - \$84,234

(2) 1988/89 - 1  
1989/90 - Nil

(3)

Destination Purpose Cost

S

1988/89

New Zealand Attend Conference of  
Administrators of Corrections 2,137

Department of Urban Services (Programs 15-21)

(1) 1988/89 - \$583,738  
1989/90 - \$510,600 (estimated)

(2) 1988/89 - 14  
1989/90 - 19

(3)

Destination Purpose Cost

S

1988/89

New Zealand To attend Council of Nature  
Conservation Ministers meeting 2,315

New Zealand To attend the Australian Forest  
Council meeting 2,042

United Kingdom/ To arrange the Nolan "Versailles  
France Exhibition", a bicentennial gift  
to France from the ACT 4,339

United States of To attend Ed Hunter Urban  
America Irrigation Conference & Awards  
(officer recalled to duty whilst on overseas holidays) 1,238

Canada To visit art galleries and historic museums in Ottawa,  
Edmonton and Toronto (officer recalled to duty whilst on

United States of Florida research 4,687  
America/Holland Wellington, New To attend Australian Uniform  
Zealand Building Regulations  
Co-ordinating Council meeting 1,485  
London Staff/work exchange 8,046  
United Kingdom/ To undertake research into  
United States of asbestos removal 11,180  
America

Auckland, Dunedin, To undertake a promotional  
Christchurch and mission and participation in  
Hamilton, New Travel Trade Exhibition 12,206  
Zealand (2 officers)  
Christchurch and "Club Battalions Travel Show  
Auckland, New - Tourism presentation to  
Zealand participating travel agents  
(2 officers) 2,590

1989/90

Stockholm, Sweden To inspect computerised bus  
scheduling systems (Officer recalled to duty whilst on overseas holidays) 1,436  
London, United To attend Institute of Fire Kingdom Engineers International  
Conference 3,589 Auckland, To attend Institute of Fire New Zealand Engineers Fire Pacific 1990  
Conference (6 officers) 14,435  
Wellington, New To attend Australian Environment  
Zealand Council and Standing Committee 3,526  
Singapore To attend International Symposium  
Assets Control 2,414  
New Zealand To attend Pacific Basin Heavy  
Vehicle Conference 3,000  
Canada/Europe To attend Advanced Management  
Course and Transport meetings  
(Senior Executive Officers  
Fellowship) 23,600  
New Zealand To attend Local Government  
Ministers Conference and Local  
Government Joint Officers Group  
Conference 2,747  
Lyons, France To inspect quality control procedures in the manufacture of Renault bus chassis  
(fares and accommodation met by contractor) 700

2491

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Singapore To participate in National Association of Travel Agents of Singapore Travel Fair, and conduct travel seminars for major tour wholesalers 3,965  
Christchurch, To represent ACT Tourist Bureau Wellington and at 1990 Travel Mission to NewAuckland, New Zealand 2,864  
Zealand Auckland, To participate in Auckland Travel Wellington and Exhibition and Wellington and Christchurch, New Christchurch Trade Workshops 5,041  
Zealand (2 officers)  
Bangkok and To participate in Travel Singapore, Kuala Australia/Britain Seminar (trade Lumpur show for South East Asian travel agents) and visit wholesalers and tour operators 4,070

ACT Department of Education (Programs 25-27)

(1) 1988/89 - \$290,727  
1989/90 - \$293,000 (estimated)

(2) 1988/89 - 5  
1989/90 - 10

(3)

Destination Purpose Cost

S

1988/89

Paris Attend Organisation for Economic Corporation and Development

Steering Committee meeting 1,278

London/United Teaching Service Study Award

States of America (Travel continued into the 1989/90 financial year) 9,834

New Zealand Attend Reading Recovery Tutor training (travel continued into

\_ 8 \_

1989/90

London Attend World Council meeting and  
OMER (World Organization for Early  
Childhood Education Congress) 5,000

New Zealand Attend Secondary Principals  
Association of New Zealand  
Convention 2,627

Vancouver Present paper to Pacific Circle  
Consortium 6,660

United Kingdom Curriculum Articulation in  
Britain 7,725

Hong Kong Attend meetings in Hong Kong/  
Taipei (Overseas Students  
Program) 6,255

Singapore Teaching Service Study Award 500

Noumea Attend regional Conference on  
Preschool Education 1,038

New Zealand Attend Annual Conference of  
Secondary Principals and visit  
self managing schools 1,184

Paris/London Attend Program on Educational  
Building Steering Committee  
Meeting and to meet with senior  
officers of the Department of  
Education in London and Dublin 5,074

New Zealand Attend Reading Recovery Tutor  
training (continuation of travel  
commenced in the 1988/89  
financial year) 2,307

Noumea Teaching Service Study Award 324

ACT Department of Health (Programs 28-29)

Hospital Services Program 28)

(1) 1988/89 - \$210,000

1989/90 - \$288,000 (estimated)

(2) 1988/89- 1

1989/90 - Nil

(3)

Destination Purpose Cost

S

1988/89

7 August 1990

Pu\_b\_lic and Community Health Services (Program 29),

- (1) 1988/89 - \$277,000  
1989/90 - \$279,200 (estimated)
- (2) 1988/89 - Nil  
1989/90 - 4
- (3)

Destination Purpose Cost

S  
1989/90  
Glasgow/London/ Liaise with overseas agencies on  
Hong Kong forensic techniques and poisons.  
Attend Conference on Forensic  
Science 7,191  
Christchurch, Attend meeting on Forensic  
New Zealand Science seminar and discussion on  
forensic developments 1,616  
Wellington, Attend workshop on Communicable  
New Zealand Disease Surveillance 1,198

Wellington, Attend Food Standards Committee  
New Zealand as ACT representative 1,346

#### MAJOR STATUTORY AUTHORITIES

ACT Electricity and Water Authority

- (1) 1988/89 - \$166,591  
1989/90 - \$186,600 (estimated)
- (2) 1988/89 - 1  
1989/90 - 3
- (3)

- 10 -

United Kingdom/ To visit Wessex Water Authority  
United States of (UK) and attend the Water  
America Pollution Federation Conference  
and the Asia Pacific Water  
Pollution Conference (Officer  
recalled to duty whilst on  
overseas holidays) 2,827

Australian Capital Territory Gaming and Liquor Authority

(1) 1988/89 - \$14,838  
1989/90 - \$10,200 (estimated)

(2) Nil

(3) N/A

Legal Aid Office (ACT)

(1) 1988/89 - \$19,774  
1989/90 - \$20,900 (estimated)

(2) Nil

(3) N/A

Canberra Theatre Trust

(1) 1988/89 - \$10,398  
1989/90 - \$21,100 (estimated)

(2) 1988/89 - 1

1989/90 - Nil

(3)

Destination Purpose Cost

S

1988/89

New Zealand Attend Conference of Australian  
Performing Arts Associations 1,960

ACT Casino Surveillance

Authority

7 August 1990

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 123**

**Ministerial Travel**

MS FOLLETT - Asked the Chief Minister upon notice on 24 April 1990:

- (1) On what occasions have Ministers or Executive Deputies travelled outside the ACT on official business since 5 December 1989.
- (2) In relation to each visit at (1) above (a) what were the dates of the visit, (b) what meetings were attended by the Minister or Executive Deputy, (c) what cities were visited, (d) which public servants, members of staff or other people accompanied the Minister or Executive Deputy, (e) what mode and class of transport was used by each person, (f) what was the cost of travel for the Minister or Executive Deputy, (g) what was the cost of accommodation for the Minister or Executive Deputy, and (h) what was the cost of travel and accommodation for persons accompanying the Minister or Executive Deputy.

MR KAINÉ - The answer to Ms Folletts question is as follows:

CHIEF MINISTER

1. (a) DATE/S: 2 February 1990  
(b) REASON FOR TRAVEL: . Meeting with NSW Premier  
(c) CITY VISITED: Sydney  
(d) ACCOMPANIED BY: Nia Stavropoulos - SPS

Paul Rayner -  
Assistant Secretary  
Policy Coordination and

\_ 2 \_ \_

(h) COSTS FOR THOSE  
ACCOMPANYING:

Nia Stavropoulos

Travel Nil

Accommodation \$22.00 Travelling Allowance

Paul Rayner

Travel Nil

Accommodation \$96.50 - reimbursement of  
expenses

David Lawrance

Travel Nil

Accommodation \$29.00 Travelling Allowance

2. (a) DATE/S: 30 - 31 March 1990

(b) REASON FOR TRAVEL: Meeting with NSW Minister for  
Planning

(c) CITY VISITED: Sydney

(d) ACCOMPANIED BY: Nia Stavropoulos - SPS  
(29-31/3)

Bill Harris

Secretary

Chief Ministers Department

Geoff Campbell

Chief Territory Planner

(e) MODE OF TRAVEL: Government Vehicle

(f) COST OF TRAVEL: Nil

(g) COST OF ACCOMMODATION: \$300 Rev.. Trib. Determination

(h) COSTS FOR THOSE  
ACCOMPANYING:



7 August 1990

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DEPUTY CHIEF MINISTER

1. (a) DATE/S: 24 - 25 January 1990  
(b) REASON FOR TRAVEL: Meeting with  
Professor Hyndeman -  
University of NSW regarding  
Antidiscrimination  
Legislation  
(c) CITY VISITED Sydney  
(d) ACCOMPANIED BY: David Rossiter - SPS  
(e) MODE OF TRAVEL: Government Vehicle  
(f) COST OF TRAVEL: Nil  
(g) COST OF ACCOMMODATION: \$300 Rem. Trib. Determination  
(h) COSTS FOR THOSE  
ACCOMPANYING:  
David Rossiter  
Travel Nil  
Accommodation \$169 Travelling Allowance
  
2. (a) DATES/S: 1 - 3 March r10(b) REASON. FOR TRAVEL: , Standing Committee of  
Attorneys-General  
(c) CITY VISITED: Adelaide  
(d) ACCOMPANIED BY: David Rossiter - SPS  
Len Sorbello  
Deputy Law Officer  
. Constitutional & Law Reform

Brendon Bailey

(h) COSTS FOR THOSE  
ACCOMPANYING:

David Rosier

Travel \$830

Accommodation \$229 Travelling Allowance

Len Barbells

Travel \$626

Accommodation \$271 Travelling Allowance

Brandon Bailey

Travel \$626

Accommodation \$209 Travelling Allowance

7 August 1990

3. (a) DATE/S: 7 - 14 March 1990

(b) REASON FOR TRAVEL: Attend ICAO, Attend Police Ministers Council, Meetings on public housing

(c) CITY VISITED: Darwin and Perth

(d) ACCOMPANIED BY: David Rosier - SPS

Ken Horsham -  
General Manager  
Housing & Community Services  
Bureau (Perth only)

Chris Hunt  
Chief Law Officer  
(6 - 9/3/90 Darwin only)

Keith Simpson -  
Director  
Police & Law Enforcement  
(6 - 9/3/90 Darwin only)

(e) MODE OF TRAVEL: 1st and Economy Class Air

(f) COST OF TRAVEL: \$2199

(g) COST OF ACCOMMODATION: \$2100 Rem. •Txib. "

Determination

(h) COSTS FOR THOSE  
ACCOMPANYING:

David Rosier

Travel \$2199

Accommodation \$697 Travelling Allowance

Ken Horsham

Travel \$1554

Accommodation \$448 Travelling Allowance

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MINISTER FOR HEALTH, EDUCATION AND THE ARTS

1. (a) DATE/S: 11 - 14 January 1990
- (b) REASON FOR TRAVEL: Meeting with NSW Ministers
- (c) CITY VISITED: Sydney
- (d) ACCOMPANIED BY: Rohan Greenland - SPS

John Bissett - Secretary Department of Health (11 - 12/1/90 only)

- (e) MODE OF TRAVEL: 1st Class Air
- (f) COST OF TRAVEL: \$409
- (g) COST OF ACCOMMODATION: \$900 Rem. Trib. Determination
- (h) COSTS FOR THOSE

ACCOMPANYING:

Rohan Greenland

Travel Nil

Accommodation \$281 Travelling Allowance

John Bissett

Travel \$350

Accommodation \$232.50 Travelling Allowance

2. (a) DATE/S: 3 March 1990
- (b) REASON FOR TRAVEL: Meeting with John Dawkins and other State Education Minister\$
- (c) CITY VISITED: Melbourne
- (d) ACCOMPANIED BY: Dr Eric Willmot

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7 August 1990

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MINISTER FOR FINANCE AND URBAN SERVICES

- (a) DATE/S: 7 - 9 February 1990
- (b) REASON FOR TRAVEL: Attend meeting of the Australian Agricultural Council
- (c) CITY VISITED: Hobart
- (d) ACCOMPANIED BY: Peter Alabaster - SPS

Cathy Parsons  
General Manager  
Conservation and Land  
Management  
(7 & 8/2/90 only)

Alf Sexier - Manager  
Agriculture and Land Care  
(6 - 9/2/90)

- (e) MODE OF TRAVEL: Business Class Air
- (f) COST OF TRAVEL: \$616
- (g) COST OF ACCOMMODATION: \$600 Rem. Trib. Determination
- (h) COSTS FOR THOSE "

ACCOMPANYING:

Peter Alabaster  
Travel \$616  
Accommodation \$261 Travelling Allowance  
Cathy Parsons  
Travel \$804  
Accommodation \$184.50 Travelling Allowance  
Alf Sexier  
Travel \$536  
Accommodation \$349.50

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Hugh Crawley - Manager Environment Protection Section (1 - 3/3/90 included attendance at Standing Committee)

Dan Gillespie - Director  
Parks and Conservation  
. Division (2 - 4/3/90)

- (e) MODE OF TRAVEL: Government Vehicle
- (f) COST OF TRAVEL: Nil
- (g) COST OF ACCOMMODATION: \$300 Rem. Trib. Determination
- (h) COSTS OF THOSE

ACCOMPANYING:

Norm Jensen

Travel Nil

Accommodation \$256 Travelling Allowance

Peter Alabaster

Travel Nil

Accommodation Nil

Hugh Crawley

Travel Nil

Accommodation \$493.50 Travelling Allowance

Dan Gillespie

Travel \$340

Accommodation \$334 Travelling Allowance

- 3. (a) DATE/S: 6 - 7 March 3990
- (b) REASON FOR TRAVEL: Officiate at opening of Canberra Tourist Bureau
- (c) CITY VISITED:

Sydney

7 August 1990

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Vic Rebikoff - Manager  
Multicultural marketing  
(5 - 7/2/90 included other  
Tourism meetings)

(e) MODE OF TRAVEL: Government Vehicle  
(f) COST OF TRAVEL: Nil  
(g) COST OF ACCOMMODATION: \$300 Rem. Trib. Determination  
(h) COSTS FOR THOSE  
ACCOMPANYING:  
Robyn Nolan  
Travel Nil  
Accommodation \$200 Rem. Trib. Determination  
Peter Alabaster  
Travel Nil  
Accommodation Nil  
John Turner  
Travel Nil  
Accommodation \$211 Travelling Allowance  
Bob Mitchell  
Travel Nil  
Accommodation \$423 Travelling Allowance  
Vic Rebikoff  
Travel Nil  
Accommodation \$302.50 Travelling Allowance

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4. (a) DATE/S: 16 - 21 April 1990
- (b) REASON FOR TRAVEL: Attend LOGJAM Conference
- (c) CITY VISITED: Queenstown - New Zealand
- (d) ACCOMPANIED BY: Glen Gasket -  
General Manager  
Urban Services  
Peter Alabaster - SPS
- (e) MODE OF TRAVEL: late Business and Economy  
Class Air
- (f) COST OF TRAVEL: \$2084
- (g) COST OF ACCOMMODATION: \$1241 Travelling Allowance
- (h) COSTS FOR THOSE  
ACCOMPANYING:  
Glen Gasket  
Travel \$1927  
Accommodation \$931 Travelling Allowance  
Peter Alabaster " "  
Travel \$2084  
Accommodation \$563 Travelling Allowance



7 August 1990

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EXECUTIVE DEPUTY ASSISTING THE MINISTER FOR FINANCE AND URBAN  
SERVICES ON TOURISM, BUSINESS, EMPLOYMENT, TRANSPORT AND RURAL  
MATTERS

1. (a) DATE/S: 19 February 1990
- (b) REASON FOR TRAVEL: Attend Heavy Vehicle Road  
Safety Summit
- (c) CITY VISITED: Sydney
- (d) ACCOMPANIED BY: Ken Bone - Senior Advisor  
Transport Policy Branch
- (e) MODE OF TRAVEL: 1st Class Air
- (f) COST OF TRAVEL: \$300
- (g) COST OF ACCOMMODATION: Nil
- (h) COSTS FOR THOSE  
ACCOMPANYING:  
Ken Bone  
Travel \$283  
Accommodation \$190 Travelling Allowance

EXECUTIVE DEPUTY ASSISTING THE ATTORNEY-GENERAL%MINISTER FOR  
HOUSING ANDCOMMUNITY SERVICES ON POD AND JUSTICE AND SPORT AND  
RECREATION MATTERS

1. (a) DATE/S: 16 - 17 February 1990
- (b) REASON FOR TRAVEL: Attend Racing Ministers  
Conference
- (c) CITY VISITED: Sydney
- (d) ACCOMPANIED BY: Walter Di Angell - Director  
Racing & Special Events Unit

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2. (a) DATE/S: 5 - 6 April 1990
- (b) REASON FOR TRAVEL: Meetings with NSW Minister for Sport and Representatives from the Australian Rugby League and Australian Rugby Union
- (c) CITY VISITED: Sydney
- (e) MODE OF TRAVEL: Government Vehicle
- (f) COST OF TRAVEL: Nil
- (g) COST OF ACCOMMODATION: \$200 Rem. Trib. Determination

3. (a) DATE/S: 4 - 6 May 1990
- (b) REASON FOR TRAVEL: Sports related meetings, visit Heritage Museum
- (c) CITY VISITED: Newcastle, Mt Penang, Sydney
- (e) MODE OF TRAVEL: Government Vehicle
- (f) COST OF TRAVEL: Nil
- (g) COST OF ACCOMMODATION: \$200 Rem. Trib.\* Determination

EXECUTIVE DEPUTY ASSISTING THE MINISTER FOR HEALTH, EDUCATION AND THE ARTS ON EDUCATION AND THE ARTS

1. (a) DATE/S: 8 -10 April 1990
- (b) REASON FOR TRAVEL: Visit to Jervis Bay Primary School
- (c) CITY VISITED: \_ Jervis Bay
- (e) MODE OF TRAVEL: Government Vehicle
- (f) COST OF TRAVEL: Nil
- (g) COST OF ACCOMMODATION: 1260 Rem. Trip- DE?tarmina:.,\*,

7 August 1990

**ATTORNEY-GENERAL AND MINISTER FOR HOUSING  
AND COMMUNITY SERVICES**

**ACT LEGISLATIVE ASSEMBLY**

**Consultants**

**QUESTION NO 125**

Ms Follett- asked the Attorney-General and Minister for  
Housing and Community Services -

What amount has been provided for consultancies in the budget of each agency within the Ministers  
portfolio.

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

The following amounts have been provided for consultancies in the 1989/90 budgets of the two  
agencies within my portfolio -

Government Law Office - \$230,000

Housing & Community Services Bureau \$521,000

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**ATTORNEY-GENERAL AND MINISTER FOR HOUSING  
AND COMMUNITY SERVICES**

**ACT LEGISLATIVE ASSEMBLY**

**Travel Expenses**

**QUESTION NO 129**

Ms Follett - asked the Attorney-General and Minister for  
Housing and Community Services -

What amount has been provided for travel and travelling allowance in the budget of each agency  
within the Ministers portfolio.

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

The following amounts have been provided for travel and travelling allowance in the 1989/90  
budgets of the two agencies within my portfolio -

Housing & Community Services Bureau \$85,900

Government Law Office \$76,000

7 August 1990

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No 136**

**Consultants**

MS FOLLETT: Asked the Chief Minister upon notice on 2 May 1990:

- (1) Have any consultants been employed to assist the Committee of Inquiry into the Assets and Public Debt of the ACT.
- (2) Have any consultants other than PCEK/Bevington Pty Ltd been employed in connection with the work of the Priorities Review Board.
- (3) If the answer to either (1) or (2) above is yes, what was (a) the name of each consultant employed, (b) the purpose, duration and cost of each consultancy and (c) the reason that this information was not included in the answer to question No. 78.

MR KAINÉ: The answer to the members question is as follows:

- (1) No
- (2) Yes
- (3 a & b) The name of consultants employed, the purpose, duration and cost of each consultancy engaged in connection with the Priorities Review Board is provided in the attached list.
- (3c) The consultancies listed were not included in the answer to question No. 78 because the consultants were engaged after the time-frame (5 December 1989-23 March 1990) referred to in my answer, since incorporated into the Hansard of 24 April 1990.

PRIORITIES REVIEW BOARD:CONSULTANTS ENGAGED

Team Systems, Review of ACT Government Service Information and Communications Technology Management, 2-27 April 1990, \$16,123

Trend Consulting, Industrial Relations Management issues, 2-23 April 1990, \$2,000

Travers Morgan, Review of Public Transport Strategies and Management Issues, 2-23 April 1990, \$60,000

Touche Ross, Study of Hospital Management Structures and Information Systems, 27 March-15 April 1990, \$17,000

Ernst & Young, Financial Aspects of the Electricity Function of ACT Electricity and Water, 10-19 April 1990, \$5,500

CSIRO/ASSERT, Review Aspects of Water and Sewerage Supply in the ACT, 10-27 April 1990, \$23,000

DR G Bethune, ACT Housing Trust - Issues and opportunities, 10-18 April 1990, \$4,000

Frank Small and Associates, Community Needs for Child-care and Preschool Services in the ACT, 23 April-31 May 1990, \$25,300

John Steinle, Post-Compulsory Education Issues, 22 April-8 May 1990, \$3,500

ANUTECH, ACT Forests Management Issues, 5-23 April 1990, \$12,000

7 August 1990

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION ON NOTICE 137**

**Consultants**

MS FOLLETT - Asked the Chief Minister upon notice on 2 May 1990:

- (1) Was the consultancy to "provide executive advice and support to the Priorities Review Board", which is detailed in the answer to Question No, 78, the subject of competitive tenders.
- (2) If tenders were not called, were expressions of interest invited from more than one consultant.
- (3) On what basis was PCEK/Bevington Pty Ltd selected as the consultant.
- (4) What were the terms of reference for the consultancy.
- (5) What services were PCEK/Bevington Pty Ltd contracted to provide.
- (6) What prior experience has PCEK/Bevington Pty Ltd had with (a) program evaluation, (b) public sector budgeting, (c) public sector employment conditions and practices and (d) social policy issues.
- (7) Who are the principals of PCEK/Bevington Pty Ltd.
- (8) Which persons provided the consultancy services.

MR KAINÉ - The answer to the members question is as follows:

- (1) Given the urgency associated with establishment of the Priorities Review Board it was not practical to call tenders for the provision of executive advice and support to the Priorities Review Board.
- (2) A number of consulting firms were contacted and invited to express interest in provision of this consulting service.

extent of experience with strategy and program reviews; referee checks on the nominated consultants; cost per day for the nominated consultant; and

the availability of the consultant within the time frame required for the Priorities Review Board.

(4) The consultant was engaged to play a "chief of staff" role in support of the Priorities Review Board (PCB). This included management of public service staff seconded to the PCB, planning and monitoring of the PCBs work program, supervision of specific studies and consultancies commissioned by the PCB, and oversight of preparation of the PCB report.

The decision to seek an independent consultant to carry out these functions reflects the Governments commitment to obtaining independent and impartial advice on strategies for management and development of the ACT public sector. (5) See answer to (4) above.

(6) For the purposes of this consultancy the relevant factor is the experience of the individual consultant not the consulting firm. The selected consultant from PCEK/Bevington (Mr James Lumbers) is a former senior officer of the CSIRO. He has had wide experience in ,a, r.,a5ge, of public policy areas and in program evaluation. During his period with the CSIRO, Mr Lumbers was involved with a major review of that organisation. Prior to this, Mr Lumbers was directly involved in a major review of public investment in research and development for the Commonwealth. He has also worked overseas with the Organisation for Economic Co-operation and Development. He has post graduate qualifications in public policy and education and holds the Sir George Murray medal of the Royal.Australian Institute of Public Administration.

Since joining PCEK/Bevington, Mr Lumbers has contributed to a range of projects in both private and public sector organisations all of which have been in the areas of organisational effectiveness.



7 August 1990

**ATTORNEY-GENERAL**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 146**

**Answers to Questions**

MS FOLLETT - Asked the Attorney-General on notice on 29 May 1990:

When may I expect an answer to Question numbers 79 and 85 which I placed on Notice on 13 February 1990.

MR COLLAERY - The answer to Ms Folletts question is as follows:

Question Number 79 was answered on 31 May 1990 and Question Number 85 was answered on 6 August 1990.

AGREED AUK

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BERNARD COLLAERY

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**ACT Administration Staff**

**QUESTION NO 152**

MS FOLLETT - Asked the Chief Minister upon notice on 29 May 1990:

- (1) Has the ACT Executive made any agreement with the responsible Commonwealth Minister for consultations about staffing, employment conditions, or industrial questions.
- (2) If the answer to (1) above is yes, what are the provisions of that agreement.
- (3) If the answer to (1) above is no, does the Chief Minister expect to make such an agreement, and if so, when.

Mr KAINÉ - The Chief Minister has provided the following answer to Ms Folletts questions.

- (1) I assume that the question is in relation to the staffing consultation arrangements under subsection 71(2) of the Australian Capital Territory (Self Government) Act which provides that:

"The Territory shall, at such times, and in such manner, as are determined by or under an agreement between the Executive and the Commonwealth Minister, hold consultations with the Commonwealth concerning matters relating to, or likely to affect:

- (a) staffing of the Territory and of Territory authorities;
- (b) the determination of terms and conditions of employment of employees; and
- (c) industrial questions relating to employees."

If so, the answer to the question is no. No formal agreement has yet been entered into between the ACT Executive and the responsible Commonwealth Minister on

7 August 1990

service; indeed, the Government will be pursuing single stream employment with a view to bringing additional categories of ACT staff under the Public Service Act.

Continuation of Public Service Act employment for ACT staff automatically requires the ACT to maintain close coordination with the Commonwealth, in particular the Public Service Commission and the Department of Industrial Relations which are responsible for matters relating to employment under the Public Service Act. Thus there is no immediate need for an agreement as envisaged under subsection 71(2).

(2) Not applicable.

(3) See my answer to (1) above.

However, as part of the move towards single stream employment, a memorandum of understanding is being developed in consultation with the Public Service Commission and the Department of Industrial Relations to establish a framework for managing the employment arrangements pertaining to ACT staff. In particular, the memorandum of understanding will set out clearly the respective responsibilities of the Commonwealth and the ACT and associated coordination/consultation arrangements. It is expected that this memorandum of understanding will be finalised within the next few weeks

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**Treasurers Advance**

**Question No 153**

MS FOLLETT - Asked the Treasurer upon notice on 29 May 1990:

(1) On what dates, in what amounts, and for what purposes, have monies been drawn from the Treasurers Advance since 5 December 1989.

(2) In each case detailed at (1) above, what was the reason the expenditure could not be charged to another appropriation.

MR KAINÉ - The Treasurer has provided the following answer to Ms Folletts question.

(1)

Date Amount Purpose

25/01/90 31,600 Program ACT Corporate Management  
Recurrent Expenditure (Salaries  
supplement for SO exercise 89  
90).

31/01/90 59,600 Ministerial approval has been  
given to allocate additional funds  
to Members budgets in the Support  
to the Legislative Assembly  
Program.

16/02/90 4,135,000 Base adjustment for overspend on  
hospitals in the Community and  
Health Services Program.

7 August 1990

Date Amount Purpose

01/3/90 120,000 Program Law and Justice  
Consultancy report on the  
financial affairs of Office of  
Public Trustee.

02/03/90 100,000 1989-90 funding for Casino  
Surveillance Authority.

28/03/90 248,000 ACT Fire Brigade - Cost of repairs  
after a series of lightning  
strikes in November.

23/04/90 50,000 Program Transport and Engineering  
House acquisition in the Asbestos  
removal program.

3/5/90 338,000 Program Public Transport Delayed  
implementation of fare increases  
(\$135,000). Additional employers  
superannuation liability  
(\$203,000).

4/5/90 50,000 Program Government Services Review  
of standards undertaken by  
Government Services in January.

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8/5/90 450,000 Transport and Engineering Short  
term accommodation for asbestos  
removal program.

427,000 Parks and Conservation  
Customs duty and fuel excise levy.

2,368,000 Public Transport  
Customs duty and fuel excise levy.

222,000 Hospital Services  
Information technology plan and  
restructuring projects.

11/5/90 143,700 Community Services Program Youth

(2) It is unlawful to charge expenditure to appropriations not relevant to the expenditure. The Audit Act, Finance Regulations and Finance Directions set out the parameters within which expenditure can be charged.

In each of the cases detailed at (1) above the expenditure was in excess of the relevant specific appropriation or not specifically provided for by appropriation. The Audit Act (section 47) states that in those circumstances the expenditure should be charged to such items as the minister (delegate) determines. In this situation, the source of funding has been Treasurers Advance appropriation.

7 August 1990

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**Petroleum and Tobacco Franchise Fees**

**Question No 154**

MS FOLLETT - Asked the Treasurer upon notice on 29 May 1990:

what is the reason for the higher than expected 1989-90 revenue from the Business Franchise Fees for (a) petroleum, and (b) tobacco, which is revealed in the Forward Estimates Report.

MR KAINÉ - The answer to the members question is as follows:

The original budget estimates of \$11.4m for petroleum franchise fees and \$10.3m for tobacco franchise fees took into account revenue received in 1988-89, the rates of tax to apply during 1989-90 and assumptions about factors which may impact on sales of petroleum and tobacco products. The impact of these factors is often difficult to quantify.

As part of the usual budget outcome monitoring process, the estimates for petroleum and tobacco franchise fees were increased in January 1990 by \$0.6m (5%) and \$0.7m (7%) respectively. The revisions were based on actual receipts during the first half of the financial year.

Since the publication of the Forward Estimates Report, the estimate for petroleum franchise fees has been increased by a further \$0.4m (3%) to \$12.4m in light of actual receipts., Tobacco franchise fee receipts are still expected to total \$11m in 1989-90.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**Financial Institutions Duty**

**Question No 155**

MS FOLLETT - Asked the Treasurer upon notice on 29 May 1990:

what is the reason for the lower than expected 1989-90 revenue from the Financial Institutions Duty, which is revealed in the Forward Estimates Report.

MR KAINÉ - The answer to the members question is as follows

The original budget estimate of \$9.5m for financial institutions duty took into account revenue received in 1988-89, the rate of tax to apply in 1989-90 and assumptions about factors which may impact on the value of dutiable transactions. The impact of these factors is often difficult to quantify. Subsequent recalculation revealed that a more realistic estimate would have been \$8.5m.

As part of the usual budget outcome monitoring process, the estimate of revenue from financial institutions duty was further reduced to \$7.8m. This reduction of \$0.7m (8%) on the corrected budget estimate was based on actual receipts to February 1990.

Since the publication of the Forward Estimates Report the estimate for financial institutions duty has been adjusted to \$7.9m.



7 August 1990

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**Stamp Duty - General Insurance**

**Question No 156**

MS FOLLETT - Asked the Treasurer upon notice on 29 May 1990:

What is the reason for the higher than expected 1989-90 revenue from Stamp Duty on General Insurance, which is revealed in the Forward Estimates Report.

MR KAINÉ - The answer to the members question is as follows:

The original budget estimate of \$4.8m for stamp duty on general insurance took into account revenue received in 1988-89, the rate of tax to apply in 1989-90 and assumptions about factors which may impact on the value of dutiable transactions such as the 1989-90 initiatives to broaden the range of dutiable transactions. The impact of these factors is often difficult to quantify.

As part of the usual budget outcome monitoring process, the estimate of revenue from stamp duty on general insurance was increased to \$5.7m (19%) in February 1990 to reflect the likely outcome based on receipts in the early half of 1989-90.

Since the publication of the Forward Estimates Report the estimate for stamp duty on general insurance has been increased by a further \$0.3m (5%) to \$6m, reflecting actual receipt collections.

**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**Plant Operators - Parks and Conservation**

**QUESTION NO. 161**

Mrs Grassby - asked the Minister for Finance and Urban Services -

- (1) Is it true that the Department of Urban Services has advertised for a Foreman Grade A at a salary of \$33,200 per annum in the Engineering Services Unit of the Parks and Conservation Division.
- (2) Is it also true that no additional plant operators are being employed but rather employment in this area is static.
- (3) Given that no additional operators are being employed and given the current tight budget situation, how can the Minister justify the creation and filling of the Foreman Grade A position.

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

- (1) Yes, the position of Foreman Grade A in the Engineering Services Unit of Parks and Conservation has been advertised.
- (2) Yes, no additional plant operators are being employed however, as vacancies occur they will be replaced.
- (3) The Foreman Grade A position advertised is the reclassification from Foreman Grade A (Services) to a Foreman Grade A (Metal Trades) and represents a net increase of approximately \$ 1,000 per annum. This action was taken in consultation with the Commonwealth Foremans Association and the Association of Draughtiness Supervisory and Technical Employees, as it was found that the existing structure did not correctly reflect the supervisory responsibilities required of the position. The existing position will be abolished on vacancy.

7 August 1990

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Aged Persons Units - Red Hill**

**Question No 165**

MRS GRASSBY Asked the Chief Minister upon notice on 30 May 1990:

- (1) Is the Chief Minister aware of the development of aged persons units on the corner of Fortitude and La Perouse Streets, Red Hill.
- (2) Is he aware that the exit from these units onto La Perouse Street is between two school crossings and on the Pop of a slight hill.
- (3) Is he aware that the Red Hill Primary School Board believes that the location of the exit poses a safety hazard to children using the crossings.
- (4) Is he aware that the Interim Territory Planning Authority approved the location of the exit without detailed discussion with the Traffic Branch of the Department of Urban Services.
- (5) Will the Chief Minister agree to ask the Interim Territory Planning Authority to reverse its stance on this issue by forcing the developers to change the exit to Fortitude Street, thus eliminating the safety hazard to children in the vicinity.

2.

(4) The ITPA granted Design and Siting approval to the aged persons units after consideration of a number of issues relating to the overall layout of the development, including the location of access points to the site and the specific needs of garbage collection vehicles.

The process of granting Design and Siting approval also includes the circulation of plans for comment by other areas of the ACT Government Service. That process was followed in this case and the plans were returned to the ITPA without objection from Traffic Section.

(5) The ITPA has been advised by the ACT Government Solicitors office that it does not have the power to revoke or compulsorily amend approvals given under the Design and Siting Act.

However, in an effort to mitigate any perceived adverse traffic safety effects which the provision of access from this development to La Perouse Street may cause, extensive discussions have been held between the ITPA, the Traffic Section and the developers.

It has been agreed that sections of concrete median will be constructed in La Perouse Street adjacent to the access in order to prevent vehicles from overtaking in this location. This will ensure that any potential obstruction to the flow of traffic on La Perouse Street caused by vehicles entering or leaving the access will not result in vehicles overtaking, which would be an undesirable action in this location.

The Traffic Section has programmed this work to proceed early in the new financial year, and construction will be completed before the aged persons units are planned to be occupied

7 August 1990

**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**Youth Outreach Worker Program**

**QUESTION NO. 167**

Mrs Grassby - asked the Minister for Finance and Urban Services

- (1) Is it true that the Ministerial Advisory Council on Employment (MACE) asked you to fully fund the Youth Outreach Worker Program because it was concerned about the very high youth unemployment rate in the ACT.
- (2) Is it true that an officer had been working on implementing the program since September 1989 and that other officers had been selected to work on the program.
- (3) Did you advise MACE the scheme was not underway and therefore you had decided not to proceed with it.
- (4) Is it true that you failed to consult with the Minister for Housing and Community Services, Mr Collaery, before deciding to axe the Youth Outreach Worker Program and that your decision left Mr Collaery extremely embarrassed when trying to formulate his paper "Beyond the Burdekin Report".

Mr DUBY - the answer to the members question is as follows:

- (1) Yes.
- (2) An officer on temporary transfer had undertaken planning and other preliminary activities for the program from

**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**Kingston Bus Depot**

**QUESTION NO. 169**

Mrs Grassby - asked the Minister for Finance and Urban Services -

- (1) Is the figure of \$1.3 million quoted in the Canberra Times as the amount necessary to refurbish the ACTION Bus Depot at Kingston correct. If not, what is the correct figure for refurbishment of this site.
- (2) What work would need to be undertaken in any such refurbishment.
- (3) What costs and savings are involved in the transfer of the bus depot from Kingston to Tuggeranong.

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

- (1) The figure of \$1.3 million relates to refurbishment of both the Kingston bus depot and workshop facilities.
- (2) The main items of work required include:
  - major repairs and modifications to the lubrication building;
  - installation of a chassis wash facility; and
  - installation of an upgraded fuelling facility.
- (3) The exact costs and savings from relocation of the Kingston facilities will not be known until final relocation plans including timing of the move - are settled following discussions with the staff involved.

7 August 1990

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Australian Transship Program**

**Question No 170**

MR WOOD - Asked the Chief Minister upon notice on 31 May 1990:

In relation to the Australian Traineeship Program for the last year which figures are available:

- (a) how many places have been available for TAFE off the job training;
- (b) what funds have been made available for this purpose; and
- (c) how many people have gained positions as a result of, the program.

MR KAINÉ - The answer to the members question is as follows:

(a) There were 327 commencements in the Australian Transship Program during 1989-90.

TAFE 227

Private Providers 100

(b) The funds made available for this purpose were \$472 800.

TAFE 330 300

Private Providers 142 500

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Contract Program**

**Question No 171**

MR WOOD - Asked the Chief Minister upon notice on 31 May 1990:

- (1) What TAFE courses have been provided in the Jobtrain program and how many students have completed these courses.
- (2) What funds have been provided and from what sources for the programs.

MR KAINÉ - The answer to the members question is as follows:

- (1) The following TAFE courses have been provided in the

Jobtrain program for 1989-90:

Word Processing/Keyboarding and Office Skills x 3  
Transport and Storage x  
Small Offset Printing x 1  
Literacy and Numeracy x 1

A total of 103 commencements.

- (2) Funding totalling \$193,405 has been provided under the Department of Employment, Education and Training Jobtrain program for 1989-90.



7 August 1990

Minister for Health, Education and the Arts  
Employment, Education and Training  
Legislative Assembly Question No 172

Mr Wood - asked the Minister for Health, Education and the Arts on 31 May 1990:

What coordination does the Government sponsor between the employment, education and training sectors to provide information and guidance to ACT schools and colleges and their students?

Mr Humphries: The answer to Mr Woods question is as follows:

The Government sponsors coordination among the employment, education and training sectors to provide information and guidance to ACT schools and colleges and their students in a number of ways.

First, it sponsors formal links between the sectors. A typical example is the Employment Reference Group established by the Department of Education which contains members nominated by TAFE, the Canberra Small Business Association and the ACT Confederation of Industry.

Second, the Department of Education is represented on industry training bodies such as the ACT Regional Tourism Industry Training Council.

Third, there are links between the Department of Education and the ACT TAFE in the development of E (Employment) courses in secondary colleges.

Fourth, the Department of Education employs work education curriculum officers. Their major role is to coordinate contacts among employers, universities, ACT Institute of TAFE, training organisations such as the vocational Training Authority and teachers and students.

Fifth, the Department of Education annually publishes a school leavers guide, Lets Get Going, for Year 10 and 12 students, which provides advice on obtaining employment

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**ACT LEGISLATIVE ASSEMBLY**

**Careers Awareness**

**QUESTION ON NOTICE NO 173**

Mr Bill Wood - asked the Minister for Health, Education and the Arts on 31 May 1990:

What projects does the Government plan to undertake to promote careers awareness and the broadening of opportunities for girls?

Mr Humphries - The answer to Mr Woods question is as follows:

1. The major project planned by the Government is the implementation in all government schools of the Gender Equity Action Plan. The Plan, currently in its final stages of development, will:

complement the National Policy for the Education of Girls in Australian Schools and the ACT Department of Education Gender Equity Policy;

make the broadening of opportunities and careers awareness for girls the responsibility of all teachers and administrators;

ensure that Gender Equity is integrated into all school programs and activities;

ensure the implementation in all schools of special gender awareness programs.

2. The Government endorses and supports special gender awareness programs which are developed and implemented in schools and are aimed at broadening opportunities for girls. These include Futures Conferences for girls, and Gender Equity Action Research Programs. They also include the "Boys Personal Development Program" which is a complementary program for boys and aims to sensitise boys to gender equity issues.

3. Another project is the "Tradesman on the Move" Project which has been developed and implemented by the ACT Office of Industry and Developments Employment, Education and Training Branch in consultation with the Department of Education.

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7 August 1990

**Minister for Health, Education and the Arts  
Education Administration**

**Legislative Assembly Question No 174**

Mr Wood - asked the Minister for Health, Education and the Arts on 31 May 1990:

What is the cost of the "administration" component of education in the ACT and the states and Australia generally?

Mr Humphries: the answer to Mr Woods question is as follows:

The Australian Education Councils Summary (table attached) from the National Schools Statistics Collection (1990) indicates the following "out-of-school" expenditure for the financial year 1988/89:

State/Territory Amount

ACT 13.9  
Northern Territory 19.1  
Tasmania 24.5  
Western Australia 57.7  
South Australia 59.7  
Queensland 71.2  
New South Wales 158.0  
Victoria 179.3

-----  
Total for Australia: 583.5 (rounded)

In cost per student terms these figures show the following relationship:

Queensland 185  
New South Wales 210  
Western Australia 274  
South Australia 322  
Victoria 338  
ACT 342  
Tasmania 376  
Northern Territory 732

These differences largely reflect diseconomies of scale affecting the smaller education systems.

The Priorities Review Board Report, Priorities for Improved Public Sector Management, comment notes at paragraph 6.43 "that given the diseconomies of scale involved in delivering quality education services to such a small population, the ACT does not compare unfavourably with the States. This has been supported by a study carried out jointly by the ACT Treasury and the Department of Education and made available to the Board".

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## EXPENDITURE: GOVERNMENT EDUCATION SYSTEMS - 1900/09 FINANCIAL YEAR

By Education Sector (; thousands)

IN-SCHOOL NSW Vic SA WA TAS NT ACT

## PRIMARY EDUCATION

Teaching Staff Salaries 690,175 623,649 376,132 236,632 214,167 70,554 37,440 44,249 2,300,998  
 Non-Teaching Staff Salaries 70,264 50,749 47,106 30,130 34,314 10,364 0,034 6,364 261,405  
 Non-Salary Costs 361 713 25 0 639 173 950 90 950 121 952 29 700 24 267 22 445 1,075,624

Sub-Total: 1 130 152 933 037 597 260 3135 720 370 433 110 610 69 741 73 050 3 650 027

## IN-SCHOOL

## SECONDARY EDUCATION

Teaching Staff Salaries 003,422 727,991 319,679 216,240 106,014 79,960 20,119 54,040  
 2,416,281  
 Non-Teaching Staff Salaries 83,624 74,159 37,031 32,470 31,066 12,694 5,022 6,045 283,719  
 - Non-Salary Costs 400 369 202 341 165 225 69 444 110 059 41 999 16 51 6 31 092 1 126 645

Sub-Total: 1 295 415 1 004 491 521 935 310 162 320 739 134 661 50 45792 705 3 026 645

## IN-SCHOOL

## SPECIAL SCHOOLS

Teaching Staff Salaries 20,394 43,042 27,366 0,534 11,699 4,754 959 3,909 129,537  
 Non-Teaching Staff Salaries 11,640 5,746 12,666 2,073 6,054 1,320 902 1,520 41,929  
 Non-Salary Costs 14 307 19 453 21 655 3,217 6,326 1 747 1 004 2 262 70 771

Sub-Total: 54 341 69 041 131 607 13 024 24 079 7 021 3 665 7 779 242 237

## OUT-OF-SCHOOL

## Teaching Staff Salaries

Non-Teaching Staff Salaries 91,435 06,27-4 41,119 20,011 30,326 15,321 12,426 9,173 314,035  
 Non-Salary Costs 613 576 93 071 30 070 31,649 27,369 9,206 6714 4 757 269 420

Sub-Total: 150 011 179 295 71 197 59,660 57 695 24 527 19 140 13 930 503 455

TOTAL 2 645 919 2,265.8 6 4 1 252 007 757 366 700 946. 277 627 143 003 107 552 0 310 364

Users wishing to publish this. data should provide suitable explanatory notes drawn from the NSPCC Manual and the accompanying notes and definitions and be aware that the data does not represent total government expenditure on school level education. It specifically excludes expenditure on such items as:

I Commonwealth direct payments to parents and/or students

ii Pro-schools and TAFE establishments

iii Superannuation, payroll tax, long service leave provisions, depreciation and sinking fund payments. Interest on Commonwealth loans, teacher housing

iv Student hostel provisions

v Funds raised by schools, school councils or community organisations

NOTE: Due to a change in the definition of teaching staff in the National Schools Statistics

Collection, salaries data for the 1911/09 financial year are not strictly comparable with that of other provinces years

7 August 1990

**Minister for Health, Education and the Arts**

**Legislative Assembly Question No 175**

**Education Costs - Comparison with States**

Mr Wood - asked the minister for Health, Education and the Arts on 31 May:

1. Which agency collects data comparing costs of school level education between the state and territory systems?
2. Are the results of data collection fully and publicly available?
3. To the extent that data is available, what is the relationship of costs of education in the ACT to the States and Australia generally?
4. Does the Minister have confidence in the information supplied by the States?

Mr Humphries: The following response is provided to me woods questions:

1. The Australian Education Council.
2. The results are published by the Australian Education Council and are publicly available.
3. The enclosed copy of the State table from the Australian Education Council report shows State/Territory comparisons for the 1988/89 financial year.
4. Yes. The information for the collection is supplied by each State/Territory system in accordance with guidelines provided by the Australian Education Council:

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## EXPENDITURE: GOVERNMENT EDUCATION SYSTEMS - 1988/89 FINANCIAL YEAR

Summary (\$thousands)

NSW Vic a D FA WA TAS NT ACT AUST

Teaching Staff Salaries	1,529,991	1,395,482	723,177	461,406	412,680	155,276	66,516	102,286	4,846,016
Non-Teaching Staff Salaries	264,963	224,878	138,002	100,692	101,760	39,699	27,164	23,910	921,088
Goods and Services	497,761	435,128	224,256	121,014	171,509	42,582	40,490	29,364	1,562,104
Cleaning	160,128	97,781	69,845	21,138	32,226	10,706	3,899	5,150	400,873
Provision of Buildings and Grounds	193,076	112,595	96,807	53,116	62,771	29,564	4,912	26,842	579,483
TOTAL	2 645 919	2 265 864	1 252 087	757 366	700 946	277 627	143 003	187 552	8 310 364

1- Staff Salaries	1,794,954	1,620,360	861,179	562,096	514,440	194,975	93,702	126,196	5,767,904
Non-Salaries Costs	850,965	645,504	390,908	195,268	266,506	82,652	49,301	61,356	2,542,460
TOTAL	2 645 919	2 265 864	1 252 007	757 366	700 946	277 627	143 003	187 552	8 310 364

Users wishing to publish this data should provide suitable explanatory notes drawn from the NSPCC Manual and the accompanying notes and definitions and be aware that the data does not represent total government expenditure on school level education. It specifically excludes expenditure on such items as: I Commonwealth direct payments to parents and/or students if Pre-schools and TAFE establishments fit Superannuation payroll tax, long service leave provisions, depreciation and sinking fund payments, Interest on Commonwealth loans, teacher housing iv Student hostel provisions v Funds raised by schools, school councils or community organisations

NOTE: Duo to a change in definition of leaching stair In the National Schools Statistics Collection, salaries data for the 1980/89 financial year are not strictly comparable with that of previous years.

7 August 1990

**Minister for Health, Education and the Arts**

**Teachers Salaries**

**Legislative Assembly Question No 176**

Mr Wood - asked the Minister for Health, Education and the Arts on 31 May 1990:

Could he detail how teachers salaries in the ACT compare with salaries of teachers with comparable training, experience and responsibility in other States?

Mr Humphries: The answer to Mr Woods question is as follows:

Each State and Territory has differing conditions of service and entry requirements to the Government teaching profession and this makes comparison difficult.

A National Benchmark figure of \$37,200 was agreed to recently by State, Territory and Federal Ministers of Education. It is expected that all States and Territories will negotiate to achieve this Benchmark.

Maximum salaries for 4 Year Trained teachers currently are as follows:

NT \$37,010

TAS \$31,182 (Estimate)

NSW \$34,461

Vic \$37,100 (Does not include 3 proposed increases of 2% at 6 month intervals)

QLD \$38,630 (An offer made to Queensland teachers prior to the benchmark being agreed by Ministers of Education on 1/6/90)

WA \$37,020

SA \$34,017

ACT \$37,160

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**City Rents**

**QUESTION NO 182**

Mr Moore asked the Chief Minister upon notice on 7 June 1990:

- (1) What is the amount of rent collected for each of sections  
24,1,2,3,5,18,61,10,62,37,11,12,13,14,15,48,31,32,20,25, 26,35,68,4,47,49,73,74 of City.
- (2) How much rent does each individual block within those sections pay.

MR KAINÉ - The answer to the members question is as follows.

- (1) No rent is collectable from land within sections  
24,1,2,3,5,18,61,10,62,37,11,12,13,14,15,48,31,32,20,26, 35,4,47,49,73,74 of City. Rent from  
section 25 City amounts to \$7,310.85 for this financial year and no rent was collected from  
section 68.
- (2) The only block within section 25 City which attracts rent is block 1. The lessee has paid  
\$7,310.85 during this financial year. The only block within section 68 which attracts rent is  
block 1. This lessee is in arrears with his rent and has paid no rent during this financial year. The  
Office of Industry and Development is pursuing this matter.

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7 August 1990

**ATTORNEY-GENERAL**

**LEGISLATIVE ASSEMBLY QUESTION**

**Domestic Violence**

**QUESTION NO. 188**

Ms Follett - asked the Attorney-General -

- (1) Is it true that he made a public promise at the Domestic Violence Legal Forum on Friday 6 April 1990 that he would place proposed amendments to the Domestic Violence Act 1986 before Cabinet the following week.
- (2) Did he take a proposal to Cabinet in the week commencing 9 April 1990 as he had promised, and if not, why not.
- (3) Why has he so far failed to introduce the amendments, which were available in the form of a draft Bill last December.

Mr Collaery - the answer to the Members question is as follows

- (1) Yes, I did make that undertaking.
- (2) The proposal was considered by Cabinet on 17 April, the first available opportunity in terms of Cabinet procedural guidelines.
- (3) As you are aware, the proposal required the Alliance Governments policy agreement before it could be advanced. This agreement was given in April. The draft Bill to which you refer required further drafting and revision. The draft is now close to finalisation and will be introduced into the Assembly at the earliest opportunity. I am treating this proposal as a matter of priority.

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**MINISTER OR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**Ainslie Shopping Centre**

**QUESTION NO 189**

Mrs Grassby - asked the Minister for Finance and Urban Services -

- (1) Has his attention been drawn to a letter from W P Brown and Partners on behalf of ACT Public Works to all leaseholders in the Ainslie Shopping Centre concerning upgrading of paving and carparks at the Ainslie shops.
- (2) What work is to be undertaken at the Ainslie Shopping Centre
- (3) What is the cost of this work
- (4) Has the work been approved by the Heritage Committee
- (5) What is the justification of this work in view of the alleged shortage of funds and the dismantling of the ACTs education system

Mr Duby - the answers to the Members questions are as follows:

- (1) Advisory letters such as the one sent out by W P Brown and Partners are standard ACT Public Works practice, to inform the local traders of the commencement of work, and are not usually referred to the Minister.

- (2) The proposed work to be undertaken at the Ainslie Shopping Centre includes

improvement to the lighting in the laneway and the rear carpark improvement to access to the public toilet to improve personal safety particularly at night upgrading of the pavement around the toilet block upgrading the pedestrian paving throughout the centre upgrading of the front and rear carparks to improve traffic flow and parking facilities replacement of the street furniture removal and replacement of diseased trees \_ planting of additional trees

- (3) The cost of construction for this work is \$170,000
- (4) The Heritage Unit were involved during the design phase and have endorsed the project.
- (5) The Ainslie Shopping Centre is one of the oldest shopping centres in the ACT. Parking and traffic problems have been brought to the attention of the Traffic Operations Branch over a number of years by members of the public and local traders. The upgrading of the lighting is in linewith the increased emphasis on personal safety. The upgrading of the pavement recognises the need to improve the uneven and hazardous surface which has been caused by tree roots and the construction of in ground services over the years.

7 August 1990

**MINISTER FOR FINANCE AND URBAN SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**Water Pollution**

**QUESTION NO. 190**

Mrs Grassby - asked the Minister for Finance and Urban Services -

(1) Has the Ministers attention been drawn to an article in the Housing Industry Associations (HIA) recent journal which says that the Association is unhappy with legislation proposed by the Pollution Control Authority.

(2) Is it true that this proposed legislation would make each builder undertake special anti-pollution measures on site before a Building Permit will be issued.

(3) When is this legislation likely to be introduced into the Assembly.

(4) What negotiations have taken place with the industry on this legislation.

(5) Does the Minister intend to water down the proposed legislation to satisfy the HIA.

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

(1) I am aware of the article written in the Housing Industry Associations journal by the Chief Executive.

(2)-(5) Water quality in the A.C.T. is an issue which receives regular comment from both -i1I public and private sectors. The cost and inconvenience of works required to clean and maintain sediment clogged drainage systems is an unnecessary burden on the budget. People are also becoming concerned with other issues such as safety, recreation and aesthetics as a result of pollution by sediment.

As recently demonstrated in Tuggeranong, many of the above-mentioned problems are caused by the operations of small builders.

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The Water Pollution Act 1984 covers all construction activities in the A.C.T. However, licensing individual residential sites in the same manner as for major land development sites and commercial building sites is impractical. The Government will be considering how best to control sediment discharges from small building sites shortly. It is not possible to be specific about proposals until the Government has made decisions. There has been appropriate consultation with industry in developing proposals. The clear objective will be to reduce water pollution from small building sites.

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7 August 1990

**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**  
**LEGISLATIVE ASSEMBLY QUESTION TAKEN ON NOTICE**

**School Consolidations**

Mr Moore asked the Minister for Health, Education and the Arts on 31 May 1990:

Is it true that no schools are likely to close? Or is it true that there there is a split in the Alliance despite Mr Collaerys denials as reported in this mornings paper? Furthermore, Minister, since you this morning defined quality in education as being about choice, in this mornings debate on the Ministerial statement on education, does not that further reinforce Dr Chinchs statement that no school will close since parents clearly enjoy having the choice to send their children to neighbourhood schools.

Mr Humphries: The answer to Mr Moores question is as follows:

The Alliance Government has gone to considerable effort to make clear to the Members of this Assembly and to the ACT community the very difficult budgetary situation we all face as a result of decisions by ALP governments.

I have also made clear the huge oversupply of places in ACT government schools and the financial burden this places on both the school system and the taxpayers of the ACT. We simply cannot afford to continue to maintain 13,000 empty places in our schools. It is clear that schools must be consolidated, and some buildings disposed of or reallocated to other purposes, to reduce costs.

There is, of course, no split in the Alliance Government on this issue. Clearly, members of the Government have their own views on this as on other issues, and these views will be expressed. That does not imply a split in the Government.

Asking me whether I agree with views attributed to Dr Chinch is asking me to express an opinion, and that is contrary to Standing Order 117(c)(i). The fact is, as I have said, that there must be consolidation of schools to reduce surplus capacity.

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**MINISTER FOR HEALTH, EDUCATION AND THE ARTS**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION WITHOUT NOTICE**

**Watson Psychiatric Hostel**

Mr Moore - Asked the Minister for Health, Education and the Arts without notice on 5 June 1990:

1. Can the Minister inform the Assembly if there are discussions currently being held to establish the viability of converting the Watson Psychiatric Hostel in Anthill Street Watson, to a privately funded institution? And if there are such discussions, can the Minister either make public the nature of those discussions or else reassure the Assembly that this facility will remain a Government funded establishment?

Mr Humphries - The answer to Mr Moores question is as follows:

There have been no discussions within the Government concerning privatisation of Watson Hostel. However, Stafford Mental Health Services have attended workshops that raised this issue.

The staff of the Mental Health Service, together with members of the Mental Health Advisory Committee and some staff members of non Government services have attended a series of workshops to consider ways in which the Service might more effectively and efficiently provide mental health care in the ACT.

I am advised that, in the course of these workshops, some staff members proposed a reconsideration of the role, funding and management of both hostels currently run by Mental Health Services. There was discussion of a community organisation taking responsibility for a hostel in the ACT. I am also advised that further consideration will be given to a number of proposals made in these workshops, some of which may eventually be submitted to the Department of Health for consideration.

In passing, I would like to applaud the staff concerned for their willingness to review actively the effectiveness of their service and to consider change. I am told that community members who participated were impressed by the willingness of staff to critically evaluate their own work.

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