



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

8 August 1990

Wednesday, 8 August 1990

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MR ACTING SPEAKER (Mr Stefaniak) took the chair at 10.30 am 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.

Royal Canberra Hospital

To the members of the Australian Capital Territory Legislative Assembly in parliament as assembled.

The signatures contained herein from the constituents of the ACT respectfully sheweth that the decision to close Royal Canberra Hospital should be reversed and that it should be upgraded to its former excellent standard for the people of Canberra and your petitioners as in duty bound will ever pray.

by **Ms Follett** (from 4,390 citizens).

School Closures

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

The petition of certain residents of the ACT (Students of Government Schools) draws to the attention of the Assembly that we, the undersigned, object to the ACT Government's proposal to:

- a. Cut the ACT Education budget
- b. Close ACT Government Schools and
- c. Refuse public comment on specific school closures.

Your petitioners therefore request the Assembly to:

- a. Review the criteria in reference to the closure of ACT Government schools and specifically how these closures will affect the quality of education in the ACT
- b. Not alter the present education system

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by **Mr Humphries** (from 1,058 citizens).

Petitions received.

STANDING COMMITTEE ON ADMINISTRATION AND PROCEDURES

MR ACTING SPEAKER: As Acting Chairman of the Standing Committee on Administration and Procedures, I wish to inform the Assembly that at its meeting on Tuesday, 8 August, the committee resolved to consider and report on, as a matter of urgency, standing orders 200 and 201 and their application, particularly with regard to private members' legislation. I am sure all members will appreciate the need for such action.

SCHOOLS AUTHORITY (AMENDMENT) BILL 1990

MS FOLLETT (Leader of the Opposition) (10.31): I present the Schools Authority (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

This Bill will amend the Schools Authority Act 1976 to prevent the closure of any primary school, high school or secondary college in the ACT. The Labor Party takes this action for two reasons. First, the Bill is consistent with the longstanding Labor Party policy of support for the neighbourhood school system. It gives effect to the specific promise which we made at the 1989 ACT elections that no school would be closed. The Bill demonstrates that we are prepared to give the force of law to the promise which we maintained during our period in office and in the preparation of the first ACT budget.

The second reason that the Labor Party proposes this Bill is that it gives every member in this Assembly a chance to vote one way or the other. In voting for or against the Bill, members will be making an unequivocal statement in the public arena, and can place their reasons on the public record during the debate. For far too long the ACT community has been subjected to confusion, dissembling and changes of attitude by members on the Government side. The confusion about whether particular members are in favour of or against closures and whether they want more information or not will be ended. This Bill is designed to prevent the devastation that will be caused to the Canberra community if the schools are finally closed.

Almost every Canberra suburb is designed around a central community precinct which includes its neighbourhood school, a shopping centre and other services. This design principle is very important for both educational and economic reasons. The neighbourhood school provides an environment where the school is a part of the community,

where it is relevant to local needs and where it can react to local events. The small scale and the local nature of the neighbourhood school encourages an environment in which parents are actively involved in the school, and where the children can form friendships with other students from their own suburb.

Also, of course, the neighbourhood school allows children to walk safely to their school. Footpaths, walkways and underpasses under roads have all been designed in most Canberra suburbs to allow access to the neighbourhood school. An example of this is set out in a submission to Mr Humphries from the Weetangera Primary School Board and the P and C. Many of the school closures announced by the Government will result in children's safety being put at risk by forcing them to cross busy arterial roads if they travel to school on foot. The alternative, of course, is that parents will be required to spend more money, either on bus travel if their child is old enough to travel alone, or on driving their children to school if they have a car. And, of course, not all Canberra families do. The disruption and logistical problems if both parents are in the paid work force are easy to imagine. The Government decision thus represents a transfer of costs from the budget to off-budget expenditure by individual families.

The other economic aspect which I wish to mention is the close relationship between neighbourhood schools and neighbourhood shops and other small businesses. The experience at Downer following the closure of the Downer Primary School two years ago is a graphic illustration. The shopkeepers report that the closure of the school has greatly reduced the passing trade from parents taking their children to and from school. Once parents use a car to take their children further afield, they are more likely to shop elsewhere.

Other local services such as doctors and service stations are also likely to suffer, and in fact have suffered in those areas where the schools have been closed. The loss of these local services is not merely the destruction of one or more people's business or the loss of the convenient local shops for some people in the suburbs. For elderly people, for people with disabilities and people who cannot afford their own car, it may mean that they have to move house to a suburb which retains those services around its local school.

The other aspect of the school closures which is raised by this Bill is the decision making process. We have seen statements of principle by the Residents Rally and other members which have changed from day to day and week to week. "No school closures" became "no schools closed without good reason". A bit of a departure. But no matter how much they have pretended that they oppose the closures, the crunch has come with the Government's decision. Now, they must either support the decision or oppose it and the public is demanding an answer.

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The Minister had repeatedly admitted in this place that he does not know the facts. Even yesterday he was not able to answer a single question on a factual basis. Not only has the Minister been unable to answer questions in the Assembly, but he has refused to find out the answers. It is just not acceptable for him to claim that the details will be provided in the budget because the Government has already announced its decision. There is no budget secrecy about this decision at all. It has already been announced.

The real reason, of course, for the secrecy is that the more information comes to light, the more apparent it is that neither Mr Humphries, nor the rest of the Government, has any idea of the real budget implications of closing particular schools. Nor, as it is now apparent, did the Government have the faintest idea about what services it was actually closing. We have seen repeatedly the scandalous situation where parents and citizens groups are much better informed about the operation of their school than is the Government.

Dr Kinloch has acknowledged publicly that when the Government decided to close Weetangera school it did not know four key facts. Government members were not aware of the after school care provided at Weetangera for children from all over the North Canberra area. They did not know, nor did they ask, about the hearing impaired unit and the fact that the children in this unit will not move to a new school with their friends. Their decision was made without the knowledge that 50 children had already been moved once from Page school to Weetangera and they did not realise that these 50 children had been given a written guarantee of five years stability at Weetangera.

The costing and the rationale for the closures has repeatedly been proven faulty by the parents at schools such as Yarralumla and Holder. Having repeatedly failed to pass very simple tests with the information it did release, the Government has now retreated to its bunker and will not release more details.

So what we have is a decision with no supporting details, a decision which the Minister is unable or is refusing to defend in this Assembly and a decision which some back bench members of the Government are reconsidering - and thank heaven they are.

The children, the parents and indeed the whole Canberra community has every reason to feel outraged and amazed at the actions and performance of the Minister and of the Government.

But, Mr Acting Speaker, we are not criticising the Government simply because we believe the school closures will not save anything like the \$2m that has been claimed. We have now to ask the very important questions: did all Government members know that, as the Treasurer said

yesterday, there was no targeted sum for savings in the schools budget? Did all Government members know that the Treasurer is expecting a surplus in the budget, as he said yesterday? Did Dr Kinloch know that when he moved the motion to close schools?

We still believe that the school closures are unjustified and that this community can afford to pay for those schools. The Government can and should give education spending the priority which is expected and demanded by the community. The possibilities for saving exist in other areas. The Government is presiding over waste and extravagance on a massive scale.

Mr Kaine: That sounds pretty good coming from you after last year's budget - - -

MR ACTING SPEAKER: Order, members! Let her continue.

MS FOLLETT: Thank you, Mr Acting Speaker. Not only is the Speaker junketing off to the Cook Islands, but we also see a growing stream of Ministers, Executive Deputies and staff travelling interstate for lengthy periods.

Mr Collaery: Who went to Darwin?

MS FOLLETT: While the Ministers - - -

Mr Kaine: Yes. Who went to Darwin?

Mr Collaery: Who went to Darwin to stay with her sister?

MR ACTING SPEAKER: Order, members!

MS FOLLETT: Mr Acting Speaker, we do seem to have a bad case of obstreperous interruptus on the Government benches and I think you should call them to order. They are very tetchy indeed. Very, very tetchy. Where is the next junket to?

While Ministers are sleeping it off in Perth at the taxpayers' expense, Canberra schools are being closed. The Government is throwing away money in other areas, but still insists on betraying this community by closing its schools.

Let us look at the ridiculous upgrading of the Ainslie shopping centre pavement. More pink pavers are being put down there when there was nothing wrong with it the way it was. I would ask the Treasurer why he does not consider making savings out of the \$24m paid last year to consultants. Or why not simply allocate to schools the budget surplus which the Treasurer so confidently expects? I expect that this Bill will lie on the table for the next week. That week gives the people of Canberra some time to bring home to the members of the Government even further what their decision on schools will mean. What it means is upheaval and upset for many children. Their decision means disruption for Canberra's education. Their decision means

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inconvenience and additional costs for many parents. Their decision means the loss of business for neighbourhood shopping centres and the loss of services to the community. Finally, as the Council of Parents and Citizens pointed out yesterday, this decision means that their political future is non-existent.

Mr Collaery: I rise on a point of order, Mr Acting Speaker. I draw your attention to section 65 of the Australian Capital Territory (Self-Government) Act and standing order 200 - - -

Mr Berry: Squirring a bit are we? You cannot debate the issue; you do not want to debate the issue.

Mr Collaery: Does the Opposition want to debate it?

MR ACTING SPEAKER: Are you proceeding with a point of order or not, Mr Collaery?

Mr Collaery: Yes, indeed, Mr Acting Speaker. Section 65 of the self-government Act clearly indicates that a Bill which has the effect of charging public funds shall not be proposed. Standing order 200 backs that up. We await your ruling in relation to two other Bills, Mr Acting Speaker. In view of the statements of those opposite me, in view of the clear desire on the other side, I ask you, Mr Acting Speaker, to take this point of order on notice, to give a determination in relation to that Bill at some future time and acknowledge that the Opposition wish the matter to be debated, and I defer to my leader on that point.

MR KAINE (Chief Minister) (10.44): If this were not a private member's Bill, I would move a matter of urgency in accordance with section 192. Because it is a private member's Bill I am unable to do so because I would be accused by the Opposition, I am sure, of interfering with private members' business.

Mr Moore: Absolutely.

MR KAINE: Absolutely, you got it right. It would be improper for me to move that it be dealt with as an urgency Bill, but the matter is clearly urgent. It took up most of question time yesterday. The Opposition put it forward yesterday as a matter of public importance. Another member of the Opposition has got it on the agenda today as a matter of public importance. There is great public interest in the question and, finally, I have a budget at an advanced stage and if this Bill were to pass it would materially affect that budget, so I need to know what the outcome is.

Accordingly, Mr Acting Speaker, I propose to the Leader of the Opposition that she agree to proceed with the debate now. We know from the debate yesterday that Opposition members have their case prepared. It is not a surprise to them. We know that there has been a great deal of public

consultation, a great deal of public input on this matter and the Government is prepared to allow the debate to proceed forthwith which is just what the Opposition is now claiming it wants to do. Because of its importance and urgency, we are prepared also - - -

Mr Berry: Withdraw your point of order, Bernard Collaery.

MR ACTING SPEAKER: Order! I want to hear from the Chief Minister.

MR KAINE: I am not talking about a point of order, Mr Acting Speaker, so would you call him to order.

MR ACTING SPEAKER: No, I know you are not, Chief Minister. I want to hear what the Chief Minister has to say about this, Mr Berry.

MR KAINE: I am prepared to allow the debate to proceed forthwith - - -

Mr Collaery: On a point of order, Mr Acting Speaker, would you direct Mr Berry to resume his seat?

MR ACTING SPEAKER: Mr Berry might have a problem in that Mr Wood is sitting in it, Mr Collaery!

Mr Moore: I raise a point of order, Mr Acting Speaker. Can you clarify whether the Chief Minister is actually speaking as part of the debate on this Bill at the moment?

MR ACTING SPEAKER: The Chief Minister, as I understand it, is speaking about the routine of business in the house as much as anything else, Mr Moore, so I would like to hear from him on that.

MR KAINE: I am making an offer to the Leader of the Opposition. I seek leave to make this offer to the Leader of the Opposition.

Leave granted.

MR KAINE: I conclude by saying that the Government is prepared to allow the debate to proceed now; not only that, but the Government is prepared to allow an additional hour of time this afternoon, an extension of private members' business to allow the debate to be completed today - - -

Mr Berry: I raise a point of order. What is the Chief Minister talking about? Is he moving an urgency motion?

MR ACTING SPEAKER: No, he is not, he is making an offer, as I understand it, Mr Berry.

MR KAINE: If you would sit down and listen you would hear what I am offering, Mr Berry.

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MR ACTING SPEAKER: He has been given leave to make a statement, Mr Berry, so - - -

Mr Berry: Not by me, he has not.

MR Kaine: If you would sit down and listen for once you would understand what was going on. But as the members of your own convention said on Friday, you are stupid, you do not understand. I really appreciate the courtesy from the members of the other side of the house; it is amazing, is it not? They are the ones who have the effrontery to talk about ethics and later this day, if they get a chance, they will talk about an ethics committee. Look at Mr Berry - nothing but a larrikin and a hooligan.

Mr Berry: Mr Acting Speaker, come on - - -

MR ACTING SPEAKER: I think perhaps you had better withdraw that, Chief Minister.

MR Kaine: I withdraw. As I have been trying to say for about five minutes now - if Mr Berry would allow me to say it - the Government is prepared to allow the debate to proceed now, and because of the importance and the urgency of it, we are also prepared to move to suspend standing orders to allow the debate to be concluded today - that is, we will allow an extra hour of private members' business. I am making an offer; we will see what the Opposition's response is. Its leader just spent 20 minutes telling us how urgent and important the matter was. We are prepared to debate it.

Mr Berry: Withdraw the point of order, Bernard.

MR ACTING SPEAKER: He might have to do so, but let us just hear the Chief Minister out.

MR Kaine: It is clear that Mr Berry wants to debate the matter, Mr Acting Speaker, but not in accordance with the standing orders of the house. He does not want to see the debate proceed in an orderly fashion. He will do it by interjection, but he will not proceed to debate it in an orderly fashion. I am giving him the opportunity to do so. We will make specific arrangements for this debate to start now and to be completed today and we are prepared to set Government business aside - - -

Mr Berry: It is hurting. The old knife is starting to hurt.

MR Kaine: I am turning the knife on you, mate. You have got to put up or shut up and now is the time. We are prepared to set Government business aside to allow the debate to be completed today. I make the offer to the Leader of the Opposition. You want it debated, we are prepared to debate it. I invite the Leader of the Opposition to respond to that invitation.

MS FOLLETT (Leader of the Opposition), by leave: I do not think that the Chief Minister was listening to my speech, Mr Acting Speaker. I very much appreciate his offer that this Bill be considered an urgent Bill, but if he was listening while I was introducing the Bill he would have heard me say - and I will repeat it - that I expect the Bill will lie on the table for the next week.

Mr Kaine: Of course you did because you do not want to debate it.

A member: You have had two months to talk about it.

MS FOLLETT: Mr Acting Speaker, please call this rabble to order.

MR ACTING SPEAKER: Please calm down members. Continue, Ms Follett.

MS FOLLETT: This week gives the people of Canberra some time to bring home to the members of the Government what their decision on schools will mean. That was my purpose in introducing the Bill this week - to allow a week's consideration before it was brought on for debate next week. As members opposite full well know, the Council of Parents and Citizens of the ACT is expecting this Bill to be debated next Wednesday. Of course, members opposite want the matter dealt with today so that they can avoid a further week's pain and embarrassment which the community will undoubtedly cause them during the further debate on this Bill. They know as well as I do that the Canberra community holds them in utter contempt for their actions on school closures and, in particular, holds members of the Residents Rally and the so-called independent members in utter disdain for their total duplicity on this matter.

Mr Acting Speaker, I am giving the members opposite another week in which to discover their consciences, if that is not an impossible task for them, and to actually reflect the community opinion.

As I said, I do appreciate the Chief Minister's offer, but it was never my intention, nor was it the intention of the community groups involved in this issue, that the matter should be guillotined today by the Government which quite clearly has the numbers here.

Mr Kaine: You do not want to debate it?

MS FOLLETT: I am delighted to debate it. We debated it at length yesterday. The matter will be debated today, tomorrow and all through next week as well. What this move by the Government is all about is avoiding a further exposure of its utter duplicity on the whole issue. It is squibbing on the issue. It is not game to leave Carmel Maher and Hector Kinloch in the firing line another week. That is what it is all about. As I said, I do appreciate the Chief Minister's gracious offer, but I will decline it.

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I am happy for this debate to continue for another week, if not right up until February 1992.

MR MOORE, by leave: As a private member, I also have an interest in this area and I appreciate the generous offer of the Chief Minister to debate this matter as a matter of urgency and to be prepared to make the time to do so. I hope that he will continue making such kind offers in the future on other matters that we also consider urgent.

With reference to this matter, there are, of course, a number of problems, the first of which is that Mr Collaery has raised a point of order as to whether this matter is or is not legal in the first place. It is relevant to every single Bill a private member has ever raised that the matter should go to an appropriate and highly qualified legal authority to get an opinion on that. We cannot rely, for example, on an opinion from Mr Collaery's own legal office, as competent as it may be - - -

Mr Collaery: That is a shameful comment. They are eminent lawyers.

MR MOORE: They are eminent, but it is significant that Mr Collaery understands the separation of powers. He would understand that any opinion that comes from his own office is an opinion that has about it the fact that he is the Minister. Therefore, it is appropriate that we get an independent opinion on the matter because it has such significance to the parliament.

In the first place we should wait and ensure that that particular issue is clarified and dealt with. Secondly, the Chief Minister has a great advantage by ensuring that this matter is debated today because he is concerned that the community may get to members of the Alliance and actually show them that they do hold them in contempt - particularly Dr Kinloch and Ms Maher, whom they expect to understand what they are on about. The community expects that these people may see the light. It is appropriate for them to have the opportunity to express that opinion and that is what they are looking for. It is quite clear that there will be a rally this afternoon and some other actions are planned over the next week while this Bill sits on the table. That is what they are expecting and it is quite appropriate that they have that opportunity to present their point of view, to question the figures that the Government has put out. As well, there are figures that it has not put out and does not seem to be prepared to put out. So it is quite appropriate that this Bill remain on the table for that amount of time. Mr Acting Speaker, I move:

That the debate be now adjourned.

MR ACTING SPEAKER: I do not think you can do that, Mr Moore. I have to put the question before a member can move the adjournment of the debate, so I will rule you out of order on that.

Mr Collaery: Mr Acting Speaker, I wish to be heard further on my point of order.

MR ACTING SPEAKER: Do you still maintain your point of order, Mr Collaery?

Mr Collaery: I maintain my point of order and I wish the record to show that the Government has offered debate on this matter.

Mr Berry: I raise a point of order, Mr Acting Speaker. If the member wishes to make some sort of statement it is customary to seek leave.

MR ACTING SPEAKER: The Deputy Chief Minister does not need leave to make a point of order.

Mr Collaery: Thank you, Mr Acting Speaker. I raise the point of order which has been raised in respect of two other Bills relating to the Ainslie tip and the Royal Canberra Hospital. Clearly, in my opinion - - -

Mr Berry: On a point of order, Mr Acting Speaker, you have already indicated that you will take advice in relation to the point of order raised by Mr Collaery, and the matter is therefore closed.

MR ACTING SPEAKER: No, that is not so. Mr Collaery initially raised that point of order and I do not think I made a comment at that stage. The Chief Minister then stood up and made his offer and a debate ensued in relation to that. I will allow the Deputy Chief Minister to make his point of order and I will then give my ruling on that. I do not believe he finished his point of order on the last occasion because I did not make any ruling on that; I was waiting to hear what the Chief Minister said. If you want to make your point of order now, Deputy Chief Minister, you should do so and I will make a comment on it.

Mr Collaery: I raise a point of order under standing order 200, Mr Acting Speaker. That standing order says:

An enactment, vote, resolution or question, the object or effect of which is to dispose of or charge any public money of the Territory shall not be proposed in the Assembly except by a Minister. Money proposals may be introduced by a Minister without notice.

Indeed, section 65 of the Australian Capital Territory (Self-Government) Act backs that up and says effectively the same thing.

I am of the view that this Bill that has been presented by Ms Follett offends both section 65 of the self-government Act and standing order 200. I wish the record to show that, notwithstanding that opinion, the Chief Minister

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indicated that he was going to allow the debate to continue. I wish to indicate to the Assembly that when debate commences on this issue I will seek a ruling from you, Mr Acting Speaker, in relation to that matter. If your ruling has the effect of stopping the proposing of this Bill the record must show that that is your ruling - - -

Mr Berry: I raise a point of order. Mr Collaery is not in a position to threaten the Acting Speaker. He is only in a position to raise the point of order which he has done. I think to make threatening noises in relation to whatever your ruling might be is completely out of order.

MR ACTING SPEAKER: I do not think he intended that, Mr Berry, but I hear what you say. The Deputy Chief Minister has raised a point of order in relation to the Schools Authority (Amendment) Bill 1990, the point of order being raised under standing order 200, as it applies to section 65 of the self-government Act. I will take that matter on notice and seek a legal opinion and that will be presented to the Assembly in due course.

Mr Moore: I raise a point of order under standing order 171. That standing order says:

When a bill has been presented, the Member shall move, "That this bill be agreed to in principle".

That is exactly what Ms Follett did when she originally introduced the Bill. The standing order continues:

... the debate on the question shall then be adjourned to a future day on the motion of another Member.

I have already moved that motion.

MR ACTING SPEAKER: No, Mr Moore, I overrule you on that point because at that stage the Deputy Chief Minister took what I suppose could be called a preliminary point of order which he did not really see through. The Chief Minister got up, was granted leave to make his offer and the Leader of the Opposition was granted leave to respond. In fact, you also responded on that. You then sought to adjourn the debate because of that intervening attempted point of order by the Deputy Chief Minister, the Chief Minister's offer and the debate on that. That question was not put, so that is why I put it now, having resolved that issue.

Mr Moore: All right, Mr Acting Speaker. I will now move to adjourn the debate.

MR ACTING SPEAKER: I am sorry, Mr Humphries had the nod on that, but you had the point of order, Mr Moore. I ruled against you on your point of order.

Mr Moore: Mr Acting Speaker, I take another point of order. I draw your attention to the standing order that says that the member first on his feet will be given the floor. Indeed, I was first on my feet and still am, in fact.

MR ACTING SPEAKER: Mr Moore, please sit down. You were on your feet for a point of order. Mr Humphries was on his feet to adjourn the debate. You indicated a point of order, so I deferred to you, as I have to do. Mr Humphries is the member on his feet.

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

PERSONAL EXPLANATION

DR KINLOCH: I claim to have been misrepresented by the Leader of the Opposition, and seek leave to make a short statement.

MR ACTING SPEAKER: Please proceed.

DR KINLOCH: I do not wish to make this a contentious matter. Words like "duplicity" have been thrown around. I wish to say that members of the Government met for many hours, many days, over many papers and much evidence, and I wish the word "duplicity" to be withdrawn. There was no duplicity in what was done.

OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL 1990

MR BERRY (11.06): I present the Occupational Health and Safety (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

As members will recall, and of course as the community recalls, the first piece of legislation moved by the Follett Labor Government was the Occupational Health and Safety Bill 1989. That Bill was introduced by Labor in accordance with Labor policy and, as the ACT community has become aware, Labor is the only party which delivers on its policies in this Assembly.

This piece of legislation was important and it was long needed in the Australian Capital Territory. What it set out to do was to protect the health and safety of workers in the Territory, something that was a long way from the minds of members of the Liberal Party and the Chief Minister. It was a long way from the minds of Residents Rally members, although they have changed a couple of times since in accordance with the performance which we have grown used to. As the No Self Government Party had only one policy, it must therefore be concluded that it was

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furthest away from the minds of the No Self Government people.

The Bill that I introduce today will provide the added benefit of ensuring long-term improvement in productivity through decreased time lost due to workplace injuries, in addition to the benefits which have been provided by the legislation carried by the Follett Labor Government.

The thrust of the original Bill was to move away from rigid inspectorial legislation towards encouraging workplace arrangements, with both workers and employers taking responsibility for their own safety arrangements. That thrust was resisted by the conservatives opposite and all steps possible were taken by them to continue the adversarial role of workers and their employers in the workplace on the issue of occupational health and safety.

The original Bill was referred to a select committee of the Assembly which reported on 6 July 1989. The Bill was then amended, debated, and passed by this house in November. Of course it became an Act, but the benefits have yet to show through. One of the difficulties was that shortcomings were included in the Bill as a result of cooperation between the Liberals and the Residents Rally and others in this Assembly.

Self-government in the ACT has again been thrown into disrepute by the combined actions of the conservatives opposite. Workers who have been cut out of proper occupational health and safety protection in the workplace argue, quite rightly, that those in the Government opposite do nothing for workers in this Territory, particularly in the provision of workplace safety. We have heard many speeches and much rhetoric from those opposite. Not much comes of it in terms of action except that the Residents Rally springs from one turnaround to another - the revolving door of decision making. This is particularly so in the case of its leader who makes policy on the run, changes it day by day, and then runs to his party machine to try to prop himself up in the electorate. It has not worked. Those in the party machine, try as they might, sit back looking like stunned plovers in the face of the changes from their leader and the electorate laughs.

During the debate on the original Bill significant amendments were moved, all aimed at weakening its effects and leaving workers in the Territory without the full protection required. I must say that you, Mr Acting Speaker, played an important role in presenting the Liberal philosophical position from the then Opposition benches.

That resistance was based on the old conservative position of keeping labour in its place and ensuring that the adversarial role was persisted with by employers in the workplace, in that there was no power sharing on the issue of the provision of workplace safety. In a Territory where the costs of workplace deaths and injuries have been

estimated at \$120m to \$240m per year, it is important to ensure that we improve workplace health and safety arrangements.

It seems that since the conservatives opposite decided to oust the Follett Labor Government any interest in or improvement of the provision of workplace safety is on the back burner, despite what the former No Self Government member says. That member is now in the Independents Group, which is, I suppose, the Independents duo now that their numbers have shrunk by a third. That sounds like a major loss of membership.

Mr Jensen: I raise a point of order, Mr Acting Speaker. I have listened to Mr Berry for a while, but I would suggest this is irrelevant and tedious repetition.

MR ACTING SPEAKER: Yes, please stick to the point, Mr Berry.

MR BERRY: I would have thought that Mr Jensen would be concerned about this legislation because he would be severely embarrassed that the workers of the Territory have suffered at the hands of the Residents Rally in this matter. Of course the workers will remember that. They also remember being called sheep who grunt and all of those sorts of things; they will long remember that and they will long remember who said it. The leader of the Residents Rally - - -

Mr Jensen: It was not me.

MR BERRY: I think I should remind you - it was Mr Bernard Collaery.

Mr Collaery: I think that memories are going to be longer about recent events in your party.

MR BERRY: Mr Bernard Collaery - that is the name on the tip of the tongue of every worker in the Territory when he or she thinks about loss of occupational health and safety and workplace conditions and the loss of jobs because of the decline in ACT industry resulting from lack of confidence in this Government.

Before I am pulled into gear on the issue of relevance, I will move on to the Liberal policy in relation to occupational health and safety. It needs to be debated over and over again to ensure that the community is aware of the philosophical position of the Liberals - they are not interested in power sharing in the workplace. They are interested in preserving the traditional power of employers on all issues. That draconian position is the reason why there has been a need for massive structural changes in the workplace and the only people who have been able to produce that have been those in the Hawke Labor Government in concert with the trade union movement. While we persist with those draconian measures of power to the employers,

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this country will be marking time industrially. It is interesting that Mr Jensen defends the Liberal Party position in relation to that because it is - - -

Mr Jensen: I defend sensible working relationships between management and unions.

MR BERRY: Mr Jensen defends that and it is interesting that the Residents Rally is thrown in with the Liberals on that position and we expect that they will continue with that philosophy as far as they can.

But, of course, that could all change tomorrow. That could change tomorrow because if we get a bit of a run in the media this evening or in the paper tomorrow, Bernard Collaery could change. But then on the next day he could change again. It is very difficult to work out where the Residents Rally is going in relation to any matter, but it would be comforting if we could get some noises of support about the issue of workplace safety for workers in the Territory. This is making Mr Jensen squirm a bit because he does live in a workers' suburb and I suspect that from time to time he gets the message from the eyes of workers as he passes by them in the shopping place on Saturday morning as he tries to improve the Residents Rally position.

The Bill I move today attempts to overcome one of the major flaws of the previous Bill passed by the Assembly. That Bill was passed after it was altered at the will of the Liberals. I think I said earlier that Mr Stefaniak played a significant role in reducing the effect of occupational health and safety legislation in the Territory. That has resulted in failure to cover the greater proportion of the ACT's workplaces. That is a great pity and the shame has to be borne by the members opposite.

We will persist in trying to improve workplace safety for the Territory's workers and we will continue to campaign on that until we get proper workplace safety for all workers in the Territory. As the Act now stands, 95 per cent of employers are exempt under the Act - a fact identified by Mr Duby. His figures will do; he is in the Government. So the Government recognises and accepts that 95 per cent of employers are exempt from providing proper occupational health and safety in the workplace. It was identified by Mr Duby in this Assembly when speaking against the amendment to increase the threshold from 10 to 20. That is a halving of the number of employees required to ensure that a designated work group is set up in a workplace.

There is no doubt about it, workplace apathy and ignorance have been identified as causes of poor occupational health and safety practices. But much of that has to do with the persistence of employers, with the support of the Liberal Party, in adhering to those aged workplace practices which really involve the power of employers over employees.

That is a stupid position to persist with in relation to workplace safety - a stupid position. While governments persist with that position, workplace safety will deteriorate, more workers will be injured, more workers will die, more families will be without breadwinners. That is the situation. Who will bear the cost of it? The community will. Unless there are improvements in the workplace, the community will pay. But, most importantly, workers and their families will lose breadwinners and it will also cost them significantly.

I cannot for the life of me understand why decent people cannot see the light of day in relation to this matter. It is not - - -

Mr Jensen: I rise on a point of order, Mr Acting Speaker. Mr Berry is implying that I am not decent.

MR BERRY: If the cap fits, Norm, wear it!

MR ACTING SPEAKER: Yes, I think that is a reflection on the member. Mr Berry, I would ask you to withdraw any imputation that Mr Jensen is not decent.

MR BERRY: I did not make an imputation.

MR ACTING SPEAKER: Well I would ask you to withdraw any imputation.

MR BERRY: I withdraw any imputation that embarrasses Mr Jensen.

Mr Jensen: On a point of order, Mr Speaker, that is a qualified withdrawal.

MR ACTING SPEAKER: Please continue, Mr Berry.

MR BERRY: I cannot for the life of me work out why any decent person would persist with such legislation. If that was seen as an imputation, I can only say that Mr Jensen is getting a little too sensitive.

Mr Duby: It actually implies that Mr Jensen is a decent person but you cannot work out why he will not support you.

MR BERRY: Well it probably is an imputation if we are talking about him being decent. Norm is getting a bit touchy. I would not worry about it too much.

Unless the vast majority of workplaces are covered by the legislation, the community as a whole cannot expect to reap the benefits of the legislation. That is in the community's interests. What surprises me more than anything is that a party which calls itself the community party sits idly by as nothing happens in the area of occupational health and safety.

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Mr Duby says that some sort of a council is being set up and it will fix all of this. It is an advisory council which will advise Mr Duby, who is then guided by the Government - and just look at that ragtag mob opposite - - -

Mr Duby: Experts, they are.

MR BERRY: Who, the ragtag mob opposite?

Mr Duby: Both - the council and the Government.

MR BERRY: That is a chuckle! The fact is that if we wait for this Government to make a decision on occupational health and safety, we will be waiting till the end of the earth. The injured and dead will be piled high before anything is done about it.

Mr Jensen: Goodness me!

MR BERRY: Mr Jensen does not seem to recognise that people get killed in the building industry.

Mr Jensen: I do know that.

MR BERRY: Well, why do you not do something about it? As I said earlier, 95 per cent of employers in the ACT are exempt. When are you going to do something about it? You ought to squirm.

Mr Kaine: Why did you not do something? It was your Act.

MR BERRY: Because your mob blocked it, that is why. When Mr Stefaniak was working with you, he blocked it.

Mr Kaine: Because you could not persuade us that what you were doing was right.

MR BERRY: We could never persuade you that the traditional power differences between workers and employers should change. You are back in the dark ages, back in the squattocracy.

Mr Kaine: How is it that we spend more time talking to the trade unions than you did?

MR BERRY: Because you need to.

Mr Kaine: Because you could not get them on side. They will not talk to you, that is why.

MR ACTING SPEAKER: Order! Would all members just keep to the point, including Mr Berry. Let us stop these interchanges across the chamber. Please make your speech, Mr Berry, and not indulge in interchanges.

MR BERRY: Thank you, Mr Acting Speaker. Mr Duby's figures show that 95 per cent of employers are exempt under the Act.

Mr Duby: Employees, by the way.

MR BERRY: Employers; it is not the employees. Those are your figures. This Government is sitting idly by as more workers are injured and killed. Families suffer and the community pays.

There is no other way of putting it. Mr Jensen might well fidget on his seat, because the likes of him are responsible - the so-called community party; the Residents Rally. What a disgrace!

As I have said, unless the vast majority of work places are covered by the legislation, the community as a whole cannot expect to reap the benefits of the legislation and this Government will have to fund the damage which is done in the community through its failure to do anything about the issue.

Labor did something. It got the show on the road. It was hijacked by the Liberals and other conservatives opposite, who wanted to ensure that all workers were not covered. Now the worm has turned. It is up to the Government.

Mr Jensen: What about the Federal Parliament? What about when it was under the control of the Federal Parliament?

MR BERRY: It is up to you. You were elected to the Assembly to protect the people of the community, Norm. What are you doing? The Labor Party delivered. Our legislation was hijacked by the conservatives opposite. It was hijacked and mutilated by the members opposite and more workers in this Territory have suffered as a result.

Who is responsible? Let us forget the Liberals, they are not going to change anyway. They are still steeped in the old traditions, the old squattocracy. But the Residents Rally and Mr Collaery - - -

Mr Jensen: Five Federal Labor Ministers, Mr Berry.

MR BERRY: You cannot keep blaming the Federal Labor Ministers. You are the one who got elected in this Territory, Norm. Have you not worked that out yet? I know you are a bit slow.

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

ROYAL CANBERRA HOSPITAL BILL 1990

Debate resumed from 6 June 1990, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

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MR ACTING SPEAKER: Before anyone rises to speak on this, I have a statement to make. Before I make that statement, I just want to clarify one thing while we have the Government law officers here.

I believe they deserve a response from a possible suggestion made by Mr Moore when he made his speech some minutes ago that the Government Law Office is, by virtue of its proximity to government, open to any influence by the Attorney-General. I understand that both the Attorney-General and the Shadow Attorney-General, Mr Connolly, support the remarks I am about to make.

I think that Mr Moore overlooked the fact that the Speaker seeks his advice direct from the Government Law Office. The Attorney-General plays no part in the formulation of that advice and certainly I have every confidence in the Government Law Office. Both Mr Collaery and his counterpart on the Opposition benches want their views on their confidence in the Government Law Office made known and accordingly I do so.

In relation to the Royal Canberra Hospital Bill 1990 and the Ainslie Transfer= Station Bill 1990 - and what I have to say refers to both - members may recall that on 6 June 1990 the Attorney-General raised points of order following the introduction of both the Royal Canberra Hospital Bill 1990 and the Ainslie Transfer Station Bill 1990.

In raising his points of order Mr Collaery drew the Speaker's attention to both standing order 200 and section 65 of the Australian Capital Territory (Self-Government) Act 1988. Mr Speaker undertook to examine each of the Bills and report back to the Assembly with a ruling on these matters after obtaining advice. Advice was sought on the matter from the Government Law Office and in addition Mr Connolly wrote to Mr Speaker on 7 June on the matter as well. The Assembly's standing order 200 provides:

An enactment, vote, resolution or question, the object or effect of which is to dispose of or charge any public money of the Territory, shall not be proposed in the Assembly except by a Minister. Money proposals may be introduced by a Minister without notice.

Section 65(1) of the self-government Act provides:

An enactment, vote, resolution or question (any of which is in this section called a "proposal") the object or effect of which is to dispose of or charge any public money of the Territory shall not be proposed in the Assembly except by a Minister.

Subsection (2) states:

Subsection (1) does not prevent a member other than a Minister from moving an amendment to a

proposal made by a Minister unless the object or effect of the amendment is to increase the amount of public money of the Territory to be disposed of or charged.

That is also in identical terms to standing order 201. The Bills in question seek to retain the Royal Canberra Hospital and to re-establish the Ainslie Transfer Station. During proceedings on 7 June the Attorney-General saw the former Bill, in particular, as clearly placing a charge on public moneys. In his letter to the Speaker on 7 June, Mr Connolly states that section 65 of the self-government Act presumably is intended to apply to the Assembly the principles derived from the Constitution, and section 56 of the Constitution gives effect to the principle of financial initiative of the Crown which is basic to our system of government.

He notes it is significant, however, that while the Constitution in effect prevents a private member in the House of Representatives from moving a Bill involving appropriation, the ACT provision prescribes a Bill "the object or effect of which is to dispose of or charge any public money of the Territory". Mr Connolly notes that, taken to a literal extreme, the printing of a Bill has the effect of such a charge. Mr Connolly argues that the two Bills do not appropriate money and are valid and that, in effect, section 65 of the self-government Act and standing order 200 should be interpreted in the same manner as section 56 of the Constitution.

In his advice the Deputy Law Officer (Constitutional and Law Reform) contrasts the provisions of section 65 of the self-government Act with section 56 of the Constitution and the equivalent provision in the Northern Territory (Self-Government) Act. He sees some support for the view that the legislators intended that section 65 of the self-government Act operate in a similar way to section 56 of the Constitution and parliamentary practice elsewhere - that is, that the restrictions relate only to legislation appropriating moneys. However, having examined the text of section 65, he does not believe that analysis of the provisions produces a possible reading that confines its operation to money Bills.

The advice also deals with other questions on the matter, including the remoteness or the proximity of the law to the effect, and importantly, whether the Bills, if passed, would have the effect of disposing of and charging public moneys if money has already been appropriated.

The advice concludes that the two Bills should not be proposed in the Assembly by anyone other than a Minister on the grounds that they have the effect of disposing of or charging public money of the Territory. As Mr Connolly notes in his letter, the matter is one that should be considered carefully and is a subject that should be of deep concern to all members. I am certainly inclined to agree that it should be of deep concern to all members.

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For the information of members, I table the advice from the Law Office and also Mr Connolly's letter on the issue. The matter is one which I view very seriously and which I agree has major implications for the ability of private members to sponsor a diversity of Bills and motions in the Assembly. The provisions of section 65 and standing orders 200 and 201 do give me concern and members will recall that this morning I announced that the Administration and Procedures Committee is undertaking an inquiry on this matter. The point has also been raised with the Attorney-General in relation to possible future courses of action.

However, having considered the advice given and the Bills introduced, I have concluded that the Bills contravene the provisions of standing order 200 as their effect would be to dispose of and charge the public money of the Territory. I therefore call on the Attorney-General, as Leader of the House, to move the appropriate motion under standing order 170 in relation to both these Bills.

Mr Berry: I raise a point of order. Reluctantly, I seek to move a dissent from the Acting Speaker's ruling.

MR ACTING SPEAKER: I take note of that. Perhaps you would speak to that point and then I will rule on whether you can, in fact, move a dissent.

Mr Berry: I refer you, Mr Acting Speaker, to standing order 275, which draws attention to practice here where there are not specific provisions in this Assembly's standing orders. The standing order says that the question should be decided according to the practice at the time prevailing in the House of Representatives in the Parliament of the Commonwealth of Australia. In turn, I refer you to the standing and sessional orders of the Parliament of Australia, standing order 100, which says:

If any objection is taken to any ruling of the Speaker, such objection must be taken at once, and a motion of dissent to be submitted in writing moved, which, if seconded, shall be proposed to the House and debate thereon shall proceed forthwith.

I hand in my written motion of dissent, in accordance with that standing order. I also refer you to standing order 73, which says:

Upon a question of order being raised, the Member called to order shall cease speaking and sit down, and after the question of order has been stated to the Speaker by the Member raising it, the Speaker shall rule thereon.

I think that standing order makes it very clear that there is room for dissent. Otherwise it would have said that there shall be no dissent from the Speaker's ruling. I

think too that in House of Representatives Practice, the issue of dissent is clearly allowed. Without reading all the provisions which are dealt with on page 225, I refer to the second last paragraph, which says:

A member cannot move dissent -

assuming that one can move dissent in other cases -

from a ruling just supported by a vote of the House, and, conversely, once a dissent has been carried, the Chair cannot repeat the ruling until the House reverses its decision.

One can assume from that commentary that a member can move dissent in accordance with standing order 100, to which I drew your attention earlier, and I argue that I have the power to move a dissent from your ruling, Mr Acting Speaker, in accordance with standing order 275.

MR ACTING SPEAKER: Thank you, Mr Berry. I have already taken some advice on this as I was led to believe that you would probably move that dissent. I will just take some further advice in relation to a couple of other points that you raised.

Mr Collaery: I raise a point of order, Mr Acting Speaker. I am not clear what the point of order is. Is the point of order that there is a right to move a dissent to your ruling or is the point of order that there is a dissent for a substantive reason? If it is the latter, we have not heard the reason for the dissent.

MR ACTING SPEAKER: It is the former, I understand, Mr Collaery.

Mr Collaery: That is the right to raise a dissent from your ruling, Mr Acting Speaker?

MR ACTING SPEAKER: Yes. I have some sympathy with the point of order raised by Mr Berry in relation to dissent. This chamber does not have any specific reference to dissent. The standing orders of the House of Representatives do - particularly standing order 100. I am also mindful of precedent in this house. I believe that on one earlier occasion there was a notice of motion in relation to dissent which, of course, can occur under our current standing orders. I also note more recently there was a more spontaneous motion of dissent, such as that moved by Mr Berry now, which the Speaker, Mr Prowse, overruled, thus creating a precedent there.

I see there are three options for Mr Berry. I would reluctantly rule against his motion of dissent on the point of order because, as I see it, there are only three options that can be pursued to enable him to take this matter further. Before I come to those, I do think this point is important. On the advice I have received from the Clerk, I

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believe that the House of Representatives standing orders he has mentioned can also be read in conjunction with standing order 94, so if any alterations were intended to our standing orders to cover moving dissent, members should take that into account because that is something that they might not want to adopt holus-bolus, as it were. That is the provision for a closure of a member, which, perhaps, members might not want. But I think it is something that perhaps the Standing Committee on Administration and Procedures and, indeed, other interested members might like to take on board because it is a valid point.

Mr Berry has three options here, given that I am against him on his point of order. He can seek leave of this Assembly to debate the issue of dissent in relation to the two Bills and my ruling on those. That is open to him if the Assembly wishes to give leave for that. Accordingly, he could also seek to suspend so much of standing orders as would enable him to debate the motion. Thirdly, he can give formal notice of the motion and that can be debated in the usual way. But I adhere to the previous ruling of the Speaker in June in relation to the motion of dissent without notice. That is my ruling.

Mr Moore: I raise a point of order, Mr Acting Speaker. I draw your attention to standing order 275. You have referred to House of Representatives standing orders. In fact, No. 275 refers to the prevailing practice of the House of Representatives of the Parliament of the Commonwealth of Australia and whilst I accept that the prevailing practice is represented in the parliamentary standing orders, Mr Berry has clearly quoted from House of Representatives Practice and I do not think, at this stage, you have given an adequate explanation as to why you have, in effect, overruled that and overruled standing order 275.

MR ACTING SPEAKER: It was done on the basis of precedents in this chamber. I think I have explained, Mr Moore. I am against you on that. I do regard the issue as important; I think it is something that probably should be formally cleared up. We are developing our own practice and I feel that is important. There is no specific provision in our standing orders for dissent and, accordingly, that is why I made the ruling I did.

Mr Berry: I think this might assist. I seek leave to move a motion of dissent from the chairman's ruling.

MR ACTING SPEAKER: I see nothing wrong with that, Mr Berry, if you wish to so move.

Leave granted.

Objection to Ruling

MR BERRY (11.44): I move:

That the ruling be dissented from.

I hear what the Acting Speaker has said in relation to precedents and I think it is time that this Assembly made some constructive and positive decisions about how those precedents should affect our operations in the future. Mr Acting Speaker, you did put as one option to me that I should argue the dissent motion on the merit of the legal question that has been raised. I do not intend to do that because I do not think that that is the issue that is at large here. The issue at large is whether one can move a motion of dissent. At the risk of boring members opposite, I intend for the purposes of this debate - and I think it is necessary to do it again - to go through those issues which concern the question of moving dissent in this place.

First of all, I refer again to standing order 275 of our own standing and temporary orders, which says:

Any question ... shall be decided according to the practice at the time prevailing in the House of Representatives in the Parliament of the Commonwealth of Australia.

That is, of course, questions which are not dealt with directly in our own standing orders. I turn again to standing order 100 of the House of Representatives, which says:

If any objection is taken to any ruling of the Speaker, such objection must be taken at once, and a motion of dissent to be submitted in writing moved, which, if seconded, shall be proposed to the House and debate thereon shall proceed forthwith.

I have complied with that requirement. I then turn to page 225 of House of Representatives Practice and refer again to that paragraph which makes it clear in my view that the House of Representatives permits the moving of a dissent motion. To some extent, it also talks about the House setting its own precedents in terms of its decision making process. From my reading of that, once this Assembly adopts a position whereby it endorses the right to move a dissent motion, then that sets in stone precedents for the future.

I heard from the other side noises of consent to the right of members in this place to move a dissent motion and I think that is really what my debate is about. I have sought leave to allow me to move a motion which allows me to move dissent. If that motion is carried, then this place sets in stone the precedents I suspect for future positions in relation to dissent motions. I heard too, the Acting Speaker's reference to standing order 94 of the

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Commonwealth. Of course, that standing order refers to a - - -

Mr Jensen: I raise a point of order, Mr Acting Speaker. I got the distinct impression that Mr Berry was talking to dissenting from your ruling in relation to bringing on these two Bills, not in relation to the general issue of whether a dissent motion could be moved.

MR ACTING SPEAKER: Perhaps you would just clarify that, Mr Berry, because the Clerk has asked me the same thing.

MR BERRY: I have already made that clear. The Acting Speaker put three options. One of those was that I should talk on the dissent motion in the context of the Bills which are in question in the legal advice, and I have indicated that I do not intend to do that; that I intend to argue this in the context of whether I should be permitted to move a dissent motion.

MR ACTING SPEAKER: Perhaps I could press just one point, Mr Berry. Do you at some stage propose to seek to move dissent from my ruling on these two Bills?

MR BERRY: At some stage I do intend to do that, Mr Acting Speaker, but my intention is to get the endorsement of this house for the right of members to move dissent from the Speaker's ruling.

MR ACTING SPEAKER: From what I can gather, Mr Berry may have a fair bit of support for the principle that a member in this house should be able to move dissent from the Chair. Given that he gets support on that, I just wonder where we go from there. I have asked the Clerk to look into that and, on the face of it, that is perhaps not clear. That is why I think there is some merit in Mr Jensen's point of order as to what exactly we are debating because Mr Berry may well have support for that principle. But what we can do about it is another thing. I am just getting advice on that. Then, of course, there is the second question of Mr Berry's specific dissent from my ruling on these two Bills.

MR BERRY: Essentially, what I have set out to do - and I hope I have not thrown the house into too much confusion - is to have a motion carried in this place which supports the right of members to move to dissent from the Chair. My view on that is that once such a motion is carried it sets in stone a precedent for this Assembly - and here I use the same logic as you, Mr Acting Speaker, used in relation to previous decisions. If my motion is unclear, I can foreshadow a motion which would read something like, "that this Assembly endorses the right of members to move in dissent from the Chair".

MR ACTING SPEAKER: Mr Berry, I think that would be appropriate.

MR BERRY: As soon as I have finished my comments on the matter, which I will do very shortly, I will rise to seek leave to move that motion. Will that clarify the situation?

Mr Collaery: I raise a point of order, Mr Acting Speaker. I sympathise with Mr Berry's position. It is a catch 22 situation, but it occurs to me that the proper course of conduct is for this house to amend the standing orders to adopt standing order 100 of the House of Representatives. Were we to do that and to change our standing orders, which we could do quite easily, that would accomplish what Mr Berry seeks.

As Leader of the Assembly, my view is that the matter should be seen, at least formally, by the Administration and Procedures Committee. It could meet during the lunch break, but I do not speak for the committee. My view is that we should not change standing orders on the floor, but that the matter should go to the Administration and Procedures Committee. I foreshadow no objection from the Government to the process that Mr Berry seeks, other than that the process I am proposing would shorten the whole affair considerably.

I do indicate that there are strong arguments why there should not be a right of dissent from the Chair, and that is set out in the text that Mr Berry read from, the Canadian Parliament, and other Commonwealth Parliaments. The lower houses do not have it. I believe those issues should be looked at by the Administration and Procedures Committee and we should receive advice.

At this stage, as Leader of the Assembly, I have no objection to what Mr Berry proposes, but I believe the Administration and Procedures Committee is the appropriate forum for that. I believe that the Opposition is represented there.

MR ACTING SPEAKER: Yes. I believe that Mr Berry is now attempting to move - and I think the formal words for this motion are not clear - that there be the right for members to dissent from the ruling of the Chair, and therefore establish a precedent.

Mr Collaery: Then, I would move to adjourn that.

MR BERRY: I think I need to move that so much of standing orders be suspended as will allow me to move a motion of dissent.

Mr Jensen: But there is no standing order there. You cannot suspend what is not there.

MR ACTING SPEAKER: Basically, you asked leave, which was granted, to move a motion of dissent from my ruling in relation to making motions of dissent. If that were carried, it would mean this Assembly would then establish

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as a practice the right of members to move dissent from the Chair.

Mr Collaery: I will ask the Government benches to oppose the motion simply because I believe the Administration and Procedures Committee should look at the arguments off this floor and advise the house. I expressed the view that I would not oppose Mr Berry's approach, but I believe there are strong arguments in other Commonwealth Parliaments for not having this, and I think the committee is the proper forum to consider the matter.

Suspension of Standing and Temporary Orders

MR BERRY (11.57): To clarify the matter, and to ensure that there is a vote on it one way or the other, I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Berry from moving a motion of dissent from the Acting Speaker's ruling on the two Bills.

MR ACTING SPEAKER: Mr Berry, do you want to therefore move, effectively by leave, another motion of dissent as opposed to this motion which you have handed in?

MR BERRY: I think you have ruled on that. I have moved for suspension of so much of standing orders as will prevent me from moving a motion of dissent from your ruling. This will sort the matter out one way or the other, and the issue can then be referred to the appropriate Assembly committee later in relation to what might happen in future in this Assembly.

The issue is important. It is about the right of members to move dissent from the Chair. All members are aware of the issues which would give rise to a decision in relation to the matter. They are also aware of your rulings and they are aware of the reasons for your making them. In this instance I think it is very important, because of the political and legal reasons which have been raised in the debate about the Royal Canberra Hospital Bill, that the Opposition argues its case in relation to dissent from your ruling.

Mr Acting Speaker, this Royal Canberra Hospital Bill is an important one for the community and of course it is important that we argue the issue now because of the relevance in the community. There is a strong case to argue against the Government's position on the delivery of health services in the ACT and the Labor Opposition wishes to put that case.

We say that the legal position which has been adopted so far is incorrect. It stands in the way of the provision of proper debate on issues as important as the Royal Canberra

Hospital Bill. What we set out to do is to prevent the closure of that hospital and ensure that the community is aware that this Government is tearing the heart out of our health system. It is privatising health in the Territory, it is doubling the number of - - -

Mr Collaery: Where is the evidence?

MR BERRY: Here is the evidence, listen. This Government is doubling the number of private hospital beds in the Territory; doubling the number of private hospitals in the Territory.

Mr Jensen: I rise on a point of order, Mr Acting Speaker. I thought we were talking about the suspension of standing orders.

MR ACTING SPEAKER: We are - in relation to these two Bills.

MR BERRY: The Government has doubled the number of private hospitals. It seeks to double the number of private hospital beds yet in the next 10 years it seeks to increase the number of public beds in the Territory by only 70. That does not take - - -

Mr Kaine: He is debating the issue.

MR BERRY: Because you are handing hospital care over to the private sector, that is why.

Mr Jensen: I rise to a point of order, Mr Acting Speaker. Mr Berry is debating the issue.

MR ACTING SPEAKER: Yes, all right. Mr Berry, please stick to the point. You should not be debating the substantive issue of the closure of the hospital.

MR BERRY: I am explaining the reasons why we need to suspend standing orders and have support for - - -

MR ACTING SPEAKER: Yes, all right. But please just continue to relate to that then.

MR BERRY: Indeed, Mr Acting Speaker; I am relating that to the importance of the Royal Canberra Hospital Bill because of the deeply-held feelings in the community that the hospital should not close. Forty-one thousand people have told you that they do not want it to close.

Mr Kaine: And all four of them who were outside the Assembly a little while ago agreed with you - all four of them!

MR BERRY: Forty-one thousand people. You listen to the executive of the Liberal Party, the big business in this Territory - about three of them - and they tell you how to run your heart.

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Mr Kaine: Nobody tells me - unlike the Labor caucus that tells you.

MR BERRY: Of course it would take a little while to sink in with you, but the fact is that the people of Canberra are rising against the closure of the Royal Canberra Hospital. What we are trying to do is ensure that this Government does not rip the guts out of our health system, provides a top quality health system for the people of the Territory and continues to do so. We will continue to ensure that the Government is kept honest. It is wrong, its figures are wrong. Gary Humphries knows the figures are wrong. He knows they are wrong because he has been looking for extra money lately and he has not got it. He asked for extra money and got knocked back. His figures are wrong and we know it. Royal Canberra Hospital should stay open and that is why we need support for this motion.

MR COLLAERY (Deputy Chief Minister) (12.03): I am totally lost as to what I should respond to. Mr Berry's speech was a real salad, Mr Acting Speaker, and I am not sure where to start. I think somewhere there there was a bit of an olive for Mr Berry. Certainly, the proposal that we create a dissent from the Chair procedure requires careful thought. That is the only point I make.

I believe that lower houses in a number of Commonwealth parliaments do not allow dissent from the Chair. If Mr Berry were a sporting person - he is not very sporting as far as I know; he did not come running yesterday - he would understand that there is a strong rule that in any areas of contention you accept the referee's verdict. If a team can move dissent on the playing field at every juncture, the substance of an arbitrated process can fall away. That seems to be the essence of the arguments advanced in Canada and some other lower houses.

I believe the issues require examination by the Administration and Procedures Committee. Mr Berry's proposal may be perfectly proper in the view of that committee and I look forward to hearing its recommendations because I intend to ask my colleagues to oppose this motion only to the extent to which it will allow the matter to be referred to that committee.

MR CONNOLLY (12.05): Mr Acting Speaker, the Opposition believes it is perfectly in order for dissent to be moved from the Speaker's ruling and it is for that reason that we are now seeking suspension of standing orders to allow us to do that. Mr Jensen disputed vigorously that this was an appropriate procedure, saying that there is nothing in the standing orders to suspend from. That clearly cannot be so.

Our view was that standing order 73, which provides that the Speaker shall rule, being silent upon the issue of dissent, allows us then to go to standing order 275 which

refers us to the House of Representatives' practices and procedures. We take the view that the phrase "practice and procedure" of the House of Representatives must include both the formal standing orders of that House and the informal practice which is developed over time.

Given that there are standing orders of the House of Representatives which allow dissent, our firm view is that dissent is picked up through the avenue of silence in standing order 73 of this Assembly and the reference in standing order 275 to the practice and procedure of the House of Representatives and the standing order of that House allowing dissent. Thus, it is perfectly appropriate for this motion to be put. It is a very fundamental right of members of this Assembly that they have the right, exercised judiciously, to move dissent from the rulings of the Speaker when they see fit. In the ultimate analysis, it is a question of who is sovereign over the destiny of this Assembly, the members or the Speaker elected at the beginning of each term of the parliament?

The Opposition view must be put most strongly - and I am sure that members of the Government, when they think about it, would have to agree with this - that the persons who are masters over the destiny and procedure of this Assembly are the members not the Speaker.

The Speaker exercises his powers on behalf of the members, but the members must have the power, at the appropriate time, to differ from the views of the Speaker. Otherwise we have a parliament in which the Speaker exercises unchallengeable powers and in no system of government, I would suggest, is it appropriate to have a person whose powers are beyond challenge.

The Opposition motion, presently before the Assembly, is of fundamental importance to the rights of members and is deserving of support.

MR MOORE (12.07): It seems to me that this issue has, in effect, been raised before and is of great concern to members. But it is of particular concern to backbench members, on the Government side as well as the Opposition, because the notion that we have, of the Executive providing advice for the Speaker and then the Speaker operating on that advice without challenge, presents some difficulty in terms of parliament. The reality of the situation, as I see it, is that private members' business will be affected in such a way that, as far as parliamentary procedure goes, private members will be eunuchs. It is a castration procedure.

I think that it is most important that members of the Government, particularly those not in the Executive, should take this matter very seriously and look, in particular, at the power of the Speaker and the power of the parliament, because it is the power of the parliament that should have the greatest say, rather than that of any individual member. The motion put by Mr Berry has that effect.

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What, of course, happens here is that by a tricky political ploy the Government can, in effect, neuter each of these Bills - the Schools Authority (Amendment) Bill and the Royal Canberra Hospital Bill. Any Bill that is presented by a private member will, of course, cost money simply to print, as Mr Connolly pointed out in his letter. So by extending the situation to the ridiculous, as it may be, we could find that private members have no prerogative, in effect, to put any Bill because every Bill, by its very nature - - -

Mr Collaery: I take a point of order, Mr Acting Speaker. I believe Mr Moore is debating another issue - that is, the interpretation of your ruling on section 65 and standing order 200. I believe that is contrary to standing orders.

MR MOORE: I accept that, Mr Acting Speaker.

MR ACTING SPEAKER: Thank you for that, Mr Moore. Please continue.

MR MOORE: In closing my comments I would like to draw attention to my earlier comment to which you also replied and that was the reference to officers within Mr Collaery's department. The point I was raising in no way reflects on the competence or the ability of those officers and I apologise if anybody took it that way. It certainly was not meant in that way. It was meant in terms of a principle about how power relates and how Ministries exist. That was certainly not meant in a personal way to any officer and I am quite pleased with the competence shown by that department in all the dealings that I have had with it.

MR ACTING SPEAKER: Thank you, Mr Moore, and I am sure that the officers up the back will be pleased to hear that!

MR HUMPHRIES (Minister for Health, Education and the Arts) (12.11): In the short time available I just want to say that I think the Opposition is trying to have its cake and eat it. It seems to agree with the notion of referring this matter to the Administration and Procedures Committee, but it also wants it to be settled by a vote in the Assembly today. Those two things are incompatible.

If we think that the matter should be referred to a committee to look at, it should go to that committee without any vote in this Assembly today. If Mr Berry would listen I think he would realise that is a sensible point.

This theory of accretion that Mr Connolly keeps talking about seems to have some superficial attraction, but it ignores the reality that we, as an Assembly, a new parliament, have the right to develop our own practice and our own procedures in this place. In fact, it is clear that we have developed a practice already in respect of these matters. This has been decided before, and it is a

case of saying we should decide this matter in the same way as it was decided before. That being the case, I think it is appropriate to rest on that past practice rather than refer to documents or a precedent in the House of Representatives.

Mr Moore referred to the Royal Canberra Hospital Bill and the Ainslie Transfer Station Bill. I have to say that I prefer to follow the law of the land than the belief that this - - -

Mr Moore: We make the law of the land. What are you talking about?

MR HUMPHRIES: No, we do not make the law of the land in respect of the Commonwealth Parliament, Mr Moore. The Commonwealth Parliament passed section 65, and we are bound by that law. More to the point, the Federal Labor Government - - -

Mr Berry: I take a point of order on relevance. We are not talking about section 65.

MR HUMPHRIES: It was relevant when Mr Moore raised it. Mr Moore raised it a minute ago and I am answering his point.

Mr Moore: There was a point of order and I backed off.

MR HUMPHRIES: You did not back off. I think we should be following the laws laid down in the Federal Parliament, and I would rather see this matter disposed of in the Administration and Procedures Committee rather than by a vote on the floor of the Assembly.

Question put.

The Assembly voted -

AYES, 6

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

NOES, 10

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

Question so resolved in the negative.

MR ACTING SPEAKER: As a result of that vote, I think that the written motion you handed to me, Mr Berry, is superfluous and I suggest that you withdraw it.

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Mr Berry: My understanding was I had leave to move a motion of dissent, and Mr Collaery indicated that the Government would move to adjourn the matter to the Administration and Procedures Committee. On the basis of the Government's intention to block the matter here, I went on to move the suspension of standing orders. I suppose that the motion that I had leave to move will have to be withdrawn now because the Government has indicated it is opposed to debating the issue.

Motion withdrawn.

MR COLLAERY (Deputy Chief Minister) (12.16): I move:

That the Royal Canberra Hospital Bill 1990 be withdrawn and the Order of the Day No. 2, private Members' business - Ainslie Transfer Station Bill 1990: Agreement in principle, resumption of debate - be discharged.

This motion is as a result of your ruling, Mr Acting Speaker. I have no comments to add to that debate other than to say that the Government accepts the ruling that the Chair has made in relation to these two Bills.

MR BERRY (12.17): This move by the Government, which began with the Deputy Chief Minister's raising a point of order in the first place, was designed to stifle debate on the moves that this Government has taken against the community. There was no requirement on Bernard Collaery - he misleads again - to - - -

Mr Collaery: I take a point of order. I ask that the member withdraw the words "he misleads again".

MR BERRY: I withdraw that. Mr Collaery misinformed this house that he was required to take action in this matter. He was never required to raise the point of order that he did.

Mr Collaery: I am supporting the Speaker's ruling.

MR BERRY: You raised the point of order which set out to block debate on the issue of schools and hospitals. You did that, there is no denying that. It is a matter of public record that Bernard Collaery from the Residents Rally set out to block debate - - -

Mr Humphries: It is your law.

MR BERRY: Quiet, Mr Humphries! He set out to block debate on the issues of schools and hospitals. This Government is in disgrace. What it has done in relation to hospitals and schools is a matter of great public disquiet which needs to be debated in this house. More importantly, this Assembly needs to pass legislation which would prevent this Government from committing atrocities on community services such as schools and hospitals. It is most important that

the corruption that has now found its way into this Government, the corruption of power - - -

Mr Kaine: On a point of order, Mr Acting Speaker, I demand that that be withdrawn.

MR ACTING SPEAKER: Yes, I think that that must be withdrawn, Mr Berry. I ask you to withdraw the word corruption.

MR BERRY: I was talking about the corruption of power which has got into this Government.

MR ACTING SPEAKER: Withdraw the word "corruption". I think it is inappropriate.

MR BERRY: I withdraw "corruption" because it seems to offend the people opposite.

Mr Kaine: Mr Speaker, I demand that the word "corruption" be withdrawn unconditionally.

MR ACTING SPEAKER: Just withdraw the word "corruption", Mr Berry.

Mr Kaine: Unconditionally.

MR BERRY: I did. There is no condition on it. I did not put any condition on it.

MR ACTING SPEAKER: Withdraw the word "corruption", Mr Berry.

MR BERRY: I have withdrawn the word "corruption" because it offends the members opposite.

Mr Connolly: I heard Mr Kaine say, "We know where the corruption is" and he pointed at us.

Mr Kaine: I did not point at anybody. You can draw your own conclusions.

MR ACTING SPEAKER: Order! Let us not use the word, "corruption", members - from either side of the Assembly. Just continue, Mr Berry.

Mr Moore: Mr Acting Speaker, I raise a point of order. You have asked Mr Berry to withdraw. Can you ask Mr Kaine to withdraw?

MR ACTING SPEAKER: I did not hear the Chief Minister, I am sorry. If people would stop talking over each other I might be able to hear a few things.

Mr Kaine: I made no implication of corruption against members of the Opposition. If they interpret it that way that is up to them. If they are so sensitive as to perceive some allegation in that, I withdraw it. But I made no such allegation.

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MR ACTING SPEAKER: Thank you, Chief Minister.

MR BERRY: That is the reason why I withdrew the word. I knew that the Chief Minister was sensitive about that word and I should not have used it. I withdrew it because it made him so tetchy.

MR ACTING SPEAKER: Thank you both for withdrawing it. Now please continue, Mr Berry!

MR BERRY: The absurd position of the Government opposite, which is embarrassed and does not want to face up to the music any longer, means that it uses any obstacle to block the debate on those important Bills which would prevent this Government's atrocities from being implemented. It is closing schools and destroying the education system. It is ripping the guts out of the health system.

Mr Kaine: I raise a point of order, Mr Acting Speaker. I must draw attention to the relevance of what Mr Berry is saying. As I understand it, schools have nothing to do with the matter at hand.

MR ACTING SPEAKER: Quite so, Chief Minister. Yes, we are dealing with the hospital and the transfer station, Mr Berry.

MR BERRY: Aside from what the Government is doing to the schools, Mr Acting Speaker, it is ripping the guts out of the health system. Of course, Mr Collaery is ensuring that his party's policies are destroyed. The electorate feels misled because of Mr Collaery's actions and it is correct to feel that way because the Residents Rally members in this place have ratted on the policies upon which they were elected. The Liberals have said nothing, as usual - their policies are hollow. They get themselves elected by sleight of hand and then reap carnage upon community assets. That is what is wrong with this Government. It is tearing the guts out of those community facilities; it has no conscience about it. With these moves it is trying to stop debate on the issues. Government members are embarrassed because the pressure is on and it will stay on.

The likes of Dr Kinloch over here have been exposed. He is the one who said that he was not happy with the school closures and then he moved the motion that they be closed. What duplicity!

Mr Moore: Moral corruption.

MR BERRY: I cannot in any way interpret that to be other than duplicity.

Mr Jensen: I raise a point of order, Mr Acting Speaker. From behind the pillar over here I have twice heard the word "corruption" in interjections. I request that it be withdrawn.

MR ACTING SPEAKER: Withdraw the word "corruption", Mr Moore.

Mr Moore: No, Mr Acting Speaker, I think it must be kept in context. I said on two occasions that the interjection was moral corruption which is a very different matter from corruption on its own. I have no intention of withdrawing it because clearly it is the case that moral corruption is part of moving from one's policies. It is a very different matter from corruption.

Mr Collaery: He is saying we have no morals, Mr Acting Speaker.

MR ACTING SPEAKER: I would ask you to withdraw that, Mr Moore, because in the guide I have immorality is certainly offensive. The term "moral corruption" is offensive, and I ask you to withdraw it, Mr Moore.

Mr Moore: I accept your ruling, Mr Acting Speaker, and I will withdraw.

MR BERRY: But it is true that the policies of the Residents Rally have been corrupted by the activities of its members in this Assembly. Is somebody going to try that one on? No, because it is true; that is why. You are not too offended by that, are you? It is true. The Residents Rally said that Royal Canberra Hospital would stay open.

Mr Jensen: I raise a point of order. Mr Acting Speaker, it seems to me that a lot of problems would be solved if members addressed their remarks through the chair in accordance with normal debate and not across the chamber.

MR ACTING SPEAKER: Thank you, Mr Jensen. I think there is a lot to be said for that. I hope members will bear that in mind.

MR BERRY: Your policy was that you would not close Royal Canberra Hospital. Where is Dr Kinloch? He has gone now. It has got a bit too hot for him.

Mr Kaine: Because you are so offensive, he had to go.

MR BERRY: Well, one has to take a strong position to get the message through to people on the other side. I have to say that it has been a long time since I have met people who are so thick.

Mr Collaery: No wonder the right wing of your party is in revolt. You are absolutely revolting.

MR ACTING SPEAKER: Order! Members, please come to order.

Mrs Grassby: Mr Acting Speaker, on a point of order, we are not revolting. I would like Mr Collaery to withdraw that, please.

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Mr Collaery: I withdraw the word "revolting".

MR BERRY: The fact is that there has been destruction of our community assets by the conservative Government opposite. We saw Dr Kinloch stating categorically that nothing would happen to Royal Canberra Hospital. He was on the brink of tears about vicious rumours that it would close under a Labor administration which, of course, would never happen. We saw Ms Carmel Maher and Mr Duby working very hard to ensure that the Royal Canberra Hospital stayed open. I will tell you what: nobody - - -

Mr Humphries: I raise a point of order, Mr Acting Speaker. I fail to understand what this has to do with any of the debate going on in the Assembly at the moment. Mr Berry is rambling across a whole range of issues, nothing to do with anything presently before the Assembly.

MR BERRY: The point at issue is, of course, that the Royal Canberra Hospital Bill be withdrawn and that the Ainslie Transfer Station Bill be dumped as well. That is what it is all about. With one stroke of the pen, Mr Duby closed the Ainslie Transfer Station, and placed a great burden on the community of the inner north of Canberra. As a result, he also placed a burden on the Belconnen community because of the extra traffic and disruption, but most importantly, he did not save any money. What it boils down to is that all he wanted to do was give the community a kick in the pants. Mr Duby administered the kick in the pants to the community, but he will pay. His use-by date approaches!

The skill, care and attention that the Labor Party always brings into play when it deals with community assets is something which causes us to focus with intensity on this issue because there has been destruction of those community assets. The people of Canberra have been forced to bear the burden of government action. What, in effect, has happened, is that the so-called savings have been transferred to the community, and more than singlefold, I should add. I think it will cost the community many more times the \$200,000 which was alleged to be saved from the closing of the Ainslie Transfer Station. It should never have been closed. That is why this Bill needs to be passed to ensure that it is against the law for that to happen. That is why the Bill in relation to Royal Canberra Hospital needs to be passed, to prevent this Government from destroying any more community assets in this Territory.

This Government is on a voyage of destruction and has no conscience about it at all. Mr Humphries is getting a little bit edgy. It is starting to sink in that people are unhappy with what he is doing. It is starting to sink in that his figures are wrong. Also, there has been a walk-out of members from the Liberal Party. Somebody said there were about 20 per cent of members left - - -

Mr Collaery: I rise on a point of order, Mr Acting Speaker. Mr Berry is talking about the schools debate again. I know there is a town called Berri in South Australia and I wonder whether he is still wandering home from there?

MR ACTING SPEAKER: Thank you, Mr Collaery. Actually I thought he was getting a bit closer to the point. Please continue, Mr Berry.

MR BERRY: The commitment that all of the people opposite attempted to sell to the people of the ACT when they sought election to this place has been corrupted. There was never a commitment to the people of the ACT by the people opposite. All that they have set out to do is to impose conservative philosophies on the people of the Territory, destroy community assets and withdraw services. That is why we need to pass legislation which would protect Royal Canberra Hospital and the provision of public health services in the ACT and ensure that the Ainslie Transfer Station could not be legally closed.

MR ACTING SPEAKER: Order! As the time for private members' business has expired, the debate is adjourned.

PROCEEDINGS - AUTHORITY TO RECORD AND BROADCAST

MR COLLAERY (Deputy Chief Minister) (12.32), by leave: I move:

That the Assembly authorises:

- (1) the recording on video tape without sound by Prime Television of proceedings during question time on Wednesday, 8 August 1990; and
- (2) the use by any television station of any part of the recorded proceedings in subsequent news, current affairs and documentary programs.

MS FOLLETT (Leader of the Opposition) (12.32): I know that you have circulated a note asking that all Ministers be asked a question. Could I add to that that all Ministers answer a question?

MR ACTING SPEAKER: I am sure they will, Ms Follett. I am sure they will!

Question resolved in the affirmative.

Sitting suspended from 12.33 to 2.30 pm

QUESTIONS WITHOUT NOTICE

School Closure - Rivett

MS FOLLETT: My question, which is directed to the Minister for Health, Education and the Arts, concerns the imminent closure of the Rivett school. How many of the children who currently attend the Rivett school will transfer to Duffy school and Chapman school? To where will the special needs children at Rivett be relocated?

MR HUMPHRIES: I thank the Leader of the Opposition for her question. The movements of students depend very much on their choice. The Government will not say that students at Rivett must go to Duffy or Chapman or wherever. It will ask the parents where they wish to send their children next year if the Rivett school is not available. On the basis of that preference expressed by parents, the Government will make whatever changes are required in the schools concerned to accommodate them.

It is not the desire of the Government to force students to go to any particular school, although in some cases where particular schools are closed other schools are identified as receiving schools, and arrangements are made to accommodate those students particularly at those schools should they desire accommodation there. In the case, for example, of the Page Primary School closure at the end of 1988, the then Scullin school was identified as the receiving school, but many parents chose not to send their children there. That is their prerogative.

The special education unit at Rivett School will be situated at the most suitable location, depending on a number of factors - - -

Ms Follett: Where?

MR HUMPHRIES: When? Let me answer your question, and I will be happy to tell you that. If you are asking an early supplementary question, I will answer that now. They will be relocated, almost certainly, at the same time as the school is closed.

Mr Moore: Not when, where?

MR HUMPHRIES: That is a question for the people who use the centre to indicate.

Ms Follett: You don't know, and you don't care.

MR HUMPHRIES: I do not know because I think the interests and the wishes of the people at that school should be the determining factor. If they indicate that they wish to be relocated to Duffy school, for example, and if Duffy school is prepared to accept them, the Government will give serious consideration to relocating them to Duffy. We will not force square pegs into round holes and, if a particular

course of action is preferred by the users of that system, we will adhere to that wish as much as possible.

School Closures

MR STEVENSON: My question is addressed to the Minister for Health, Education and the Arts. Yesterday in the house he mentioned that 180 submissions had been received from people after the school closures were announced. Would he be good enough to inform the house how many of those submissions were in agreement and how many were in disagreement with the school closures?

MR HUMPHRIES: Very few schools made submissions to the effect that they agreed with their schools, in particular, closing.

Mr Stevenson: How many?

MR HUMPHRIES: I read most of those submissions, and I cannot recall any making the point that they wanted their particular schools to close. I do not know that many schools said that they did not want to see any schools close, but that is a matter of interpretation, I suppose. My interpretation is that I think a great many people in this Territory realise that having a large number of schools, particularly very small schools, is a luxury that we can no longer afford. I personally think that a lot of people in the Territory accept that the Government's decision, although hard, is one which has had to be made.

In answer to Mr Stevenson's question, a number of school submissions made the point that there should not be any school closures, and all of them made the point, as far as I recall, that their particular schools should not close.

School Closure - Weetangera

MR BERRY: My question is directed to Mr Humphries as the Minister responsible for the closure of schools. What capital and recurrent costs will be incurred as a result of the closure of Weetangera school?

MR HUMPHRIES: I am not so foolish as to fall into the trap that Mr Berry is obviously setting for me. I made it very clear yesterday - Mr Berry finds some difficulty in understanding this because I have to say it several times before it sinks in - - -

Mr Berry: I wasn't here, remember?

MR HUMPHRIES: In fairness, Mr Acting Speaker, he was not here yesterday; he was in the sin bin, so he may not have realised this. He was probably upstairs having a sleep at the time.

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Yesterday I answered several questions on this subject and made it clear that the Government would be providing information about the total savings - that is, the savings after costs associated with rearrangements have been calculated - at the time of the budget.

Mr Berry: Mr Acting Speaker, on a point of order - - -

MR ACTING SPEAKER: Are you raising a point of order?

MR HUMPHRIES: Is this a point of order?

Mr Berry: It is, because he does not seem to have heard the question. The question was: what capital and recurrent costs will be incurred as a result of the closure of Weetangera school? He does not seem to understand the nature of the question.

MR HUMPHRIES: I heard the question perfectly well, Mr Acting Speaker, and I am repeating what I said yesterday.

MR ACTING SPEAKER: Yes, I think he heard the question, and he is in the process of answering. Try to answer it as briefly as possible, Mr Humphries.

MR HUMPHRIES: I repeated what I said yesterday, that that answer will be provided in the context of the budget.

Natural Gas

MR JENSEN: My question is directed to the Chief Minister whom I refer to media reports that the Government is considering the introduction of a gas franchise fee, which would result in a significant increase in ACT gas prices, according to the media report. Can he advise whether this is correct?

MR KAINE: No formal legislation has been put in place yet to ensure the safe and economic supply of natural gas to the ACT, despite the fact that natural gas was introduced here nine years ago. It is a priority of this Government to rectify that unsatisfactory situation as soon as possible. The previous Labor Government - specifically, Mr Whalan, their best performer - - -

Ms Follett: Your best mate - your only mate, possibly.

MR KAINE: He was my friend because he was an effective performer. I do not seek my friends amongst incompetent and inept people.

Mr Moore: You have no friends over there.

MR KAINE: You are quite wrong. In November last year my friend, Mr Whalan, who was and who remains the best

performer amongst the Labor Opposition, commissioned a ministerial working party to undertake a comprehensive review of ACT gas regulatory matters. That was one of the many things that he did - in marked contrast to the fact that the rest of the team did very little.

When the Alliance Government came to power in December, I supported and strengthened his initiative by conferring necessary board of inquiry powers on the working party. The board of inquiry has recently responded on a range of matters and the Government, in consultation with interested parties, is currently considering the options that that response has provided to the Government. In response to some ill-informed speculation, Mr Acting Speaker, on the radio this morning - on 7 August - let me simply say, firstly, that the Government has made no decision on the matter.

Mr Connolly: On a point of order, Mr Acting Speaker; the Chief Minister is reading from a document. He said, "This morning - 7 August". It is clearly a prepared document. It is easier to table the answer than read it to the Assembly. It is a ministerial statement.

MR ACTING SPEAKER: No, I overrule you. I think it is fairly standard practice for people to refer to notes, Mr Connolly.

MR KAINE: I notice that Mr Berry uses very extensive speech notes when he speaks. If it is good enough for him to use extensive speech notes, I believe, Mr Acting Speaker, that equally it is good enough for me, despite Mr Connolly, jack-in-the-box, jumping up.

MR ACTING SPEAKER: It is all right; I have overruled him, Chief Minister. Continue with your answer, thanks.

Ms Follett: Settle down, Trevor. You are on camera.

MR KAINE: I am perfectly settled. I am not under stress; I am not feeling tense.

Mr Berry: Stick to the answer.

MR KAINE: The Leader of the Opposition raised the question of settling down. I am quite settled, and I have no difficulty in answering the mickey mouse question.

Ms Follett: From Norm Jensen?

MR KAINE: You are very interested in the answer, I can tell. You are absolutely fascinated with the answer.

Mrs Grassby: You are supposed to laugh, Norm.

MR KAINE: I am smiling, but that is more than we get from the members of the other side. They sit there like a bunch of glum people because they are in opposition.

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But, firstly, the Government has made no decision on this matter, although we have a comprehensive report that we are currently considering and, secondly, it is the Government's firm intention to secure the best possible pricing arrangements consistent with the long-term and secure supply of natural gas to all Canberra gas users. There is no prospect, Mr Acting Speaker, that any significant or unjustified increases in gas prices will result from any action or decisions of this Alliance Government, contrary to what would have happened if that lot had been in power.

School Closures

MR WOOD: I direct a question to the Minister for Health, Education and the Arts. I preface it by reminding him of some of the words that he used in this chamber in May. Within five minutes I picked out, without difficulty, four quotations from one Hansard volume. They relate to questions that I or my colleagues asked about details of costs and other factors relating to school closures. The Minister said, "It is impossible to estimate accurately the sorts of savings you are going to make until you know which schools you are going to close" and "questions of that kind cannot be answered till we identify what schools are going to be closed".

Mr Kaine: Here comes the double whammy, Gary; wait for it.

MR WOOD: No, it is the same old thing; we want him to be a bit consistent.

Mr Kaine: He will trap you one of these days into answering it.

Mr Humphries: In 1997.

MR WOOD: I have five quotations. You can laugh about it, but you told this Assembly that when you knew which schools would be closing you could tell us what the costs and the implications would be. Now you are backing off. Mr Berry asked about Rivett or Weetangera school. Let us take Cook as an example. I know it is hopeless to ask you about the costs of it because you do not know, but do you think it is important that you should know what the real costs of closing that school will be?

MR HUMPHRIES: Obviously.

MR WOOD: Obviously?

MR ACTING SPEAKER: Is this a supplementary question?

MR WOOD: Do you think it is important for your planning and will you reveal, as part of your planning, what those real costs are?

MR ACTING SPEAKER: I will take that as a supplementary question.

MR HUMPHRIES: Obviously.

ACTION Bus-stops

MRS NOLAN: My question is directed to the Minister for Finance and Urban Services. What is the Government doing to resolve industrial disputes which are preventing buses servicing a number of bus-stops in Canberra?

MR DUBY: I thank Mrs Nolan for the question. My understanding of the situation in relation to the disputes about the servicing of bus-stops in Canberra is that bans were introduced by the Transport Workers Union in response to what the union saw as unsatisfactory progress on a number of perceived traffic safety issues. Modifications to road works to overcome most of the problems perceived by the union are under consideration, but members will appreciate that regard must also be had to the needs and convenience of the public and commerce in the area.

The stops in relation to which the union has imposed bans have included the southbound stop in Commonwealth Avenue opposite Albert Hall, the Belconnen-bound stop in Barry Drive near Clunies Ross Street as a partial ban, stops outside Home World in Sulwood Drive, Tuggeranong, and the bus-stops in front of the FAI building and Electricity House in London Circuit, which are the most heavily utilised stops outside interchanges in Canberra and which are being treated as a priority by the Government. A consultant has been engaged to explore possible options to overcome the alleged safety problems of this site.

Mr Berry: Does management agree that there is a safety problem?

MR DUBY: I agree with those who believe that the TWU has taken pre-emptory action with these bans and with scant consideration for ACTION's clients when a more conciliatory approach would undoubtedly have been more useful.

School Closures

MRS GRASSBY: I ask a question of the "don't know" Minister, Mr Humphries. How many tenants will be relocated as a consequence of school closures? What will be the cost of their relocation?

MR HUMPHRIES: I thank Mrs Grassby for the question. A number of tenants will be relocated, and I think a number of them have been mentioned in discussion and debate in the

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last few days. I am very happy to provide Mrs Grassby with a complete list of those tenants. They include organisations like the Parents and Citizens Council, the Life Education Centre at the Holder Primary School and some tenants who are currently in the old south Curtin school.

Mr Moore: Which tenants?

MR HUMPHRIES: I will happily provide Mrs Grassby with a list of those tenants.

Mr Wood: And the cost of their relocation?

MR HUMPHRIES: I have already answered, in response to questions yesterday and today, about the cost of relocation, and I stand by that answer. Information about those costs will be provided in the context of the budget.

MRS GRASSBY: I wish to ask a supplementary question. Will the Minister restate his commitment that tenants would not have to pay for their relocation.

MR HUMPHRIES: I have never made a commitment absolutely that every tenant will be relocated at no cost. I have said, however, that the Government will examine the costs of relocating tenants in most cases. Some are short-term tenants who have no security or guarantees from this Government, nor would they have such guarantees or security if they occupied private premises. I certainly hope that the majority of tenants can be relocated to other premises that are quite satisfactory from their point of view and that of the Government, and that will be the object of the Government's discussions with those people. But I cannot give guarantees in every case.

X-Rated Videos Tax

MR MOORE: My question is directed to the Minister for Finance and Urban Services. With reference to the 40 per cent, X-rated videos tax, can the Minister inform the house how much was anticipated and how much it compares with the money actually received so far from the tax? Are any problems associated with that? What impact does that have on the notion that the Chief Minister put up yesterday, that there could be a surplus from this year's budget?

Mr Kaine: We would refute that, to start with. I did not say that there would be a surplus in this year's budget. You are the second person in the house today to say that.

MR ACTING SPEAKER: Thank you, Chief Minister. Mr Duby will reply.

Mr Kaine: It is not true. I did not say it.

Ms Follett: Oh, yes, you did.

MR ACTING SPEAKER: Sit down, members. Mr DUBY has the floor.

MR DUBY: I thank Mr Moore for the question. I note the link between certain members of the gallery and the thrust of this question. An examination of preliminary figures from licence applications for July in relation to the X video franchise fee indicates that the original estimate of some \$4m may not be achieved this year. The first question that was asked was about the originally anticipated amount. It was in the order of \$4m.

At the time the Government was aware of the announcement that revenue estimates could be based only on widely publicised but unsubstantiated information provided by the X-rated video industry to the Commonwealth parliamentary committee on X videos. Because only one month's figures are currently available, at this stage it would be too early to assess the likely extent of the revenue shortfall from the X-rated franchise fee. But I can assure the Assembly that the Commissioner for ACT Revenue is currently auditing the licensees' returns very closely, and I have requested him to keep me informed of the results.

School Closures - Lyons

MR CONNOLLY: My question is directed to the Minister for Health, Education and the Arts. I will not ask about costs; I expect to get an answer. Are primary school children, who may be as young as six years of age, living in the vicinity of Wrest Street, Pillar Place and Dennes Place, Lyons, expected to walk some two and a half kilometres to the Curtin South Primary School, involving the crossing of some nine streets on the way, or are they expected to negotiate their way across six lanes of Hindmarsh Drive to get to Chifley Primary School?

MR HUMPHRIES: Not having an encyclopaedic map of Canberra imprinted on my mind - - -

Ms Follett: He doesn't know.

Mrs Grassby: Surprise! Surprise!

MR HUMPHRIES: I do not know exactly those streets in Lyons to which the member refers. I am sorry. If I ask you where a particular street in Weetangera is, you might not know, either.

Ms Follett: I wouldn't close the school, either.

MR HUMPHRIES: It is irrelevant, Ms Follett.

Mrs Grassby: See, it doesn't matter; people don't matter.

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Mr Moore: You have no idea about children, have you?

MR HUMPHRIES: Can I answer the question, Mr Acting Speaker?

MR ACTING SPEAKER: Order, members! Let him answer the question.

MR HUMPHRIES: I do not think they really want to know, but I will try to answer it. I assume that Mr Connolly is referring to streets at the bottom end of Lyons, the ones nearest Hindmarsh Drive. Naturally, for those children to walk to the old south Curtin school, or what will be the new south Curtin school, it would be a considerable distance - almost certainly in excess of two kilometres.

I think it will be expected that those students would be accommodated at - in other words, they would be invited or welcome to attend - the Melrose School at Chifley. That would be the appropriate home for those students. They would not have to cross Hindmarsh Drive. There is an underpass at Hindmarsh Drive in the middle of the suburb, between Lyons and Chifley. Those students would be able to use that underpass to travel to the Chifley school which, in the case of all those streets that Mr Connolly has named, would almost certainly be less than two kilometres.

Bushfire Brigade Fire Shed

MS MAHER: My question is addressed to the Minister for Finance and Urban Services. Can he inform the Assembly what is the current position regarding the construction of the Jerrabomberra volunteer bushfire brigade fire shed at section 49, block 12, Symonston?

MR DUBY: I thank Ms Maher for the question. Funds have been allocated in the minor new works budget of the natural and cultural resource program for the construction of the Jerrabomberra volunteer bushfire brigade fire shed.

Mr Collaery: Its first call was to the ALP conference on Saturday, wasn't it?

MR DUBY: Yes, it had to put out the fires there! The funds allocated fell about \$30,000 short of the costs needed to construct the fire shed to the specifications requested. I am pleased to advise that design modification or supplementary funding of \$30,000 is currently being examined to determine the most suitable option that would allow the project to proceed this year.

School Closures

MS FOLLETT: My question is again directed to the Minister for Health, Education and the Arts. What compensation is the Government planning to provide to the shop owners who purchased their businesses on the understanding that the schools adjacent to, or in the same area as, their businesses would remain open?

MR HUMPHRIES: I thank Ms Follett for her question. I suspect that the Government would provide as much compensation to shop owners in those circumstances as the previous ALP Federal Government provided to shop owners in suburbs where schools were closed in 1988 and 1987. I think, however, that shop owners would be foolish to seek compensation because there is every likelihood that in many cases they could experience increases in business as a result of redevelopment of the sites of some of those schools.

It was the policy of the Follett Government to leave school sites inherited from its predecessors empty and unoccupied, as wasted space, unused, an asset rotting before the eyes of the people of Canberra. This Government, I am pleased to say, has moved quickly. I am sure that if members opposite ask my colleague Mr DUBY he will be happy to fill out the details.

Ms Follett: On a point of order, Mr Acting Speaker; I have to draw attention to the irrelevance of the response that Mr Humphries has given. The question was about compensation.

MR ACTING SPEAKER: I will overrule you. I do not think he has reached any grounds of irrelevance yet. Continue, Mr Humphries.

MR HUMPHRIES: It is perfectly obvious, Mr Acting Speaker, to anyone, except Ms Follett, that if sites are redeveloped, in a way which they were not under the previous Government, in many cases housing will be placed on those sites; people will move into those houses, as is the usual case when one builds houses, and those people will want to use services. They will want to use bus routes, shops, service stations and a whole range of community facilities operating in those areas. I think Ms Follett has underestimated urban renewal which comes from those sorts of services. This Government, however, has it higher on its agenda.

Tau Theatre

DR KINLOCH: My question is directed to the Minister for Finance and Urban Services. In the first instance, this may seem rather strange and, to an extent, I apologise for this because the concern comes out of the arts area but

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this becomes a concern for the Minister for Urban Services as well. The Tau Theatre, alas, burned down. I do not know the circumstances for that, but perhaps he may know that. What are the current proposals for the Tau Theatre site?

MR DUBY: I thank Dr Kinloch for the question. He is correct; the Tau Theatre premises were severely damaged by fire on 16 June this year. The fire also damaged the Backstage theatre restaurant. However, the cafe is still operational. The facility was left in its post-fire condition for some time, as the insurance company needed to complete its investigations. ACT Public Works has undertaken remedial works to make the site safe, and that includes fencing the site, posting signs, boarding up openings, et cetera.

Public Works has also undertaken a survey of the theatre after the fire to determine the extent of the damage. I regret to advise that the main building fabric is largely unsuitable for re-use, and it is recommended that the building be demolished. I am pleased to advise also that the ACT Arts Bureau is currently investigating alternative sites and facilities for use as a theatre within the central area of Civic.

School Closures

MR BERRY: My question is directed to the Minister who is not aware of the capital and recurrent costs of the closure of Weetangera school. Was he aware that the Chief Minister was proposing a budget surplus - the Chief Minister said that he was going to have a budget surplus - and at the same time - - -

Mr Kaine: That is a lie.

MR BERRY: I know who is lying, Mr Acting Speaker. I will refer to Hansard. It says, "After making some very significant decisions, after we took government, we brought in last year's budget with a budget surplus".

Mr Kaine: Last year's budget.

MR BERRY: You said it. Were you aware that the Chief Minister was proposing a budget surplus at the same time - - -

Mr Kaine: Last year's budget ended on 30 June, you twit. Don't you understand?

MR TEMPORARY DEPUTY SPEAKER (Mr Jensen): Mr Berry, will you resume your seat, please. Order, members! I would appreciate it if you would allow members to ask their questions and receive the answers uninterrupted. Thank you, Mr Berry. Proceed.

MR BERRY: At the same time you were planning to demolish schools.

MR HUMPHRIES: What is the question?

Ms Follett: Did you know about the surplus?

MR BERRY: Did you know about the surplus when you planned to demolish the schools?

MR HUMPHRIES: I know Mr Berry is misquoting or misinterpreting the Chief Minister.

Mr Berry: On a point of order; I have to say that my question is not related to my answer to the interjection by the Chief Minister. My question is in relation to - - -

MR TEMPORARY DEPUTY SPEAKER: Just get to your point of order, Mr Berry, please.

Mr Berry: My question was: were you aware that the Chief Minister was proposing a budget surplus at the same time as you were planning to demolish schools?

MR HUMPHRIES: I answer once again that Mr Berry is misinterpreting the Chief Minister. I refute the suggestion that Mr Kaine, the Treasurer, has said at any stage that he plans a budget surplus for this year. It may be the result of his fine financial management that it occurs. To my knowledge, there has been no announcement that that is to be the case. When it happens I will answer what to this point has been an entirely hypothetical question.

AIDS - Hospitality Industry

MR STEFANIAK: My question is addressed to the Minister for Health, Education and the Arts. Why does his department need to provide advice to the hospitality industry in relation to AIDS when there is no risk of transmission of the virus through safe work practices?

MR HUMPHRIES: I thank Mr Stefaniak for his question which comes in the context of the conference that is presently under way in Canberra on AIDS in Asia and the Pacific, which I attended for a while on Sunday. At previous national conferences on AIDS there has been concern among workers in the hospitality industry about transmission of the virus through work contact. This resulted in unnecessary discrimination towards conference delegates in previous years. In order to prevent similar occurrences, a strategy has been developed in conjunction with the Commonwealth Department of Community Services and Health as a conference organiser.

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The strategy aims to provide information about AIDS to managers, supervisors and staff in Canberra's tourism, hospitality and transport industries. It also aims to allay any fears that service providers may have about the risk of infection through superficial contact with people living with HIV. To achieve these aims, the strategy has involved newsletter articles, kits and AIDS information to relevant industry bodies, production of a question and answer sheet specific to the hospitality industry, and workplace information sessions to appropriate people.

The health service is taking a leading role in the coordination and implementation of the workplace visits. These sessions have been developed for hospitality staff at the National Convention Centre, the Capital Parkroyal and students at the Reid TAFE, in which obviously members opposite are not interested. A dedicated HIV AIDS project officer from the department has been conducting the sessions, which include discussions about safe working practices, modes of transmission of the AIDS virus and the implications of discrimination towards patrons.

Mr Berry: On a point of order, Mr Temporary Deputy Speaker; brevity in response to questions would be appreciated.

MR TEMPORARY DEPUTY SPEAKER: I believe Mr Humphries has completed his answer. Is that correct?

MR HUMPHRIES: I have, Mr Temporary Deputy Speaker.

Belconnen Remand Centre

MR STEVENSON: My question, which is addressed to the Chief Minister, concerns the matter that I raised with the Chief Minister regarding Mr Peter Chivers who, as the Executive Director of the ACT Housing and Community Services Bureau, misled me by specifically claiming that he had seen writs issued in relation to the Belconnen Remand Centre whereas, in fact, no writs had existed. In view of the Chief Minister's letter to me, dated 31 July, in which he states that he does "not consider that any further action in relation to" Mr Chivers be taken, would he please inform the house what disciplinary action, if any, has been taken against Mr Chivers and what action can be taken in future against public servants who make false statements to MLAs?

MR KAINE: The only answer that I can give to Mr Stevenson is the one that I gave him in writing by letter of 31 July, to which he has referred. If he wishes, I will table that letter, and it will become a matter of public record so that not only Mr Stevenson but also everybody else will be able to see my answer to him. I have nothing further to add to it. I table the following paper:

Belconnen Remand Centre - Misleading information

- Copy of a letter from Mr T. Kaine, MLA, Chief Minister, to Mr D. Stevenson, MLA, dated 31 July 1990, relating to advice provided by an officer of the Housing and Community Services Branch.

MR STEVENSON: I wish to ask a supplementary question. Would the Chief Minister please inform the house whether Mr Chivers has been demoted from his position as the Executive Director of the ACT Housing and Community Services Bureau since making false statements to me? If so, to what position has he been demoted and, most importantly, what is the reason for such demotion?

MR KAINE: I can say, quite unequivocally, that I have no knowledge of any demotion of Mr Chivers, if it has occurred. As far as I am aware, it has nothing to do with this matter, and I am not in a position to answer the member's question. I will take it on notice, if he so desires.

School Closures

MR MOORE: My question is directed to the Minister for Health, Education and the Arts. Can he indicate what compensation the Government is planning for parents of children in schools that are closing for new uniforms, extra travel costs, grief counselling and other associated economic costs that will be associated with school closures? What does his department estimate those costs to individual families with, say, one child or three children to be?

MR HUMPHRIES: I thank Mr Moore for his question. There are no compensation plans for parents in those positions, any more than the Government intends to seek a dividend from parents for the benefits that flow from the children attending schools where additional courses and other options are available.

MR MOORE: I wish to ask a supplementary question, Mr Acting Speaker.

MR ACTING SPEAKER: What is your supplementary question, Mr Moore?

MR MOORE: The supplementary question seeks clarification. I asked the Minister to identify the estimates of costs associated for individual parents, which must have been taken into account in determining which schools should be closed. I ask him now for a figure.

MR HUMPHRIES: Mr Acting Speaker, I have already said that the Government has no plans to pay compensation for those matters. Therefore, the question of estimating the figure, were we to pay it, is entirely hypothetical.

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Ministerial Equity

DR KINLOCH: My question is directed to the Attorney-General. As we all know, we are all deeply concerned about gender equity and age equity, and I have this deep concern today about ministerial equity. I pondered for a long time on this, and I would like to know why the Attorney-General is not asked any questions.

Mr Connolly: On a point of order, Mr Speaker; that is not a question within the Attorney-General's portfolio. It should be ruled out of order.

MR ACTING SPEAKER: Let us see what answer he gives, Mr Connolly.

MR COLLAERY: Mr Acting Speaker, I am delighted to receive this question from my colleague Dr Kinloch. Of course, it puzzles me, too, why the Opposition members will not ask me any questions. They never do; they are too scared to do so. I wanted to talk today, Mr Acting Speaker - -

Mrs Grassby: We know you want to talk. We don't want to give you a chance. We are sick of hearing you.

MR COLLAERY: There we are!

MR KAINE: Mr Acting Speaker, I request that any further questions be placed on the notice paper.

PERSONAL EXPLANATIONS

MR KAINE (Chief Minister): Mr Acting Speaker, I seek leave to make a personal explanation.

MR ACTING SPEAKER: Please proceed.

MR KAINE: Three times so far today I have been grossly and deliberately misrepresented. I think this is indicative of the behaviour of the Opposition members. They have fallen into the habit of making statements that are simply not true, and then members of the Government are obliged - - -

Ms Follett: It is in the Hansard.

MR KAINE: I will get to that in a minute. Members of the Government are obliged then to answer these inaccurate, untrue statements. It has been going on since this Government has been in place, and it is time to nail them to the wall, Mr Acting Speaker.

Mr Berry: It's in the Hansard.

MR KAINE: I will get to the Hansard in a minute, if you would sit there and be quiet, little boy, for just a little while. As I said, Mr Acting Speaker, three times today I have been grossly and deliberately misrepresented. I want members of the media to listen to this, because this is typical of the behaviour of these people over here. It is not the first time that they have done it. It is time they were nailed to the wall about it.

They are relying, Mr Acting Speaker, on a deliberate misquote from yesterday's Hansard. They asked the question constantly of Mr Humphries: knowing that I was bringing down a budget with a surplus, what did he have to say about that? I have not said that I am bringing down a budget with a surplus. At no point have I said that.

I have maintained, since long before I was in government and certainly since I have been in government, that I would have great difficulty bringing in a balanced budget. I am experiencing that difficulty now, and on 11 September I will bring in a balanced budget, but not without a great deal of difficulty. I have not said, I repeat, at any time that I would bring in a budget with a surplus.

The quotation to which these three people opposite have referred today relates to last year's budget, and I will read it. So that there is no question, I will read the matter in its entirety, which Mr Berry declined to do. I am reading from the Hansard. I said:

We have not even brought down our first budget yet but what we have done is to bring in the former Treasurer's budget ... with a budget surplus ...

Mr Moore: Keep going; read it all.

MR KAINE: I will read it all:

... after making some very significant decisions after we took Government. We have brought in last year's budget -

which was the previous Treasurer's budget -

with a budget surplus ...

And so we did. The facts are on the record. I was saying specifically that we brought in last year's budget with a surplus, and we did that because we took control, when we took government, and we stopped a lot of expenditure that would otherwise have taken place under Ms Follett's budget, which would not have been a surplus had that expenditure been made. We began to manage the budget - -

Ms Follett: Do you have a surplus or not?

MR KAINE: We ended up last year with your budget, which you did not predict would bring in a surplus. Would you like to deny that?

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Ms Follett: No, I balanced it.

MR Kaine: You did not talk about a surplus, but we managed that budget for the last six months of the year. We stopped making unnecessary and wasteful expenditure, and we brought the budget in with a surplus. That is last year's budget.

Now we come to the second bit of misrepresentation, because your question directed to Mr Humphries was: Did he know that Mr Kaine was developing a budget leading to a surplus when he was talking about school closures? I am developing a budget for this year. I am not saying that there will be a surplus on this budget. We will bring in a balanced budget. When Mr Humphries was developing his school consolidation program it was in the context of the development of this year's budget that we are about to enter into. But there is no question of a budget surplus at this stage. We are working hard even to produce a budget that will be balanced.

To misrepresent grossly that somehow or other my statement about last year's budget has any relevance in the context of school closures which are to take effect this year and the results of which will affect this year's budget is a gross and deliberate misrepresentation, and you know it.

Mr Moore: On a point of order, Mr Acting Speaker; under standing order 46 I claim to have been misrepresented and seek leave to make a personal explanation.

MR ACTING SPEAKER: How do you claim to have been misrepresented, Mr Moore?

Mr Moore: I claim to have been misrepresented in that the Chief Minister has suggested that I somehow misrepresented him in terms of a surplus in the budget, and that is simply not the case.

MR ACTING SPEAKER: I do not think he is talking about you, Mr Moore.

Mr Moore: He certainly is talking about me, and he pointed his finger at me. I asked the question and referred to this matter in the initial instance. Mr Acting Speaker, there have been only two budgets.

MR ACTING SPEAKER: I have not granted you leave yet, Mr Moore, because he did not name you. I think he might have mentioned Mr Berry's name and he pointed in the direction of the Opposition benches. It is probably drawing a bit of a long bow in those circumstances to say that he has directly misrepresented you.

Mr Moore: No, Mr Acting Speaker, not at all. He said that he has been misrepresented by three people who mentioned this particular budget surplus; and I was one of the people

who mentioned it, and therefore I claim to have been misrepresented. It is quite appropriate. I need only 60 seconds, Mr Acting Speaker.

MR ACTING SPEAKER: Mr Moore, I will give you 45 seconds.

MR MOORE: Thank you, Mr Acting Speaker. There have been only two budgets with which this Government has been involved - one that is being prepared for next year and one that is currently running. The one that is currently running must be the one to which the Chief Minister was referring when he said that he has a surplus.

Mr Jensen: It finished on 30 June, Michael.

MR MOORE: Exactly, so it is quite clear, Mr Acting Speaker, that, having brought in, as he claims, a surplus on a budget, he can see that it can be done without closing schools.

PAPERS

MR COLLAERY (Deputy Chief Minister): Mr Acting Speaker, pursuant to section 12(1) of the Vocational Training Act 1989, I table for the information of members the following paper:

Apprenticeship Act and Vocational Training Act - A.C.T. Vocational Training Authority - Report 1988-89, including freedom of information statement.

Further, pursuant to section 10 of the Subordinate Laws Act 1989, I table the following paper:

Liquor Act - A.C.T. Gaming and Liquor Authority - Licensing Standards Manual - Amended 1990.

Further, Mr Acting Speaker, I table for the information of members the following papers:

A.C.T. Housing Trust - Report 1988-89.
Canberra Theatre Trust - Report 1988-89.

PERSONAL EXPLANATION

MR BERRY: Mr Acting Speaker, I claim to have been misrepresented and seek to make a statement.

MR ACTING SPEAKER: Please proceed.

MR BERRY: Mr Acting Speaker, the Chief Minister has admitted that the Government had proposed a budget surplus.

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Mr Kaine: That is not true. I did not propose a budget surplus, you twit!

MR BERRY: That is a bit unparliamentary; it should be withdrawn.

MR ACTING SPEAKER: No, "twit" is all right; it is not unparliamentary. You can use it too, if you like, Mr Berry. I have a definition here of what is unparliamentary in relation to members calling each other names. Please continue with your personal explanation.

MR BERRY: The Chief Minister has admitted a budget surplus.

Mr Kaine: Yes, that is true but not on a budget that we proposed. Get your words right.

MR BERRY: That is fine - a budget surplus. He has admitted that that budget surplus happened in relation to the first Follett budget. There has also been an admission that the plans to close schools occurred at the same time.

Mr Collaery: I raise a point of order, Mr Acting Speaker.

MR ACTING SPEAKER: No. Let us just hear from him, Mr Collaery.

Mr Collaery: He takes a long time to get to the point.

MR BERRY: It takes a little while for it to sink in. My question was misrepresented. My question to Mr Humphries read as follows:

Were you aware that the Chief Minister was proposing a budget surplus ...

Mr Kaine: I was not proposing a budget surplus.

MR BERRY: Did it happen accidentally?

Mr Kaine: I did not propose it. What are you talking about? I did not propose a budget surplus. As a result of good management - - -

MR ACTING SPEAKER: Order! I am trying to ascertain whether there is a misrepresentation.

Mr Kaine: I never proposed a budget surplus at any point; not in connection with her budget or mine.

MR BERRY: I refer to the Hansard. The Chief Minister said:

After making some very significant decisions after we took government, we brought in last year's budget with a budget surplus.

It seems to me that that meant he was proposing a budget surplus by those actions. My question to the Minister who does not answer questions, Mr Humphries, was:

Were you aware that the Chief Minister was proposing a budget surplus at the same time you were planning to demolish schools?

That is how I was misrepresented.

Mr Kaine: I was not proposing a budget surplus, dumbo!

MR ACTING SPEAKER: No, "dumbo" is unparliamentary!

Mr Kaine: I withdraw, Mr Acting Speaker.

MR ACTING SPEAKER: I do not really think that is a misrepresentation, Mr Berry. However, I think you have made your point.

SCHOOL CLOSURES **Discussion of Matter of Public Importance**

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

In view of the overwhelming opposition by Canberrans to the currently proposed school closures;

the need for the ACT Legislative Assembly to fully consult with school representatives, parents and citizens about solutions to financial problems in the education system, the quality of education, and to then give effect to the majority expressed will of the people.

MR STEVENSON (3.20): Mr Acting Speaker, in this house we would all agree that good education is a vital requirement for our children in the ACT. What are the reasons for this? We understand that if one gets a good education, one is then able to contribute to a vital community. The problems of a bad education are numerous - low self-esteem and lack of motivation by students. Obviously people with a poor education are less employable. Poor education also leads to homeless youths, delinquency and many other problems.

In Canberra we fully agree with the need for a good education. I, indeed, believe there are any number of agreements that we have between every member in this Assembly and the community. We have seen some disagreements, but I would like to draw particular attention to those things that we agree with.

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I think we would all agree that Canberra was thrust into self-government, not of its own volition. We may have approached that differently, but people agree with that. We also agree that the Federal Government has not accepted its financial responsibility for the ACT. There is a lot more it could do and, indeed, a lot more it should do. We should be working toward that.

When it comes to the financial problems in the ACT, which we all agree we have, the Alliance Government is responsible for doing something about that, as are the rest of us. I believe that with school closures the Government has made a genuine attempt to try to handle what it sees as a problem. I think it well understood that the closures would not be a popular decision and no-one would make it politically. It has seen some problems and that is the solution it has arrived at. I think it is equally obvious that people in Canberra do not agree with that solution.

I know that Mr Humphries has said that there has been consultation - and, indeed, there has been a lot. Perhaps there was a major problem with the consultation and its timing. We had the announcement that 15 to 25 schools would be closing before there was any effective consultation. I think it would be like the people of Canberra saying they are going to sack members of this Assembly and then when members say, "Well, look, that's not really okay", they start to talk to us and let us know how many will be sacked and how soon.

The key to problems is working together. Everybody has problems; I think the only people who do not are dead. So there is nothing wrong with our having problems in the ACT. I firmly believe that the solutions exist and they are known by people somewhere. We simply need an effective consultation process, effective communication, between all members of this Assembly, between teachers, parents and citizens groups and other people within the community. With that consultation I fully believe that there would come solutions. Indeed, I am firmly of the belief at the moment that the consultation that has already gone on by the Alliance Government with members of the community has resulted in useful benefits.

Dr Kinloch: Thank you, Dennis.

MR STEVENSON: Indeed. I think many people in Canberra talk about a vision for Canberra. One could almost say that there is a dream for Canberra that I have. Why a dream? Perhaps we look at it as being a wonderful goal. There are many goals, but I think some are very worthwhile.

The goal would be that government and the community worked together. This does not happen effectively anywhere in Australia, but I believe it could in Canberra. We are a very well educated population and obviously people are concerned to keep it that way. The ability out there is marvellous. There is a great deal of resource that people

are perfectly happy to give without any cost to the Assembly. They want to contribute, particularly in this area of schools and the education system.

People believe that there should be full consultation. People believe that members of the Assembly should reflect the will of the people, not reject it. They believe they should have a valid say in what happens to them.

As I said, I believe that the Alliance Government has taken decisions it believes it needs to take, but the people are not convinced of that. Equally, in the community people have said there are other ways of tackling the problem and, obviously enough, the Alliance Government is not convinced of that. I think the answer is more communication.

That is why I propose to give notice today that at the next day of private members' business I shall move that the following matter be referred to the Standing Committee on Social Policy:

To inquire into and report, by 20 November 1990, on the financial operations of the ACT school system with particular reference to the following matters:

1. Staffing levels
2. Work practices
3. Resource utilisation
4. Optimum allocation of responsibilities between local schools and centralised administration
5. The need for school closures
6. Any other matters the committee may consider relevant; and

To recommend to the Assembly referendum questions to be put to the community giving options to improve the performance of the ACT's education system.

I do this because I believe it is the most beneficial way for all concerned out of the current problems we face. Certainly the members of the Alliance Government do not want to maintain an alienation with a large percentage of the community in Canberra who are totally against school closures. Indeed, the members of this Assembly have many things that we could be doing and I think to continue with the problem of school closures is not the ideal situation. I firmly believe the answer is more communication and greater consultation.

Why a referendum and why the Social Policy Committee? Well, obviously enough, we are the committee that is charged with the responsibility for looking at education. We have not yet had that opportunity. We have not taken the opportunity.

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Mr Wood: It is a very good committee.

Dr Kinloch: I agree with that.

MR STEVENSON: It is a good committee, as our chairman says and as is reiterated by Dr Kinloch, another member. I am sure that Mrs Nolan and Ms Maher would agree. We are getting some very strong support there. It is indeed a committee of every party in the Assembly.

Mr Wood: The only one.

MR STEVENSON: Yes. Every party in this Assembly is represented on the Social Policy Committee.

Ms Maher: Michael Moore is not on it.

MR STEVENSON: Michael Moore is not a party, he is an independent. Every party is represented on the Social Policy Committee. All I am asking is that the Alliance wait until 20 November and see what comes out of the inquiry. Under those various terms of reference I have spoken to many people within the Canberra community and I have not the slightest doubt there are very valuable savings to be made. These savings would, I feel, quite easily equal the proposed savings that the Alliance has indicated would result from closing schools.

We look at referendums. Gary Humphries has mentioned that a referendum can cost a lot of money and indeed it can. But equally there are methods whereby referendums can be held that are far less expensive. One of the methods - there are many and I will not go through them all - is that members of the community can have the opportunity to give their vote at a post office over a period of two or three weeks. Indeed, if voting in referendums were not compulsory that would also save time for those people who did not want to vote.

Either way, what we are doing here is actually what government is supposed to be about. Parliament is supposed to be about representing the will of the people. We are called representatives; the word comes from represent. It is actually to represent something and that something is the will of the people. I do not seek in any way, shape or form to make anyone wrong. All I suggest is a workable solution that will not take much time, that will give the people of Canberra their inalienable right to have a valid say in what happens to their own lives, the lives of their families and the community they live in.

In debating this matter, I would ask that all members of this Assembly do so from a point of view of agreement. Let us look at what we can do by working together. Every member of this Assembly has abilities which, I think we all agree, they are only too happy to use for the benefit of Canberrans. Let us put those abilities to use. Let us put the knowledge and the abilities of people within the

Canberra community to use and out of this problem of financial difficulty in the ACT we could create a solution that would be a standard for the rest of Australia where there was true, genuine and full community involvement in what happens in their government. I commend the principle of consultation and working together to all members.

MR WOOD (3.33): Again today I want to use this occasion - a debate on education - to relate something I heard last night at Lyons Primary School. It was there I heard a worried group of parents discussing the ways that they could work to keep their school open. I relate the words of a very aggrieved parent as well as I can remember them. I will not be able to impart the passion that she did because she was involved and, of course, I am not. She said, "The school does not have to prove anything; we do not have to justify its existence. It is the Government which is accountable to the parents and to the children for the disruption and the distress caused by the closures". She was wondering why she had to feel so anxious for what was happening; she was looking at her child and it hit her - it was the Government that was accountable, not her.

Today I want to give just a few case histories to focus on the children, the parents and the teachers who are concerned in this. We have had ample debate here, although not enough obviously for the Government to admit its errors. We have had much debate on the faulty economics of it; let us now look at a few stories about how people are going to be affected. These cases are only representative because thousands of children, their parents, their teachers and the community will be affected.

Just a few stories will demonstrate the enormous damage and distress that is occurring. I am sure Mr Humphries and other members have heard, as I have, as we travel around these meetings, statements like, "Ours is the best school" and "My children have done so well, I am proud of them and their school". Think of the pride and affection that is so constantly expressed at these meetings.

There is an enormous bond of sympathy between the school, the children, the teachers and the parents; between the school and the whole community. In fact, it is in total a community. That, of course, is the way that it has been planned and that is the way that it is working so successfully. These expressions that we hear are just a further demonstration of how effective our schools are.

Not long ago I was in a position in a school and it was one of the great pleasures of my day to witness the children come in to that school from 8 o'clock onwards. They would troop into the classrooms eager and smiling. They enjoyed their school. Almost universally they liked their school. That is a contrast with the schools that many of the older generation may remember. I was given thought to make this speech when I saw on television a week ago an eight-year-old child quite brightly talking about the school closures

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and then suddenly breaking into tears as she realised the implications. That is not an isolated case.

Nor is the case of the children at Rivett. The special needs students there, the teachers and the parents believe that they were not known about. There seems to be no reference to them in enrolment numbers in the consideration of the Government. Whether for some reason or other the special needs children were set aside and only the mainstream enrolments considered, I do not know. Dr Kinloch can tell me about that. It may be that the Government or the administrators did not wish to include special needs in the mainstream. If that was the case, that has an effect on the special needs students, because they very much want to be seen as mainstream students. They want to be part of the school as a whole. Quite some effort in the administration of education is directed to making special stream students feel part of the mainstream. But at Rivett they do not know where they are going. Most of them in that area come from Rivett itself and they do not have any idea where they are going, and these are children who, more than most, need to have that sense of security.

What about the parents at Rivett who read in the Government's supporting document that the traffic along Hindmarsh Drive between Rivett and Duffy is not as heavy as elsewhere or something of that nature? It did not impress them. They are certainly aware, as I am, as one who has travelled on that road often enough, that traffic is quite heavy. But what is particularly worrying for the parents is that the road is very wide. It is four lanes with - - -

Mr Humphries: Not at the point we are talking about. It is not four lanes at Rivett.

MR WOOD: Hindmarsh Drive?

Mr Humphries: Hindmarsh Drive is only two lanes at Rivett, one in each direction.

MR WOOD: Well, I will go and have another look at it. It is a wide road because the night before last when I drove back that way - - -

Mr Humphries: At the very beginning of the suburb it is four; I think it narrows down to two.

MR WOOD: Yes, I know that - after the traffic lights at the main corner there. It is a very wide road, whatever the number of lanes. I have a clear memory of four. Perhaps I am wrong, but it is wide enough for the parents to be concerned. It is a wide road and it takes a long time for their children to get across. Added to that, the various underpasses are not well suited for a great number of parents in that area.

The Theodore Street School houses numbers of other children, connections of whom have said, "We were also overlooked." That is a particular group; these are children who are behaviourally disturbed. They have very specific needs. Sadly, these are often rejected, unhappy children. Above all else, they need to know that they are accepted. They need stability and they need security. Already people who deal with them are noticing the impact of the closures on those students. They do not know where they are going. There has been no suggestion anywhere that someone has given some consideration to where they should go. They have very specific needs; it is not just a matter of finding a wing somewhere and putting them into it.

Let me raise the case of parents and child care. Around every school there is a collection of after school care minders who have been authorised through various procedures and accepted as being capable of looking after children. It is a very useful arrangement. Parents drop their children there before school; the children go there after school; often they are then ferried to after school care later. There are all sorts of informal arrangements. The critical factor is that these minders have to be close to the school. Suddenly the school is going. The parents have to go through a whole new set of arrangements, if they exist. The minders are out of a job, if you like, because that is what it is. They are dedicated, but it is also a paid job. The Minister should reflect on that. He does not understand that?

Mr Humphries: No, I do not.

MR WOOD: Well, suppose there is a house just across the road from, or very close to a primary school - say, Cook school. Parents put their children there in the morning because they are going to work at 8.00 am or so. The children are delivered to the school nearly an hour later. They go back to this house across the road or nearby after school and they are cared for. Now, you take Cook school away, that person who minds up to six or seven children - - -

Ms Maher: Loses her job.

MR WOOD: Ms Maher knows about it.

Mr Humphries: It is not a part of the Government's business to provide jobs to people in those circumstances. It is not our responsibility. We cannot afford it.

MR WOOD: It is not your Government's business to provide jobs? I am interested to hear you say that.

Mr Humphries: Where do we draw the line? We cannot afford these things any more.

MR WOOD: All right, I am quite comfortable that you should say that, but I do not agree with it at all. I am pointing

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out how you are disrupting a whole range of people. If that is of no concern to the Government, let it be noted.

Let me mention the paediatrician I heard at one of the meetings who already is having to deal with children who are under severe stress because of school closures. I am sure the Government has heard the same sorts of stories. I hope it takes note of them. I hope that some action will result.

Let me again raise the question of Rivett school. It is a traditional school in the sense of its architecture - single classrooms. Now it is being closed. While there are other somewhat more distant schools of traditional design, for the most part the children who are going to be relocated will have to go to an open plan school.

I find that no problem myself, but there are parents who moved their children to Rivett, from Chapman, for example, because they believed that that traditional design was better for their children. Now these children will have to go back to Chapman. In the overall context of things, this is no great problem. But what I am showing is that there is a compilation, a growing list, of how children, parents and teachers are so much concerned.

There is a women's refuge close to the Lyons Primary School. It is not by chance that that is close to the school. You would expect that when refuges are established, when sites are being sought, those close to the schools are chosen because, inevitably, there are children. That refuge that has a firm bond with Lyons school will now have to undergo the very much more difficult task of sending children to another school. The refuge was not put there accidentally.

Let me tell you about teachers. There are introductory English centres - intensive language teaching centres for newly-arrived migrants - at the Curtin North and Higgins schools. Curtin North has 101 students and 12 teachers in nine classrooms. That is no small operation. In some sense, it is not as severe a disruption for those children because they come in for a relatively short time - about three terms of the year. So relocation is not as severe in that sense as it is on the general student. But the teachers are concerned. They are more interested in planning than is the Government. They cannot begin to start organising for the beginning of next year, which is not so far away, because nobody has yet given any thought as to where to house them. It will not be easy to find nine classrooms in one spot for all these children. Higgins is about half that size - it has six classrooms, I think.

On its own, each of these examples I have given is not, perhaps, the most significant matter in the world, but multiplied over and over and over - and think of that enormous number of mainstream children who do not want to

shift school and whose parents do not want to move - it becomes a very large problem that is unrecognised on the other side of the house.

Finally, let me tell you about a person with no connection to a school at all. I do not rate this as the most important thing; I say it last because it is much less important. Some years ago this person bought a house abutting green space around a school. Now he is considerably distressed because, first, if infill housing is to go there - and that is not yet determined - the value of the house will diminish. If the school goes, as it is, the value of the suburb generally will decline a little. That person, who has no children at school, and no immediate concern about the school, is worried. But you can see that for the teachers, parents, children and the community generally, the impact of these closures is simply enormous, and I do not think the Government fully understands that.

MR HUMPHRIES (Minister for Health, Education and the Arts) (3.48): Mr Acting Speaker, I know that there is very little interest on the part of members of the Opposition in this sort of debate.

Mr Wood: You did not jump up a minute ago! You did not take your jump when you could have taken it so do not start like that, for heaven's sake!

MR HUMPHRIES: Once again Mr Wood is here without Mr Berry and that seems to have caused some strange reaction.

Mr Wood: Have a look behind you! Come on! That is not the way to proceed.

MR HUMPHRIES: Before you get carried away, Mr Wood, I was not referring to the call. I was referring to the number of members of the Opposition present during the debate.

Mr Wood: Have a look behind you!

MR HUMPHRIES: It is not our matter of public importance. It is yours. You are the ones who claim that it is vitally important.

Mr Wood: No, it is Mr Stevenson's.

MR HUMPHRIES: But you have supported it.

Mr Wood: Yes, I am happy to support it.

MR HUMPHRIES: Precisely. I want to quote from some comments on closing schools and I will not say initially where these come from, Mr Acting Speaker. I will let members of the Opposition guess. This is fun, is it not, a guessing game?

Mr Wood: It is all fun for you; that is the problem.

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MR HUMPHRIES: I want to quote this and I will let Opposition members guess where it comes from:

There is no doubt the rationalisation must proceed because I think there are structural problems and structural inefficiencies within the Department of Education and the Arts. Unless steps are taken very quickly to address those structural deficiencies, we will never get at the core of the problem. My own view is that throwing money at education is not the way to solve the problem.

Can you guess who said that?

Mr Wood: I will agree with that, there is nothing wrong with that statement. I do not know who said it, but it is quite a sound statement.

MR HUMPHRIES: You cannot agree with it! Let us see whether you think the rest of it is sound:

If we have a basic structural problem to start with, no amount of money will solve it. I believe we have a duty to the taxpayers to make sure they are receiving the best value. I also believe we have a duty to the children to make sure they are receiving the best education, and as far as I am concerned they go hand in hand ... With education it is impossible to separate resources - both human and financial - from educational outcomes, and I hope they have grasped the concept during the debate. It is really quite clear that, with a reduction of about -

this might give it away -

12,000 students in the state system since 1980, there is a disproportionate level of resources - again of both human and financial - going to small schools, and those small schools cannot provide the breadth of educational opportunities that is required without an even greater proportion of those limited resources.

Mr Moore: What absolute nonsense!

MR HUMPHRIES: That may be nonsense, but that comes from Mr Peter Patmore who is the Labor Minister for Education and the Arts and also Attorney-General in the Government of Tasmania. That was his view and it is also the view, I suspect, of a great many other governments around this country, both Liberal and Labor. I also want to quote from Mr Michael Field, the Premier of Tasmania. He said:

Structural changes at any time - - -

Mr Wood: You have to go a long way away, haven't you? This is not very impressive. Why don't you quote me?

MR HUMPHRIES: If I am interrupted any more I will seek an extension of time, Mr Wood, so just be on notice. Mr Field said:

Structural changes at any time are very difficult, given the nature of Tasmania, the community that we are and the lack of structural changes in the past. But given the need for structural changes in the future, if we are to have efficient use of the scarce resources of government - which are becoming scarcer - we have to make decisions about the structure that governs us and the administration of that structure.

I think that those words are extremely clear. Now one person inside the chamber whose name I forget seems to believe that I am going rather far afield with quotes of that kind. Let us go to a member of the Australian Labor Party talking about the Australian Capital Territory. Here is someone else talking about school closures:

Closing schools is not a way to court popularity anywhere, but the Authority -
and he is talking about the Schools Authority -

has gone about it in the right spirit, by consulting the local people, professionals who run its schools as well as planners ... The task force has produced a practical report, with proposals for reorganisation that should cause minimal short-term inconvenience.

That was for closing five schools, I should point out.

The community and its schools can only gain in the long run from the greater efficiency of operation that is involved. Once again, the ACT has set a national example.

That was Mr John Brown MP, when he was Minister for the Arts, Sport, the Environment, Tourism and Territories. The man responsible in 1987 - - -

Mr Moore: John Brown! Are you quoting John Brown?

MR TEMPORARY DEPUTY SPEAKER (Mr Wood): Order, Mr Moore! You cannot interject from a place other than your own.

MR HUMPHRIES: Thank you, Mr Temporary Deputy Speaker. John Brown is the man responsible, with his colleagues over a period of time, for a number of school closures in this Territory and those closures were engineered by the Australian Labor Party.

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I turn to some of the points that Mr Wood raised in the course of the debate. He spoke at length about the arguments that he has heard in many places around the Territory, and which I have heard many times as well, from people who talk about their small schools and say, "Well, our schools are good schools. We achieve things in our schools. We like our schools. They are good schools". Of course, that argument is, up to a point, quite valid. There are many good small schools in the Territory.

But it does not follow, from that assertion, that large schools, or larger schools in the Territory, are not also good schools. To suggest constantly, as members opposite tend to do, that small schools are good schools seems to imply some slur on larger schools in the Territory. Those schools are good schools too. In many respects they are excellent schools, particularly because they have resources at their disposal to offer their students a wider range of opportunities than is the case in some small schools.

To attack the consolidation, in many respects, is to attack schools that have already been consolidated and which are achieving good things in our community. Those schools that were consolidated in previous years have, of course, experienced problems. Those problems are regrettable and none of us would wish them on any community willingly. However, I believe they have overcome those problems and they are all good schools.

How many people here have visited Arawang School, for example, or the Southern Cross Primary School, or any of the other schools that were amalgamated in 1987 and 1988? I have been to those schools and I think they are good schools. I think they are good schools achieving a great deal for their students and the kids there are not traumatised to the point of being unable to learn. Their lives have not been shattered by the fact that they have had to make that transition. They are getting on with a sound, good ACT-based education and that is what we can offer the students in the schools that are affected by the consolidations occurring at this time.

Members opposite tend to underestimate the resilience of our school system and our students. They are not fragile china dolls, the mere moving of whom results in some breakage or cracking. I think that students are a good deal more able to adapt to new circumstances than people imagine. Moving to a school in the next suburb is not the end of the world; it is not the end of civilisation; it is not the destruction of children's education. Particularly if it is coupled with an improvement in the resources available to their new school, it can actually be an improvement. Special education - -

Mrs Grassby: You have probably never had to do it, Mr Humphries.

MR HUMPHRIES: I have had to do it many times, Mrs Grassby. I went to six or seven schools when I was a child. The fact that I have risen to the high post of Minister for Education proves that it involves no damage to one's education.

My colleagues opposite have referred many times to the special education units which the Government has indicated will be moved in the course of this reorganisation. I should emphasise that places like the introductory English centres at Higgins and North Curtin, the hearing impaired unit at Weetangera and other units like that, are not provided for the sole benefit of the schools in which they are presently located. They are regionally based centres, regionally based resources. If it is the case that the particular location in which they find themselves has to change because that location is no longer available, that can be done, and in the course of any given school year they do move about.

As an example, let us take Weetangera school. Had that not been going to close and had there been a surge in enrolments at Weetangera, we might have found that at some point it was not possible to accommodate any further the hearing impaired unit at that school. Had that been the case, the unit would undoubtedly have been moved to another school. I respectfully suggest that that entails no insurmountable burden to those who use that centre because the students who go to that centre come from all over Canberra, some from as far afield as Campbell. Whether those children have to travel from Campbell to Weetangera or Campbell to Hawker or wherever makes almost no difference. (Extension of time granted) Again, I think we grossly underestimate the resilience of our schoolchildren when we make the assertion that these things cannot be coped with. Of course they can.

I also have to firmly repudiate comments made by Mr Wood that no thought has been given to where such and such a unit or such and such a resource might be relocated. That is a gross misrepresentation and should be put paid to right now.

As Minister for Education, I could say that such and such a unit will travel to this school and I do not care what the parents or the students who use that unit think about that. I could say that and I would be able to stand up in this place and answer the questions from the Opposition about where those units could be relocated. That would save me a lot of heartburn because I would be able to say, "This is going here, that is going there" and I would have no problems here.

But the problems would come at the school level. They would come when parents and students attempted to adapt to circumstances which were not ideal. I want to make those decisions based on what those parents and students believe, want and require to the maximum extent possible. So I will

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be asking those people in those units where they would like to go. I will be asking those students - their parents in the case of younger students - what sort of environment they would like to be in before I make decisions about what should happen to those units. To suggest that no-one is giving any thought to that process is a grossly misleading misrepresentation.

I think another furphy has also been thrown up by Mr Wood's comments: the suggestion that the value of housing in the areas where schools close will decline. I am not an expert in matters of that kind and I am happy to rely on other people's opinions in that regard. The opinion that I think we can safely rely upon is that which emerged from the report of McCann & Associates. McCann & Associates are professional valuers in the Territory who were commissioned by Dr Frances Perkins' group, the Save Our Schools group, to give an indication of the sorts of impacts that closing schools would have on a number of areas.

One of the conclusions they reported was that they saw no significant effect on the value of housing in areas where schools close. I might point out that that was also confirmed by Mr Bruno Ivanovic from the Real Estate Institute of the ACT. He made a similar comment only a couple of weeks ago. Of course, members of the Opposition would rather rely on their own rumour-mongers and scare tactic creators to put different versions to the community.

Mrs Nolan: What about Isaacs and Stirling. Houses there have good values.

MR HUMPHRIES: That is a very good point that Mrs Nolan raises. Places like Isaacs, Stirling and South Bruce have no primary schools; they have never had primary schools and they have very high value housing. To suggest that we cannot achieve those things without schools is just not true.

I want to make one final point. It was suggested by Mr Wood that we should be accountable for the decisions we make and that we should be accountable for school closures. I think the Assembly needs reminding that the very fact that we are accountable is why school closures are required. We are accountable for our stewardship of public funds over the next year and a half. If we do nothing in this area, if we make no attempt to trim the costs of providing services in the Territory, including services in the education budget, we will have failed the people in the Territory and I believe that we will be rightly repudiated at the next election. That is why this Government intends not to follow that foolish course of action.

DR KINLOCH (4.03): I was very interested to hear Mr Humphries' point that he had changed primary schools several times during his childhood. Mr Wood gave us some interesting case studies. Let me tell you about my background. When my sister, Helen, a Down's syndrome

child, was born in 1934, my mother effectively became a de facto single parent. It was the Depression; my father was unemployed; he was wandering around shipyard sites all over Britain unsuccessfully looking for work. My mother was a nurse and so I was put into various foster situations. I went from a school in Burwell, Cambridgeshire, when I was six years old to three different primary schools in Northern Ireland. Then I was put into Dr Barnado's Homes. I was in Barnado's Homes for several years and in foster homes in Stepney in London, Acton in Suffolk, and in Shoreham and Horsham in Sussex, where my family was reunited during the war, owing to that war economy.

Therefore, I must have gone to six or seven different primary schools. As I look back on it - and those were very, very grim times - I cannot really believe that I regarded those changes as being a hardship. Indeed, I think it was good that one had so many experiences. Therefore, I do not necessarily want to believe the kinds of assertions that one hears all the time that somehow or other the movement of children from one school to another is so desperately awful. In fact, far from it. I believe there is a challenge in change, a challenge even in disruption.

We certainly understand the passion that lies behind this. I understand the passion of disrupted communities, and those communities are not merely the communities of children; they are of the parents and, especially, of the mothers. I understand that but I also believe that with care, with the kind of planning that I hope would be proper in this city in particular, we can rebuild communities and networks. Although I understand the passion and the feelings of disruption and I agree about the problems of schools closing - I accept a large number of case histories - I also believe that our main concern for those schools that will be closed is to make sure that in January 1991 new communities are growing. The Education Minister referred to Arawang and Southern Cross. These are examples of new communities which have new linkages where the mothers, fathers and children all feel part of the community. I hope that a year from now they will not grieve as they are now grieving. I understand the grieving. I was part of it when my children were at one school in this city that went through that kind of process.

Mr Berry: When are you going to admit to the tragedy that you are imposing on these people? When are you going to make the admission that you are responsible for it?

DR KINLOCH: I am sure that Mr Berry would recognise that on this side of the Assembly many of us have worked very hard indeed to make sure that we finally agree only to the number of closures which seem to us - - -

Mr Berry: No, I do not recognise it and I do not believe you have worked hard.

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DR KINLOCH: May I say to Mr Berry, if he does not believe me I am sorry for him. I am telling the truth; that is the way it was. I come directly to the discussion of the matter of public importance. The main gist of Mr Stevenson's motion is the need for the ACT Legislative Assembly fully to consult with school representatives, parents and citizens. I want to say, on behalf of both the Minister for Education and myself, that there has been no deficiency in that connection on our side, nor indeed, I am sure, on the other side of the Assembly. I think in particular of Mr Wood.

Mr Moore: Of course there has. What absolute nonsense!

DR KINLOCH: When people tell me something is absolute nonsense, I feel I have to refute them as I now intend to do. I am sure that both Mr Wood and Mr Moore have had a similar experience. I will now tell you how many people I have consulted since 19 June. We have consulted with the Canberra Pre-School Society and individual members of that council. We have consulted with - - -

Mr Berry: How many agreed with you?

Mr Duby: You ask a question and you will not listen to the answer.

MR ACTING SPEAKER: I think he is entitled to standing order 61. Let the member continue his speech without constant interruptions.

DR KINLOCH: We have also consulted with P and C representatives several times in formal meetings, individually in informal meetings and by phone many times. Both the Minister and I have met individual groups in this Assembly. We have been to individual boards and P and Cs as requested and will continue to do so. I have been part of a ministerial consultative committee which has met regularly and which includes members of the community.

Mr Berry, Mr Moore, I am telling you the truth and I am only a third of the way through the list. Some of us have been, others have been - on both sides of the house - to specially called public meetings. Mr Moore has certainly done his duty there, as has Mr Wood. So have members on this side of the house when we could - for example, at Hackett, at Yarralumla and at Weetangera. We have been to meeting after meeting after meeting to consult. I have been to preschool groups in their homes and, may I add, when I was ill they came to my home.

We have been to school by school by school, both government and non-government, preschool, primary, secondary and college, week in and week out. I must have visited anything between 30 and 40 schools since the beginning of this task. I have been to school fetes, special occasions, special functions. I have had weekly and sometimes daily briefings with Department of Education officers, including regional officers.

Mr Moore: That is not consultation and you know it. The Rally came together on consultation and the proper process of consultation.

DR KINLOCH: Mr Acting Speaker, I am speaking to the MPI. The MPI says that there is a need for the ACT Legislative Assembly to consult fully - if I may change the wording - with school representatives, parents and citizens. From this side of the house and from that side of the house we have done so. This does not necessarily mean, of course - and here I agree with Mr Berry - that on every point everyone is in agreement. We recognise this is the case. Clearly, some schools are not in agreement. I quite understand the passion. I understand that. We have also been in that position but I want to say that we have done our very best to consult.

Mr Moore: No, you have not.

DR KINLOCH: I suggest you take the number of hours I have in the day and see what I do.

Mr Berry: What is consultation worth if you do not take the views of the people into account, Hector?

DR KINLOCH: I can assure you - as my colleagues will assure you - that as the 10 of us sat around the table looking from school to school to school with the briefings before us, we were most concerned with what was taking place. There have been a few glitches and I think those glitches are understandable when you have got that many briefings, that many schools, that many people and that many hours. We have tried to deal with those glitches and we are dealing with them, and as you will recognise from what has been going on this week, we are dealing with them successfully.

In general, I am saying in answer to this MPI that there has been consultation with school representatives, parents and citizens. I think that consultation should continue. It certainly will so far as the Minister and myself are concerned, and I am sure other members on this side of the house.

Mr Berry: You people are making consultation into a dirty word.

DR KINLOCH: Mr Berry, I never interrupt you when you are speaking. You are a very rude man.

Mr Moore: You cannot take the heat, Hector.

DR KINLOCH: Mr Moore, I have stood up to heat in my life such as you would not believe.

I would like to put together my comments to say that in connection with this MPI, we have fully consulted. That

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does not mean we all agree. We are doing what we can do as responsibly as we can do it. We are not going to be put down by falsely emotional claims. I recognise educational realities, I believe, as well as anyone in this chamber - all 17 of us - because I have worked with them all my life and I will do my very best to ensure the best possible outcomes.

Mr Moore: On a point of order, Mr Acting Speaker; the tradition in the house is to go from one side to the other. This has been pointed out just recently on a number of occasions by Mr Humphries.

MR ACTING SPEAKER: I suppose in that case, Mr Moore, I accept your point of order.

MR MOORE (4.13): Mr Acting Speaker, I thought that I would start with a little dissertation on consultation. The sort of consultation that Dr Kinloch is talking about is the same consultation that says, "We are going to put a casino in". Do not leave, Dr Kinloch, stay here for a minute or two, just for another five seconds.

MR ACTING SPEAKER: Order, Mr Moore. If Dr Kinloch wants to leave, he can. Address your remarks to the Chair.

Mr Jensen: On a point of order, Mr Acting Speaker; might I suggest that Mr Moore direct his queries through the Chair and not across the chamber, in accordance with normal debating practice.

MR ACTING SPEAKER: Thank you, Mr Jensen; I have just spoken to Mr Moore about it.

MR MOORE: I hope that Dr Kinloch has the good grace to read this later in Hansard. The process of consultation has been like deciding for his benefit that we are going to have a casino. The real question you now have to decide, Dr Kinloch, is where you are going to put it. Within Civic, of course, or within the Parliamentary Triangle, whichever. So, Dr Kinloch, you can now say what you like and you can say where you would like to put it but you cannot say no casino. This is the sort of consultation process that this Government has inflicted on the people of the ACT. "We are going to close schools. Now, you tell us about whether you think your school should be closed or not" - as if you expected any other answers than what they gave. "Then we will decide which schools will close and we will not be challenged on that at all". The whole thing is just a process that has been put together by charlatans because it is not a consultation process.

The most upsetting thing about it all for Dr Kinloch, for Mr Jensen, for Mr Collaery, is, if I can take them back to a time on Brockman Street when we stood around - - -

Mr Jensen: You were not there when the trees came down, Michael. Where were you when the trees came down?

Mr Collaery: When are you going to pay your bill to get elected on our back?

MR MOORE: Take me to court, Bernard. Take me to court. You like courts; take me to court and we will see who really owes who money. I would like to take you back to when we stood around and we sat around in your place and said "What do we have in common?". It was long before Mr Jensen was even anywhere near the Residents Rally. "What do we have in common?".

Mr Jensen: That is wrong, Michael.

MR MOORE: It was long before you were around.

Mr Jensen: That is wrong. I attended a meeting of the Residents Rally at the Tuggeranong Community Council, if you recall.

MR MOORE: At that point David Read was chairman of the Tuggeranong Community Council and he was not there. We decided the most important thing we had in common was about consultation.

Mr Collaery: On a point of order, Mr Acting Speaker; this debate is about education. This man has spoken several times on the subject already this week. He has taken my place in the debate. As Rally leader he has precluded me from speaking on this matter of public importance and now he is giving us a rendition from the couch again.

MR ACTING SPEAKER: The point of order is relevance, which I do accept. We are talking about education, not trees and Brockman Street.

MR MOORE: Not at all, Mr Acting Speaker, we are talking about the consultation process. I am going back to the consultation process and I am talking about how these people have a commitment to consultation and what that consultation was about.

Their commitment to consultation was established at a discussion at Mr Collaery's house when the Residents Rally as a lobby group first formed. The only thing that we all had in common at that stage was that we had been ignored by the Labor Party, in particular, which was in power in the Federal Government, and by the bureaucrats, who were at that stage basically running the ACT. We sought to have a reasonable process of consultation. That reasonable process of consultation is and was defined again and again and we understood what it means. It is not a process by which you say to people, "We are going to do something, how would you like it done?". That is not consultation at all. "And you can make a decision".

Mr Collaery: What do you think it is?

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MR MOORE: I am glad you asked what I think it is because I am going to tell you what I think it is. I will start with the OECD document again. The reason I am referring to it again is because although I mentioned the name of the document several times yesterday it would appear that Mr Duby did not realise that I was actually referring to the name of the document. When I said, Surplus space in schools - An opportunity, he probably thought that I was seeking an opportunity. It talks about consultation on page 66, Mr Jensen - through the Chair. It says:

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.

So, what you should have done is said, "Okay, we've got a \$2m problem, or a \$6m problem, or a 4 per cent problem; we want to resolve this problem. What are the possible methods?". You should have put out an options paper as to what you perceived were the possible methods of resolving the problem, not, "We are going to close schools a la your bureaucracy". We all know that Dr Willmot has for a long time advocated the closure of schools and we have seen his influence on that when the previous schools closed. He has said such things in public and will probably continue to say things.

Let me say that wide consultation goes on in this form: you start by setting out options then asking people to comment on those options. Having received comments on those options, you then present a position paper that you are intending to run and see what people think of that. This is the consultation process. Then you make your implementation.

Mr Jensen: This is what we did.

MR MOORE: You did not. What you did was you said, "We are closing schools". There was no option at all.

Mr Collaery: We issued a discussion paper.

MR MOORE: I cannot believe what I hear. Mr Collaery says he issued an options paper. What I hear disgusts me to my quick because you certainly did not. You certainly did not. Mr Acting Speaker, when I think back to sitting around at Brockman Street and the high ideals that we had at that time and I look at the members opposite me, it makes me feel like spewing over Mr Collaery, Mr Jensen and Dr Kinloch.

MR ACTING SPEAKER: Mr Collaery, would you like to reply?

MR COLLAERY (Attorney-General) (4.19): How much time do I have, Mr Acting Speaker.

MR ACTING SPEAKER: About a minute.

MR COLLAERY: Mr Acting Speaker, I would like to read into the record the ALP policies on school closures for the last election. They said:

If circumstances arise where the educational viability of a school due to significantly declining numbers needs to be examined, we will ensure thorough and genuine consultation with the community, based on recognized procedures -

whatever they are.

We are serious about our policy of participation.

If serious consequences can be clearly demonstrated by a school remaining open, the interests -

and this is very ambiguous -

of the ACT must be served.

No mention of the students.

This is a very hedged bet policy. The policy of the Residents Rally was quite similar to that but it did not hedge its bets. It said that there would be genuine consultation and the Rally in government here has sought to ensure that. In the few seconds available to me after the ranting and raving opposite I want to say this: I want to ask what Labor caucus in this country would invite a community activist into - - -

Mr Berry: On a point of order, Mr Acting Speaker; it seemed to me that there was a suggestion from the Deputy Chief Minister opposite that this member who was talking here earlier was in some way mad or unwell and I think these sorts of accusations are unparliamentary.

MR ACTING SPEAKER: The words "ranting and raving" are not a problem. You can use that terminology to each other if you wish. Mr Collaery, I will give you another 20 seconds.

MR COLLAERY: What Labor caucus in this country would invite a community activist like Frances Perkins into its party room to state her case? Is not this the very essence of consultation, to bring that group into our own party room? Indeed, the turning point in that debate occurred in that joint party room when Dr Perkins acknowledged that at the commencement of the J-curve for savings, savings could be achieved by the closure of a small number of schools.

MR JENSEN: I claim to have been misrepresented.

MR ACTING SPEAKER: How do you claim you have been misrepresented, Mr Jensen?

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MR JENSEN: Mr Acting Speaker, in an interjection Mr Berry indicated that I had not read this document prior to the decision being made. I assure Mr Berry that I read this document very thoroughly before the decision was made and I made sure - - -

Mr Berry: How long before?

MR JENSEN: The week before, Mr Berry, and I made sure that other members - - -

Mr Berry: Did you let it go that far down the track?

MR JENSEN: I read it the night it was given to me, Mr Berry, the night after it was given to me. You may recall that it was given to me in front of the TV cameras so you can put the date down. I read it that night and I conveyed it to my colleagues the next morning. Therefore, Mr Berry, I claim that you have misrepresented me once again very shamefully.

MR ACTING SPEAKER: Mr Jensen, for the record, what document are you referring to? Just name the document.

MR JENSEN: I am referring to the document, Surplus space in schools - An opportunity, OECD, Paris, 1985.

Mr Berry: Hearsay.

MR JENSEN: Are you calling me a liar, Mr Berry?

Mr Berry: I said, "Hearsay". If the cap fits, wear it.

MR ACTING SPEAKER: No, he is not saying that. Thank you, Mr Jensen. The discussion is concluded.

ASSOCIATIONS INCORPORATION (AMENDMENT) BILL 1990

MR COLLAERY (Attorney-General) (4.23): I present the Associations Incorporation (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

Mr Acting Speaker, the amendments to the Associations Incorporation Act effect some necessary amendments to the subsisting Act in the nature of technical changes. It effects a number of provisions that are required to bring about consequential changes due to changes in definitions consequent upon self-government, and to take into account the transfer of functions from the Commonwealth to the ACT in relation to the associations incorporation process. As members will be aware, this process was managed in the past by the Commonwealth and these functions have been transferred to the Territory. This legislation takes into account the role of the Territory in managing these functions at this stage. Mr Acting Speaker, I present the explanatory memorandum to this Bill.

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

EVIDENCE (LAWS AND INSTRUMENTS) (AMENDMENT) BILL 1990

MR COLLAERY (Attorney-General) (4.27): Mr Acting Speaker, I present the Evidence (Laws and Instruments) (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

This is a further consequential amendment that arises from the transfer of the functions of the Business Names Act, the Associations Incorporation Act and others. This is merely a technical amendment to change the name and designation of the Registrar of Business Names and other registrar functions. Mr Acting Speaker, I present the explanatory memorandum to this Bill.

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

ADJOURNMENT

MR ACTING SPEAKER: It being close to 4.30 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

BUSINESS NAMES (AMENDMENT) BILL 1990

MR COLLAERY (Attorney-General) (4.31): Mr Acting Speaker, I present the Business Names (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

Mr Acting Speaker, these Bills which I am in the process of presenting to the house are part of a package of Bills which transfer functions from the Commonwealth Corporate Affairs Commission to this Territory. The administration of the Associations Incorporation Act 1953, the Business Names Act 1963 and the Unclaimed Moneys Act 1950 were transferred to the Territory upon self-government. These Acts have been administered for the Territory by the Corporate Affairs Commission on an agency basis since self-government. The amending Bills will enable the transfer of the administration of these Acts to the Territory by

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creating a Registrar of Incorporated Associations, a Registrar of Business Names and a Registrar of Unclaimed Moneys. It is envisaged that these responsibilities will be incorporated into the existing Registrar's office.

The Bills will also change the ways in which fees will be set and will determine how forms will be used under the Acts. Previously the relevant fees were prescribed in the schedules for the Associations Incorporation Act 1953 and the Business Names Act 1963. While the forms were prescribed in the regulations, the relevant Bills now enable fees to be set by ministerial determination published in the Gazette, and a form is to be approved by the Registrar. These changes will allow the fees to more accurately take account of the changing costs of the services that the Registrar will provide. As the forms used under the Acts do not affect the rights of applicants and are required purely for administrative purposes there is no necessity for the Assembly to examine the forms as part of the package. The Registrar can, and should be capable of approving the required forms.

The Bills also incorporate savings and transitional provisions which are designed to preserve actions of the Corporate Affairs Commission and activities of existing associations. Actions such as applications for incorporation that have been lodged with the Corporate Affairs Commission but have not yet been determined at the time of the administrative transfer will also be covered by these provisions, so that no-one's rights are adversely affected by the changeover.

As a result of the creation of three new registrars a consequential amendment will be made to the Evidence (Laws and Instruments) Act 1989 by the Evidence (Laws and Instruments) (Amendment) Bill. This Bill will insert provisions into section 10 of the Act to enable the courts to take judicial notice of the existence of the registrars and any deputy or acting registrars who may also be appointed. This is for the purpose of recognising the signature and seal of the relevant Registrar and of recognising the fact that such a person holds, or held such an office.

Mr Acting Speaker, I present the explanatory memorandum to this Bill.

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

UNCLAIMED MONEYS (AMENDMENT) BILL 1990

MR COLLAERY (Attorney-General) (4.34): I present the Unclaimed Moneys (Amendment) Bill 1990. I move:

That the Bill be agreed to in principle.

Mr Acting Speaker, I apologise for the earlier confusion as I presented these Bills to the house. It is apparent to me now that these Bills should have been presented as a group and that the same presentation speech that I gave for the earlier Bill can be addressed in relation to this matter. I draw the house's attention to the speech that I have just given in relation to the earlier Bill and I repeat those comments. I present the explanatory memorandum to this Bill.

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

CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEE
Amendment of Resolution of Appointment

DR KINLOCH (4.35): Mr Acting Speaker, I move:

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

The present membership of the Standing Committee on Conservation, Heritage and Environment is four. The Social Policy Committee, for example, has five members, and we are following the same practice.

MR BERRY (4.36): I rise to speak on the motion, but also wish to move as an amendment:

Omit "5" and substitute "6".

This is another move by the Government members which brings into question the independence of committees of the Assembly. The Government is setting out to dominate committees of this Assembly. Now, what the Labor Party - - -

Mr Humphries: We are entitled to do that. We have a majority in the house.

MR BERRY: Well, I do not know why you are so difficult about it, then. If you admit to trying to dominate the committee that is fine.

Mr Kaine: And how many committees in the Federal Parliament are dominated by the Opposition? Would you like to tell me?

MR ACTING SPEAKER: Order, members!

MR BERRY: Mr Acting Speaker, the frequently unruly Chief Minister opposite - - -

Mr Kaine: I might be, but I am not stupid.

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MR BERRY: Well, there would be some people who would disagree with that. There is a long line of them, and I am at the head of the line. And there are quite a few kids out there who would probably disagree as well. They think you are stupid.

Mr Kaine: They have not yet expressed an opinion about either me or you, so watch it.

MR BERRY: Well, go out there and see if they will express an opinion. Raise your hands and say, "Do you think I am stupid? - answer yes or no".

Mr Kaine: I will go and ask them, "Do you all think Wayne Berry is stupid? - answer yes or no".

MR BERRY: They would say, "Wayne Berry hasn't closed schools".

MR ACTING SPEAKER: Come on members, stick to the motion. We are talking about the Conservation and Heritage Committee.

MR BERRY: The issue is about this Government dominating this committee in particular. What it has failed to do in the past is deliver for the Government. The Labor Party has been very effective in this committee in ensuring that its decisions reflect the views of the Assembly members. I understand why people opposite do not like the balance which is in this particular committee and I understand why they would move to dominate it. What the Labor Party is setting out to do will have the support of all of the people, other than those that are in the Government.

Mr Humphries: Not very many people.

MR BERRY: The stupid Minister for Education, who cannot even work out what the community wants, is constantly interjecting. He does not support the views of this Assembly being reflected in these committees, but what they are very twitchy about is that they will be exposed over and over again. I have to say that one of the best moves in this Assembly was in the public accounts area where Rosemary Follett initiated a very bright move which will ensure that the phoney Priorities Review Board's Report will be analysed and the Government will be embarrassed by that.

Mr Doby: Just like the phoney women's refuge.

MR BERRY: Of course, the people opposite try to make up all sorts of insults to distract people from their direction in relation to these matters, but what they do is show their stupidity in relation to the motion or the amendment which I have moved - - -

Dr Kinloch: On a point of order. Mr Acting Speaker, could you ask Mr Berry to direct his attention to the subject at hand?

MR BERRY: Indeed, that is what I am doing, Mr Acting Speaker.

MR ACTING SPEAKER: Mr Berry, please confine your remarks to the motion and amendment.

MR BERRY: This is about the Government being wrong-footed and trying to recover the lost ground. Dr Kinloch, in his usual pious way, demonstrated it as being something that it was not. The fact of the matter is that Dr Kinloch himself has been done in the eye on this committee because he has not had the numbers, and now he wants to improve the situation so that it will not happen again to him. Well, I can tell you, Dr Kinloch, what we will set out to do on every occasion is to expose you for your position in this Assembly and the attitude that you have taken on issues such as health, education and the environment. That is why the Labor Party has moved to increase these numbers in order that the Opposition is equally represented on that committee, so that the Government is a little more nervous about the very important issues which that committee will consider and report on in this Assembly.

After all, Mr Acting Speaker, it is the Government that has the numbers and they are entitled to do what they like about the recommendations of that committee, but it is quite unfair, in my view, in this particular Assembly, given the lack of mandate by many of the members who have now formed the Government, that it reflects the views of the community. I am quite confident - and I think the community will agree with me - that the Labor Opposition better represents the view of the majority of the community than any of the people or any cadre of the people opposite can do. That is why I have moved the amendment to the motion.

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.44): We have heard Mr Berry speak this afternoon about numbers on committees. Mr Berry knows all about numbers; he has been manipulating numbers very well for the last few days.

Mrs Grassby: You know them well, too. You are the only person in the Liberal Party who might understand numbers.

MR HUMPHRIES: I can see I am hitting a raw nerve here.

Mrs Grassby: You have done very well, Gary. You are a great numbers man yourself.

MR HUMPHRIES: I can see I am hitting a raw nerve. But the reality is that we all know that Mr Berry - - -

Mr Berry: On a point of order, I would be quite happy to debate the issue of management of numbers with Mr Humphries at any time. Maybe - - -

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

Mr Berry: But I think he ought to lay off that in the context of this debate.

MR HUMPHRIES: I apologise to Mr Berry for making him feel uncomfortable.

MR ACTING SPEAKER: Thank you, Mr Humphries. Would you continue speaking to his amendment and also the motion.

MR HUMPHRIES: It must be very awkward his having to sit here having to talk about numbers when he himself has realised that numbers are very important. Numbers at last weekend's council meeting of the ACT Branch of the Australian Labor Party were also very important. On that occasion Mr Berry was very intent, together with his colleagues from the left faction, in ensuring that the numbers went a particular way. He was successful, I understand, in securing not just a balance of places on a particular delegation, but all the seats on a particular delegation for members of his faction. That is a marvellous achievement. I congratulate Mr Berry on his great talent in securing - - -

MR ACTING SPEAKER: That is all very interesting, Mr Humphries, but could we turn back to this debate?

MR HUMPHRIES: Yes, Mr Acting Speaker. We can see here Mr Berry putting forward in this chamber in respect of the Conservation, Heritage and Environment Committee principles of democracy which are true to the heart of the Australian Labor Party. In the Australian Labor Party when there is an election in which there are two candidates, one of whom gets 85 votes and the other gets one vote, the candidate who wins is the candidate who gets one vote. That is the ALP's idea of democracy and that is what Mr Berry wants to do in this house.

Mr Kaine: But that is until it is reversed by its federal council.

MR HUMPHRIES: The suggestion made by the Chief Minister was that Mr Berry apparently has had the tables turned on him. Poor Mr Berry, who is sweating uncomfortably at the front of the room here, is apparently finding that the tables are turned on him, that his colleagues in the Federal Executive of the ALP have decided otherwise. Well, that is very unfortunate. But I am afraid, Mr Berry, that you have today two disappointments. Both the National Executive of the ALP and this Assembly are going to turn against you. You are not going to get your little tricks in respect of your delegation to the Federal Council of the ALP, and you are not going to get this little deal that you want in respect of members of the Conservation, Heritage and Environment Committee in the ACT.

MR MOORE (4.47): Mr Acting Speaker, I rise to my feet feeling very very proud at the moment because my eldest son is in the gallery for the first time, and is there on his own. It is a moment of great pride for me and I would like to welcome him here.

Members: Hear, hear!

MR MOORE: I wish to speak to this matter. It is not of great concern but is worth a few words. The real reason that we are changing the number from four to five, I believe, could have something to do with the fact that I have foreshadowed within the Committee of Conservation, Heritage and Environment the notion that I would be moving to re-examine the big bins issue as part of the report that looked into domestic management. Since I believe that the committee got that wrong, it was an appropriate thing to do with the committee. But with the numbers at two-two as a possibility, then it is clearly important for Dr Kinloch to be able to have the balance of power.

The committee may well be aware, as Mr Jensen knows, that things will be resolved in the negative. If he looks back at some of the actions of the Conservation, Heritage and Environment Committee he will know that I am well aware of how to use that particular device as well. I also can be quite pragmatic, as he will recall.

With reference to the whole process, I think it is important to point out that Dr Kinloch has always expounded the notion of consensus decision making. So I would have thought that a membership of four was an excellent number because four forces consensus decision making, whereas if you have five it is a different matter. So it is one thing to say we are into consensus decision making, but this particular motion indicates otherwise. As for Mr Berry's amendment changing the figure to six, I am really going to have to give that a little more thought.

MRS GRASSBY (4.49): I rise to support the amendment as a member of this committee. I do not wish to see this committee completely dominated by Government members. I am quite sure we already know that the Government has full control of the Planning, Development and Infrastructure Committee, and it is not going to be very happy unless Dr Kinloch is prepared to stand up for what he says in the committee room. He believes that the original people of our nation, the Aboriginals, would not be happy about the things that are coming out of the planning committee. As a member of the committee I would not be happy to see these things happening. So I would prefer to see at least six people on this committee.

Mr Collaery: What are the references?

MRS GRASSBY: Some of the things that were put up at that joint meeting we all had together. They were great for the Aboriginal community and their sacred sites and everything else!

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Mr Collaery: It is draft legislation. No report has been brought down yet.

MRS GRASSBY: No, but we can see exactly the way they would like to go with it, thank you very much. As a member of that committee, there is no way I can agree to that. So I do not want to see the Standing Committee on Conservation, Heritage and Environment just become a rubber stamp for the Planning, Development and Infrastructure Committee. So I support my colleague Wayne Berry on the amendment to make this committee one of six members, which means that I would like to see one of our members on that committee.

MR DUBY (Minister for Finance and Urban Services) (4.51): Mr Acting Speaker, I think it should be pointed out that the Committee on Conservation, Heritage and Environment currently consists of four members, two Government and two non-Government members. For various reasons it has been suggested that an odd number is the ideal number for a committee to work. For this reason the members of the Opposition somehow suspect that this is a method to stack committee numbers in favour of the Government. But how bright are they across there, Mr Acting Speaker? They propose that instead of going from four to five - and, of course, we will add one Government member to the committee - membership should be taken to six. Well, of course, if you want to do that, we will do that. We will just put two Government members extra on and we will have a majority of four to two.

When you think about it, how bright is it not to work that out - and that is from the numbers man, who is very proud of his ability of work with numbers, the Deputy Leader of the Opposition. If you wish to go to six, I guess we could go to six, but I can assure you that if we do go to six we will simply put two more Government members onto the committee instead of one. I think we would be better off saving Mr Berry's face, rejecting his amendment, and increasing the size of the committee from four to five.

MR KAINE (Chief Minister) (4.53): Mr Acting Speaker, I would like to participate in the debate because personally I like odd numbers. Odd numbers are very nice numbers - threes, fives, sevens and nines.

Mr Stevenson: And ones!

MR KAINE: Yes, and ones. When you have odd numbered committees, you get odd people on committees. If you look at the committees at the moment, they are all odd numbered except one, and every one of those committees has got some odd people on it. But when you move to even numbers they are not very attractive, fours and sixes and eights, and I do not like them at all - even twos. When you get an even numbered committee, you get even-

tempered people and that does not get any results. That is why Hector is having trouble. All the members of his committee are even-tempered. So I like odd numbers and I like threes and fives. If Mr Berry had moved for seven, rather than six, I might have supported him. Since he did not do that, I am afraid I am going to have to opt for five.

Question put:

That the amendment be agreed to.

The Assembly voted -

AYES, 5

Mr Berry
Mr Connolly
Ms Follett
Mrs Grassby
Mr Wood

NOES, 10

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

Question so resolved in the negative.

Question put:

That the motion be agreed to.

The Assembly voted -

AYES, 9

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

NOES, 6

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

Question so resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

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Civil Liberties

MR CONNOLLY (5.07): I wish this afternoon to raise in the adjournment debate a recent media release put out by Mr Laurie O'Sullivan of the Canberra bar who is President of the Civil Liberties Council in the ACT. The media release relates to Mr David Eastman and the Colin Winchester inquest. The Council of Civil Liberties makes five points and the ACT Opposition wishes to record its support for all but one of those points. The Council of Civil Liberties says:

The Canberra Times and the media have repeatedly reported allegations, have shown photographs and referred to alleged police bugging which make a prima facie case that David Eastman has been subject to prejudicial or illegal acts.

Mr Acting Speaker, on the weekend a number of members of the ACT Opposition were a personal witness to certain activity which fits within that description. The Civil Liberties Council then says:

The matter is well known in Canberra and many parts of Australia. It has become a slur on the good name of our police.

I would say that while the Opposition acknowledges that this fact of following Mr Eastman has become well known, we would not state that that is a slur on the good name of the police and we dissociate ourselves from that part of the statement. The third point made by the Civil Liberties Council is:

The ACT police have responsibilities which include both the dedicated pursuit of Mr Colin Winchester's murderer and also the protection of each and every citizen.

The Opposition would agree with that point. The fourth point made by the Civil Liberties Council is:

The information available requires immediate action so that David Eastman can be seen to be protected as fully as every citizen expects.

The ACT Opposition would agree with that statement. The final point made by the Civil Liberties Council is:

Police inquiries and the intervention of the Commonwealth Ombudsman have not proved effective. The good name of the ACT police and our justice system and of the new minister require that action be seen to be taken to protect this man's civil liberties.

The ACT Opposition in general supports that. The basic proposition that we make in this adjournment debate is that

every citizen, no matter what their position or reputation, is entitled to a basic minimum of civil liberties. The points made in this Civil Liberties Council press release are in general supported by the Opposition.

Civil Liberties

MR WOOD (5.09): A number of members of the Labor Party saw Mr Collaery on this matter the other day and we appreciate the time that he gave to us. We acknowledge the difficulty of the situation. It is not an easy one to work through, but we believe there are overriding principles that should be observed. We note that we are now being harassed ourselves - I have no doubt members on that side of the Assembly are also. The motion of the Civil Liberties Council or the media release of the Civil Liberties Council talks about protecting Mr Eastman's civil liberties. That is important, because it is an overriding issue. I would hope that that same message could be conveyed to and understood by Mr Eastman, that he also recognises the right of people's civil liberties. There is a principle at stake and we have made our observance of that principle.

School Closures

MR JENSEN (5.10): Mr Acting Speaker, I just wish to make some comments in relation to a document that is being circulated under the name of Frances Perkins of 16 Abbott Street, Yarralumla. In that document a number of assertions are made in relation to myself and my family. I wish to put on the record the fact that at least one of those assertions is quite incorrect. It is that my wife is a teacher, which is incorrect. It then goes on to say that she is also opposed to school cuts. I am not sure that it is appropriate for that sort of document to be circulating when such a statement is totally and utterly incorrect. I wish to have that put on the record.

Mr Duby: No, that is the other Norm Jensen spelt "Jenson".

MR JENSEN: Yes, I also forgot to mention that I presume that she is talking about me, because although she has spelt my name incorrectly, she has identified the fact that I am a member of the Residents Rally. So she must be talking about me. I seek leave to table that document.

Leave granted.

School Closures

MR BERRY (5.12): I rise briefly to talk about the issue of the rally which occurred outside this place today. It has been a dreadfully cold day and I think those people and their children who are concerned about school closures are to be congratulated on exposing this Government for what it is. Their job is a difficult one. The notables amongst those at the rally have indicated to me that they will keep up the fight. It is a fight worth carrying up to the Government until the Government is toppled. One would hope that sooner or later members of the Government opposite, particularly those who have in the past expressed some support for our school system and who have now changed their position, might see the error of their ways in the face of the Opposition which is emerging from the community on the issue of school closures and support the Labor Opposition in its pursuit of means to prevent schools from closing.

I stood out there and just watched some of the faces of those who are concerned about the closures. It seems to me that the stress that has been suffered by people genuinely concerned by this rabid attack - that is all that I can describe it as - on the school system is absolutely unnecessary. It is uncalled for and it will be a reflection on the first term of this Assembly for many years to come.

Mr Humphries and Mr Kaine will wear most of it, and of course the Residents Rally, I suspect, may not be involved in politics in this city for too much longer. But the people within the Residents Rally - Collaery, Jensen and Kinloch - who refuse to support the neighbourhood concept in our school system will be remembered by everybody who suffer at the hands of this Government when each school closes.

It is now a matter of record that these people are responsible for it, but in addition to them Craig Duby, described as the most hated man in Canberra, will be amongst the most remembered for his actions; Carmel Maher will also wear the responsibility for that. It is not good enough for these people to front up to members of the community with kind smiles and platitudes. The fact of the matter is that they are part of a system that is tearing communities apart. They have not studied properly the effects of what they are doing, they have not had the participation of the community in the decision making process, and they have failed to recognise the disastrous effects that it will have on ordinary members of the community, their families, small business and the nature of Canberra's planning as a whole.

I think this Government is to be condemned for its behaviour. It will be condemned, and no speeches from the other side will save it.

School Closures

MR HUMPHRIES (Minister for Health, Education and the Arts) (5.16): It is all very well for Mr Berry to rise in this place and be very solemn about the terrible shame that we will have to carry on into future years for our decision to close schools in 1990. He says that we will be remembered by the people for the decision that we made and implies that we will be appropriately treated at the next election. I wonder whether he thinks that the people of the ACT remembered what the previous Federal Labor Government did in respect of schools when they voted at the election in March this year. Obviously people did not seem to remember all that much. Although there was a swing against the ALP at that time, the members of the Government that engineered those cuts to government schools were returned. Although Mr Berry chooses not to listen to this because it is apparently unpalatable, he ought to know that people did forget what that Government had done. In fact, he helped them forget because he was out there, I am sure, on 26 March, whatever the date was, handing out how to vote cards for the same Australian Labor Party that closed five schools in 1988 and one school in 1987.

Mr Berry: No, a different one.

MR HUMPHRIES: Apparently it is different. Mr Berry seems to measure the depth of public opinion by the size of the demonstration held outside this chamber today. I would make two comments on that. One is that it seems to me from recollection that the rally that was held outside the chamber today was considerably smaller than the rally held outside this place in respect of the cuts that the Follett Government tried to impose on education last year.

Ms Follett: No, not so. It is wishful thinking, Gary.

MR HUMPHRIES: Well, we will have a look at the television file footage and see which was the larger.

Ms Follett: I counted them.

MR HUMPHRIES: She knew them all.

Mr Berry: Well, she is close to the community; that is why she knows them.

MR HUMPHRIES: Well, she was not close last year when she tried to look at funding, Mr Berry. The second point is that if you want to measure the depth of community feeling by the size of the demonstration, how do you measure the demonstration this morning by the augmented Royal Canberra Hospital committee which held a demonstration outside this chamber in respect to the closure of Royal Canberra Hospital? In case you had not noticed, there was a demonstration out there this morning. There were five people present.

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Mr Doby: A publicly advertised demonstration.

MR HUMPHRIES: Publicly advertised in the newspaper; I have got the ad here somewhere.

Mr Kaine: And that was the augmented group.

MR HUMPHRIES: Yes, that was the augmented group obviously, the large sized group. It was advertised in today's Canberra Times: "Rally today", it says, "Save Royal Canberra Hospital".

Mr Berry: It brought 4,000 signatures, on top of the 41,000.

MR HUMPHRIES: Well, where were the 4,000 people today? They were not here at the Assembly. It is a very dangerous yardstick, Mr Berry. I think the ultimate yardstick is the next election. Like your colleagues in the Federal ALP, I expect a lot of people in the community to understand why we are making these decisions and to vote accordingly.

Civil Liberties

MR COLLAERY (Attorney-General) (5.19): I rise to close the adjournment debate. For the information of the house, I table a copy of a letter I sent today to Mr David Eastman that adequately sets the situation as I see it as Attorney-General. In brief, I have informed him that his complaints - which he has made to every member of the Assembly and many members of their staff, at odd hours of the evening, night, morning, weekends, rain, hail and shine - have been effectively investigated by the Commonwealth Ombudsman, on my advice. I set out in my letter the proper response of this Government to his complaints. I draw his attention to the fact that neither Senator Tate nor myself has statutory power to direct the Australian Federal Police in its day to day operational matters. That is a matter that the Australian Federal Police Act 1979 gives to the Commissioner of the Australian Federal Police.

I trust that Mr Eastman will take note of that and will also take note of the fact that he should, as Mr Wood correctly observed, also have consideration for the civil liberties and privacy and right to peace of others. Nevertheless, in relation to the resolutions or apparent resolutions or the media release of the Civil Liberties Council by my good friend and colleague Mr Laurie O'Sullivan, I have made abundantly clear to the chief police officer of the ACT the proper concerns that any Government should have in matters of civil liberties and questions as to whether there is a threshold at which protective behaviour becomes intimidatory and provocative in itself. I have made my views clear to the chief police

officer. Other than that I do not intend to make any other comments in view of the fact that the matter is otherwise sub judice.

On another tack, but on a similar element of privacy, I would like to state publicly my concern at some of the tactics of the Parents and Citizens Council, a council I used to be an honorary solicitor to. Mr Speaker, I note from a broadsheet issued today that there will be a vigil on Friday night outside my home in Brockman Street, Narrabundah.

Clearly, there is a proper democratic right to bring to the attention of members of this Assembly issues in the community, issues in the public interest, and quite properly the school closure issue is one of those. But I do remind the parents and citizens who are issuing these invitations and who ring us through the night of the fact that we have families. These people have their views, and it is not appropriate to take our wives, spouses, companions, partners and children into these contentious issues. I trust the P and Cs will see fit to consider their interests when and if they demonstrate outside and in and about our private homes.

Additionally, for good reasons and not for any avoidance of public consultative contact, I have a private number at home. The media have respected that for many months. There are very sound reasons why I have a private line. I very much regret that that private line was given out at a demonstration the other evening by a member of this Assembly. I think that was most unfair to my family. I was not there when the trouble started. I am sure Dr Kinloch shares similar concerns with me and shares the view that the pressures that can be brought on to us here, in and about the Assembly, are quite appropriate. We have broad shoulders and we maintain, as Dr Kinloch said, very substantive consultations. What Labor caucus in this country would allow community activists to come into the party room and present a point of view as we did to Frances Perkins? As I said, a turning point was her appearance in our party room when she conceded that at the commencement of the J-curve school savings are possible. I will say more about that when I get the chance.

Question resolved in the affirmative.

Assembly adjourned at 5.25 pm

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Legislative Assembly Question No 177

Education - Teacher/Student Ratios

Mr Wood - asked the Minister for Health, Education and the Arts on 31 May 1990:

What is the ratio of teachers to students in
(a) the ACT?

(b), (c) Australian States and Australia generally?

Mr Humphries: the answer to Mr Wood's question is as follows:

(a) For July 1989 the ACT Government school pupil teacher ratios are:

- primary 18.8
- secondary 11.9

(b), (c) The Australian Bureau of Statistics (ABS) has recently published State student and staff statistics in "1989 Schools Australia" (ABS No. 4221.0).

These statistics can be used to derive pupil teacher ratios for States, Territories and Australia as follows:

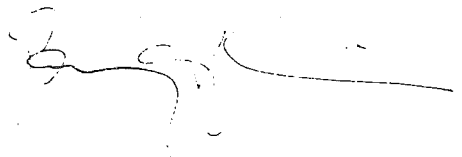
**STUDENT TEACHER RATIOS, JULY 1989
AUSTRALIAN STATES, TERRITORIES**

	Primary	Secondary
<i>average students (ft) per teacher</i>		
New South Wales	20.1	13.3
Victoria	16.1	10.8
Queensland	18.7	13.5
South Australia	16.6	11.1
Western Australia	19.3	12.7
Tasmania	17.2	11.3
Northern Territory	14.9	10.3
Australian Capital Territory	18.8	11.9
Australia	18.2	12.2

Source: Derived from ABS Schools Australia by dividing full time students by the full time equivalent of "teaching staff" in schools.

Teaching staff are staff who spend the majority of their time in contact with students.

Teaching staff includes principals, deputies and senior teachers involved in administrative duties.



Legislative Assembly Question No 178

Education - Class Sizes

Mr Wood - asked the Minister for Health, Education and the Arts on 31 May 1990:

How do the sizes of ACT school classes compare with classes in -

- (a) other States; and
- (b) Australia generally in each of the categories of -
 - (i) infants;
 - (ii) primary;
 - (iii) junior secondary; and
 - (iv) senior secondary.

Mr Humphries: The answer to Mr Wood's question is as follows:

The only data the ACT Department of Education has access to on national comparisons of class sizes for government schools are those contained in the 1988 Australian Teachers Federation's National Survey of Public Schools.

This report provides class size distributions for each State and Territory. A copy of the relevant table is enclosed.

The ACT Department of Education collects class size information from its schools in July each year. The following table presents the ACT results of the last survey in July 1989.

**ACT GOVERNMENT SCHOOLS
CLASS SIZE DISTRIBUTION (a), JULY 1989**

	CLASS SIZE			AVERAGE STUDENTS PER CLASS (b)
	UNDER 21	UNDER 26	UNDER 31	
	<i>per cent classes</i>			<i>number</i>
PRIMARY SCHOOLS:				
YEAR K	12.5	61.5	99.0	24.1
JUNIOR (YEAR K-2)	8.1	33.3	84.7	26.6
UPPER (YEAR 3-6)	2.8	13.8	65.8	28.9
HIGH SCHOOLS (c)	14.3	43.5	93.2	24.8
SECONDARY COLLEGES (c)	55.8	98.6	100.0	18.6

Source: ACT Department of Education July School Census

- (a) Excludes special classes.
- (b) Average students per class derived by dividing total class student enrolment by the number of classes.
- (c) For secondary schools, English classes.

TABLE 1: CLASS SIZES, GOVERNMENT SCHOOLS, STATES AND TERRITORIES, AUSTRALIA, 1988

Types and size
of class

Proportion of classes greater than this size in:

	Proportion of classes greater than this size in:											AUSTRALIA		
	NSW	VIC	QLD	SA	WA	TAS	NT	ACT						
	%	%	%	%	%	%	%	%	%	%	%	%		
INFANTS/JUNIOR PRIMARY														
over 20	82	72	70	68	75	76	65	80				75		
over 25	50	32	16	10	48	20	23	57				34		
over 30	6	1	1	0	5	0	3	15				3		
PRIMARY														
over 20	89	82	87	91	91	88	76	91				82		
over 25	68	52	52	60	80	43	39	78				55		
over 30	8	6	6	3	32	2	3	26				4		
JUNIOR SECONDARY														
over 20	88	65	67	74	83	76	92	85				80		
over 25	58	1	40	29	66	23	57	55				40		
over 30	3	0	3	3	37	3	3	7				5		
SENIOR SECONDARY (Years 11 and 12)														
over 20	57	45	72	46	54	49	52	57				55		
over 25	2	0	17	12	6	7	2	0				6		
over 30	0	0	1	1	1	0	2	0				0		
ALL SECONDARY														
over 20	76	56	80	62	74	70	76	68				70		
over 25	40	1	43	22	48	20	37	30				28		
over 30	2	0	2	2	26	2	3	4				4		

Source: Copy of Table 1, ATF Survey of Public Schools, 1988.

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MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

Water - Consumption Figures

QUESTION NO 184

Ms Follett - asked the minister for Finance and Urban Services

- (1) What was the total consumption of reticulated water in Canberra for each of the last 10 calendar years?
- (2) What was the total consumption of reticulated water in Canberra for each of the last 10 financial years?
- (3) What were the significant factors contributing to consumption variations in the years covered by (1) and (2) above?
- (4) What proportion of the consumption for each year at (1) and (2) was supplied for domestic use?

Mr Duby - the answer to the Leader of the oppositions question is as follows:

(1 & 2) The following table gives the total consumption of reticulated water in Canberra over the last ten years

Year Total Canberra consumption (kilo-litres)

Financial year Calendar year
to end of June referenced

1980	62059	59534
1981	55820	52030
1982	55400	69628
1983	69424	50446
1984	40242	48007
1985	63466	60515
1986	62140	64922
1987	61911	65889
1988	67596	64220
1989	58351	60787
1990	65198	

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(3) The more significant factors contributing to variation in water consumption include the quantity, frequency and timing of rainfall and increases in population.

(4) Full statistics to answer this question are not available for a variety of reasons.

while segregation of data for domestic consumption is not uniformly available analysis of bulk water supply statistics would suggest that consumption via domestic leases accounts for some 60% of total water usage in the ACT.

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8 August 1990

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

Water - Consumption Figures

QUESTION NO 185

Ms Follett - asked the Minister for Finance and Urban Services

- (1) What was the average household consumption of water for each of the last ten financial and calendar years?
- (2) What were the household water consumption levels by household consumption deciles for the most recent financial and calendar years?

Mr Duby - the answer to the Leader of the Oppositions question is as follows:

- (1) Full statistics to answer these questions are not available for a variety of reasons. Segregation of data for household consumption is not uniformly achievable and may not be completely reliable and consistent. However ACTEW have assessed the following use from the limited statistics available

Calendar/ Average Household
Billing Year Consumption - kilo-litres
1983 580
1984 320
1985 470
1986 450
1989/90 400

The assessed use by deciles for the year ended 30 June 1990 is

Percent of properties Water consumption exceeded
kilo-litres

10 620
20 525
30 470
40 420
50 375
60 335
70 285
80 240
90 175

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MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

Water - Consumption Figures

QUESTION NO 186

Ms Follett - asked the minister for Finance and Urban Services

- (1) How many households currently consume more than 250 kilolitres of water per year?
- (2) What proportion of households does this represent?

Mr DUBY - the answer to the Leader of the Oppositions question is as follows:

(1 & 2) Full statistics to answer this question are not available for a variety of reasons. Data for household

consumption is not uniformly accessible and may not be completely reliable and consistent.

On average about 80% of households consume more than 250 kilo-litres per annum. With a mild, wet summer the figure can be as low as 65%, while a hot, dry season could increase this to about 90%.

It should be recognised that with the historic water allowance at 455 kilo-litres/annum most customers do not consider water conservation as being particularly important. While reduction in the allowance will increase the potential for excess water charges to be levied more frequently, there will almost certainly be an associated reduction in average use per household because of the impact of the charges.

Consequently, a lowering of the water allowance is expected to reduce average usage and could impact the figures quoted above.

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MINISTER FOR FINANCE AND URBAN SERVICE

LEGISLATIVE ASSEMBLY QUESTION

Builders Licences

QUESTION NO 191

Mrs Grassby - asked the Minister for Finance and Urban Services -

- (1) Has the Ministers attention barren drawn to the May edition of "Housing " a magazine produced by the Housing Industry Association (HIA).
- (2) Is the Minister aware of the comments of the Chief Executive of the HIA, Mr Mike Crowe, that the ACT Building Control Section appears to be continuing its role of playing "ducks and drakes " with local home builders and that the current attitude to licensing adopted by the ACT Building Section is grossly unfair.
- (3) Is this a fair reflection on the practices of the Building Section.
- (4) Is it true that the Building Section is no longer posting out Builders Licence Renewal Notices.
- (5) Is there any substance to Mr Crowes allegation "that the attar to licensing adopted by the ACT Building Section is grossly unfair".

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

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- (1) Yes.
- (2) Yes; I was very disappointed with the attitude expressed by Mr Crowe which appeared contrary to the good working relationship which has generally existed between his Organisation and the Building Section.
- (3) No. The licensing procedures are always in accordance with the ACT Building Act.
- (4) No. The normal practice of sending out renewal notices at least four weeks in advance has not changed.
- (5) No. The Building Controller has an obligation under the Building Act to protect the interests of the community from unfair practices of builders.

There are a total of 1400 licensed builders in the ACT and less than 2\$ had some kind of action taken against them during the period May 1989 to May 1990.

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MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

Health Facilities

QUESTIONS NO: 193 - 194 - 196

MR BERRY - Asked the Minister for Health, Education and the Arts on notice on 7 June 1990:

193 In relation to the proposed new hospice for the ACT

- (a) where will it be; (b) who will operate the hospice;
- (c) what is the projected capital cost; (d) what is the expected recurrent expenditure for the proposal; and
- (e) what will the impact of this be on the Governments hospital redevelopment proposal.

194 In relation to the proposed new birth centre for the ACT (a) will there be one or two centres; (b) where will it (they) be; (c) how many beds will there be; (d) what is the projected capital cost; and (e) what is the expected recurrent expenditure for the proposal; and (f) what will the impact of this be on the Governments hospital redevelopment proposal.

196 In relation to the proposed convalescent facility for the ACT (a) where will it be; (b) how many staff will there be; (c) what is the projected capital cost, if any; (d) what is the expected recurrent expenditure for the proposal and (e) what will the impact of this be on the Governments hospital redevelopment proposal.

MR HUMPHRIES - The answer to Mr Berrys questions are as follows:

The hospice, birthing centre and proposed convalescent facilities will be located at one of the two hospital sites - Woden Valley or Calvary - and be considered as part of the Governments public hospital redevelopment program.

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It is inappropriate for decisions to be made about some of the details sought out of the context of the overall hospital facility planning.

The next two stages of planning involve delineating the roles of Calvary and Woden in terms of the range and level of services to be provided and then the identification of more detailed functional planning needs.

In this second stage, working parties specifically addressing obstetric services and palliative care services will be established. These working groups will provide advice about the number of beds needed, the staffing structures and all of the relevant factors that must be taken into account for the architectural design of these facilities.

There are a number of options for the development of these new facilities which will be reviewed through this process. Advice from interstate experts in the field will be sought as appropriate.

The advice of these working groups will be reviewed by the Planning Committee which this Government has established to guide and monitor the planning aspects of the hospitals redevelopment.

The capital and recurrent costs will be developed and considered in the context of the overall hospital program.

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MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 195

Mental Health - Costs

(MR BERRY) - Asked the Minister for Health, Education and the Arts upon notice on 7 June 1990:

(1) What is the cost to the ACT of placing ACT mental health clients in NSW institutions?

(2) Can the Minister provide details of the cost of supplying these services in the ACT?

MR HUMPHRIES - The answer to Mr Berrys question is as follows:-

(1) There is no direct cost to the ACT associated with placing psychiatric patients in NSW psychiatric hospitals. However, the Commonwealth Grants Commission made an allowance for cross border usage in its 3rd Inquiry into ACT Finances. We will again be seeking an allowance in the Commissions 4th ACT Inquiry, which will commence shortly. It should be noted that the number of ACT admissions in New South Wales psychiatric hospitals is exceeded by the number of NSW patients admitted to the psychiatric units of ACT hospitals.

In the 1987/88 financial year NSW residents accounted for 148 of a total of 873 psychiatric inpatient separations from ACT hospitals. This represented some 16% of ACT Occupied Bed Days, and I am advised that this level of cross border usage is still current.

The new psychiatric unit proposed for Woden Valley Hospital is likely to absorb most of the present ACT transfers to Kenmore Hospital. Advice provided by Kenmore Hospital (Goulburn, NSW) is that in the twelve months to May 1990 15 ACT patients were sent from the ACT to Kenmore, and that 20 ACT residents self-referred in the same period. It is unlikely that any of these were long-term admissions.

In addition, NSW plans to relocate secure psychiatric places from Kenmore Hospital to Queanbeyan in the near future.

(2) Information is not available to accurately calculate the cost of these services in the ACT, as NSW does not currently exchange this with the ACT.

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