



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

12 September 1990

Wednesday, 12 September 1990

Leave of absence to member	3091
Petition: Education cuts	3091
Notice of motion - statement by Speaker	3092
Human Rights Bill 1990	3094
Landlord and Tenant (Rental Bonds) Bill 1990	3103
Lakes (Amendment) Bill 1990	3106
Social Policy - standing committee	3108
Questions without notice:	
Community Development Fund	3132
Civic pool	3133
Mental health crisis care service	3134
ACT Government Service	3135
Jindalee Nursing Home	3135
Gaming and Liquor Authority	3136
Public works contractors	3136
Gaming and Liquor Authority	3137
Liberal Party - ACT Division	3137
High schools development program	3138
Roadworks	3138
School closures	3139
Food hazards	3141
Public housing	3142
Free-range eggs	3142
Jindalee Nursing Home	3143
Gaming and Liquor Authority	3144
Ministry for Health Education and the Arts - staff reductions	3145
Hospitals restructuring	3146
Jindalee Nursing Home	3147
Costs of Ministers : electoral system - referendum	3147
Office of Industry and Development	3148
Personal explanations	3148
Papers	3150
Subordinate legislation - papers	3151
Mental health crisis care service (Ministerial statement)	3152
Privilege: statement by Speaker	3159
Discharge of order of the day	3164
Personal explanation	3165
School closures	3167
Scrutiny of Bills and Subordinate Legislation - standing committee	3168
Legal Affairs - standing committee	3168
Cook Primary School	3171
Commercial Arbitration (Amendment) Bill 1990	3171
Domestic Violence (Amendment) Bill (No 2) 1990	3172

Adjournment:

Legislation list	3178
School closures	3180
United Nations Convention on the Rights of the Child	3180
Statement by Speaker	3181

Answers to questions:

Water - consumption figures (Question No 219)	3183
Public works contracts (Question No 222)	3184
Community Development Fund (Question No 230)	3186
Aluminium stormwater pipes (Question No 234)	3187
Electricity system load factor (Question No 235)	3188
ACTEW - electricity purchases (Question No 236)	3189
ACTEW - off-peak hot water systems (Question No 237)	3190

Wednesday, 12 September 1990

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

LEAVE OF ABSENCE TO MEMBER

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

That leave of absence from 12 to 14 September inclusive be given to Dr Kinloch on the grounds of ill health.

PETITION

The Clerk: The following petition has been lodged for presentation, and a copy will be referred to the appropriate Minister:

Education Cuts

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

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

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

12 September 1990

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

By **Ms Follett** (from 5,953 citizens).

Petition received.

NOTICE OF MOTION
Statement by Speaker

MR SPEAKER: Before we proceed, I wish to make a statement with regard to private members' business on the notice paper standing in the name of Mr Berry. It calls on Mr Prowse to clarify statements made on the floor of the house as an MLA, when speaking in the pornography debate on 24 April 1990 concerning the treatment of a 15-year-old south coast patient.

I consider it a very unfortunate circumstance that this issue has been raised in the form of a notice of motion placed on the notice paper. The matter raised is outside the responsibilities of members of the Assembly, and I believe it is totally inappropriate for historical events such as this, which occurred six years prior to the member gaining a seat in the Assembly, to be placed on the notice paper. However, to ensure that I cannot be challenged for using my position of Speaker to unfairly protect myself against criticism, I will now make a statement based on the text of Mr Berry's notice. In particular - - -

Mr Berry: On a point of order, Mr Speaker: one would have expected that this matter would have been placed on the notice paper as a matter of private members' business and that some attempt would have been made in the Administration and Procedures Committee so to do.

MR SPEAKER: Yes, that has happened, Mr Berry. I will now - - -

Mr Berry: It has not happened. I am a member of that committee, as you well know, and it has not been raised there.

MR SPEAKER: It was raised some months ago. I will not debate the issue further. If you will allow me to proceed, I will now make a statement based on Mr Berry's notice. In particular, Mr Berry called on Mr Prowse to indicate whether he had the child's parents' or legal guardians' consent to treatment. The answer is: yes.

Ms Follett: On a point of order, Mr Speaker: are you making this statement as the Speaker, or as an MLA?

MR SPEAKER: Unfortunately, in these circumstances I am making it in both positions, Ms Follett. I cannot - - -

Mr Berry: Mr Speaker, if you want to make a statement as an MLA, I think it would be appropriate if you left the chair and sought leave.

MR SPEAKER: I am trying to clear the matter. I can rule without making the statement if you wish, but if you wish me to make the statement I think it would be better if I did so.

Mr Berry: Mr Speaker, I would recommend that you do not rule because it would show a clear bias to your own private position rather than an appropriate ruling by the chairperson at this Assembly. My view, Mr Speaker, and I hope that you will take this into account, is that the appropriate way to deal with this matter is to raise it in the Administration and Procedures Committee with a view to having it listed.

MR SPEAKER: Thank you, Mr Berry; I take your point.

Mr Berry: Otherwise I suggest that the Speaker should leave the chair and have somebody else take the position while he seeks leave.

MR SPEAKER: I take your point. Obviously you have no desire to hear the text of the statement. I will come to the position - - -

Mr Berry: On a point of order, Mr Speaker: that is a reflection on my integrity. I am not in any way - - -

MR SPEAKER: I withdraw that, Mr Berry. The answer is therefore - - -

Mr Moore: On a point of order, Mr Speaker: I wonder whether this matter could most easily be resolved in a most sensible way by getting the Deputy Speaker to take the chair. I am certainly very interested in hearing your statement, and I would be delighted, and I think most members would be delighted, to give you leave to make the statement under these circumstances. I think that would resolve the matter. You can then go back to the chair and rule from the chair.

MR SPEAKER: I will bow to your wisdom, Mr Moore; thank you.

MR DEPUTY SPEAKER: I call Mr Prowse.

MR PROWSE, by leave: Mr Deputy Speaker, I wish to avoid unnecessary debate in the house on the issue of whether I should be asked to make a statement with regard to certain matters on the notice paper. I will curtail that debate by giving the answers to the questions posed by Mr Berry.

12 September 1990

Mr Berry called on "Mr Prowse to indicate whether he had the child's parents' or legal guardians' consent to treatment". The answer is: yes. Question (2) stated, "Indicate whether there was anyone else present when he examined the child". The answer is: no examination was conducted, a consultation was. Question (3) was, "State categorically whether he informed the police that he may have uncovered a breach of the law in that an underage child was illegally watching censored material". The answer is: no, and to my knowledge no such law exists in New South Wales. Question (4) was, "State categorically whether he informed the police that he may have uncovered a breach of the law in that an adult was having sexual relations with a child". The answer is: no. A responsible approach was taken in that the parent of the child was advised of the situation. Therefore, responsible professional ethical confidentiality was maintained in this circumstance. Those are the answers.

MR DEPUTY SPEAKER: Thank you, Mr Prowse.

MR SPEAKER: As Speaker, I would now like to continue the statement. These questions having been answered, the item on the notice paper is redundant and therefore I direct that the item on the notice paper be now removed. In conclusion, let me assure all members of this Assembly that, if in future any member attempts to have wording with a similar thrust against any other member printed in the notice paper, I will intervene on behalf of the Assembly and will not allow its inclusion in the notice paper.

HUMAN RIGHTS BILL 1990

MS FOLLETT (Leader of the Opposition) (10.37): Mr Speaker, I present the Human Rights Bill 1990. I move:

That this Bill be agreed to in principle.

I am very proud to present the Human Rights Bill to the Assembly today. I am proud to do so because I believe that it is an important piece of legislation which will extend and protect the human rights of the people of this Territory. I am also proud to introduce this Bill because it honours a commitment that I made on the first day that this Assembly sat. It demonstrates once again that the Labor Party implements its promises and cares about the people of Canberra.

Mr Speaker, a number of Commonwealth Acts dealing with discrimination continue to apply in the ACT. Amongst these are the Racial Discrimination Act, the Sex Discrimination Act, and the Human Rights and Equal Opportunity Commission Act. Those Acts provide significant rights and protection to the people of the ACT, but they do not cover certain areas of discrimination such as discrimination on the grounds of age, sexuality or disability.

Due to the intransigence and the lack of action by Mr Collaery - - -

Mr Collaery: Mr Speaker, I rise to take a point of order in the same terms that I have previously when the Leader of the Opposition has tabled Bills of this nature. Quite clearly this Bill - clause 6 in particular - engages public moneys. Mr Speaker, I draw your attention to section 65 and standing order 200. I ask that this Bill be no further proposed until you rule on it; and that includes hearing the Leader of the Opposition any further. Mr Speaker, she is using this process - - -

Members interjected.

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

Mr Collaery: Mr Speaker, I draw your attention to the advice previously given to you in these matters, and I remind the house again that it is the Alliance Government which is in charge of this Territory, not the Leader of the Opposition. She mistakes again, Mr Speaker, the role of an Opposition.

Mr Berry: On a point of order, Mr Speaker: is this a point of order or is it a speech?

MR SPEAKER: Mr Berry, please resume your seat. I wish to make a statement concerning the taking of points of order, as I believe instances during recent sittings have shown that there is a need for clarification of the situation. Standing order 72 provides:

A Member may at any time raise a point of order which shall, until disposed of, suspend the consideration and decision of every other question.

Standing order 73 further provides:

... after the question of order has been stated to the Speaker by the Member raising it, the Speaker shall rule thereon.

In the past, I have sometimes adopted the practice of allowing only one point of order before giving a ruling. After consideration of this practice, I am now prepared to consider more than one point of order, provided they are relevant to the issue being discussed and they are raised before my ruling has been made. However, I wish to emphasise that it is up to the discretion of the Chair to hear more than one point of order before ruling. The Chair is not obliged to hear numerous points of order as on some occasions there can be no question as to what the ruling of the Chair should be, and numerous or repetitive points of order can be disorderly in themselves. I also wish to reiterate that I will hear only one point of order at a time - and I will repeat that - I will hear only one point of order at a

12 September 1990

time and I will not allow points of order on points of order. Also, I re-emphasise that once a ruling has been made I will not allow a motion of dissent without notice. Mr Collaery, would you - - -

Mr Moore: You will not allow a motion of dissent without notice? What a farce! That is an absolute farce. No dissent without notice - that is unbelievable.

MR SPEAKER: For your information, that is part of the proceedings of most parliaments, Mr Moore.

Mr Collaery: Mr Speaker, section 65 of the self-government Act says quite specifically in subsection (1):

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.

Mr Berry: I raise a point of order.

MR SPEAKER: Just allow him to finish please, Mr Berry.

Mr Collaery: Mr Speaker, my point of order therefore is that section 65 has been translated into the standing orders; it is standing order 200. It is now well known to us and we are going through the same ritual again. I draw your attention, Mr Speaker - - -

Mr Berry: On a point of order, Mr Speaker: this is a speech in favour of a point of order that is completely out of order.

MR SPEAKER: Order! Mr Berry, I intend to allow you time to make your point also.

Mr Collaery: Mr Speaker, this is a vital aspect of proper government in the Territory, and that is that this Assembly - - -

Members interjected.

MR SPEAKER: Order! Please conclude your statement, Mr Collaery.

Mr Collaery: I raise standing order 200, Mr Speaker, and I draw your attention to clause 6 in this proposed Bill, which proposes to establish an office of commissioner for human rights. These matters are properly within the function of government, and there is here the most clear proposed breach of section 65. I ask that you rule forthwith not to allow the Leader of the Opposition to, as the Act says, further propose this Bill. It should not be heard.

Mr Berry: On a point of order, Mr Speaker: I think your ruling should permit the Leader of the Opposition to submit the Bill and give members of this Assembly time to consider the Bill before this sort of outrageous interference with private members' business which has been put forward by the Deputy Chief Minister.

Members interjected.

MR SPEAKER: Order! The members of the Opposition are talking over the top of their member speaking.

Mr Berry: Mr Speaker, what should happen for the moment is that the Leader of the Opposition should be permitted to present her Bill, and then points of order in relation to the matters which were raised by Mr Collaery should be considered afterwards. It is pointless to proceed with the matter before the Bill is properly presented.

MR SPEAKER: I would take your point there, Mr Berry. I believe that the circumstances we are looking at are before the Administration and Procedures Committee, that is, the substance of section 65 and standing order 200, et cetera. Therefore, until such a ruling has been brought down by the Administration and Procedures Committee, I believe it would be proper for the presentation of the Bill to proceed, with no further action taken on it until a ruling from the Administration and Procedures Committee is presented to the Assembly.

Mr Jensen: On a point of order, Mr Speaker: in relation to this I must draw your attention to clause 17 of the Bill which basically says:

A member of the Tribunal shall be entitled to receive such allowances and expenses as the Executive may from time to time determine.

Mr Speaker, this is quite clearly a Bill that is proposing to spend money in clear defiance of section 65. No order is necessary, surely.

MR SPEAKER: Order! The proposition is before the Assembly and the Administration and Procedures Committee to vary that standing order and amend the section of the self-government Act.

Mr Berry: On a point of order, Mr Speaker: I heard you just a few moments ago talk about motions of dissent necessarily being put on notice. You have made your ruling and I would call on you to ensure that your ruling is observed.

MR SPEAKER: Thank you, Mr Berry.

Mr Collaery: Mr Speaker, the law is very clear. It says, "shall not be proposed", and the Leader of the Opposition is clearly about to propose a Bill. I point out to you

12 September 1990

that until the law is changed the deliberations of the Administration and Procedures Committee have no authority in this chamber.

Mr Berry: Mr Speaker, this member has wilfully ignored your ruling.

MR SPEAKER: Order, Mr Berry! I will allow the Leader of the Opposition to present the Bill as proposed. However, I would ask: in deference to the objections raised by the members of the Government, is it possible to amend or delete that particular objectionable area? It can be debated on the floor at a later stage.

MS FOLLETT: Mr Speaker, my understanding is that you have allowed introduction of the Bill and, if members opposite are not happy with that, then they must move dissent from your ruling and put it on notice, as you have suggested. But I will continue. I had outlined the anti-discrimination Acts that still applied in the ACT under Commonwealth legislation and I was going on to add to that a reiteration of the Bill that I currently propose.

As members opposite in the Assembly know, there is no ACT office of the Commonwealth Human Rights Commission and that means that it is very difficult indeed for Canberra people to take action under those Commonwealth laws which exist. The Bill which I present today tackles those problems. This Bill will outlaw discrimination on a number of defined grounds in relation to various areas of community activity.

Part III of the Bill prohibits discrimination on the grounds of sex, sexuality, marital status or pregnancy. I do not think that it is necessary for me to enter into a lengthy justification of why discrimination on these grounds should be illegal. Discrimination on the basis of a person's sex is an area where individuals and groups have been fighting for many generations to overturn prejudices and illogical practices. I think that there is now a broad community consensus about this issue. In seeking to prohibit discrimination on the grounds of sexuality, the Act extends protection to an area not covered by the current Commonwealth legislation. Similar provisions do exist in legislation in New South Wales and in South Australia.

Part IV of the Bill prohibits discrimination on the grounds of race. We are fortunate that Canberra is, by and large, a successful multicultural community. We are lucky indeed not to have the same kind of racial hatred and vilification which has been stirred up in some parts of Australia.

Mr Speaker, may I draw your attention to the interruptions? We have a caucus meeting going on over there.

MR SPEAKER: Order!

MS FOLLETT: I believe that it is important that all members of the community can be assured that they have the protection of ACT legislation in the event of any incident.

Part V of this Bill prohibits discrimination on the grounds of impairment. This is an important provision which is not covered in Commonwealth legislation. The Bill will prohibit discrimination on the grounds of both physical and mental impairment. In doing so, it tackles an important area of community prejudice and misunderstanding by including the presence in the body of organisms causing disease as part of the definition of physical impairment. This provision, which has been adopted in equivalent Victorian legislation, will prohibit discrimination against people with the HIV virus. Also under part V, a blind, deaf, partially sighted or hearing impaired person is protected from discrimination on the grounds that they are accompanied by a guide dog.

Part VI of the Bill deals with discrimination on the ground of age. Again, this extends protection to an area not covered by the current Commonwealth legislation. It is an area which even the States with longstanding anti-discrimination protection have only recently covered. This is a particularly important provision of the Bill because all too often aged persons find that they are either patronised or blatantly discriminated against and exploited while assumptions are made about their intelligence and their capabilities simply because of their age.

For each of the types of discrimination I have mentioned the Bill specifies the areas of activity in which the discrimination is unlawful. The basic areas of coverage include employment; membership of associations; the provision by a body of authorisations or qualifications; education; goods and services; accommodation; and superannuation. Naturally enough, there are certain exemptions or qualifications to the general application of the Bill. For example: the right of people to decide who they do not wish to employ or accommodate within their private household is respected; single sex schools will be allowed to remain; equal opportunity schemes may still be established for members of particular groups; and participation in competitive sporting events where strength or stamina is relevant will be exempt for the purposes of sex or disability discrimination.

For the purposes of superannuation, discrimination on the grounds of a person's sex will be allowable where it is justified by statistical or actuarial evidence. In view of the possible complications for existing superannuation schemes, the Bill provides for the Chief Minister to allow up to two years' grace before the relevant section comes into operation. Apart from prohibiting various types of discrimination, the Bill provides a number of other protections. For example, the Bill will make it unlawful to victimise people who make complaints about infringements of their rights. It also makes sexual harassment unlawful.

12 September 1990

The creation of any right or prohibition is only as good as its enforcement. I have already referred to the difficulties encountered by Canberra residents who seek to make complaints to the Commonwealth Human Rights Commission. This Bill seeks to address the situation by creating an ACT commissioner for human rights and a human rights tribunal. The commissioner for human rights will be a focal point for complaints about discrimination. The commissioner will have full powers to investigate complaints and will be required to make all reasonable endeavours to resolve complaints by conciliation. Where it appears that a matter cannot be resolved by conciliation, the commissioner will refer a complaint to the human rights tribunal for hearing and determination. The commissioner will also have relevant powers to conduct education and public information work, to conduct research and to make recommendations to the Minister for the reform of laws consistent with the objects of the Bill. The Bill will also allow the commissioner to provide advice or assistance for the resolution of problems of people with physical or mental impairment.

The human rights tribunal will be established with powers to determine compensation, to require a respondent to refrain from further offences, or to require parties to a case to take action to redress loss or damage. The tribunal will not need to operate in a legalistic manner, although legal representation of parties will be possible.

In introducing this Bill it is difficult not to observe that it has been made necessary by the total inaction of the Attorney-General. It should be a matter of shame to the Government that, with the meagre resources available to me, I am able to present a detailed and coherent Bill long before Mr Collaery can do so with all of the resources available to him. We on this side of the Assembly have waited and waited for some action. I gather that the timetable for the Government's Bill has now been put back to February and we cannot wait any longer.

Mr Collaery's inaction is all the more astonishing, given his repeated statements that this legislation would be a priority. He has repeatedly promised that it was just around the corner. Yet again we have learnt in this Assembly that Mr Collaery's promises amount to nothing. Last January Mr Collaery complained that we would not give him, and I will quote, "a few weeks to finalise this important package of laws". That was last January. In March Mr Collaery gave another defence of his inaction, drawing attention to the problems of discrimination against HIV patients and discrimination on the grounds of age. Now we know that the Government is promising a draft of the Bill in November, with an introduction to the Assembly possibly next February.

This Bill tackles the problem about which Mr Collaery is still prevaricating. This Bill shows who is serious about

these issues. With the limited resources available to me I will not pretend that this Bill is perfect. There may be some areas which we could cover that are not tackled in the Bill. I would be happy to take constructive comments and amendments which would improve the Bill. I urge all members to examine the Bill and to support measures which will provide much needed protection to many citizens in the ACT. The passage of this Bill will demonstrate that this is a community that cares about the rights and dignity of all of its members. Mr Speaker, I commend the Bill to the Assembly.

Mr Collaery: Mr Speaker, I repeat my point of order in relation to this matter. I believe the Bill should not be proposed, and nor should any member of the Government adjourn the debate.

MR SPEAKER: I will take advice on that matter.

Mr Collaery: Mr Speaker, would you clarify your ruling? Are you going to seek advice in relation to clause 6 on my point of order, or have you ruled on that?

Mr Berry: On a point of order, Mr Speaker: this member opposite is continually ignoring your rulings. You have made a ruling on the matter and I expect you to ensure that the ruling is implemented. If he continues to ignore your rulings on the matter, he should be named.

MR SPEAKER: I will take advice.

Members interjected.

MR SPEAKER: Order! Mr Collaery, to answer your question, other Bills have been presented in this manner and laid on the table before the house and they will be considered in relation to the findings of the Administration and Procedures Committee on the matter of section 65 and standing order 200. Therefore, I propose that it is proper for this Bill to proceed in the same manner as the others did and sit on the table.

Mr Kaine: On a point of order, Mr Speaker: I think that what the Attorney is attempting to do is to show that the standing orders and the self-government Act prescribe that a Bill may not be proposed. I just want to clarify the issue.

Mr Moore: There is no need for clarification; you are disagreeing.

Mr Kaine: I have taken a point of order here. You do it constantly. Do you mind if I take one, for a change?

MR SPEAKER: Order! There is a matter before the house that needs to be considered by all members. Please, let us just address it and clear the air on the matter.

12 September 1990

Mr Kaine: I think the Attorney is trying to make a point which the Opposition ought to concede, because one day its members are going to be wanting to make the same point themselves. It concerns a clarification of the procedures of this Assembly. It is reasonable and proper that he should do so, and I think that - - -

Mr Moore: It has been clarified; you move dissent on notice.

MR SPEAKER: All right, Mr Moore!

Mr Kaine: If it is ultimately ruled that a Bill may not be proposed, that means that the proponent may not speak to it in the first place. That was the point that the Attorney was trying to make, and that is why he sought a ruling. I would submit, in all fairness - and I do not want to dissent from your ruling; I think that is a stupid procedural thing - that the point of order raised by the Attorney should be dealt with before the proponent speaks on the Bill, rather than afterwards. I think that it bears significantly on the point that the Attorney is trying to make. I would suggest - - -

MR SPEAKER: Order! I will just make a further statement on my behalf. The Bill is presented to me as it is presented to everyone else at the time, and, in a Bill of this magnitude, how am I, or anyone else, to know that somewhere hidden in the back - on page 51 or elsewhere - is a statement that prevents the Government from having to appropriate extra funding?

Mr Kaine: Again, on the point of order, Mr Speaker: I would suggest to you that when the Attorney makes a plea on the basis of legal advice, you should accept that there is validity in it. There is some validity to his point of order.

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

That the debate be now adjourned.

Mr Duby: I raise a point of order, Mr Speaker.

MR SPEAKER: I will take the point of order first, Mr Moore.

Mr Duby: In relation to this matter, Mr Speaker, House of Representatives Practice says in relation to private members that a private member may not initiate a Bill requiring the appropriation of revenue or money. But the precedent has been set by yourself, Mr Speaker, and with respect, you are wrong.

MR SPEAKER: Thank you for your observation, Mr Duby. I hope you never make a mistake. The point is that we have allowed this to come before the Assembly. If there was an issue to be raised, prior to the Bill being presented, I

would ask members on both sides to debate it before they bring it before me. It is very difficult for me to make an instantaneous decision on the contents of a Bill.

Mr DUBY: You should listen to the advice of your chief law officer, Mr Speaker.

Mr BERRY: On a point of order, Mr Speaker: whilst I will accept that Mr DUBY might be a good judge of people making mistakes, because he has made so many of them himself, the fact of the matter is that you have ruled on the matter. We need to get on with private members' business. I think we should proceed to the next matter which is before the Chair, and that was a motion of adjournment by Mr Moore.

Mr MOORE: On a point of order, Mr Speaker: under standing order 63 that is not open to debate.

Question resolved in the affirmative.

LANDLORD AND TENANT (RENTAL BONDS) BILL 1990

MR SPEAKER: Just before this Bill is presented: is this one going to create the same hassle?

Members interjected.

MR SPEAKER: Please proceed, Mr Connolly.

MR CONNOLLY (11.03): Mr Speaker, I present the Landlord and Tenant (Rental Bonds) Bill 1990.

Mr COLLAERY: On a point of order, Mr Speaker: I ask that, when these private members' Bills are being introduced, the proposal of them should not commence as a matter of procedure until the Bills are in our hands. We have not seen the Bill, Mr Speaker, and he is about to speak. That is the procedure in the - - -

Members interjected.

MR SPEAKER: Order! It would be desirable, but it is up to both parties to agree on it. Please proceed, Mr Connolly.

MR CONNOLLY: Mr Speaker, I move:

That this Bill be agreed to in principle.

Before the Attorney-General leaps to his feet, I would like to say to the house that this is a Bill which, like the Leader of the Opposition's Bill which was previously moved, gives effect to a promise that Labor made while in government and that Labor has implemented while in opposition. Unlike waiting for Bernard to introduce legislation, which is about as fruitful as waiting for Godot, Labor is able to produce legislation to put on the

12 September 1990

table of this house and to demonstrate to the community that we will deliver what we say. This is a boast that those on the other side will never be able to make.

This Bill is an attempt to bring landlord and tenant law in the Australian Capital Territory into line with the enlightened laws that have been passed throughout Australia in the 1970s and 1980s. Landlord and tenant law in this Territory, at the moment, remains in the horse and buggy era. Nowhere is this more clear and more apparent than in the issue of rental bonds. A rental bond which is required to be lodged by a landlord is held by the landlord or his agent. The interest generated from those bonds is a windfall benefit to the landlord or the agent - - -

Mr Collaery: On a point of order, Mr Speaker: I draw your attention to the Bill before the house, and in particular, clause 6, which states:

The members of the Board shall be paid such remuneration and allowances as are prescribed.

Clearly, this is another attempt to subvert the normal governing process of the Westminster system. Only a Minister may present this Bill. I formally draw your attention to section 65 of the self-government Act which sets down the proper procedure, and a tradition of parliament which is reflected in standing order 200. I ask you to rule that this Bill be no longer proposed forthwith.

Mr Moore: I raise a point of order under standing order 202(e).

MR SPEAKER: Order! I will take advice.

Mr Connolly: Can I take a point of order in relation to that point?

MR SPEAKER: You have a point of order, Mr Connolly?

Mr Connolly: I do have a point of order, Mr Speaker. In his overhasty and overeager attempt to stifle debate on this Bill, the Attorney-General has, of course, not read the Bill. In particular, he has not made the point that in the provision that he read to you, which refers to the payment of fees, the fees are paid only if prescribed, and that is a matter for the Executive. More to the point, he has failed to examine section 27 which, of course, provides - as is common with this form of legislation, and as is indicated to be included in the legislation which he hopes to introduce one day, perhaps next year - that the costs of the administration of the rental bond board, including all fees or sitting fees, are to be met from the interest generated from the bond account. I was speaking to this before the Attorney rather hastily leapt to his feet. There is no question of public money being involved in this Bill, and if the Attorney was rather more careful in his attempts - - -

Mr Jensen: What about clause 36? Have a look at clause 36, Terry.

Mr Connolly: Indeed, Mr Jensen, who also fancies himself as a clever reader of legislation, also fails to look at the point that the entire cost of the administration is to be met from the interest on the trust account. It is impossible for you or any presiding officer to make instant rulings on these points, and it is most inappropriate for the chief law officer to make hasty points and purport to direct, as chief law officer in the Executive, your conduct as Speaker, the presiding officer of the legislative Assembly. Party affiliation or allegiance has nothing to do with this. Your role as presiding officer is to conduct the proper proceedings of the legislature and not to listen to hasty and ill considered points of order from the Executive Government.

Mr Berry: On a point of order, Mr Speaker: I raise the issue that you have ruled on the matter and these people have to be kept in line. We need to get on with the issues of private members' business which are before this house. This is a strategy by these people opposite to block this.

Mr Collaery: Have you ruled, Mr Speaker?

MR SPEAKER: Mr Collaery, I believe that under the circumstances I have ruled on all these Bills before the Assembly. I would hope that we would have the matter resolved before any more of these Bills are brought before the house. Unfortunately, the situation has arisen where there is a matter concerning this before the house. We have taken a course of action on several Bills in this matter. I would ask Mr Connolly to proceed.

MR CONNOLLY: Mr Speaker, I do not intend to take up a lot of the time of the house this morning because there are other pressing matters of private members' business, and if the Executive had allowed these Bills to be presented and put on the table we would have dealt with them by now. Instead, we have been wasting our time on points of order which are fruitless.

As I was saying, the purpose of this Bill, as is common with Bills in other States, is to provide that the administration of the Bill is paid from the interest on bonds held by the board. The other important reform is a condition report which must be filled in and lodged with the rental bond board at the time the bond is lodged. That condition report ensures that disputes between landlord and tenant over the condition of the premises, which are the most common forms of disputes which lead to a disagreement on who gets the bond, have a firm evidential basis.

The Bill provides a procedure for the payment out of the bonds, and that is that the bond would normally go to the tenant on termination of the tenancy unless the landlord

12 September 1990

can establish that the tenant has been in breach of payment of rent or has caused damage to the property. The condition report establishes a firm basis for determining whether there has been damage to the property, and, if a dispute persists on this, the board itself can operate to arbitrate proceedings. This is a long overdue reform which this Territory has needed for many years. It is a reform which has been introduced in most States of Australia. Western Australia is the only State which seems to be remiss in this area - and the Northern Territory.

This Bill does not purport to be the greatest Bill ever introduced. As Ms Follett said, we in opposition have limited resources. But this Bill does provide a sound foundation for legislation in this chamber. When the Attorney examines it in a quieter moment rather than in the heat of attempting to gag debate on it, he will notice it has a particular similarity with the New South Wales legislation. That is done deliberately, as that is legislation which works and is effective and provides, we believe, a satisfactory model. We have simplified the New South Wales legislation considerably, doing away with a rather complex appellate mechanism and leaving disputes to be arbitrated by the board.

Mr Speaker, tenants in the Australian Capital Territory who have been long calling for this legislation will be confident that Labor at least is sticking to its promises and is introducing this legislation. We have delayed somewhat in introducing this, although we have long indicated that we intended to do so. In a press release in July the Attorney indicated that action would be forthcoming on a rental bonds board. In the budget documents yesterday we see that now it will be some time in the New Year. Mr Speaker, if we have to wait for the Government to introduce these important reforms, we will be waiting, waiting and waiting. It is the position of the Opposition that we will implement our promises. We will produce legislation. We will table it in this parliament for debate. We are happy to accept amendments and improvements on our legislation. We are acting in the proper tradition of responsible legislators. I commend the Bill to the house.

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

LAKES (AMENDMENT) BILL 1990

MS FOLLETT (Leader of the Opposition) (11.13): I present the Lakes (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

I am pleased indeed to present the Lakes (Amendment) Bill 1990. It is not a major or contentious piece of legislation. It is a matter, though, which the Canberra

Yacht Club has asked me to progress through the Assembly in order to bring ACT sailing requirements into line with those elsewhere.

The Bill seeks to amend the Lakes Act so that it conforms with international law. As members may know, the current Act requires yachts to carry an all-round masthead white light. This is contrary to the international law of the sea to which Australia is a signatory, and I understand it is contrary to requirements elsewhere in Australia. The changes proposed, which accord with Australian Yachting Federation rules and the international law of the sea, will require all yachts to carry port and starboard navigation lights and a stern light. The operation of the current rules on the lake can be hazardous as sailing vessels may be confused with power vessels which may carry a white masthead light; and, of course, it is also very confusing for interstate visitors. Accordingly, the Labor Party proposes to overcome these problems by deleting section 39 and inserting two new sections, 39 and 39A. Some minor errors are also picked up in section 38(6) of the Act, where wrong subsections are referred to.

The need for this Bill is highlighted by the increasing number of sailing vessels on Lake Burley Griffin at night. Several night races are programmed throughout the year, including one during the annual trailer-sailer yacht championships which attracts some 70 starters, of which approximately half are generally from interstate.

While commending this Bill to the Assembly, I would like to take the opportunity also to congratulate the Canberra Yacht Club for the work that it does in promoting the proper use of the ACT's great asset, Lake Burley Griffin. Canberra is justifiably proud of its sporting reputation, and sailing, which has hundreds of people actively involved, has a strong role in our sporting profile. I am sure all members are aware that sport is a major industry in its own right, and it is indeed a major adjunct also to our tourist industry.

In opposition, as all members would know, there is not the opportunity to offer financial assistance to such sporting bodies, but this Bill is an indication of the Opposition's commitment to helping all those in sport who are committed to achieving international standards of competition, as well as the vast majority of people who participate in sport purely for pleasure. Mr Speaker, I commend the Bill to the house.

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

12 September 1990

SOCIAL POLICY - STANDING COMMITTEE
Reference

MR STEVENSON (11.16): Mr Speaker, I move:

That:

- (1) the following matter be referred to the Standing Committee on Social Policy for inquiry and report by 20 November 1990: the financial operations of the ACT school system with particular reference to:
 - (a) staffing levels;
 - (b) work practices;
 - (c) resource utilisation;
 - (d) optimum allocation of responsibilities between local schools and centralised administration;
 - (e) the need for school closures; and
 - (f) any other matters the Committee may consider relevant; and
- (2) the Assembly is of the opinion that there be a moratorium on school closures and decisions on school closures until 20 November 1990.

Mr Speaker, my motion is for an inquiry into school closures and a moratorium until that time. A moratorium is simply delaying. I feel that this matter would warrant further consultation. What is it that I feel there should be further consultation about? It is about neighbourhood schools - the principle. Granted, people in Canberra have been well looked after, as far as schools go, by the Federal Government. However, they accept the principle of neighbourhood schools and are entitled to have a say on any change - in other words, to have a say on what their money is spent on.

It could well be said that neighbourhood schools are the heart of a community, perhaps along with the church, scout hall, and some other community groups. What I am calling for is further consultation. Regardless of the consultation that has previously been held, there is absolutely no doubt that the citizens of Canberra feel that there has not been adequate consultation, that there has not been a fair looking at the possibilities other than school closures.

There is no doubt that this is perhaps the most divisive subject that has come before this Assembly. We are surveying the considerations of people in Canberra on many issues, one being school closures. Over 70 per cent do not agree with the proposal by the Alliance Government on school closures.

Mr Humphries: Where do you get that from?

MR STEVENSON: From surveying regularly around Canberra shopping centres. You can have a look if you like, Gary.

Mr Humphries: It was not in the opinion poll in the Canberra Times.

MR STEVENSON: The opinion polls in the Canberra Times actually have serious flaws, as I have indicated to them in a media release. There is no more divisive subject than school closures. If we are to succeed in Canberra as a community, we will have to adopt the principle of working together. We simply have no choice. There are some hardships that we need to face. They cannot be and will not be faced and solved unless the Government works with the people and the people work with the Government. There is no choice.

As to the harm that school closures will do in the community, and this is certainly the strong perception, it is that children will be disadvantaged in various schools; certainly their parents will be. We should also remember about teachers and school staff. It has been said fairly often and quite truly that local shops in those areas where there are schools that are closing will be disadvantaged. Business is already under tremendous economic attack and it is highly likely that some shops may close as a result. I think we all understand that before and after school, and possibly at lunch time, an enormous amount of business goes on at certain local shops.

It has been suggested that real estate prices may fall in those areas where school closures are proposed. This is certainly something that is a possibility and should be looked at. But one of the most important things of all is the parliamentary process itself - whether or not we have a situation where the people of Canberra have a right, have a responsibility and obligation and have the possibility of communicating with their Assembly and being effectively listened to. In this case they certainly do not believe that that has happened.

If there is any possibility whatsoever that schools need not close, it should be looked at. There has not been a full and open inquiry in this matter. What could be more relevant than a subject of such concern to the people of Canberra? Of all things we should inquire into or on which we should take every step and make every endeavour to make sure that we look at all possibilities, school closures or the proposals would be it.

I am not calling, in this motion, for no schools to close. It is an inquiry into school closures so that the people of Canberra have the opportunity to present to this Assembly, and to have presented to them, full and open information on the suggested need for school closures. All I am calling for is the inquiry and until such time - 20 November - as it is completed, a moratorium; a moratorium simply being a delay.

So, I call on members of the Liberal Party in the Alliance to heed the call from the community in Canberra to hold an

12 September 1990

inquiry and not to go ahead with school closures at this time. Certainly, as well, I call on members of the Residents Rally who have had in this area a strong policy which has not yet been put into place, particularly that calling for an inquiry. I call on the members of the Residents Rally, even though Dr Kinloch is not here today, to vote for the inquiry. I also call on Craig Duby and Carmel Maher to do the same - simply to heed the call by people in Canberra and look at the matter fully and allow the community the opportunity to have their inquiry.

MR WOOD (11.24): Mr Speaker, this matter has been discussed in the Social Policy Committee and members of that committee have been aware for some time of the interest of people in the community in such an inquiry. As well as that, individual members of the committee have discussed the matter between them outside the committee.

I believe that in and out of the committee the members of the Social Policy Committee have all acted responsibly as this matter has been considered. I believe we have sought to avoid any partisan attitude or any political point scoring. In the end, the committee decided that, if this referral were to proceed, it must come from the floor of this chamber. It would be a very important inquiry and in some respects a difficult one; and it requires the endorsement of this parliament if it is to proceed.

I thank Mr Stevenson for amending the motion that he had on the paper to include the point about a moratorium, for it would be pointless, I believe, to raise the inquiry about school closures if the schools were already closed.

The thrust for an inquiry arose from public pressure - and all would agree with that impetus - and, whether we agree with the views of the community or not, there has been a great concern about the competence of the work, the documentation for school closures, and there has been a great deal of doubt about the level of consultation behind the whole project.

The community believes that the costings were not done. The community believes, as indeed has been expressed in this parliament, that the planning was deficient. Some five months after the proposals were first raised, the Minister for Education tabled some Treasury documentation which was done not as a part of the Government planning so much as a response to the community. Then, seven months after the matters were first indicated, we had some details presented yesterday in the budget.

It is this fact, that the decision was made first and then the reasons for the decision were determined later, that has caused so much anxiety in the community. They believe the events should have been the other way around: the case was looked at, there was careful examination of what should be done, and then a decision was made. So it is no wonder that there is pressure for an inquiry by the Social Policy Committee. I believe that is a proper course of action.

But I suspect that today we are not simply arguing the case for an inquiry by the Social Policy Committee. I believe we are arguing that any such inquiry should be by that committee, and not by what seems to have been flagged as an independent inquiry. So let me tell you about the status or, I think, the respect that this chamber has for its committee system. I would assert that it is the committee system that ought to be doing this work, and not some outside inquiry. I believe that all members have a respect for the committee system, and they value the work it does.

Mr Collaery: Used to have.

MR WOOD: If you could get a committee off the ground, you would change your mind. The committee system has been respected by members, and I would say that that is the system as a whole. I am proud to say - and I think I am entitled to say - that the Social Policy Committee shares that respect. I could quote the Chief Minister some month or two ago when he paid a high compliment following our report on the needs of the ageing.

I recognise that that was a non-contentious report, but look at the inquiry we carried out into public behaviour that did have potential for political point scoring, or for some partisan views to be adopted, and yet it did not. That was a sound and steady inquiry into controversial matters and the committee - that is, its members - acted responsibly. Any problems were avoided because, I suppose, of the professional nature of the membership of that committee. No-one sought any advantage that may have come out of it, because the referral to the committee came as a result of some fairly heated debate in this chamber.

So I am defending today the right of this Assembly to assert that any inquiry should be done by a committee of the Assembly. It would have, I believe, much greater powers, better powers, to seek all the information that is required. The powers of the committees, as we well know, are quite strong, and they would cover any eventuality that might be met.

But then look at the alternatives. This Government recently commissioned, and recently tabled, a report of the Priorities Review Board. Now, it seems to me that, in the budget yesterday, this document which was to be a lighthouse for Government action has already been discarded. It seems already to be saying that this report which was a report of an independent inquiry has no worth. I do not see where, in any of the budget papers, it has a high profile, or indeed, any profile at all. Not only that, but the report of the Priorities Review Board was flawed, and, most significantly, it was more greatly flawed in the areas where it commented on education. Now no doubt the Government, if it goes down the path of an independent inquiry, would not reconstitute the Priorities Review Board, but it does not lead me to have a great deal of

12 September 1990

confidence in any independent inquiry that may be announced.

Another report which does not fill anybody with any great amount of confidence was the preschool task force report, albeit that it was introduced by the ALP. Its work was substantially done, and certainly completed, under the protection of this Government. That report had 52 errors - and not typographical errors but errors of data, errors of number - and had to be withdrawn.

So we are not confident in independent reports. Certainly, I would have to reserve my judgment until I see the composition of any independent inquiry, but so far the reports that the Government has tabled have not demonstrated that we would have confidence in some independent inquiry.

I believe, based on the record of the Social Policy Committee, this Assembly can have confidence in any report we bring down. I can assure the Assembly, and you know the members of that committee, that any inquiry would be honest; it would be open, of course; it would be rigorous. But, most importantly, it would be objective. Let me dwell on that word for a moment. I have made some comments in this chamber before about the ability of members on committee work, and elsewhere, to be objective. I have certainly taken a partisan stance in the debate on education, as I did initially in the debate on fluoride, as Mr Stevenson will remember. But in the long inquiry into fluoride, I believe I have been able to move away from that stance and take an objective view. I believe that all members of the Social Policy Committee have that ability to step aside, to forget what has gone on before, and look at matters as they now come to the committee. So there need be no concern in this parliament about the objective nature of an inquiry by the Social Policy Committee.

So the offer is there, the opportunity is there for all members of this chamber to support that referral. I regret that Dr Kinloch is not available this week, but I believe that the views of the Residents Rally will be such that we can claim two other votes from the Rally for this motion. That should see it successfully passed.

Finally, I want to make one comment in anticipation of any debate that may follow, and that concerns any claim that might say, "We cannot approve this because it is written into the budget and we cannot change the budget. It has gone too far down the track and there is the budget with all these costings about schools, all this is wrapped into the budget and therefore it is quite immutable". The budget papers clearly show that there is a loss this year of \$2m as a result of school closures. Mr Humphries, you can shake your head, but one table on one page of supplementary paper No. 3 tells us that the savings are, in round figures, \$1m. Over the page, as you well know, there are those one-off costs of, in round figures, \$3m.

Mr Humphries: What about capital gains?

MR WOOD: Okay, I will come back to that. I am pleased that that is your answer, but there it is. In this budget there is a net loss of \$2m, so I can see that no argument can be sustained to say that we cannot take this course of a moratorium because of the budget. Indeed, we will be saving the budget this year \$2m if schools do not close. Mr Humphries said, "What about the one-off costs?". Now, I am not sure how much your budget says you are going to recoup from that this year. Your earlier Treasury paper said that it would be nothing in this financial year. Your paper this time is a little bit less clear. I am trying not to be too partisan in this speech, but I think you ought to understand by now that you are not going to sell any school site.

Mr Humphries: Prejudging the issue, are we?

MR WOOD: Yes, I had wished not to be partisan; but, if you think that you can balance your books by saying that you have got \$8m in capital income from school sites, I think you quietly realise that that is not the case; it will not happen. Indeed, if sales were able to proceed, you would also acknowledge, as that Treasury paper did, that you are not going to get any income in this financial year. Things simply cannot be done at that rate of speed. But that is an argument in anticipation of what might be said.

I believe that it is appropriate, it is very sensible and it will be a sound judgment for this Assembly to make to refer this to the Social Policy Committee. It will get an honest, an accurate and a very objective report.

MR HUMPHRIES (Minister for Health, Education and the Arts) (11.37): The complexion of this debate has changed quite dramatically in the last 24 hours, of course. There have been many calls in that preceding five- or six-week period for the Government to produce its figures on cost savings arising out of school closures. That information, of course, was always promised in the budget and was in fact tabled yesterday as part of the budget papers, in the document Statement on ACT Schools Re-shaping Program 1990-91, and it does change the complexion of the debate because it certainly puts on the table evidence of the Government's assertion that it can save money from the closure of schools, which evidence was claimed previously not to be available.

And I want to make it clear that we are talking about previous claims that the evidence was not available or could not be produced, not just that it was not going to be produced at that point in time when it was sought. It certainly puts paid to some of the claims made by Mr Wood in earlier debates in this place and outside this place over the last few weeks.

12 September 1990

Mr Wood: I am going to be very quiet today, you see; very polite. I should have followed you, not preceded you.

MR HUMPHRIES: You should have, yes. This is the Mr Wood who claims to be able to chair an objective inquiry. Mr Wood claimed on 14 August in this Assembly:

Now you know what schools you want to close but you have to put it off until the budget.

Here is a brave statement:

I predict that when the budget comes down very little information will be contained in it because you do not want to give up the evidence.

Now we have here on the table a document of 59 pages crammed full of facts and figures on the costs and the savings arising out of school closures - plenty of information; tons of information. I argue that it is more than Mr Wood could possibly argue for. And I think that Mr Wood would clearly have to acknowledge, if he was being fair about this, that the Government has put plenty of information on this subject on the table. Mr Wood has not, unfortunately, kept out of the debate in the last few weeks on other subjects. He said, for example - - -

Mr Berry: Government for dodgy figures.

MR HUMPHRIES: Now Mr Berry interjects, "dodgy figures". Mr Berry needs to prove that those are dodgy figures. Let Mr Berry show where those figures are dodgy. Let Mr Berry come up with the evidence. When he comes up with the evidence we will see what it says. In the debate in the Assembly on 16 August, Mr Wood said this:

In particular in this current budget that you are framing for the financial year 1990-91, you will have no savings out of school closures. You will have no savings, so what is all this talk about? You are not going to achieve what you set out to achieve.

Now Mr Wood is basing his assumptions again on a particular premise, and that premise is that for some reason you do not impute into this process of calculation the capital gains to be made from the sale of school sites; you do not impute the capital gains from the sale of the schools.

Now, a member opposite interjects about real estate. I might remind the member opposite, although he was not here at the time, so he probably would not know, that his predecessor, Mr Paul Whalan, made plans while in government to produce some savings, to produce some capital gains, out of the sale of disused school sites. Mr Whalan tabled policy plan variations, changed policy plan variations, to permit the sale of partial or whole school sites - the Fisher school, the Watson school, the high school at Woden

Valley. Mr Whalan tabled all of those changes. Mr Whalan was going to sell school sites. Why is it wrong for this Government to do the same thing, Mr Connolly?

Mr Connolly: Because you are closing them, that is why.

MR HUMPHRIES: I would like to have the answer to that in this debate. The fact of life is that the only way Mr Wood's statement that the Government has no savings to make out of this process can be sustained, is if you refuse to offset the capital gains which will be made by the sale of school sites. Only if you refuse to offset against that figure the money that the Government is spending on capital refurbishment and changes within the education system to accommodate the new arrangements can you make the claim Mr Wood has made, that there are no savings in this financial year.

I think it is entirely realistic to look towards the saving of at least one school in this financial year, if not two. If one sells, let us say, two primary school sites in the course of this financial year, and plans are well-advanced to do that, and one adds in the \$1m recurrent savings to be made in this financial year, one offsets the total outlays, the total one-off outlays - all of which will be incurred in this financial year, incidentally - one will find a net gain in this financial year. Of course, as the Chief Minister pointed out yesterday, the savings are very substantial, as the second, third, fourth and subsequent years of this program go on. I cannot look just at, in isolation, one year's budget. There are other budgets and future savings to be made. This is only the beginning.

I oppose the motion that Mr Stevenson has put forward today for a number of reasons. First of all, I think that we have in the shape of this motion a very short inquiry period being proposed, particularly if one bears in mind that one is seeking, presumably in this process, public consultation and public submissions.

It is a little over two months before this report is due, on a matter of enormous complexity, in which time it is suggested that a very large number of complex issues should be canvassed. Allow in that time public calling for submissions, presumably; public preparation of submissions; the submission of those submissions; the reading of those submissions; the examination of witnesses on those submissions; the obtaining of other information of a statistical kind from the school system and elsewhere; the production of other witnesses of a technical nature who might be required, and then the preparation of a report - all within a little over two months. I find it very hard to imagine how that can be done.

Mr Stevenson: You need to extend the time of the moratorium. I will agree to an amendment. I will vote for an amendment.

12 September 1990

MR HUMPHRIES: I will come back to the question of whether you can do it over any longer period as well, Mr Stevenson, if you will just be patient. Mr Wood said that the consultation was inadequate in the previous round. That was three months. This is only a little over two months. The second problem I have - may I have some protection, Mr Speaker?

MR SPEAKER: Order! Mr Berry, please give the member a chance.

MR HUMPHRIES: The second objection I have to this motion is that it covers a vast range of issues. This is not just an inquiry into school closures; this is an inquiry into the whole of the education system, and it is virtually an audit of education in the ACT. Listen to the terms: staffing levels; work practices; resource utilisation - resource utilisation by itself could consume months and months of detailed inquiry - optimum allocation of responsibilities between local schools and centralised administration. The need for school closures comes in, and any other matters the committee may consider relevant. This is not an inquiry that you can do in eight or 10 weeks.

Mr Speaker, the third problem I have relates to the fact that in the meantime members opposite expect this inquiry to proceed while there is a moratorium on decisions on school closures. Now, this is the problem with extending the inquiry into six months, or whatever it might take - at least six months, in my view. To do so means that you make no school closures at the end of this year, and it means that no decisions can be made until the end of next year. I think that is unrealistic. The Government does not have the luxury of avoiding the implication of the end of special Commonwealth funding for the Territory beyond the end of this financial year. The Commonwealth is not giving us a holiday. There is no holiday in the increase in our commitment to our own budget because of a shortfall in Commonwealth funding as of 30 June 1991, and yet it is suggested that we should put off school closures, put off the decisions on school closures, until the end of the year 1991. That is quite simply wholly unrealistic.

The other implication of that is that the Assembly committee which assumes this responsibility seems to take on the mantle of decision maker, a mantle which is appropriately that of the Government, and I think we have to distinguish very carefully the sort of inquiry that was conducted, for example, into the needs of the ageing that Mr Wood referred to. I will come back to that in a moment. I seek an extension of time, Mr Speaker.

Extension of time not granted.

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

That so much of the standing orders be suspended as would prevent Mr Humphries from concluding his speech.

MR HUMPHRIES: Mr Speaker, the fourth objection that I have to this motion is that the process has become highly politicised. People have taken up positions, very strong positions, on this issue, and to expect those same people to sit down and objectively review the evidence, I think, is a little bit unrealistic. Even Mr Wood in the course of his own remarks said, "You will not be selling any school sites. Take my word for it, you will not be selling any school sites". If that does not prejudice the issue as far as the chairman of this inquiry is concerned, I do not know what does.

Mr Speaker, the other point, of course, is that this is unnecessary. I announced this morning that the Government would proceed to conduct its own independent assessment on the school closures program - the most contentious issue in the course of the last period.

Members interjected.

MR HUMPHRIES: Here we have it: the Government accedes to a request made repeatedly by those opposite and they laugh. This is the objectivity of those opposite. The fact is that the Government has given those opposite what they have been demanding for so long and they do not like it. The fact of life is that an independent assessment will be conducted by a highly qualified, independent person into the - - -

Mr Berry: Who?

MR HUMPHRIES: I will come to that if you will be patient for one moment, Mr Berry. It will be conducted by that independent and highly qualified person into both the savings and the costings implications of the Government's decision and the social and economic impact of that decision - the two important issues that have been raised repeatedly by the community in respect of this decision. I will table the terms of reference in the Assembly; but basically they will be divided into two parts; that is, first of all, to audit the following budget aspects of the school closures program: the expected recurrent savings, the expected capital revenue, and the one-off transition costs, the key element in that program. It will also analyse the social and economic implications of school closures on a range of issues including students and parents involved, shops and businesses in the suburb or suburbs, comparative social and economic implications associated with the use of other expenditure reduction strategies to achieve savings - in other words, what are the alternatives? - and the public school system as a whole, taking into account the Grants Commission's findings

12 September 1990

and the future implications for the Territory's budgetary situation.

That cannot be considered to be a cover-up, and it cannot be considered to be too little. I think it is comprehensive and I think those opposite ought to support it and to commit themselves to abiding by the umpire's decision.

Mr Berry: We do not support farcical acts.

MR HUMPHRIES: Mr Berry has indicated very clearly his view. He is not prepared to accept the umpire's decision, and that is typical of those - - -

Mr Berry: On a point of order: that is not what I said, Mr Speaker. I said that I do not support farcical acts.

MR SPEAKER: Order! You claim to have been misrepresented. You will have your chance at the end of the speech.

Mr Stevenson: I raise a point of order, Mr Speaker. I think the speech has ended.

MR SPEAKER: No, you are incorrect, Mr Stevenson. There is no time limit. Please proceed, Mr Humphries.

MR HUMPHRIES: The fact of life is that this does cover the issues that have been properly raised and I think those opposite ought to support it for that reason. I will be announcing, I hope later today, the name of the person who will be conducting the inquiry and I hope it will be a person - I am confident it will be a person - in whom the Opposition can have as much confidence as the Government.

Mr Wood: Will he have hearings and take evidence?

MR HUMPHRIES: Mr Wood, I am sure that he or she will have the support of those in this chamber and outside the chamber with respect to the issues that that person will be considering. I think that the issues that have been raised by the community do underline the fact that there are still serious questions in the community about the Government's costings. I acknowledge that. If I did not acknowledge that I would not be proceeding down the path I have announced today. I do believe it is appropriate to raise those issues in that forum and I intend to proceed. It will report at a convenient time and that will have to be worked out with the person who is proposed for appointment and consultation will be conducted with that person on that subject.

Mr Stevenson: This year?

MR HUMPHRIES: Yes. I would expect it would be - - -

Mr Stevenson: About 20 November perhaps?

MR HUMPHRIES: It would certainly be a shorter period than until 20 November, Mr Stevenson. I argue that it would have to be before 20 November because I think that, if the decision is to stand, then it is very clear that you cannot allow schools that are going to close a mere one month in which to make appropriate decisions. That would be entirely inappropriate and those on the opposite side of the chamber who were involved directly or indirectly with school closures in 1988 will know that it is not feasible to allow schools just four weeks in which to make arrangements about closure. I think, Mr Speaker, that ought to make this debate unnecessary, but I suspect that it will not. I do believe that the Government, having said this, is entitled to call on the community, particularly those people who have opposed the decision in the past, to agree to accept the results of the umpire's decision.

Ms Follett: Why should they?

MR HUMPHRIES: Because, Ms Follett, if you expect the Government to submit itself to independent inquiries of the kind that Mr Wood was talking about, you are entitled at some point to say, "Where does the community's right to campaign against and argue against and oppose, even physically oppose, Government decisions end?".

Ms Follett: It does not. This is a democracy. There is no end.

MR HUMPHRIES: I am sorry. I have a different view, I am afraid. It is my view, Mr Speaker, that at some point the Government has to get on with the decision. It has to make every effort to lay the facts on the table, to produce its evidence of its decision, but it must ultimately make some decisions.

Mr Berry: It never ends.

MR HUMPHRIES: It does end, Mr Berry. It ended in your case when you actually closed six schools.

Mr Berry: We never closed them. We promised not to close schools and delivered on that promise.

MR HUMPHRIES: You did close six schools, Mr Berry. The party that you supported and of which you are a member closed six schools in 1987-1988. You cannot get out of the fact. I suspect that many people will criticise the Government for having agreed to this inquiry on the basis that it demonstrates some lack of commitment or lack of confidence in its figures.

Mr Moore: Hear, hear!

MR HUMPHRIES: Mr Moore says "Hear, hear", but of course Mr Moore has been one of those who have been urging such an inquiry, and he would no doubt be supporting today Mr Stevenson's motion and would be urging us, on this side of

12 September 1990

the chamber, to support such a motion. So we are in a bind. If we do not support an inquiry, then we have got cowardice; we are afraid of results; we are not prepared to put up our figures to the cold hard light of day. If we do support an inquiry we lack confidence in our figures. We really cannot win, I think, and for that reason I intend to proceed along the course of action that we see as most appropriate.

I will conclude by saying that I think it is very unfortunate that Mr Wood saw fit to attack the preschool task force report. I believe that was a very good report. The people who worked on that, particularly from the preschool sector, I think showed considerable realism about the future in making that report. The fact that there were some errors in the way in which the figures were presented is not a reflection on the quality of that report, and Dr John Thomson, who was a member, and I think he is still the president, of the preschool society, emphasised when those corrections were made, that that was the case, that you were not to impugn the quality of the report merely because of those errors having been made.

Mr Wood has referred to the Building Workers Industrial Union's involvement in this decision, and its decision to oppose the Government's closure of schools.

Mr Berry: He never mentioned the BWIU.

MR HUMPHRIES: He mentioned it by implication. He said very clearly that there will be no sale of any school sites. That is a very clear reference to the BWIU's action in respect of this, and I think I should convey one question that has cropped up, to my mind, and that is: will the black bans that are going to be applied to the schools this Government proposes to close apply also to the schools that were closed by the Labor Party in 1988 and 1987? If not, and I expect the answer is no, why is it all right for Labor governments to close schools and not for Liberal-led or other governments to do so?

Mrs Grassby: It is not.

MR HUMPHRIES: In that case the black bans should apply with all schools, Mrs Grassby. I wonder whether they will; I doubt it. I think, Mr Speaker, that this alternative put up by the Government is a reasonable one. It covers the issues raised by Mr Stevenson's motion and I would urge members of the Assembly to oppose this motion in favour of the Government's position.

MR MOORE (11.58): Mr Speaker, I am going to keep my speech brief to try to get us to the point where this motion can come to a vote this morning. I will start by saying that I would like to draw to the attention of the Assembly that members of the Weetangera School group are in the Assembly, and I welcome them. I think it is very fortuitous that they are here today, because they have been very vociferous

in their objections to the Government action, and they have the opportunity to hear the sort of nonsense that gets spread around about school closures and these sorts of trite suggestions that Mr Humphries makes about it.

What we deal with here, more than anything, is credibility. The Alliance Government lacks credibility. The Government as a whole lacks credibility on this schools issue - more than anything. A suggestion by Mr Humphries that he now puts out a single person to run an inquiry will not work because you do not have the credibility in order to carry that and to be able to convince people. One of the things that Mr Wood drew attention to earlier was that at least the committees in this Assembly have some credibility, and that, therefore, is a far better way to go about it.

Mr Humphries: You do not know who we are appointing yet, Michael. How can you say that?

MR MOORE: I agree. The fact that you are appointing a single person, and that the reporting date is going to be very, very soon, indicates that it will lack credibility because Canberra people recognise that it has been a general practice for all governments to attempt to appoint people when they expect a certain outcome. I can say that now because I have no idea who the person is that you are suggesting for it, and that is the way it is going to be seen. That is the way it is going to be seen by the community.

Mr Humphries: You support it by saying so. It is a shameful suggestion, Michael Moore, and you should withdraw it.

MR MOORE: It is a shameful suggestion that I can say that we do not even know who it is going to be and so then take it that way. Every time that I make some criticism of some area, you suggest that it is a shameful suggestion of people, because people are always perfect. Let it be a shameful consideration - then that is what it is. I can tell you that it will have no credibility. Whoever it is, it will have no credibility whatsoever, because it will be perceived to be a person appointed in order to get what you want in just the same way that the Priorities Review Board was appointed and the people on that were selected because of their own approach to the general political matters.

Now, I could go through a series of arguments about this, all of which I have prepared, but I feel that it is appropriate just to take that point and to make one other point, since Mr Humphries brought up the preschool task force - that is that I have been informed that the Fisher preschool is one of the preschools that have now been nominated to close under what they call the cluster model. That will be the next step of the Government's decimation of the neighbourhoods. This is about neighbourhoods and about the planning principles in Canberra that the members of the Rally in the parliament seem to have forgotten -

12 September 1990

although the members of the Rally Executive seem to have remembered.

The Fisher preschool will be the last community facility left in Fisher, and I will ask the Minister to look very very carefully at that himself, since that seems to be one of the next steps in their decimation of the ACT education system, and the sorts of things that we value.

As to any report that looks into this issue, whether it is the report of an individual person and you use your numbers that way, or whether it is an Assembly report, basically the members of all the school communities have done a tremendous amount of work already and can pull that work together very quickly. I think it was very sensible of Mr Stevenson to suggest that a report be here by 20 November. Although that would normally be considered a very short time, it is worth while noting that the community reaction is well and truly prepared and the figures can be questioned.

It also should be pointed out that the 59-page document which you refer to has actually 15 pages on justification and the rest would be appendixes about enrolments and so forth - all of which are quite important, I accept - and the introduction. I think we could say that from page 11 to page 26 is the justification, and, Mr Humphries, you can be quite sure that these justifications, as minimal as they are, will be challenged, and they are challengeable, and that will go on.

The sort of forum that will give it some credibility is if an Assembly committee with the normal power of a parliamentary committee looks into this, and we can expect to have some credibility for its report. It will allow not only a full report, but also a minority report. That in itself provides extra credibility for such a report. With that in mind I urge, particularly members of the Residents Rally, whose executive has made its position very clear, and I urge you to support this motion by Mr Stevenson.

MR COLLAERY (Attorney-General) (12.04): Mr Deputy Speaker, I am delighted to stand and speak on this issue, and I am delighted to see parents from Weetangera, and possibly other places, present in the chamber. I trust that they will leave with a better perception of this Assembly and its operations than is promoted constantly by the Opposition.

Of course, in particular the Lyons parents have spoken to most of us in the Assembly and they will no doubt be delighted at the announcement by Minister Humphries that there will be an independent inquiry. In that respect, Mr Deputy Speaker, there was a voice from the other side that made a mockery of the fact that a single person would be appointed to head that enquiry. May I remind the house of some of the most important single person-led inquiries in this country. Ross Garnaut's recent report on our trade

relations in Asia; Brian Burdekin; Tony Vinson's report on welfare in the territory; the Jackson committee on overseas students; and the like.

It is simply hollow and senseless for the Opposition to undermine the eminent person who no doubt will be appointed. I am aware, of course, that Minister Humphries has a difficult task, as it is, in securing such - - -

MR DEPUTY SPEAKER: Order! Members, there is a bit too much chatter going on.

MR COLLAERY: It is a difficult task to secure a leading and eminent Australian as would befit this vital inquiry. Certainly, the Rally has been consulted, is aware of and welcomes with great pleasure the announcement by Mr Humphries. In response to some criticism and challenges to the Rally, may I remind the members opposite that the Rally consistently supported the request by the community groups, including the parents of Lyons, Weetangera and the rest, that there be a fully independent inquiry.

That decision of this Government completely overshadows the suggestion that we send this important issue down to the Social Policy Committee. We have heard Mr Wood already state his preconceived views on some of the issues. We are well aware that this issue is unlikely to result in a definitive answer to any important questions posed both by the Government and by the community.

This is a great day for this debate; it is a great day for the school community's constant requests, and I am delighted to see that Mr Humphries has completely taken the wind out of the Opposition's sails. He has taken a very - - -

MR DEPUTY SPEAKER: Order! Members, you are getting a bit loud. Continue, Mr Collaery.

MR COLLAERY: Thank you, Mr Deputy Speaker. The fact is that this courageous Minister has had the guts to face all those groups, some of them pushed on and being antagonised by members of the Opposition, who have never contributed one sensible proposal during this debate. They have never come forward with their own figures; they have never come forward with their own explanation as to why ALP election policy predicated school closures.

Mr Berry: That is a lie!

MR COLLAERY: It is in their policy document. They do not like hearing it because the Lyons parents and the Weetangera parents are listening to me, but it is in their policy, and I will read it out.

Mr Humphries: I raise a point of order, Mr Deputy Speaker. Those opposite have used the term "liar". I ask them to withdraw it. Mr Berry in particular has been using it.

12 September 1990

MR DEPUTY SPEAKER: Which particular members, Mr Humphries?

Mr Humphries: Mr Berry in particular, Mr Deputy Speaker. I ask him to withdraw.

Mr Berry: I did not.

Mr Humphries: You did. You said it was a lie.

MR DEPUTY SPEAKER: I did not hear him. I heard the word "lie" come from, I thought, a couple of members.

Mr Humphries: I think Mr Berry will be honest enough not to deny it was he who said it.

Mr Berry: To clarify the matter and to assist the Deputy Speaker: it is a lie that the Labor Party policy is to close schools; but, Mr Deputy Speaker, I withdraw anything that might offend the Chair.

Mr Humphries: Point of order!

MR DEPUTY SPEAKER: Just a second, Mr Humphries. He is withdrawing it.

Mr Humphries: Mr Deputy Speaker, that is a qualified withdrawal. I ask for an unqualified withdrawal.

MR DEPUTY SPEAKER: What offends the Chair is the word "lie". You withdraw that then, Mr Berry; I accept that. Mr Collaery, you were about to read out a policy.

MR COLLAERY: Thank you, Mr Deputy Speaker. The members opposite deny this, and I am delighted to put in on the record. I will table it this afternoon when I have a photocopy. I will read from the ALP election policy, and I will read from the section with the heading, "School Closure". It says, "In general, no school will be closed or amalgamated unless the school community agrees". Then that statement is qualified by this very ambiguous statement: "If circumstances arise" - those are ominous words - "where the educational viability of a school due to significantly declining numbers needs to be examined ...". So the Labor Party - - -

Mr Berry: On a point of order, Mr Deputy Speaker - - -

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

Mr Berry: The point of order relates to relevance. If the Minister opposite wishes to discuss the issue of the inquiry, then I think that he should contain his debate to the issue of the inquiry and not to party policy.

MR DEPUTY SPEAKER: I hold against you on that, Mr Berry. I believe that what Mr Collaery is reading out is relevant, perhaps if he can continue and complete what he is reading.

MR COLLAERY: It is very relevant. Mr Deputy Speaker, I read it into the record again:

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 -

whatever this means, Mr Deputy Speaker -

recognised procedures. We are serious about our policy of participation. If serious consequences can be clearly demonstrated by a school remaining open, the interests of the ACT must be served.

That was two bob each way from the Labor Party. We have just heard them all deny that that is their policy. I will table this and make it available.

Mr Deputy Speaker, that policy is very little different from the Residents Rally policy drafted by Mr Michael Moore. It said much the same thing. There it is and they do not like it. We are hearing this cacophony of voices. Why has not the Opposition - Mr Moore included - come forward with useful, sensible proposals based on the arguments adduced by the parent groups to support the parent groups? You have only taken political opportunistic lines on these issues. You have left it to the P and C and the parent groups to argue their own cases. You, as an opposition, abandoned them. You just want the political limelight. You do not want to do the homework and assist their case. You are fakes; you are absolute fakes. You have been shown to be fakes. When Mr Humphries appoints a very eminent Australian, as no doubt he is, although Mr Wood assumed it would be a male, from his sexist interjection, when that eminent Australian, he or she, is appointed, it will put a stop to the - - -

Mrs Grassby: "He or she", he said. We were hoping you would make it Dr Frances Perkins. But, no, you could not; she would be too honest.

MR DEPUTY SPEAKER: Order, Mrs Grassby! Continue, Mr Collaery.

MR COLLAERY: Mr Deputy Speaker, the Opposition's immediate mockery of this proposed appointment means clearly that they are going to undermine the requests of the parent groups that there be an independent inquiry. They are going to try to undermine the eminent person to be appointed - - -

Mr Berry: On a point of order - - -

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

12 September 1990

Mr Berry: Relevance. The mockery of the proposed appointment of another independent committee of inquiry is hardly relevant to the motion that has been put by Mr Stevenson.

MR DEPUTY SPEAKER: I do not think it is necessarily irrelevant again, Mr Berry; so continue, Mr Collaery.

MR COLLAERY: Thank you. Mr Deputy Speaker, I believe that Mr Stevenson is to be thanked for moving this motion; he should be thanked for it. Of course, when he put the matter on the business paper he was not aware that there would be a full and independent inquiry. I am certain that Mr Stevenson can maintain a proper communication line with Mr Humphries and make known any of his views on the terms of reference and issues of that nature.

Certainly, I believe that the community's perception of the Assembly will be enhanced if this is given out to an eminent Australian for independent analysis and inquiry on the economic and social issues outlined by Mr Humphries. I believe that this is a great day for this debate and it should be accepted in good grace by the Opposition. Mr Deputy Speaker, I have discussed this matter with my colleague Dr Kinloch, and he thoroughly supports this proposal by Mr Humphries and is of the view that it should take precedence over the proposal by Mr Stevenson at this stage.

Mr Moore: I raise a point of order, Mr Deputy Speaker. Under standing order 46, I have a personal explanation to make.

Mr Collaery: At the end of the debate.

Mr Moore: I am quite happy to wait until the end of the debate.

MR DEPUTY SPEAKER: Yes, thank you, Mr Moore. Yes, that is correct.

MS FOLLETT (Leader of the Opposition) (12.14): Mr Deputy Speaker, I think that to the casual observer this debate must seem very strange indeed because members of the Government seem completely unaware that the issue that we are debating is, in fact, Mr Stevenson's proposal to refer the matter of school closures to the Standing Committee on Social Policy. It is a fact, Mr Deputy Speaker, that there is no alternative proposal before this Assembly.

In his remarks, Mr Humphries seemed to indicate that there was, in fact, a proposal - his so-called independent inquiry - and, of course, Mr Collaery also addressed all of his remarks towards that inquiry as well. But the fact is that there is only one proposal before the Assembly. I think that it is really up to the Government members to debate the proposal that is before us, not to put forward some hypothetical situation which they believe, and I cannot believe, obviates the need for this motion.

It is a fact that as of this very moment I have not seen any alternative proposal from Mr Humphries. I have not seen the terms of reference for his inquiry. I am completely unaware of the details of his proposal. I also object totally to this government by edict. The fact is that we are in private members' business and it is perfectly within the rights of any private member to move a motion such as that which is on the notice paper and to have that debated in good faith by both sides of this chamber.

We have heard from the other side of the house only some form of alternative proposition. First of all, if there is some such alternative proposition, why, then, does it mean that the proposition that is already on the books is in some way redundant? I do not believe it does. I think it allows you to vote for the one that is on the books.

We have also heard from Mr Humphries that he intends to appoint an eminent Australian. We do not know who that will be, or whether it will be one person or several persons; but surely it is open to Mr Humphries to appoint Mr Wood, Dr Kinloch, Ms Maher, Mrs Nolan and Mr Stevenson to conduct his inquiry. Why not? That is the proposal that is before this Assembly. Why not?

The reason is very, very clear, and I think it will be as clear to the community groups involved in this debate as it is to me. The first reason is that Mr Humphries and the Government have prejudged the entire issue. They have decided on a course of school closures, without consultation, without the agreement of the community, and they are determined to pursue that course, whatever anybody else says.

Mr Humphries, himself, has made it clear that his independent inquiry will in fact be nothing more than an audit of decisions already taken. It will, in Mr Humphries' own words, be only a reiteration of decisions which this Government has already taken without the approval of the community, without a mandate from the community. It will be an audit - just the figures again - with no judgment made as to educational opportunities for children, disabilities suffered by communities; and so on. It is just an audit.

The second issue which I would like to raise is this Government's determination to cut out the Assembly from the consideration of important issues. It is as unfamiliar, as it has demonstrated this morning, with democratic processes as it is with parliamentary processes. Its members have said to this Assembly, "We do not want to trust an Assembly committee, even though all parties are represented on it. We do not want to let Mr Wood loose on education. He knows something about it. He might embarrass us". Too right he would! They have already said what their outcome is going to be by the very nature of the inquiry that they are alluding to.

12 September 1990

Mr Stevenson's proposal before us this morning allows this Assembly to scrutinise properly what is happening in education, allows all parties to have their say, and allows for a public process. I believe that the community deserves no less than that. I believe that the community deserves all views to be represented, and not just some hypothetical independents established by this Government which is intent on governing by edict. It has thrown out democratic processes, as we have heard from Mr Humphries, and it obviously wishes also to throw out parliamentary processes. You should support Mr Stevenson's motion if you are to have any credibility whatsoever.

MR KAINE (Chief Minister) (12.20): Mr Speaker, I listened patiently to the Leader of the Opposition. Once again we have seen no great contribution to the debate, but an emotional appeal to the electorate. That is fine; but she might have done what she has accused us of not doing, and contributed to the debate.

First of all, Mr Speaker, I refute entirely her proposition that there has not been debate in this Assembly. This subject has been debated innumerable times in this Assembly over a period of about four months. How can the Leader of the Opposition then get up and say that the Government has not engaged in debate?

Ms Follett: I did not.

MR KAINE: You did. You said that there had been no consultation and no debate, and the Assembly has not been given a chance to consider it. Read the Hansard, read what you, yourself, said. The facts of the matter are that what you said was totally untrue.

Mr Berry: The consultation was dodgy.

MR SPEAKER: Order!

MR KAINE: Mr Speaker, could I have some protection from this man? He is like a gramophone - he never switches off.

I submit that the propositions put forward by the Leader of the Opposition in her appeal to the gallery are totally incorrect and totally untrue. There has been extensive debate in this house. There has been extensive consultation. You do not like it; so you say it did not occur. There has been extensive debate, extensive consultation, initially on the several criteria that the Government intended to use to determine which schools it should close. There was extensive public debate on those and later on the application of those criteria to which schools, in particular, should close. It is untrue to say that there was no consultation, just as it is untrue to say that there has not been debate on the matter here.

The Government has gone through proper processes, and it is not true to say that we have set democracy aside. That is not true either. It is another fine platitude; but it is not true. We have gone through the proper processes, first of all, of determining that schools needed to close and, secondly, of determining which ones. We went through a proper process of arriving at that conclusion. The Government - - -

Mr Berry: Nine of the people in this Assembly were opposed to school closures when they were elected.

MR KAINÉ: Mr Speaker!

MR SPEAKER: Order, Mr Berry, please!

MR KAINÉ: Having made its decision, which the Government is entitled to do, and I repeat that it is not true to say that - - -

Mr Berry: The majority. That is democracy.

MR KAINÉ: Mr Speaker!

MR SPEAKER: Chief Minister, please; and Mr Berry, please desist. I warn you this time for interjecting. Please proceed, Chief Minister.

MR KAINÉ: It is not true to say that the Government made its decision without adequate information. It is not true to say that it made the decision with incomplete information. It is not true to say that the Government ignored the information that was before it. The Government has made reasoned decisions on this matter and it is simply untrue to assert otherwise. I know it suits you people seated opposite to keep saying that, because somehow you think it appeals to the electorate. It does not appeal to the thinking people in the electorate.

Mr Berry: School groups are unthinking, are they?

MR KAINÉ: You are absolutely right.

Mrs Grassby: School groups are unthinking, obviously.

MR KAINÉ: You are absolutely right. It does not appeal to those people who have properly thought through what the Government has done. We come to the point where the Government has made its decision. It has made a legitimate decision after having got the right information and after having considered that information.

There is still some disquiet in the community. I am not denying that. I understand that. I get phone calls every day; I get letters every day; I know there are some people who are still concerned about this decision. It is quite proper, then. And the basis for the concern in the community - - -

12 September 1990

Mr Connolly: Are we going to get a vote on this?

MR SPEAKER: Order!

MR Kaine: You will get your vote when the debate is finished. You do not want to hear my side? You have had your say, and you do not want to hear mine.

Mr Berry: I am going to move that the question be put.

MR Kaine: That is democracy for you. I understand your approach to democracy. The Government, having an appreciation of the fact that there are still people in the community who have reservations about the facts on which the Government took its decision, is now prepared to have an independent eminent person, whom the community when they know who that person is will accept as being eminently qualified, to review the facts on which the decision was made. This will be an eminent person qualified to review the facts on which the decision was made, and to assure the community - - -

Mr Berry: Mr Speaker, we seek to ensure that this motion is voted on, and I therefore move:

That the question be now put.

Mr Kaine: Now he wants to gag the debate.

MR SPEAKER: Order! Members of the Assembly will come to order. The question is that the question be put. Those of that opinion - - -

Mr Moore: May I seek a point of clarification, Mr Speaker?

MR SPEAKER: Have you a point of order, Mr Moore?

Mr Moore: I would seek a point of clarification. In the interests of making the Assembly work, I wonder whether members would agree to sit well past 12.30 until the debate was finished, to allow them to talk. We could then - - -

Mr Kaine: That matter is not on the agenda. Mr Berry has moved to gag the debate. Let that be on the record.

Mr Berry: It is on the record because I do not want to see you people run us out of time. That is what you are about.

MR SPEAKER: Order!

Mr Humphries: Mr Speaker, there is no capacity under standing orders to move that a motion be put whilst a speaker is on his feet and speaking.

MR SPEAKER: Order! The Assembly will come to order, please! Mr Humphries, I draw your attention to standing order 70.

Question resolved in the affirmative.

Original question put:

That the motion (**Mr Stevenson's**) be agreed to.

The Assembly voted -

AYES, 7

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

NOES, 9

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

Question so resolved in the negative.

MR MOORE: I seek to make a personal explanation. In Mr Collaery's speech he suggested that, in fact, the Residents Rally policy on education was drafted by me, and that certainly was not the case. I did draft the health policy, in both the short form and the long form. Regarding the education policy, what I did draft was an alternative education policy and this I did with two people, Joan Kellett and Del Stevenson. That was rejected by the Executive at the time because Dr Kinloch made it very clear that he had drafted one and that he would be particularly perturbed if that was not adopted by the Executive.

The education policy that I was involved in drafting was not the final education policy of the Rally at all. What I was involved in drafting, and it was carried by the Executive, was a public statement that came out about two weeks before the election where the Rally indicated that it favoured - - -

Mr Collaery: On a point of order, Mr Speaker: this is turning into a debate.

MR SPEAKER: Please proceed, Mr Moore.

MR MOORE: I am not debating. Mr Collaery misled the parliament by suggesting that I had done it. I should not use the word "misled"; I am not suggesting that it was intentional, by any means. But I am clarifying it.

Mr Collaery: Withdraw it.

MR MOORE: I just did.

Mr Collaery: I was giving you credit for drawing the policy up.

12 September 1990

MR MOORE: I certainly do not want credit for this policy. I take credit for the - - -

Mr Collaery: You drew it.

MR MOORE: I am just explaining, Mr Collaery, if you will listen. I did not draft it. The education policy was drafted by Dr Kinloch. The education policy - - -

Mr Collaery: You agreed to it.

MR SPEAKER: Order!

MR MOORE: I have said that I agreed to it. What I drafted was a policy that I worked on with Del Stevenson and Joan Kellett, and that was not accepted by the Rally as an alternative education policy. That happened also in my house around the great table-tennis table. What I did draft with Joan Kellett and others was a statement that the Rally made that it would increase spending on education by over \$7m, and that public statement was put up. I did draft that, and that was adopted by the Executive. That should be the attitude of the Rally, instead of the turnaround where they have seen fit to cut education and to cut individual schools.

Sitting suspended from 12.31 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Community Development Fund

MS FOLLETT: Mr Speaker, my question is directed to Mr Kaine as the Treasurer. Mr Kaine, in your budget statement you have given a commitment to retain CDF funding at current levels for two years. Since the CDF will be abolished and the funds will not be available for scrutiny, how will the community be able to assess your promise?

MR Kaine: In addition to saying that we would maintain the levels of funding for a further two years so that the current users of the CDF funds would not be disadvantaged, I said that although the money would no longer come out of the CDF the procedures in every other way would remain the same. The means by which people will apply for grants and the process through which grants will be approved will remain the same, and I would expect Ministers to publish a list of grants made from each of their portfolios in just the same way as they do now. The only difference is that the money will come out of the Consolidated Revenue instead of a fund called the Community Development Fund.

MS FOLLETT: I ask a supplementary question. How will the community know how much money would be represented by the CDF amount?

MR KAINE: Well, I presume they would know only if we tell them what the annual amount made available for this purpose is. But, of course, they do not know now, so nothing will change. I doubt whether very many people out there in the community even know how much money is in the Community Development Fund, let alone how much of it is actually released in any year. I very much doubt that even you could tell me how much money you released from the CDF last year. So, in that respect, I suppose I could say that that will not change either, but I would be prepared to say that the Government will indicate each year how much money will be made available to those people formerly funded through the CDF, so that everybody does know what the - - -

Mr Berry: Well, that is an improvement.

MR KAINE: It is an improvement on what you did too, Mr Berry.

Civic Pool

MRS GRASSBY: My question is addressed to Mr Duby. I refer to the Minister's statement that the cost of works for Civic pool, including a bubble, will be approximately \$2.1m. Given that the papers in my possession - which are less than 12 months old and which I am happy to table in the Assembly - show that the estimated cost was \$1.1m, I ask that the Minister provide the Assembly with details of this doubling of cost, a blow-out of 100 per cent.

MR DUBY: I thank Mrs Grassby for the question. The issue is very simple, actually. The figures that Mrs Grassby was provided with last year in relation to refurbishment of Civic pool did not include the complete refurbishment of the pool and did not include a number of things in relation to fees, for example. The program that Mrs Grassby had looked at - and I have seen the papers that she says she is only too happy to table - does not include upgrading of the dressing facilities for the ladies and gents, the provision of a covered walkway into the bubble atmosphere of the pool, and, as I said, provision for fees.

In addition, the amount that was quoted for the particular air structure, commonly referred to as a bubble, was, I believe, in the order of \$400,000, Mrs Grassby - and that figure was a guesstimate at the time. The figures that have been supplied by the Public Works division are accurate and more up-to-date figures, and they are far more appropriate at the level of \$750,000. So, all in all, the figures that Mrs Grassby is citing do not relate to the complete refurbishment and provision of an air structure at Civic pool at all, but only to a band-aid job.

12 September 1990

Mental Health Crisis Care Service

MS MAHER: My question is directed to the Minister for Health, Education and the Arts. Has the Minister provided insufficient funds for the establishment of a mental health crisis service in the ACT, as implied by Mr Berry?

MR HUMPHRIES: I thank Ms Maher for her question; it is a timely one. The ACT will soon have - - -

Mr Berry: I raise a point of order, Mr Speaker. This is another ministerial statement. A ministerial statement on the same subject will be delivered after question time, and it would be timely for Mr Humphries to deal with it then.

MR SPEAKER: Order! Mr Berry, I do not know how you can tell what Mr Humphries is going to say in advance.

Mr Berry: He told me. I was informed formally by the Government.

MR SPEAKER: The rest of us have not had that privilege. Please proceed, Mr Humphries.

MR HUMPHRIES: I did no such thing. Mr Speaker, the ACT will soon have a mental health crisis service designed specifically for the needs of the Territory. Building on the strengths of our health services and striving to address acknowledged deficiencies, it will be a major event in the lives of those who suffer mental health problems and their care-givers. The cost of introducing this service was never going to be small, and it gave me great pleasure, in the context of a tight budgetary environment, to be able to announce yesterday the establishment funding of the service.

Unfortunately, the Labor Opposition has again taken the opportunity to demonstrate its total lack of financial management skills. Mr Berry yesterday issued a statement saying that our \$211,000 was inadequate to establish an effective service, in spite of the fact that, as Minister, he had offered a meagre \$150,000 to establish a service.

Further, Mr Berry seems to think that financial years start on budget day. The fact is that the \$211,000 in the budget is for only the remainder of the 1990-91 financial year and the establishment costs of the service. The full year funding, as explained in my press release on this matter, will be in the order of \$280,000. If Mr Berry cannot understand the budget processes, I would advise him to read my press release.

I am confident that the service which is to be established will be effective at helping people with a psychiatric disability cope in the community. It will be evaluated within the first year to show that it does. Although tempted to go on, I do not think that ministerial statements in question time will, as Mr Berry says, address

this question. I think that the statement I make after question time will more than amplify issues that are left in doubt.

ACT Government Service

MR STEVENSON: My question is directed to Mr Kaine as Treasurer. During an interview with the Chief Minister on an ABC radio program this morning, the figure of 17,000 public service staff was used. While acknowledging that the Chief Minister did not indicate whether that figure was correct or not, is he now in a position to let this Assembly and the people of Canberra know how many people indeed are on the payroll?

MR KAINE: Since Mr Stevenson raised the question yesterday of just how many people are on the payroll - at which time I indicated that the last figure that was provided to me was something of the order of 17,500 and that that number changes from day to day and week to week as people leave and are hired - I must acknowledge that I have not asked for an updated figure; but, in view of Mr Stevenson's continuing interest in the matter, I will get the latest figure and make it available to him as soon as I can get it.

MR STEVENSON: I ask a supplementary question. Would the Chief Minister confirm that the current figure is 19,459 excluding ACTEW, which is another 1,400 - an increase of some 20 per cent on 17,000? Will the Chief Minister undertake to let people in Canberra know how many public servants are indeed on the payroll?

MR KAINE: I will confirm that if that is the fact. I have already indicated that I do not know the exact number, but I will find that out and make the information available to Mr Stevenson.

Jindalee Nursing Home

MR BERRY: My question is directed to the Treasurer, Mr Kaine. Mr Kaine, you indicate that you will save \$950,000 this year and \$2.5m in a full year at the Jindalee Nursing Home. These savings represent 60 jobs and will cost about \$1.4m in redundancy payments. What will the costs to the residents at Jindalee be? And, of course, how will those costs be carried by their families when the services are cut?

MR KAINE: I think it is sheer speculation on Mr Berry's part to say that that money translates into X number of jobs. What I said was - - -

Mr Berry: That is what the unions have been told.

12 September 1990

MR KAINE: Do you want me to answer the question or do you want to answer it? If you would like to answer it yourself, feel free to stand up and answer it.

Mr Berry: Well, if you have got the facts it will be all right. Have you got the facts or have you not?

MR KAINE: I think Mr Berry did indicate that he does not want me to answer the question, so he can please himself. I do not care one way or the other.

Gaming and Liquor Authority

MR STEFANIAK: My question is addressed to the Chief Minister. What will happen to the reserves held by the Gaming and Liquor Authority when it is abolished?

MR KAINE: I appreciate the fact that Mr Stefaniak is closely involved with sport and is therefore as concerned as I am to see that the sporting sector of the community is treated fairly, as all other sectors of the community will be. I understand that an amount in the order of \$11m is held in reserve by the Gaming and Liquor Authority and that this relates to the TAB's activities. When that organisation becomes a corporate body later in the year, those funds will transfer, as they properly should, to the consolidated fund of the Territory so that they can be made available to fund necessary activities of the Government in the future. They will not be used this year, however. They will be taken into account in developing next year's budget.

Public Works Contractors

MR CONNOLLY: My question is directed to the Minister for Urban Services, Mr Duby. I refer, Mr Duby, to your statement to the Assembly on 14 August 1990 that the letter tabled during the debate on R and G Shelley on that day was "the standard arrangement entered into with all firms". How many letters have in fact been sent to contractors within the ACT requiring both payment of moneys to subcontractors within seven days of receipt of money from the ACT Public Works and, more importantly, audit of the head contractors on a monthly basis by ACT Public Works? Will Mr Duby table these letters requiring audit of contractors' books?

MR DUBY: Clearly, I am not in a position to answer that question off the top of my head. I shall undertake to obtain the information and provide it to Mr Connolly.

Gaming and Liquor Authority

MRS NOLAN: Mr Speaker, my question is also directed to the Chief Minister and it refers, in fact, to GALA. Will the transfer of the gaming and liquor function from GALA lead to an increase in the ACT Public Service?

MR KAINE: Mrs Nolan obviously has an interest in sporting matters too, and I am very pleased that she has raised this question about GALA so that there can be no doubt of what the Government's intention is. The answer to that question, of course, is that there will not be an increase in the Public Service. This comes back to the question that Mr Stevenson raised. The intention is to reduce the number of public servants over time rather than to increase it.

I would expect that the transfer of functions across to the ACT Government Service would be done on an establishment neutral basis and a budget neutral basis. All we are doing is simply transferring functions from one government organisation to another, and I would expect that to be done without any increased staff whatsoever. I would hope also to consolidate some of the functions. For example, I have said that the revenue collection functions of the TAB will be absorbed into the revenue office.

I would have thought that that could have been done by dispensing with the resources currently being used within GALA to collect revenue, but without any addition to the number of people in the revenue office. So there should be, in effect, a net saving of people rather than a net increase. That would certainly be the Government's objective.

Liberal Party - ACT Division

MR WOOD: I direct a question to the Minister for Finance, Mr DUBY. Is the Minister aware that the ACT division of the Liberal Party, in the operation of a building it owns in Canberra, has been entering into licensing arrangements with its tenants to avoid its stamp duty obligations? What action will the Minister take to ensure the ACT's revenue base is protected from such tax avoidance schemes?

MR DUBY: Of course, the question is based on a premise in which Mr Wood may believe but I do not; that is, of course, that the Liberal Party organisation is entering into tax avoidance arrangements. I shall undertake to have the matter investigated and if such is the case I shall reply directly to Mr Wood.

12 September 1990

High Schools Development Program

MR JENSEN: My question is directed to the Minister for Education. I ask this as a parent of two children who have attended a public high school in Canberra, as a former high school P and C member and president, and as a board member of that particular high school. Is it correct, Minister, that a development program for high schools is currently being prepared?

MR HUMPHRIES: I thank Mr Jensen for his question. Although we generally acknowledge the excellence of our education system in the ACT, there are very real questions raised by members of the community, teachers included, about the role and future of our high schools. I think it is appropriate for us to look at whether those schools are providing the best possible service to the people that use them. There has not, in fact, been any systematic examination of the roles and purposes of high schools in the ACT since the secondary college system was created which, of course, excised the years 11 and 12 from high schools.

Concern has been expressed that insufficient recognition has been given to the fact that when those colleges were created in 1976 the new high school structure was very different from the previous structure and might face certain structural weaknesses. As high schools cater for the explosive developmental period of adolescence, teaching within them is not an easy task. This has led to problems of morale among high school teachers.

A public education system can reach its maximum potential only if all the sectors of that system are working properly. The development program that Mr Jensen has referred to will involve examination of the processes which control the operation of high schools, such as measuring performance, assessing training needs, supervision and establishing the rights and responsibilities of teachers, students and parents in relation to the learning process.

There have been some extremely positive preliminary negotiations with principals to establish the practices and the principles on which the operation of high schools should proceed, and also with groups of parents and parents and students to discuss questions of rights and responsibilities between them. I am confident this will lead to the publishing early next year of an education plan that will give attention to these problems.

Roadworks

MS FOLLETT: My question is to Mr DUBY as Minister for Urban Services. Mr DUBY, who is undertaking the roadworks at the intersection of Majura Avenue and Wakefield Avenue and when will they be completed?

MR DUBY: I thank Ms Follett for her question. As she probably is aware, the roadworks at the corner of Majura and Wakefield Avenues were part of a series of contracts which had been let to R and G Shelley and Co. With that company going into liquidation, the Public Works department has entered into negotiations with other firms to continue and finish the work of the contracts that Shelleys has been involved in. To be honest, I cannot now remember the name of the firm which has been given the continuation of that contract. But I do know it was the next lowest tenderer on the original tender scheme for that roadwork.

In relation to when it will be completed, I guess, really, if Ms Follett wants the answer to that question, she should ask her friends at the Trades and Labour Council when they will lift bans on continuation of that work so that work for contractors can be continued and so that the people of Canberra will not be further inconvenienced through what I regard to be the irresponsible attitudes of the unions involved.

MS FOLLETT: I ask a supplementary question, Mr Speaker. I would ask Mr DUBY also to advise the Assembly how many accidents have occurred because of the current disruptions to that intersection and to the roadworks on Limestone Avenue.

MR DUBY: I thank Ms Follett. Clearly I would not be in a position to give a figure off the top of my head. I do not know whether there have been any accidents at all, but I shall undertake to find that out. In searching my mind it has occurred to me now that the name of the firm which is completing the roadworks at the corner of Majura and Limestone Avenues is Guideline Pty Limited.

School Closures

MR MOORE: Mr Speaker, my question is to Mr Humphries as Minister for Education. Mr Humphries, the Treasury figures that were provided with reference to school closures, in its financial analysis of school closures of July 1990, suggested that the cost for traffic control for each of the new schools when schools closed would be \$300,000; that was the allowance it made. On page 16 of your budget supplementary paper No. 3, you have allowed \$200,000 all told for traffic control in just four schools. Seven schools, of course, are closing and if you multiply seven schools by the \$300,000 Treasury estimate you get \$2.1m, which is about 10 times the figure that you have presented. Can you tell us whether you are just not providing so many with traffic protection, or whether you are not using the same quality of traffic protection and hence putting kids at risk - or do you just have shonky figures?

12 September 1990

MR HUMPHRIES: The answer is neither. Mr Moore neglects to mention, when he asks that question, the fact that the Treasury figures that were produced in July as part of the exercise to respond to Dr Perkins' analysis were hypothetical figures. They were figures based on an assumption that a certain number of schools would close in the Territory without specifying which schools they would be. And in that process, for want of being able to know whether or not particular requirements would have to be met, it was decided to put in an estimate of \$300,000 per school for new traffic arrangements.

In fact, with the number of schools the Government has decided to close and with the location of those schools, the requirement for \$300,000 per school is seen to be a vast overestimate and not required. With respect, if one looks at other schools in similar circumstances elsewhere in the Territory one will see that \$300,000 per school is simply not warranted. As I think the P and C has pointed out, about \$120,000 or \$150,000 is required to put in a set of traffic lights, but many of the schools we are talking about here will not require traffic lights, for a range of reasons.

Mr Moore: So you put kids at risk with shonky systems; that is the answer to the first part of the question.

MR HUMPHRIES: No, there is nothing shonky about this. It is an entirely appropriate response to the circumstances. We are looking at the movement of children across major roads where that occurs, estimating what, on NCDC principles or planning principles, if you like, would be required to cope with those kinds of movements - and the estimate is for a much smaller number than was hypothetically put forward in the budget Treasury figures in July. I should make the point very clearly that the figures that were produced by me yesterday on this score have been assessed and checked by the Treasury. The Treasury is happy with the amount allocated for these purposes and I think you will find it will back up the more accurate estimate made in these figures as opposed to the hypothetical exercise in July.

MR MOORE: I ask a supplementary question. I refer you to page 17 and your talk about the safety of children and so forth. Your own ex-Executive Deputy for education was pictured on the front page of the Canberra Times dancing across - perhaps I should say skipping across - Springvale Drive in Weetangera, and I note that, in spite of what I observe myself as a very serious and difficult crossing for children, this intersection has not been included in your estimates here. So, what are you proposing for somewhere like that - just to leave it, to put in a set of traffic lights or to burrow a tunnel underneath? All these possibilities for traffic management to protect children are clearly much more expensive than \$200,000, and even if one set of lights, as you say, from P and C estimates - and they have got it from the old NCDC - is \$125,000 - - -

Mr Humphries: Mr Speaker, can we have an end to the question so that I can answer it?

MR MOORE: How are you going to protect people - I will be quite specific - in Weetangera?

MR HUMPHRIES: I suggest that if Mr Moore wants to know what Dr Kinloch's views are he should ask Dr Kinloch. I represent the Government's view on this matter and, as far as the children of Weetangera are concerned, I am going to be an absolute devil and require those little children to walk about 500 metres down a street to go through an underpass! That is the extent of the pain I am imposing on those children. I do not think - - -

Mr Moore: Mr Humphries, you do not know children and you are going to put their lives at risk.

MR SPEAKER: Order, Mr Moore!

MR HUMPHRIES: I realise that that might be a bit tiring for some of them. It would be a little bit inconvenient and I apologise for that fact. But when the Territory faces problems of the dimensions of those it faces at the present time I am afraid we all cannot avoid those sorts of problems.

Food Hazards

MR STEFANIAK: My question is addressed to Mr Humphries in his capacity as Minister for Health. I refer to the Minister's participation in a food forum at the University of Canberra this evening on health risks associated with food additives and on nutritional labelling. Is the Minister aware of concerns expressed about risks to community health from consuming natural foods that do not contain preservatives?

MR HUMPHRIES: I thank Mr Stefaniak for his question and I acknowledge his enduring interest in food. I am aware of the concerns Mr Stefaniak mentions. Just because foods are natural, of course, does not mean that they are hazard-free. There are things called aflatoxins in peanuts, natural toxins in some fish, levels of heavy metals in a whole range of foods, and the bacterial contaminants of oysters. All these things are hazards in perfectly natural foods.

Mrs Grassby: What about Humphries' toxins to schools?

MR HUMPHRIES: I am going to ignore that interjection. There is no doubt, however, that natural foods that have not been modified by various additives or preservatives are usually the better option for consumers. Our modern society, used to convenience foods, demands freshness and

12 September 1990

convenience. As consumers become more remote from the food source, industry has had to find ways and means not only of preserving the food from decay but also of preserving the original texture, moisture content and freshness.

The major risk to consumers from eating natural foods is in the potential for micro-organisms to accumulate in such numbers as to risk food poisoning. Here again, the proper education of food handlers at production, wholesale and retail levels, together with an aware consumer, will minimise these risks. The health surveillance service will ensure that the health of the public is protected, that consumers are provided with information and that product deception is prevented.

Of course, members will be aware, from examining our forward legislative program, that the proposed food Act, based on the New South Wales Act and the national model food Act, will substantially advance this responsibility.

Public Housing

MRS GRASSBY: My question is directed to the Treasurer. Given that you have cut the allocation of funds to public housing by 32 per cent from last year's budget, what increase is expected in the public housing waiting list?

MR KAINE: I suggest that Mrs Grassby address that question to the Minister for Housing rather than to me. It is a matter for him. If you are talking about housing waiting lists, it is not in my province. Ask the Minister for Housing.

Free-range Eggs

MR STEVENSON: My question is directed to the Minister for Health, Gary Humphries, and is about concern expressed to me regarding free-range eggs in Canberra. How can Canberrans be certain that allegedly free-range eggs on sale in the ACT are genuine as against battery hen eggs? What steps will the Minister take to bring about truth in marketing so that eggs labelled free-range eggs, open-range eggs or similar do in fact comply with the Animal Liberation minimum standards? Will the Animal Liberation standards be included in the new ACT food standards code - such standards having been adopted by every State but not yet by the ACT? And when will the ACT enact this code under the ACT food and drugs regulations? Information I was given would certainly seem to show that there are eggs being advertised as free-range that are not.

MR HUMPHRIES: I thank Mr Stevenson for his question. I am sure Mr Stefaniak will be delighted to know that he is not the only person in the Assembly interested in food. I find

the question of the consumption of free-range eggs an interesting one. I am not fully apprised of issues that Mr Stevenson raises, including, for example, the Animal Liberation minimum standards on these matters. I would have thought that Animal Liberation would probably not support the consumption of eggs under any circumstances anyway; but, if they do have such standards, I would be very interested to know what they are and to see whether our food Act, when it is passed, will be in accordance with those standards. Assuming that they can be easily obtained, I am very happy to examine those standards and see whether they will be complied with under our new food Act.

Certainly as far as the sale of eggs is concerned - and I am sure Mr Stevenson is aware of requirements under legislation such as the Trade Practices Act to sell goods with accurate and not misleading descriptions - I am not aware of any areas where misleading advertising or misleading descriptions have been applied. I am very happy to ask the appropriate officers in my department whether there have been recorded or reported cases of those things and advise Mr Stevenson accordingly.

Jindalee Nursing Home

MR BERRY: Mr Speaker, I wish to press my earlier question with Mr Kaine. I did in fact want a reply, and I will repeat the question. Mr Kaine, you indicated that you will save \$950,000 this year and \$2.5m in a full year at Jindalee Nursing Home. They are your figures. These savings represent, according to the advice that has been given to unions, 60 jobs and will cost \$1.4m in redundancy payments. So, whether or not we agree on the detail of the figures, it is a lot of jobs because it is a big redundancy payment and a big saving. Will the Treasurer - and I say this because the Treasurer is allegedly committed to services to the aged - acknowledge that such a large cut in staff will result in cuts to services?

MR Kaine: No, I do not acknowledge that at all, Mr Speaker. What I said when I was announcing this yesterday - - -

Mr Berry: How are you going to cut the 60 - - -

MR Kaine: If he would stop cackling like an old hen for five minutes, Mr Speaker, I would try to answer his question.

Mr Moore: Is that free-range hens, Trevor?

MR Kaine: We are back to eggs. What I said was that nationwide standards had been determined, that those nationwide standards had been put into effect all over Australia and that we were now proceeding to put them into

12 September 1990

effect here. The application of those nationwide standards will result in less cost to the taxpayer to provide the service.

Mr Berry: Sixty jobs.

MR Kaine: You can translate it into 60 jobs if you like. If that turns you on, feel free. But there are ways of reducing costs in health facilities other than getting rid of staff. I know you would not understand that, Mr Berry.

Mr Berry: Well, where does the \$1.4m in redundancy payments go?

MR SPEAKER: Order, Mr Berry!

MR Kaine: You could not even address the \$7m overrun in the hospitals when you were running them; so I know you have difficulty with facing up to the real issues. I am quite prepared to debate this question with Mr Berry in a rather hypothetical way, but my real answer to Mr Berry is the same as the one I gave to Mrs Grassby before. If he really is looking for the details of how a health matter is going to be put into effect, he should ask the Health Minister. But he does not choose to do that. He thinks he will be a smart alec by addressing the question to me. I am answering his question, and I am saying that it does not necessarily transfer into jobs lost.

Mr Berry: Well, sit down and we will ask the Health Minister - \$1.4m in redundancy payments.

MR Kaine: I am not going to respond to your directive, Mr Berry. If Mr Speaker wants me to sit down, I will sit down, but not because you direct me to.

MR SPEAKER: Order, Mr Berry, please!

Mr Berry: \$1.4m in redundancy payments.

MR SPEAKER: Mr Berry, you are not entitled to speak across the floor.

MR Kaine: Let him continue to rave on, Mr Speaker. As I said before, he clearly does not want the answer to the question; he just wants to push his own point of view.

Gaming and Liquor Authority

MR Connolly: Mr Speaker, my question also is directed to the Treasurer. Mr Kaine, given your regularly expressed commitment to a more efficient and productive Public Service and the Priorities Review Board's finding that the Gaming and Liquor Authority has demonstrated since 1981 significant improvements in turnover with a reduction in staff from some 65 to 27 - a dramatic productivity

improvement - why have you elected to close down the Gaming and Liquor Authority and transfer its functions to the Public Service?

MR KAINE: That is a very interesting question, Mr Speaker, because only a matter of weeks ago I was being beaten around the ears by the Opposition because I was blindly going to implement all the recommendations of the PRB. Now, because I come up with one that we are not going to implement, you are beating me around the head with that one as well. You cannot have your cake and eat it, Mr Connolly.

The fact is that the Government has examined the operations of the Gaming and Liquor Authority and has made its conclusion that the business can be done better. If you talk to a lot of people involved in the business of racing and people who are associated with the TAB - if you have not done so already - you will find that a lot of people are of the view that the TAB is not returning to the community what similar organisations in the States return. The Government has examined that matter and has come to the conclusion that the business of the Gaming and Liquor Authority can be done in a better way, and the Government is putting those better arrangements into place.

MR CONNOLLY: Mr Speaker, I ask a supplementary question. Is there any other area of the Public Service that the Priorities Review Board or any other body has demonstrated to have shown such dramatic productivity figures as those of the Gaming and Liquor Authority?

MR SPEAKER: I do not believe that is a supplementary question.

Ministry for Health, Education and the Arts - Staff Reductions

MR WOOD: Mr Speaker, I direct a question to Mr Humphries, the Minister for Education. Mr Humphries, the budget papers indicate a decline of 71 positions in the staffing levels. Could you indicate what and where those positions are in general?

MR HUMPHRIES: I think Mr Wood is referring to figures across both areas of the ministry.

Mr Wood: No.

MR HUMPHRIES: Well, you did not specify.

Mr Wood: The Schools Authority account.

MR HUMPHRIES: You did not say "Schools Authority". You just said - - -

12 September 1990

Mr Wood: No, the Schools Authority account.

MR HUMPHRIES: The Schools Authority. Mr Speaker, I can indicate very broadly that - as I have indicated already in public comments before the budget came down - the Government would be looking to save money not only through its schools reshaping program but also through changes in the administrative arrangements that flow from the new ministry arrangements in the Government. I am confident, as I have said, in fact, of matching or exceeding the savings which are made through the schools reshaping program through the changes that occur in the administrative structure of the new Ministry for Health, Education and the Arts.

Of the positions Mr Wood refers to, approximately 20 or so, on my recollection, are accounted for by the schools reshaping program - loss of positions such as principal, janitor, bursar and so on in schools that are closing - and most of the others are accounted for by a reduction in the number of administrative staff which is possible as a result of the new ministry arrangements. For example, particular areas of duplication between the departments of health and education can now be eliminated and those sorts of savings in manpower can be translated into the savings that Mr Wood has referred to.

Hospitals Restructuring

MS FOLLETT: My question, again, is to Mr Kaine as Treasurer. Mr Kaine, you are seeking \$10m from the trust account for hospitals. How much of this amount is for redundancy payments and how many jobs will be affected?

MR KAINE: I am going to be seeking to have more than \$10m released from the trust fund. I think the figure is, from memory, \$18.6m. That is intended to cover a number of things associated with the restructuring of the hospitals. There is an amount, some part of that, that is provision for redundancies, and I cannot recall just what that amount is. I cannot answer the question as to how many people because, until the process of change in the hospitals is complete, I cannot even begin to guess how many people might seek to voluntarily retire under those arrangements.

All I can say is that the Government deems it prudent to make a provision in the event that some employees in the hospital system may seek to take voluntary retirement, and if they do the money has to be there to provide for it. I am happy to take that part of the question on notice, and to find out just what the estimates are - how many people are expected at this stage to seek to take advantage of voluntary retirement and how much of that \$18.6m would be used for that purpose in the event that the Prime Minister agrees to release it.

Jindalee Nursing Home

MR BERRY: My question, again, is directed to the Treasurer. Will the Treasurer acknowledge that \$1.4m in redundancy payments in the Jindalee context would result in a large number of redundancies - in terms of from 1 to 60?

MR KAINE: My answer is the same as the answer to the previous question, Mr Speaker. Until people volunteer for voluntary retirement, you cannot really say what the expected outcome will be. Again, it is a provision in the expectation that, once the nationwide standards are put into effect in Jindalee, some staff will seek to retire voluntarily under a redundancy scheme. As I said before, if there is any expectation of that occurring, you have to make some kind of provision; the money has to be there so that people can take advantage of that.

I do not know what number of people it translates into; nor do I know at this stage how many people might hope or expect to take advantage of the redundancy provisions. So it is highly speculative and highly hypothetical, and I do not think that I add to the debate by speculating about it.

MR BERRY: I ask a supplementary question. If the Chief Minister cannot provide the answer to that question, how does he then calculate that there will be \$950,000 saved this year and \$2.5m in a full year at Jindalee Nursing Home?

MR KAINE: I have already answered that question, Mr Speaker. The savings in Jindalee do not necessarily transfer into people and people's salaries. There are many other ways in an operation like that in which savings can be achieved. Some part of the savings may well translate into people seeking to retire, which will lead to savings in future years but will lead to an outlay in terms of redundancy payments this year. Mr Berry, I do not have before me the detailed working sheets that lead to that figure; nor did you have them when you were talking about your savings in hospitals last year.

Mr Berry: Do not blame me for your mistakes.

MR KAINE: I am blaming you for your mistakes.

Mr Speaker, I ask that any further questions be placed on the notice paper.

Costs of Ministers : Electoral System - Referendum

MR KAINE: Mr Speaker, I would like to table the answers to two questions asked recently by Mr Stevenson - one on 15 August that had to do with the costs of maintaining the

12 September 1990

Executive, and another one asked on 16 August which had to do with the Government's wishes in connection with an electoral system. I will table the answers for inclusion in the Hansard.

Answers incorporated at appendix 1

Office of Industry and Development

MR DUBY: On 16 August Mr Moore asked me a question in relation to the purchase of venetian blinds to furnish the Office of Industry and Development for the sum of \$16,792, and \$10,000 for the purchase of broadloom carpet, presumably also for the Office of Industry and Development. He asked me to "explain why it was necessary to move the Office of Industry and Development to the Canberra Centre Tower, as it does incur these expenses in addition to the extra rental expenses compared to the original location". I would like to read the answer.

The lease on Electricity House where the Commerce and Industry division of the Office of Industry and Development had been located expired in November 1989. The original lease had no provisions for extending the lease past this date and the owner was not prepared to extend the lease. In accordance with the ACT Government Service accommodation strategy, the Office of Industry and Development was to be located in Civic east. The office space had to be large enough to collocate other areas of the division which had been housed in South Building. Suitable space was located in the Canberra Centre Tower at a competitive rental.

The provision of venetian blinds, of course, is a normal fit-out item. Competitive quotes were called and the contract was awarded to the lowest tenderer.

The provision of carpet does not relate to the Canberra Centre Tower at all. The purchase of the carpet was associated with the fit-out for the ACT Law Office in GIO House and, again, normal purchasing procedures were followed and the lowest tender was accepted.

PERSONAL EXPLANATIONS

MR COLLAERY (Deputy Chief Minister): Mr Speaker, I seek leave to make a short statement. I claim to have been misrepresented.

MR SPEAKER: Please proceed.

MR COLLAERY: Thank you, Mr Speaker. Yesterday Mr Terry Connolly issued a media release which, among other things, said the following:

It seems that Mr Kaine and his gun-slinging Ministers are intent on bringing the white shoe brigade politics of the former Queensland National Party Government to the ACT.

The background to this matter is that, on 23 August 1990 and on the following day, Mr Connolly issued press releases alleging, among other things, that Mr DUBY and Ms Maher stood to gain personally from a Cabinet decision relating to the ACT Housing Trust.

Mr Connolly made a further allegation that Mr DUBY should have declared an interest prior to a Cabinet process. Mr Connolly made that allegation, despite a very clear statement by me earlier that day on a radio program, referred to by Mr Connolly, that a relevant disclosure had indeed been made by Mr DUBY.

Despite the fact that civil process commenced yesterday in the ACT Supreme Court against Mr Connolly by Mr DUBY, the Australian Broadcasting Corporation chose to report further remarks by Mr Connolly, based presumably on the press release I have just referred to, on this morning's radio news.

I do not propose to comment on the matter now at issue between Mr DUBY and Mr Connolly. However, I am, along with my Cabinet colleagues, outraged at Mr Connolly's imputation that Cabinet would knowingly bring about a situation of personal gain for another member of Cabinet or, for that matter, a member of the Legislative Assembly. The allegations by Mr Connolly therefore strike at the heart of the Cabinet process and constitute a grave allegation against the Government. Bearing in mind the need to maintain the convention of Cabinet confidentiality, I do not propose to reveal details of Cabinet deliberations other than to say that the notion that any decision was in any way influenced by a question of advantage or disadvantage to any member of the Legislative Assembly is scandalous.

I draw the house's attention to the transcript of my remarks on ABC radio on 23 August 1990 where a number of issues considered by the Government were traversed. I will read my remarks into the Hansard. The question asked by the presenter was:

Was the issue of Ms Maher's loan raised in Cabinet by Mr DUBY?

My response was:

I am not at liberty to talk about Cabinet issues but I do want to say this: that the issue of any conflict of interest and issues of like nature are properly traversed in Cabinet and in this respect were traversed.

12 September 1990

To finalise my remarks: in view of the restriction on publication of Cabinet documents, I have decided to release the relevant Cabinet documentation to the Auditor-General, Mr O'Neill. The Government has nothing to hide and entirely rejects Mr Connolly's scandalous imputation against our integrity. And, if he is not careful, there may be further legal action if he continues these attacks on the Government.

MR CONNOLLY: Mr Speaker, I claim to have been misrepresented. Mr Collaery, in his rather extreme statement of some minutes ago, claimed that I made scandalous and improper allegations against the Government. He acknowledged in that statement that the allegation that a member of the Cabinet took part in a decision in which that member had a pecuniary interest was a scandalous and improper allegation. It is indeed a scandalous allegation. I asked yesterday in the proper forum - that is, this parliament - of the Chief Minister: Was the conflict of interest brought to the Chief Minister's attention?

Public affairs radio - whatever may or may not be said there - is not the proper forum in which to obtain this information. I asked the question in this parliament. The Chief Minister refused to answer that question. That itself is a matter of public interest which I properly commented on. Mr Collaery made some comments about some legal proceedings which I read about in the newspaper but have received no formal notification of, by way of either letter from solicitors or service of writs.

Mr Collaery's comments on my statements yesterday afternoon, when he said that writs had been issued, may lead to the suggestion that I issued a press release yesterday with a view to traversing a matter before the courts. I would refute any suggestion that at the time that statement was made I had received any notice, particularly formal notice, of any legal action. If any legal action is to be proceeded with, it will, of course, be vigorously defended. In my view, this issue is, as Mr Collaery acknowledges, a very important matter going to the heart of Cabinet government, and we very properly raised and pursued the matter.

PAPERS

MR SPEAKER: Pursuant to the Audit Act 1989, I table for the information of members the following paper:

Audit report No. 2 of 1990-91 - ACT Government Service.

MR COLLAERY (Deputy Chief Minister): Mr Speaker, I table for the information of members the following paper:

Betting (Totalizator Agency) Act - ACT Racecourse Development Fund Advisory Committee - Report for 1988-89.

Pursuant to section 15(3) of the Children's Services Act 1986 I table for the information of members the following paper:

Children's Services Act - Children Services Council - Report for 1989-90.

Further, Mr Speaker, pursuant to section 31(4) of the ACT Institute of Technical and Further Education Act 1987, as amended by part 15 of the Statutory Authorities (Audit Arrangements) Act 1990, I table for the information of members the following paper:

ACT Institute of Technical and Further Education - Financial statements, including Auditor-General's report for period 1 January 1989 to 10 May 1989.

Finally, Mr Speaker, pursuant to section 73B(1) of the Community and Health Services Act 1985, as amended by part 7 of the Statutory Authorities (Audit Arrangements) Act 1990, I table for the information of members the following paper:

Australian Capital Territory Community and Health Service - Financial statements, including Auditor-General's report for period 1 July 1988 to 10 May 1989.

SUBORDINATE LEGISLATION - PAPERS

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

- Architects Act - Determination of fees - No. 58 of 1990 (G35, dated 5 September 1990)
- Associations Incorporation Act - Determination of fees - No. 60 of 1990 (S60, dated 3 September 1990)
- Building Act - Building Regulations (Amendment) - No. 12 of 1990 (G35, dated 5 September 1990)
- Business Franchise (Tobacco and Petroleum Products) Act - Determination of fees - No. 57 of 1990 (G33, dated 22 August 1990)
- Business Names Act - Determination of fees - No. 61 of 1990 (S60, dated 3 September 1990)
- Electricity Act - Electricity Regulation (Amendment) - No. 14 of 1990 (S59, dated 31 August 1990)

12 September 1990

Electricity and Water Act -

Determination of fees - No. 48 of 1990 (G32, dated 15 August 1990)

Electricity and Water Regulation - No. 13 of 1990 (S59, dated 31 August 1990)

Plumbers Drainers and Gasfitters Board Act - Determination of fees - No. 59 of 1990 (G35, dated 5 September 1990)

Water Rates Act - Determination of fees - No. 47 of 1990 (G32, dated 15 August 1990)

MENTAL HEALTH CRISIS CARE SERVICE Ministerial Statement and Paper

MR HUMPHRIES (Minister for Health, Education and the Arts), by leave: Mr Speaker, the Alliance Government budget for this year has made provision for \$211,000 to be allocated for the implementation of an after-hours mental health crisis service. I expect this service to be in operation by November of this year. Until now, mental health services have been limited to telephone counselling provided by Lifeline or counselling and other forms of treatment provided by the accident and emergency departments of our hospitals, especially Woden Valley Hospital.

A notable deficiency has been the absence of out of business hours assistance when a crisis occurs at home or elsewhere in the community. As many commentators have noted, crises are not conveniently limited to business hours. The absence of this assistance has produced considerable burden to some families; has led to delays in implementing the necessary treatment; and, at times, may have led to hospitalisation when early assistance could have prevented this outcome.

A second problem for the mentally ill has been the frequent long delays in obtaining help in the accident and emergency departments. It is understandable that patients with serious trauma or a potentially life-threatening illness take precedence in this department. But it is not satisfactory that persons in a state of severe emotional distress, or those with disturbed behaviour, should wait many hours, often to be seen by staff with little experience in treating mental health problems.

The proposed service will address both these problems. In brief, a specially trained psychiatric nurse will be available at all times to assist people suffering emotional distress or a mental health crisis. A mental health crisis telephone number will be widely publicised and persons or families seeking advice will be able to telephone at any hour. If assistance is required in the community the team will attend. Mobile telephone equipment will ensure the crisis worker remains available even when outside the hospital.

The service will be established during 1990 with responsibility for after hours care. The integration of day and after hours crisis care will occur as consultations with professional associations and unions will allow. In addition, a crisis worker will attend the accident and emergency department when a person with a psychiatric illness has arrived there and, as well as providing their own specialised help, will be able to ensure that any other measures required are rapidly implemented, including admission.

An objective of this service is to reduce the need for hospital admission. Nevertheless, a significant number of persons will require inpatient care as an essential first step in their treatment. The use of Woden Valley Hospital as a base for the service will ensure the coordination and cooperation necessary to achieve rapid hospital admission when the case requires it. Although hospital based, the crisis team will have its own staff and identity as part of the mental health service.

It is hoped that by having a community outreach team collocated with a psychiatric facility we can foster a continuum of integrated care which enhances the ability of those with a psychiatric disability to cope in the community.

As a bridge between community and hospital based care, the crisis team will need to develop a multi-disciplinary approach, fully utilising and cooperating with established mental health and community services, both government and non-government. The mental health service will continue to consult widely to ensure that the service complements rather than fragments the delivery of mental health care.

In summary, the service will employ specially trained staff who will provide, at all hours, telephone advice, assistance at home when required and specialised skills to the accident and emergency departments.

In the course of considering the requirements of crisis care, a number of groups and individuals put to me that the ACT should implement a form of extended after hours and crisis care that is provided in a few areas of New South Wales. It goes somewhat beyond a crisis service by providing continuing community care for a period of time and is therefore more costly and more staff intensive. It also overlaps, to some extent, with existing services. These proposals were given serious consideration, and I have talked to New South Wales staff employed in these services and taken the opportunity to visit a service of this type. I was impressed by their work.

However, there are a number of reasons for deciding not to use this approach at the present time. Firstly, I am advised that the eight or nine staff required would be obtained only at the expense of existing essential

12 September 1990

services. There are only just enough staff positions at present and new recruitment is difficult. Secondly, the cost of what I will call the New South Wales model is much greater, and there is, as yet, no firm evidence available to me to show that the greater cost is warranted by greater effectiveness, although there are assertions that this is so.

The results of evaluation of the impact of New South Wales services have been mixed and, in any case, are of limited application to the ACT because of the quite different population characteristics and mental health service structures of this city. Canberra does not have a mental hospital, it has lower psychiatric hospital admission rates than New South Wales, and a greater proportion of its services are already community based. These factors can be expected to have a greater effect on the need for and impact of any given service.

Thirdly, there are a number of other deficiencies in mental service provisions which need to be considered once the essential components of crisis care have been provided. Some of these deficiencies include, as examples: a lack of any specialised residential care for the treatment of mentally ill adolescents and children; continuing difficulties in providing secure care in some instances; inability to keep up with population growth in Tuggeranong, so that counselling and community mental health service staff are less well provided there than in other areas of Canberra; and difficulties in meeting the demand for rehabilitation services, particularly in the area of work rehabilitation.

A major difficulty in policy information in this area arises from the lack of valid data. Assertions of value were made, but without the support of genuine comparisons of costs and outcomes. The crisis service will be carefully evaluated in its first year of operation. The evaluation will involve feedback from clients, care-givers and workers. At the end of the year a report will allow consideration of any changes suggested by the evaluation, and this could include the possibility of expansion towards a New South Wales model if the data supports this and if it is considered to have priority for available funds.

Mr Speaker, the crisis care service announced today meets the commitment I made earlier this year. It will provide assistance when required, either in the community or at the hospital, at a reasonable cost and within any limitations imposed by staff availability. I am confident that it will considerably improve the help available to mentally and emotionally distressed persons and relieve to some extent the burden of care carried by their families. When this measure is added to the review of the Mental Health Act and the replacement of the psychiatric ward at Woden Valley Hospital by a larger purpose built unit on the principal hospital site, it is clear that this Government has already made a major contribution to overcoming the recognised deficiencies in mental health services in the ACT.

Mr Speaker, I present the following paper:

Mental health crisis care service, Ministerial statement, 12 September 1990.

I move:

That the Assembly takes note of the paper.

MR BERRY (3.28): I must say, Mr Speaker, that we have just heard one of the most outrageous ministerial statements that have been put to this Assembly. The Government's history on this issue is absolutely inconsistent. It is devious and it is filled with duplicity. Labor's commitment on this issue, of \$150,000 in the remainder of the first year as a starting point for a service, was made to ensure that the provision of a service got under way as quickly as possible. Immediately after the election, Labor moved to do something about it. But this Minister said it was not good enough. Mr Speaker, I refer you to the Assembly adjournment debate on 20 February 1990, when Mr Humphries said:

The fact is that, notwithstanding what Mr Berry said today, \$150,000 is not sufficient to start a proper 24-hour mental health crisis service.

He went on to say:

I, for one, would not go down the path of spending money on a service until I was sure that we were able to find the money to provide properly and adequately for the people of Canberra.

Clearly, the Minister did not want to move on the issue of providing services to the mentally ill. He did not know anything about it; all he was about was saving money. It was not until some time after, in the wake of some tragic suicides, that this Government began to move. I say that in respect of both the Minister for Health, Mr Humphries, and the Minister opposite, Mr Collaery, in relation to corrective services. Neither Minister moved until there were tragic deaths which resulted from their inaction.

What they have sought to do, in this whole debate, is take advantage of people with mental illness and their carers, because Mr Humphries knows, as I said on the record, that the full year effect of Labor's commitment was a \$600,000 commitment for the provision of services to the mentally ill.

Mr Humphries: Garbage, rubbish!

MR BERRY: It is on the record and Mr Humphries should take the time to have a look at it. Mr Speaker, what this boils down to is a Government that sought no more than to roll over Rosemary Follett's budget initiatives into this year.

12 September 1990

It is a joke. It has failed to deliver important money for the delivery of services to the people of the ACT and, in this case, the mentally ill - the disadvantaged; that is the sort of people that these people have attacked from the outset.

This Minister claimed, quite erroneously, that the money was not good enough - and in a little while we will come to the amount that he has provided and the big fibs that have been poured on the community by this Minister in relation to the provision of services to the mentally ill. But first of all - - -

Mr Humphries: I raise a point of order, Mr Speaker. Mr Berry said something about fibs, and I think "fibs" is a thinly disguised version of "lies". I would ask that he withdraw that statement.

MR SPEAKER: Your position is upheld. Mr Berry, please withdraw that.

MR BERRY: Mr Speaker, a fib is in fact a lie. I did not say that Mr Humphries fibbed; I said that fibs had been imposed on the community in relation to - - -

MR SPEAKER: No, you did say "by this Minister". I would ask you to withdraw that; it was a personal reflection.

MR BERRY: I have nothing to withdraw, but if it pleases Mr Humphries I will withdraw it.

MR SPEAKER: Thank you. Please proceed.

MR BERRY: The fact of the matter is that the efforts of this Minister, and in particular Mr Bernard Collaery's efforts on the Belconnen Remand Centre, are disgraceful. This Minister - and I suspect that he will have a bit of a crack later on - failed to do anything with the provision of services for mentally ill remandees, and in fact money from that budget has also been rolled over into this one.

He has also persisted with his approach to corrective services: lock them up and throw away the key - out of sight, out of mind. What did you do with the rehabilitation services at the Belconnen Remand Centre? You closed them down; that is what you did. What you are about is locking them away and throwing away the key - out of sight, out of mind. That is what this Government is about, and that is the way it has treated the mentally ill. The fact of the matter is that in a full year Labor's allocation would have resulted in \$600,000 going to the provision of mental health services in the ACT. It would have produced a first class service, not a second rate service such as the one this Minister has tried to impose on the people of the ACT - something nearer to a first class service than this Minister even pretends he is interested in.

This Minister claims to have had a look at what goes on elsewhere. I must say that, in his visits to those places, he did not take much notice, because he did not learn anything. Just across the border in Queanbeyan a 24-hour mental health crisis service has been doing all of the things that this Government is not going to provide for people with mental illness.

I can tell you that, even on the most conservative estimate, the service provided to the people of Queanbeyan costs more than this Government is prepared to do for the people of Canberra. This Government is not going to do better than what is done in Queanbeyan - for a population many times the size of the population which is serviced by the workers in the Queanbeyan service.

This Government is a joke. The fact of the matter is that this Minister stopped and held back the delivery of services to the mentally ill just to fulfil his political agenda. Government members held on to funds in the Follett budget so they could try to issue a few sweeteners in their own. They did not spend important money which was intended for the disadvantaged. That is what this Government is about - and you have been found out, the lot of you.

This Minister, at a meeting to discuss a mental health crisis service for the ACT, on 4 July this year - write that down, Mr Humphries - promised a group that \$300,000 would be made available. I cannot find the figure "3" in any of the figures in the budget. That is the duplicity I am talking about. This Minister has made promises to people with mental illness, and has not lived up to the promises. This Minister has reneged; this Government has reneged - and the people of the ACT know that this Government has reneged. The farcical approach to the withholding of funding for services to the mentally ill is repeated by the duplicity of this Minister and this Government. The fact of the matter is that this Government has not delivered. It has ratted on a promise that it made to the people of the ACT. Instead of providing \$300,000, what he has done - - -

Mr Humphries: You are narky because we deliver what you only promised.

MR BERRY: Have a look at your own budget papers, if you have taken the trouble to read them. They have allocated \$211,000 in this year. That adds up to \$310,000 short of Labor's funding in full year terms, and \$20,000 short of the Minister's promised \$300,000. That is what this Minister is on about.

Mr Humphries: It is \$60,000 more than you put up.

MR BERRY: The figures are on the record, Mr Humphries - \$310,000 short of Labor's commitment to funding for the mentally ill in the ACT. And what did they do with the - - -

12 September 1990

Mr Humphries: I raise a point of order, Mr Speaker. Mr Berry is clearly fantasising in public about this. Mr Berry knows perfectly well that the previous Government promised \$150,000. We have promised, in this financial year, \$211,000.

MR SPEAKER: Order! That is not a point of order, Mr Humphries. Please proceed, Mr Berry.

Mr Jensen: Tedious repetition.

MR BERRY: My word, it is repetition - because the people of Canberra are going to be made aware of the duplicity of this Government opposite. Government members are trying to claim that this is a feather in their cap when, in fact, they held back the delivery of services to the mentally ill.

Have you bothered to measure the damage that holding back those funds has done to people who require those services? No, because the bean counters have not been able to deliver you a set of figures. It is not good enough for you to have those people who are interested in the provision of these services to the community knocking on your door and telling you that better services are required. Labor listened to them. This Government set out to hold back services, and then create a feather in its cap which, of course, never existed - because the Government had only held up funding for the services and then rolled it over into this year's budget.

This Government has been devious all the way along on the provision of these services, and this Minister is in it up to his ears. Mr Humphries said that \$600,000 was grossly insufficient, and here we have him saying that with this measure, although he is \$310,000 short, he has some claim to fame. Well, it is not a claim to fame because the services that he is going to provide with that piddling amount are going to fall well short of coming into the league of qualifying as first class. Queanbeyan, across the border, provides a service which is many times better than that which is provided in the ACT.

The Government opposite has botched it again. It has held back services. It will continue to hold back and cut back public services to the people of the ACT. It has shown that it will do that in the education and hospitals areas. It has shown it over and over again. What this means to the people of the ACT with mental illness, and for their carers, is a substandard and inadequate service. But the people who are interested in the provision of these services are a wake-up. They are not going to let you get away with this because they know what Labor's promises meant. It is on the record, Mr Humphries, if you care to have a little bit of a look through the information which I am sure you have in your possession. The fact of the matter is that Labor's commitment of \$150,000 equated to

\$600,000 in full year terms - \$310,000 better than you provided - - -

Mr Humphries: How could it? Twice \$150,000 is not \$600,000, Mr Berry.

MR SPEAKER: Order, Mr Humphries!

MR BERRY: He is an outrageously disobedient person, that Mr Humphries. I think he needs to be dragged into gear. There is no talk in Mr Humphries' submission of a first class service to the mentally ill any more. He cannot make that claim any more. He cannot claim that he will provide adequately for the mentally ill any more, because he has made it clear to the people who require those services that such a service is not going to be available under this Government, irrespective of the claims which have been made in the past. This Government is full of hollow claims. Two Ministers opposite have failed to provide properly for people with mental illnesses.

Mr Humphries has confirmed that in this budget statement. He has confirmed that the funding that they have provided for the mentally ill in the ACT is inadequate. He said that a full service will not be provided. There is no denying that. Mr Humphries, along with the other Ministers opposite, is a disgrace. He has learnt nothing by visiting the services which are provided in nearby New South Wales, and, as a result of his inability to learn, the people who require services for the mentally ill in the ACT will suffer.

Debate (on motion by **Ms Maher**) adjourned.

PRIVILEGE Statement by Speaker

MR SPEAKER: I wish to make a statement on a matter of privilege. On 16 August 1990 the Leader of the Opposition gave written notice of a possible breach of privilege concerning the divulging of unpublished committee evidence by the Attorney-General. Members may recall that, during questions without notice in the Assembly on that day, Mr Collaery tabled a copy of a letter from himself to Ms Follett as the presiding member of the Committee on Public Accounts. Under the provisions of our standing orders I must determine whether or not the matter merits precedence over other business.

Our standing orders provide that, with certain exceptions and the evidence taken by any committee, documents presented to committees, and proceedings and reports of committees shall be strictly confidential and shall not be published or divulged by any member of a committee or by any other person.

12 September 1990

I have examined the matter carefully and have been unable to find a precedent directly relevant to what occurred, which was that the information was presented in the house, which is the superior body to the committee.

I have determined that the matter does not warrant precedence, and have advised the Leader of the Opposition to that effect.

In reaching my decision, I noted in recent years the support of Speakers of the House of Representatives to the view that all complaints of breach of privilege or contempt should be considered in the light of a general reluctance of parliaments to invoke their privilege and contempt processes in cases other than those where it is considered imperative to do so in order to protect the house, its members and its committees.

MS FOLLETT (Leader of the Opposition), by leave: I move:

That the matter of a possible breach of privilege concerning the divulging by Mr Collaery (Minister for Housing and Community Services) of unpublished evidence to the Standing Committee on Public Accounts be referred to the Standing Committee on Administration and Procedures.

Mr Speaker, in your response on this matter you have raised a couple of interesting issues, the first of which, of course, is the operation of our own standing orders, and in particular, standing order 241. As you have noted in your comments, that standing order states quite specifically that:

The evidence taken by any committee and documents presented to and proceedings and reports of the committee shall be strictly confidential and shall not be published or divulged by any member of the committee or by any other person ...

And it goes on.

I think the difficulty that we are faced with here is that the matter was, in fact, raised by the current Attorney-General and raised within this chamber. I do not believe that there is anything in that standing order that allows for this situation. It may well be that perhaps we need to amend the standing order; but I do not think, at least on the face of it, that the standing order in any way permits the activities that took place on 16 August this year. I think this is another area where we have to look at the operations of committees and in what regard this Assembly holds those committees. I take the work of committees very seriously; I also take evidence presented to committees very seriously.

It is a fact, of course, that the documents that Mr Collaery tabled in the Assembly on 16 August have

subsequently - on the motion of Mr Collaery's colleague - been adopted as evidence by that committee and been released for publication. Therefore it was not apparent to the Public Accounts Committee that the information that Mr Collaery was tabling was other than a document intended for consideration by that committee.

Mr Speaker, I take your point that the matter does not warrant precedence. That is your view and it is your right to rule that way; but I do believe that the Assembly ought to have a close look at the operation of standing order 241 in particular and, of course, standing order 71 which deals with the matter of privilege. I believe that the Administration and Procedures Committee is the appropriate place for this examination to be carried out. If it is to be the case that we can raise matters in this chamber which will subsequently become evidence before committees, then I think we need a general understanding of this. It is my belief that there was a previous occasion where a matter of privilege was raised but not proceeded with. There was a similar circumstance - maybe not identical, but a similar circumstance. That has not really been resolved either.

I request the Assembly's support for this matter to be looked at by the Administration and Procedures Committee. I commend the motion to members.

MR COLLAERY (Deputy Chief Minister) (3.49): Mr Speaker, the Government would support the sentiments that the Leader of the Opposition has made about clarifying these issues, particularly the procedures issue; but we see no point in this process being used for what we suspect will be political grandstanding on an empty claim about a breach of privilege.

Mr Speaker, I read into the record from page 672 of House of Representatives Practice, which clearly indicates that the submission of a written statement is not deemed to be the giving of evidence unless it is so ordered by the committee. I was not ordered by the committee to write to Ms Follett. I tabled in the Assembly a letter I had written to Ms Follett, which itself was very embarrassing for Ms Follett and clearly - - -

Ms Follett: On a point of order, Mr Speaker: I believe that we are debating the reference to the committee, not the substance of the matter. I think Mr Collaery would be better off leaving those sorts of arguments to a further examination.

MR SPEAKER: I overrule your objection there. I do not believe that it is improper for Mr Collaery to state the case.

MR COLLAERY: Mr Speaker, the short point at issue is: do we need to clarify the procedures whereby a member of this Assembly, particularly a Minister, may release papers after critical comment in this Assembly? Members will recall

12 September 1990

that I referred a letter to the Assembly after the Leader of the Opposition made some allegations about the matter in this Assembly. Although the matter was before her committee, the Leader of the Opposition proceeded to take points on this domestic refuge violence issue. When I tabled a letter to respond to those allegations, the Leader of the Opposition took the point that there had been a breach of privilege. Well, Mr Speaker, she cannot have it both ways. In my view, there is absolutely no breach of privilege involved. This is the freedom of speech of this Assembly which is paramount. But I accept that our procedures should be clarified, and therefore those parts of the Leader of the Opposition's proposition this afternoon would be supported. She only needs to put that to the Administration and Procedures Committee. One asks why it was necessary for her to make this grandstanding statement this afternoon. It is merely a political ploy and I would remind the house that we have recently seen Ms Follett as chairman of that committee making a number of public comments about another committee.

We really cannot have this holier-than-thou approach, Mr Speaker. We will not see the Administration and Procedures Committee used as a vehicle for a personal attack upon a Minister in the Government. We are quite happy to facilitate examination of these procedural issues. We will oppose this motion because it is framed around an attempt to continue the nasty debate about Ms Follett's failure to find funds for a domestic violence refuge.

MR CONNOLLY (3.52): Mr Speaker, this afternoon we are seeing a very serious attack on the proper principles by which a parliament should consider a breach of parliamentary privilege. When this letter was tabled, Ms Follett as Leader of the Opposition and also chair of the committee - and we should see her actions not as Leader of the Opposition but as chair of the committee - quite properly immediately referred the matter to you as Speaker.

This may amuse members of the Government because they have clearly made a decision that they will just gag and ram through and oppose any matter raised by the Opposition and treat this as a partisan political matter. That is a very sad indictment on the members of the Alliance and a very sad precedent to set for this chamber. Members, particularly members of minority parties, ought to think very seriously and very long and hard before they adopt a partisan attitude on these things because time will be, and very soon, when they are sitting on this side of the house and they will expect us as a government to take these matters seriously.

As I said, when this matter was brought to Ms Follett's attention by the tabling of the letter by Mr Collaery, she immediately brought it to your attention, Mr Speaker, because parliamentary practice is clear on the proper role of a member. This came out in a debate when an allegation of breach of privilege was raised against Mr Moore. When a

member believes that there has been a breach of privilege, the proper role is to bring it to your attention immediately as presiding officer.

Mr Speaker, you have considered the matter properly and you have taken some time to consider it. You have given your view. As Ms Follett said in her remarks, it is not for us to query your view. Your view is that it does not take precedence, but the proper function, as you referred to in your letter, is that the Assembly may refer it to the Administration and Procedures Committee. It will be a very sad precedent to set this afternoon if this Assembly is going to decide all questions of breach of privilege by a simple number crunching exercise on the floor of the house and not by referring matters to the proper committee, the Administration and Procedures Committee.

Our view is that this was a breach of privilege, for the reasons set out by Ms Follett. I am not going to traverse here the merits as to whether it was or was not a breach of privilege. That is not the issue. When the house is confronted with an allegation of a breach of privilege, the proper function of the house and the proper function of any member who takes their role as a member seriously is to refer that allegation to the appropriate committee, not to take it as a partisan political matter and not to vote on numbers lines simply to dismiss the matter out of hand. A serious allegation has been raised. Mr Collaery goes close to conceding this by saying that the question of a Minister's role in communicating with a parliamentary committee needs further examination.

A serious allegation has been made. The appropriate function of members is to refer it to the Administration and Procedures Committee. It is very unfortunate if we are establishing the practice - as seems to be occurring - that matters do not get raised and then referred to the committee; instead they get raised and then debated on partisan lines on the floor of the Assembly. This is really reducing the question of parliamentary privilege to a simple matter of who has the numbers on the day in the chamber, and not allowing a proper and considered look at the matter by the appropriate committee.

Mr Speaker, it will be a very sad day for this Assembly and for all members in their role as private members if this action of Mr Collaery's is allowed to pass unchallenged.

Question put:

That the motion be agreed to.

12 September 1990

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
Ms Maher
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Stevenson

Question so resolved in the negative.

MR SPEAKER: Members, once again I believe that as the Speaker I have been placed in a position that I would prefer not to be in, having not been able to abstain from the chair.

DISCHARGE OF ORDER OF THE DAY

MR MOORE (3.58): Mr Speaker, it seems logical now that I should move a motion to remove order of the day No. 7 from page 813 of the notice paper. It is a similar situation - there is a reference to the Standing Committee on Administration and Procedures concerning a matter of privilege concerning me. It is in the process of being debated and the debate has been adjourned. In the interests of consistency, it is only appropriate that it also should be removed from the notice paper. The simple way to do it is for me to seek the leave of the Assembly and for you to put the motion forthwith. We can then remove it in the same way as that one has been removed.

Mr Kaine: I am not clear which one we are talking about.

MR MOORE: It is on page 813 of the notice paper, at the bottom.

Mr Speaker, I move:

That the following order of the day, Assembly Business, be discharged:

Privilege - Reference to Standing Committee on Administration and Procedures: Resumption of debate on the motion of Mr Jensen - That the matter of the possible unauthorised disclosure of the private deliberations of the Standing Committee on Conservation, Heritage and Environment be referred to the Standing Committee on Administration and Procedures as a matter relating to the privilege of the Assembly.

Mr Speaker, you might like to rule on this instead.

MR SPEAKER: I am attempting to ensure that all members are aware of what is going on, including myself. Mr Moore, I am just trying to clarify the situation. Are you asking for this motion to be called on, or to be discharged?

MR MOORE: To be discharged, Mr Speaker.

Question resolved in the affirmative.

PERSONAL EXPLANATION

MR HUMPHRIES (Minister for Health, Education and the Arts): I seek leave to make a personal explanation.

MR SPEAKER: Please proceed, Mr Humphries.

MR HUMPHRIES: Mr Speaker, a press release issued today by the Parents and Citizens Association of the ACT contains a very large number of misrepresentations of the statement that I tabled yesterday in the house, entitled Statement on ACT Schools Re-shaping Program 1990-91. Because of the large number of inaccuracies, I feel it is appropriate for me to address at least some of them at this stage, lest the impression be created that there is any accuracy or validity to the thrust of this document. I want to pick up a number of inaccuracies and misrepresentations that have been made by the association.

Mr Speaker, the association claims - - -

Mr Berry: On a point of order, Mr Speaker: is the Minister seeking leave to make a statement?

MR HUMPHRIES: I did, and you were not listening.

MR SPEAKER: Please proceed.

MR HUMPHRIES: I know it is late; I know it is after 4.00 pm, but we will go home soon.

Mr Speaker, the association claims that the figures that the Government has put forward are bogus in various respects. They claim that we have overestimated net recurrent savings. It is claimed, for example, that I have overestimated the savings to be made by the closure of Holder High School to the tune of \$393,000. I want to point out that this is quite inaccurate and it is based on an assumption articulated by the association in the document that there is "no firm decision" on the future of the school. This is not true. The Government has made a decision about the future of that school and the only question is when that decision should be operative, not whether it should be operative. The saving applicable in that regard is certainly going to be made.

12 September 1990

The document also says that the Government has a "\$900,000 a year overestimate as a result of failure to account for loss of potential rental income".

I would like to point out that the loss of rental income occurs only if one assumes that, by closing the schools the Government has announced will be closing, there is as a result no remaining surplus space that could be let in the school system. I am sure everybody in this chamber is well aware that there is a great deal of surplus space in our system, even after the Government proceeds with the closure of these schools. The capacity to let out that space and therefore to make up that rental income is by no means lost by this decision. The association casts considerable - - -

Mr Berry: On a point of order, Mr Speaker: it seems to me that every time somebody issues a controversial press release we are going to have a statement that goes on for ages. I know leave has been granted, but I would like to prevail upon the Minister to bring it up as a ministerial statement and then we could all debate the issue.

MR SPEAKER: Thank you, Mr Berry, for your observation.

MR HUMPHRIES: If I can answer Mr Berry's question, Mr Speaker: I may well do that in the course of time, but there are a number of statements in this document today which I want to repudiate. I have been misrepresented, and I am entitled under the standing orders to correct that misrepresentation. I would be very happy to put this document on the table and have it debated at a later stage, as I am sure the Assembly will be doing in any case.

Mr Speaker, it is also claimed - and again the association casts doubt on the Government's accuracy and its figures - that the Government will not be able to get away with spending only \$2,000 to transfer the hearing impaired unit from the Weetangera school to the Hawker school. I think that particular costing was described as "beyond belief". The assumption that that is based on is that the cost of putting the unit into the Hawker school will be only a fraction of what it cost to put it in the Weetangera school, because the Weetangera schoolroom had to be soundproofed. This is not necessary in the case of the Hawker schoolroom, because there is a suitable room which is away from other classrooms. It does not require special sound insulation to allow those students to occupy it.

Mr Speaker, the document contains a number of other statements which I will not go into at this stage, but I will - - -

Mr Moore: That is because you do not have answers.

MR HUMPHRIES: I have answers to all of them, but I think that - - -

Mr Moore: And no doubt they are shonky.

MR HUMPHRIES: I would like to go on, if Mr Moore would like me to respond to all those things. However, Mr Berry obviously does not wish to discuss them all at the moment, and I will therefore make only one other comment. The statement claims that the Government has made a "\$309,000 a year overestimate of savings from twinning arrangements (assuming two principals at Kaleen, Giralang and Maribyrnong schools)".

The fact of life is that the Government assumed a total saving from the pairing arrangement with Kaleen, Giralang and Maribyrnong schools of only \$260,000. It therefore amuses me greatly to see that we have overestimated by \$309,000 the savings here when we are predicting a saving of only \$260,000. This is typical, unfortunately, of the many errors and inaccuracies in this document. I propose to make a more detailed statement later on, which will give information on the Government's version of those figures.

SCHOOL CLOSURES

MR BERRY (4.15): Mr Speaker, I seek leave to move a motion that the Assembly takes note of this media release, and I will table it.

Leave not granted.

MR BERRY: Mr Speaker, I do not know why they try to resist debating these issues, but I am reluctantly forced to move that so much of standing orders be suspended as will allow the motion to be proposed, so that both the Minister and members of the Opposition can debate this issue. It is an important issue. I move:

That so much of standing and temporary orders be suspended as would prevent Mr Berry from presenting a paper and moving a motion to take note of the paper.

Question put.

The Assembly voted -

12 September 1990

AYES, 7

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

NOES, 9

Mr Collaery
Mr DUBY
Mr Humphries
Mr Jensen
Mr Kaine
Ms Maher
Mrs Nolan
Mr Prowse
Mr Stefaniak

Question so resolved in the negative.

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE Report and Statement

MS MAHER, by leave: Mr Speaker, I present the following report:

Scrutiny of Bills and Subordinate Legislation - Standing Committee - Report No. 13 of 1990, dated 30 August 1990 -

The report I have just tabled details the committee's comments on the Domestic Violence (Amendment) Bill (No. 2) 1990 and the Door-To-Door Trading Bill 1990. This report was circulated to members on 13 August 1990, pursuant to paragraph 5 of the committee's resolution of appointment. I commend the report to the Assembly.

LEGAL AFFAIRS - STANDING COMMITTEE Reference - Statement by Chairman

MR STEFANIAK, by leave: On 3 May 1990, I informed the Assembly that the Standing Committee on Legal Affairs had adopted a reference on defamation law. After consultation with a committee set up by Mr Collaery, who had a similar brief, and with Mr Justice Kelly, the chairman of that committee, we redefined our terms of reference. I now wish to inform the Assembly that the committee has adopted the following specific terms of reference for this inquiry so that there is no duplication between committees. The terms of reference are:

To inquire into and report on:

- (1) the incidence of defamation litigation in the ACT;
- (2) the financial costs to the community, organisations and individuals of defamation litigation in the ACT;

- (3) the time it takes for defamation actions to be dealt with by the Courts in the ACT;
- (4) the feasibility of introducing alternatives to litigation in defamation cases; and
- (5) Any other aspects of defamation law and practice in the ACT that the Committee considers to be of concern to the community.

MR CONNOLLY, by leave: Mr Speaker, the purpose of making a statement this afternoon is to reiterate the Labor Party's view on Assembly committees. It is with some regret that I had to inform Mr Stefaniak as chair of that committee that I was unable to take part in this inquiry. That is despite my personal regard for Mr Stefaniak as a lawyer and a member of this Assembly. In the view of the Opposition it is not appropriate for an Executive Deputy to chair an Assembly inquiry in the area of that person's portfolio responsibility. The reasons for this were very clearly stated to this Assembly by the Leader of the Opposition on 27 March 1990, and we remain committed to that very important principle.

It is a clear principle of law, that the Attorney-General and Mr Stefaniak would be well familiar with, that the bias rule operates on administrative committees, administrative tribunals or courts to require that a person should not take part in a decision making body if they can be seen to be biased. It is not the rule that a person may actually be biased. The well-worn phrase is that "justice should manifestly and undoubtedly be seen to be done". I quote Lord Hewart in *R. v. Sussex Justices*. This principle applies to administrative decision makers as well as to persons acting judicially.

Members interjected.

Mrs Grassby: Mr Speaker, I raise a point of order. I would like to hear what Mr Connolly has to say, even if nobody else would.

MR SPEAKER: Order! Thank you, Mrs Grassby, for your observation.

MR CONNOLLY: Mr Speaker, these are important points which are going into the legal basis behind Ms Follett's original statement in March, and I think the Government would do well to consider them and listen to them.

As I said, it is not necessary to establish actual bias for the law to strike down a decision maker on these grounds. The function of the bias rule is to maintain public confidence in the decision making process; so the appearance or possibility of bias is a sufficient ground for disqualification. This was well put by Justices Wells and Sangster of the South Australian Supreme Court, who said:

12 September 1990

What we are concerned with, and necessarily and gravely so, are appearances, not reality - possible suspicions, not proof.

In the case of *Fingleton v. Christian Ivanoff*, the 1976 South Australian Supreme Court case was repeatedly confirmed by the High Court. It said that what is required is that the public have a reasonable suspicion or a reasonable apprehension that a decision maker is biased.

Mr Speaker, it is not necessary to continue citing from the cases. The rule is clear. It would be extraordinary if this Assembly set for itself a lower standard than that set down by the law for administrative and judicial decision makers. It must be accepted that a member of the ACT community would have a reasonable apprehension that a person designated as an Executive Deputy, with responsibility for certain areas of government administration, would have a degree of bias when sitting as the chair of an Assembly committee with responsibility for inquiring into that area of activity. This is an important principle. The Government never seems interested in these principles, but it is an important principle. No other parliament in Australia would dream of establishing a parliamentary committee chaired by a Minister, for the proper reason that you have the conflict of executive and legislative responsibilities and also this question of the apparent bias.

There is a very simple solution for the Government to get over this problem. If Government members challenge that they cannot exclude Executive Deputies from chairing committees because they took the decision to appoint everyone as Executive Deputies and therefore they would have no committee chairs, all we say would be necessary is to reshuffle responsibilities on these committees so that an Executive Deputy who may chair a committee does not have portfolio responsibility for that area of government administration that the committee may be inquiring into. I would put it to the Chief Minister that this simple and very sensible reform would resolve our concerns and would allow us to take part in these committees.

As I said before, it is with regret that I cannot take part in this inquiry. It is an area of interest and an important area of law reform. I have no personal difficulty with working with Mr Stefaniak; nor, indeed, do any other members of the Opposition who have found themselves unable to take part in committees because of the conflict in principle with an Executive Deputy with portfolio responsibilities chairing a committee. The Government seems to think this is an amusing objection. It says we should take our positions responsibly and take part in committee work. Mr Speaker, we are taking a very responsible stand by trying to impose proper standards of committee behaviour on this Assembly.

COOK PRIMARY SCHOOL

MR MOORE, by leave: Mr Speaker, we are delighted to have members of the Cook school community here in the Assembly. They are showing a great interest in the Assembly's operations, thanks to the fact that they are disgusted because their school is nominated to close.

COMMERCIAL ARBITRATION (AMENDMENT) BILL 1990

MR COLLAERY (Attorney-General) (4.20): Mr Speaker, I present the Commercial Arbitration (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

The Commercial Arbitration (Amendment) Bill 1990 is designed to discontinue the application in the Territory of the Arbitration Act 1902, New South Wales, by amending the Commercial Arbitration Act 1986 and the Limitation Act 1985. The New South Wales Acts Application Act 1984 will be amended as a consequence.

The New South Wales Arbitration Act previously provided the Supreme Court with the power to refer matters before it to arbitration if that was considered appropriate. The Supreme Court has now been granted this power by the Supreme Court (Arbitration) Ordinance 1990, which allows rules of court to be made under section 28 of the Australian Capital Territory Supreme Court Act 1933 of the Commonwealth, to provide for the reference of matters before the court to arbitration proceedings.

The Commonwealth, which retains legislative control of the Supreme Court, has designed the Supreme Court (Arbitration) Ordinance 1990 in such a way as to make that ordinance the sole basis of the Supreme Court's power to refer matters to arbitration. Accordingly, the New South Wales Arbitration Act will cease to have any effect once rules of court are made on this matter. In the interests of greater certainty in the law and a desire not to have unnecessary and potentially confusing laws in a statute book, this Bill has been introduced to repeal the New South Wales Arbitration Act as it applies in the Territory and to make consequential amendments to the other Acts as a result of this repeal.

These amendments will apply from the date that the rules of court that the Supreme Court will make on this matter commence. A transitional provision in the Bill ensures that any orders made under the New South Wales Arbitration Act, as it applies in the Territory before the commencement of the relevant provisions in the Bill, will continue to be effective. Mr Speaker, I now present the explanatory memorandum for the Bill.

12 September 1990

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

DOMESTIC VIOLENCE (AMENDMENT) BILL (NO. 2) 1990

Debate resumed from 15 August 1990, on motion by **Mr Collaery**:

That this Bill be agreed to in principle.

MS FOLLETT (Leader of the Opposition) (4.23): The Labor Party supports this Bill, and indeed I have aired some of the issues covered by this Bill on previous occasions in the Assembly. Members may recall the matter of public importance which I raised on national Stop Domestic Violence Day. In that speech, I outlined some of the surprising statistics about the widespread nature of domestic violence and traced the difficulties created by community attitudes.

As I outlined that day, I believe that simply changing the law is not the final answer. The fact is that violence in the home constitutes a criminal assault, and it has always been wrong. It has long been illegal. The real problem is that we need a change in attitude by men who have to recognise that violence in the home is unacceptable. It is the perception that violence in the home is somehow different or more acceptable than violence in the street that has made it necessary to introduce special legislation.

The pioneering ordinance which was introduced in the ACT in 1986 has been very successful, and I have spoken before about the cooperative approach taken by the police, and the excellent work done by the Domestic Violence Crisis Service, which is now some two and a half years old. Both the Act and the crisis service are now seen as something of a model around the country.

The origins of this Bill can be traced to a review of the legislation initiated by the Commonwealth Attorney-General's Department in 1987, and taken over by the ACT administration later on in that year. That review involved widespread consultation and discussion of the findings with the Criminal Law Consultative Committee and also with relevant agencies. The major recommendations of the review are now reflected in the Bill, and I wish to draw attention to the two most important points.

The original ordinance allowed both spouses and children to seek protection from domestic violence. While this probably covered the vast majority of cases, it is clear that other people are unfortunately also victims. For example, parents or other relatives who reside in the home may become involved. The amendments contained in this Bill will extend coverage to all family and household based

relationships, and we support these changes. The changes still leave one potential loophole in the law. During consultations on the Bill, one of the women's refuges has raised the problem of violence between people who are involved in a relationship but who do not necessarily live together. I recognise that there are complications about extending the scope of this law beyond domestic relationships, and that "keep the peace" orders are also available. The difficulty with this is that the system for "keep the peace" orders is not as streamlined, and involves the public exposure of possibly sordid details. I will be examining the options for dealing with this situation, and ask that the Government do the same.

The second major change concerns the ability of children to seek a domestic violence protection order. The original ordinance made it necessary for a child to seek the assistance of others to apply for a protection order. Given that there will be occasions where the child is estranged from both parents and does not have a legal guardian, it is sensible to allow the child to seek protection in his or her own right and to provide relevant legal assistance. I am pleased to see that the Bill includes such provisions.

The remaining provisions in the Bill largely relate to clarifying or improving the administration of the existing Act; and I do not propose to go into the detail of that. I do wish to raise, however, the question of the time that it has taken to implement these changes. Following self-government last year, I took up these amendments and initiated drafting work. A first draft was prepared just before Labor left government last December. I regret to say that this is another area where Mr Collaery has dragged the chain with repeated promises of action which he has failed to deliver. At the start of April he promised, at the domestic violence legal forum, that he would take recommendations to Cabinet the following week, and in fact he did not. As a result of this Bill, and in other areas like human rights, he is now known in the community as "Gunna Bernard". He is called "Gunna" because he is always "gunna" do something but he never does; all we ever hear is promises. The remarkable fact about this Bill is that aside from minor drafting changes it contains exactly the same provisions as the draft which was ready eight and a half months before Mr Collaery introduced this. It has been a disgraceful performance from a discredited Attorney-General - one in a series of disgraceful performances.

Mr Speaker, as I have indicated, the Labor Party supports the Bill and we will not take any further time of the Assembly so that the Bill may be passed and implemented immediately.

MS MAHER (4.28): Domestic violence is a widespread problem in the Australian community. Its causes lie, as Ms Follett said, in our society's attitudes to men and women, to violence and to conflict. For too long the problem has

12 September 1990

been hidden behind closed doors. Thousands of women and children have suffered physical and mental abuse in their own homes and have suffered in silence.

Research conducted under the national domestic violence education program has shown that one in five Australians condone the use of physical force by a man against his partner. One in three Australians regard domestic violence as a private family matter in which the community as a whole has no responsibility. But, Mr Speaker, who is it who picks up the pieces after a domestic violence incident? Generally, it is the community.

What are we talking about when we talk about domestic violence? Domestic violence can take many forms. Many women live with the constant threat of violence; many endure the obvious physical acts of hitting, pushing, kicking and choking. Physiological and emotional abuse can involve threats, harassment or denigration of the person. In most cases the effects of domestic violence are many and lasting. A person who has suffered domestic violence will often lose their self-esteem and their self-worth.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

Mr Collaery: I require the question to be put forthwith without debate.

Question resolved in the negative.

DOMESTIC VIOLENCE (AMENDMENT) BILL (NO. 2) 1990

Debate resumed.

MS MAHER: Sadly, sexual abuse is also often part of the domestic violence cycle. Our policy on the status of women states that women and children are more likely than men to be victims of criminal assault, particularly domestic violence, sexual abuse and street violence. The Alliance Government has a strong commitment to promoting the safety of women and children in our community and to providing ongoing community education programs. Today the Alliance Government has taken a further step to prevent domestic violence by extending the current ACT domestic violence legislation. The amendments bring our legislation into line with New South Wales.

Domestic violence occurs amongst all groups in the community, whether middle class or working class, old or young, black or white, English or non-English speaking. The people who commit domestic violence are often outwardly respectable and responsible members of the community. The break the silence campaign conducted through the national domestic violence education program has done much to raise community awareness of this community problem.

The ACT, along with other State governments, has been an active participant in the three-year program. The Commonwealth-State National Committee on Violence against Women is a commitment from all governments to stop domestic violence. This committee will focus on the experiences and needs of women subject to violence in all its forms, and will aim for the elimination of violence against women from Australian society. The ACT will participate on this committee, which is expected to meet shortly. Domestic violence can be effectively tackled only if every government in Australia backs it with action, and this is the first step.

The ACT community is no stranger to domestic violence. This year the Domestic Violence Crisis Service has had an average of 430 crisis calls per month. Each month its officers have made an average of 120 crisis intervention visits, and 60 of those have had police accompanying them. Where would we be without this Domestic Violence Crisis Service? Each month about 40 prosecution orders under the Domestic Violence Act are issued by ACT magistrates.

Mr Speaker, this Government finds domestic violence totally unacceptable. The Alliance Government is committed to the prevention of domestic violence and to the protection of domestic violence victims. Today we are debating amendments to our domestic violence legislation which demonstrate that commitment.

Under the Act protection will be extended to family and household members who may also be victims of domestic violence. This will include a person who is living, or who has originally lived, in the same household as the perpetrator, and a person who is, or has been, a relative of the perpetrator, as well as the children of these people. This means that parents, grandparents and adult children with mental or physical disabilities will be protected under the new legislation. Further, children will have the right to apply for a protection order in their own right to ensure their safety and, if unable to do this themselves, legal assistance be made available.

This Bill is a result of a review undertaken by agencies involved with the operation of the Domestic Violence Act. Those agencies included the Domestic Violence Crisis Service, many women's services within the ACT, the courts, the police and the ACT Legal Aid Office; all who are working to prevent domestic violence. The responsibility rests with all of us. I urge you to work for an ACT

12 September 1990

community where all women and children can live free from the threat of violence within their own home. Mr Speaker, I commend the Bill to the Assembly.

MR COLLAERY (Attorney-General) (4.35), in reply: Mr Speaker, I rise to thank the members for their comments. Once again, I say with regret that I do not thank the Leader of the Opposition for her typical premeditated and snide personal attacks. It has become a feature of Ms Follett's form of response that she makes snide personal comments and leaves the chamber. She has done it again.

The fact of the matter is, on the advice of my law office, that the first draft of this legislation was available on 16 November 1989. Members are well aware that that was only a matter of days before Ms Follett went out of government. And if one examines the Hansard, one reason why she went out of government is her slothful approach to matters of this nature. Certainly, that was constantly one of my comments, and I will say why it was one of my comments to the house. It is because on this side of the house there are two people, and perhaps three - but certainly not as a prosecutor - who have been actively involved - - - (Quorum formed)

Mr Speaker, I was referring to the script from which the Leader of the Opposition usually works. She is not known for extempore speeches in this chamber. We do not know whether she is capable of them, but certainly the thing that makes her comments worse, and continually affects the standard in this Assembly, is the - - -

Mr Connolly: On a point of order, Mr Speaker: These childlike remarks are hardly relevant to the question whether the house should or should not pass this important piece of legislation. Ms Maher spoke to the legislation. I would ask the Attorney to speak to the legislation.

MR SPEAKER: Order! Thank you, Mr Connolly, for your observation. Mr Collaery, please speak to the point.

MR COLLAERY: Certainly, Mr Speaker. The point was that the Leader of the Opposition referred to me as a thoroughly discredited Attorney-General and, with respect, I am entitled, Mr Speaker, to respond to that.

MR SPEAKER: Order! I would submit to you that that is a matter of personal explanation, rather than a continuation of the debate on the issue.

MR COLLAERY: Mr Speaker, with respect, I may make that personal explanation during the debate, and I propose to do so. I said earlier that Ms Follett had a prepared statement which involved a personal attack on the Government's performance and me in particular. I respond to that by saying that the facts reveal that she had her first draft days before she was put out of government. The matter came before the Alliance Government Cabinet some

time after that, in April, following a review of all the products of the seven squandered months of Labor in government.

Certainly, I am happy, and I cannot be churlish about it, that the Labor Party has chosen to support this important development of the law. On the question of protection of persons not residing together, the Government is reviewing its legislation governing the "keep the peace" aspects that Ms Follett mentioned.

Ms Follett talked about delay. The fact is that the Government quite properly wrote to the Law Society on 27 June 1990, after the Bill was tabled, seeking any further comments which it might have wished to make, since it had contributed during the processes of the Criminal Law Consultative Committee.

The Law Society responded on 31 August this year, and made a number of interesting and pertinent comments. Some of these may subsequently be followed up, but one of them is outside the constitutional powers of the Territory - that is, that appeals from domestic violence orders should lie to the Family Court, rather than the Supreme Court.

These are matters that we can work through, but clearly the legislation has the support of the community and the professionals involved in it. On the question of the professionals being involved in it, it is well known that I have had a long personal involvement in the area of domestic violence protection for women and my colleague Mr Humphries has also had some practice in this area.

Mr Speaker, the remarks of the Leader of the Opposition were churlish in the extreme and unpleasant, and when she forwards her set piece speech to the community - if it has not already gone out, because she is not in the chamber - I trust that those refugees and those good workers in this area will note that there is no substance in her allegation that I, personally, have failed to give proper attention to these issues. The Government stands on its record. This is legislation that is part of an ongoing flux of legislative change affecting the Domestic Violence Act. We have, as a Territory, the leading legislation in this country. It is a source of considerable pride to me as we go to State Attorneys meetings and other meetings around Australia that we are questioned and asked about how our domestic violence laws work. We are streets ahead of other States who still rely on injunctions and the like.

All involved in this process, particularly the criminal law consultative process, and the lawyers, the community groups, the Domestic Violence Crisis Service and the police, are to be congratulated for bringing this Bill ahead. I particularly congratulate Ms McGregor of the Domestic Violence Crisis Service for putting on an excellent forum at Olims Hotel some months ago. I regret that the Leader of the Opposition is so myopic as to

12 September 1990

suggest that she is responsible for the legislation. It is an absurd claim; it is known to be absurd out there. I would invite the members of the Opposition, if they have a sense of social justice, really, truly to involve themselves in this area, to go to the court, to observe these issues, and to find out something about domestic violence concerns in the community.

That was empty rhetoric from the Leader of the Opposition. I am delighted to see that these amendments will pass. It would have been irresponsible of the Government to have introduced these amendments without finalising the consultative process, particularly with the Law Society and other groups.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Legislation List

MR BERRY (4.43): In the adjournment debate this evening I would like to talk about the legislation list of the Government opposite. I will not take up too much time, Mr Speaker.

Ms Follett: Neither would the list.

MR BERRY: As the Leader of the Opposition has rightly said, neither would the legislation list which has been talked about by the Government. The senior law officer - as he describes himself - in a petulant mood refused to press on with the requirements to table the document with due notice, and in the absence of due notice did not feel inclined to suspend so much of standing orders as would allow him to do it. I suspect that the reason that Mr Collaery did not do that was that he was not too impressed by the list himself, and therefore it was not worthwhile pressing on with the matter because neither would anybody else in this place be impressed by it.

I think the people of Canberra would not be impressed by the performance of this Government in the production and consideration of meaningful legislation in this Assembly.

The Government has been very slow. The Opposition's legislation list is fast catching up with it, and this is despite moves by the Government to prevent the Opposition from having access to drafting services. The Government has claimed, as has been the case, that anything that it has indicated its intention to legislate for means that the Opposition cannot also have the resources necessary to draft legislation. Well, we have got around that. We are able to deal with some of that ourselves, and we will continue to provide legislation for consideration by this Assembly, despite the fact that the Government is not able to provide legislation of substance.

Over and over again, there is a cry for legislation on important issues, and I think one of the most important ones which has been overlooked in recent times, and has been blocked by the Government, has been the subject of tobacco consumption. In the middle of December last year we moved to have legislation drafted so that we could get that legislation in front of the Assembly. The matter could then be properly debated and would become law in the Territory so that, as time went by, there would be less tobacco related illness in the community, and fewer people in our hospitals as a result. It does not seem that the Government is too interested in this, because all that has happened is that there has been a lot of shilly-shallying about introducing tobacco legislation. Here we are, well down the track, and there is still no sign of the legislation, although it has been foreshadowed.

I cannot for the life of me sit back in good conscience and say nothing about a government which has so dismally failed to perform in the area of the production of substantial legislation as this Government has. This is irrespective of the criticisms that the Opposition and the community generally would have of the Government because of its bad behaviour, its poor performance as a government, and the atrocities that have been committed on the community in respect of its services.

Mr Speaker, in this adjournment debate I think the Government should take on notice that the Opposition is very concerned about the future of legislation in this Territory. If the Attorney-General can get over his fit of petulance and table a copy of the legislation list in the Assembly, then we can all have a look at it and make further judgments about what the Government intends to do in respect of legislation. If the petulant Attorney-General takes the time to give notice of ministerial statements, in accordance with the agreement that has now been reached, I am sure that the matter would be tabled. Mr Speaker, I call on the Attorney-General to dump the petulance and get on with the job.

12 September 1990

School Closures

MR MOORE (4.48): Mr Speaker, I would like to raise a quite different issue. The issue that I would like to speak about today is a couple of statements that have come from Dr Willmot and also, I think, Mr Humphries. They have commented on whether children should participate in demonstrations. The school closures issue is a matter that has been of great interest to many children and older students and they have, of course, participated in a series of demonstrations. We have seen more children in the Assembly since this issue was first flagged than we have at almost any other time in the Assembly's history. I think it is of great benefit to students and to children to see that they can participate in a democracy and express their opinions, provided this is not done with violence or with threats of a personal nature or anything to that effect. It is a great disappointment to me that anyone in the community could suggest that it is an inappropriate way to use our children.

One of the areas of weakness in our education system that could be looked at is just how do we involve our children in their own democratic systems. I think it is clear to many of us who have worked in schools and have now moved into government that it is an area of weakness in our education system. In America much effort is put into involving students in government and how government works - their rights and, of course, their responsibilities. In Australia we often put more emphasis on responsibilities. That is appropriate, and I think that most people in this Assembly would agree with that. Perhaps this is an area that the Government might decide that it should look into, to see just how we could involve students in a more active participation in the democracy. They could see how it works in their own schools and how it works broadly.

For anybody, especially people so closely involved in education, to suggest that children ought not be participating in a democratic methodology - for example, demonstrations, writing to members and so forth - I think is a poor reflection on themselves and on how the school systems work. I would like to flag this and make this public, because I am delighted to see so many people of all ages participating in an appropriate way in our democracy and expressing their opinions, as indeed they should, and bringing pressure on members of the Government, and in fact on all members of the Assembly over these sorts of issues.

United Nations Convention on the Rights of the Child

MR COLLAERY (4.51), in reply: I rise to close the debate. I was interested to hear Mr Moore's remarks on the involvement of children in the schools issue. I draw the attention of the house to the recently signed - at least by Australia - UN Convention on the Rights of the Child. Mr Speaker, in that convention article 12 says:

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child ...

Clearly, the convention recognises that the child's right to express an opinion is paralleled with that of the child who is capable of forming his or her own views. The convention also goes on to recognise the right of the child to freedom of association and freedom of peaceful assembly. No restrictions should be placed on the exercise of these rights.

The convention continues:

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect ... maltreatment or exploitation ...

Mr Speaker, the convention states in article 29 that the aims of education include:

... the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin ...

There needs to be an appropriate balance in the use, as I might call it, of children in matters in public issue that do involve the exercise of the right of peaceful opinion and the getting together of children, particularly on political issues. I point out to the house that it is inimical to aspects of the convention, particularly article 29, for children to be taken to effigy burning parties and to any other gatherings which do not further peace, tolerance and understanding between people. It is clearly incumbent upon us, as Mr Moore says, to involve children in their right to express an opinion, provided they are capable of forming their own views.

Statement by Speaker

MR SPEAKER: As a matter of courtesy, I wish to formally advise the Assembly that on 31 July 1990 I was accepted as a member of the Liberal Party of Australia, ACT division.

Question resolved in the affirmative.

Assembly adjourned at 4.54 pm

12 September 1990

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ANSWERS TO QUESTIONS

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

Water - Consumption Figures

QUESTION NO. 219

Ms Follett asked the Minister for Finance and Urban Services -

Can the Minister confirm that the figures for reticulated water consumption given in his answer to Question No. 184 were in megaliths, not kilolitres as stated in the answer.

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

Yes. The response to question No. 184 should have been in megaliths as identified by the Leader of the Opposition.

3183

12 September 1990

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

Public Works Contracts

QUESTION NO. 222

Mrs Grassby - asked the Minister for Finance and Urban Services

- (1) Has the Ministers attention been drawn to the Head contract document NPWC Edition 3 and the standard sub-contract document SCNPWC Edition 3?
- (2) Do both these documents have the approval of the Master Builders Association and the Australian Federation of Construction Contractors and are they the standard contract documents used by the Government for works contracts?
- (3) Is the Minister aware that R and G Shelley Pty Ltd issued "special Conditions of Sub-Contract" with their standard (SCNPWC Edition 3) sub-contracts
- (4) Has the Ministers attention been drawn to the fact that R and G Shelley Pty Ltds "Special Conditions of Sub-Contract" were noted as "for use with NPWC Edition 3 Head Contract" and "For use with SCNPWC Edition 3".
- (5) Is the Minister able to state whether R and G Shelley Pty Ltd advised sub-contractors that if they did not sign the special conditions they would not be awarded contracts; of so, did special conditions have any industrial approval?
- (6) Is the Minister able to state whether these "Special Conditions of Sub-Contract" had the effect of overriding the standard conditions of sub-contract set down in SCNPWC Edition 3 and whether, in particular, they ensured that R and G Shelley Pty Ltd were not liable for extra costs incurred by sub-contractors due to time delays caused by R and G Shelley.
- (7j Does the Minister agree that such practices could be used to try to avoid paying sub-contractors the amounts they are owed; if not, why not?

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

- (1) Yes - head contract document NPWC Edition 3 is used by the ACT Government on ACT Public Works Contracts.

The ACT Government is also aware that some ACT Public Works Contractors use SCNPWC Edition 3.

3184

(2) The NPWC Edition 3 is a national standard contract used by Public Works Authorities around Australia and was developed by the National Public Works Conference some years ago with consultation with industry. The Master Builders Association and the Australian Federation of Construction Contractors are aware that these documents are used within ACT Government works contracts. ACT Public Works does not approve, instruct or nominate the use of SCNPWC Edition 3 for sub-contracts. The choice of the conditions of subcontract is a matter between the head contractor and sub-contractor.

(3) No - There is no privity of contract between ACT Public Works as Principal and the sub-contractor.

Where a Contractor arranges sub-contracts the form of these contracts are of an infinite variety. There are standard forms put out by associations for the use of their members. Larger contractors have their own standard form which they modify to suit their particular circumstances.

(4) No - There is no privity of contract between ACT Public Works as Principal and the sub-contractor.

(5) No

(6) No - ACT Public Works is not privy to these "Special Conditions of Sub-Contract" or any of the sub-contract conditions.

(7) Without specific knowledge of the "Special Conditions of Contract" and the Sub-Contract Conditions I cannot provide a definite answer to this question.

3185

12 September 1990

MINISTER FOR HOUSING AND COMMUNITY SERVICES

ACT LEGISLATIVE ASSEMBLY

Community Development Fund

QUESTION NO 230

Mr Berry - asked the Minister for Housing and Community Services -

In your portfolio areas, how much of the Community Development Fund has been allocated and how much remains.

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

In 1989-90 the following allocations from the Community Development Fund were made to programs transferred to my portfolio in December 1989:

- (a) Community Services \$12,819,500
- (b) Sport and Recreation \$ 2,842,900

By 1990, the following funds remained unspent:

- (a) Community Services \$1,873,900
- (b) Sport and Recreation \$ 162,400

In the 1990-91 Budget the Government has allocated \$5,541,000 from the Community Development Fund for my portfolio. A further \$6,441,000 is provided through the Consolidated Revenue Fund for the balance of community grants to be allocated as a result of the abolition of the Community Development Fund on 31 December 1990.

3186

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

Aluminium Stormwater Pipes

QUESTION NO. 234

Ms Follett - asked the Minister for Finance and Urban Services -

- (1) What results have been achieved with the trial installation of aluminium stormwater pipes?
- (2) What cost benefits are likely with future use of the material?

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

- (1) As the aluminium pipes on trial were laid in December 1988 it is too early to determine the long term suitability of this material for stormwater pipes. The pipes are located in an established area which, unlike new subdivisions, does not have large quantities of debris and silt in the stormwater system. This trial will not therefore allow an accurate indication of the pipes suitability for general use.

No major maintenance of the pipes has been required. However, despite the lack of a clear result to date, certain unsatisfactory features of aluminium pipes have been observed:

the pipe joints leave an internal gap which could cause blockages and difficulties in cleaning;

the thin walled pipes can become deformed during construction loading and require careful embedding and backfilling;

the ability to make connections with materials other than aluminium is not certain; and

the extent, if any, of surface corrosion due to soil content has not been ascertained.

- (2) Although the initial cost of aluminium pipes is less than concrete ones, thin walled aluminium pipes require greater care in bedding and backfilling and consequently the total construction cost of the aluminium pipe project is similar to an equivalent concrete pipe job. It is unlikely that cost benefits could be obtained by the use of aluminium pipes and in fact the total life cycle cost of these pipes may be greater than for concrete pipes because of possibly higher maintenance costs.

3187

12 September 1990

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

Electricity System Load Factor

QUESTION NO. 235

Ms Follett - asked the Minister for Finance and Urban Services -

What is measured by the Electricity System Load Factor percentage.

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

The Electricity System Load Factor is the ratio of the energy actually purchased in a period to the energy which would have been purchased if the maximum load had persisted for the whole period.

Thus using the figures in the 1988/89 Annual Report (page 46), the energy actually purchased during the year was 2075.1 GWEN. If the maximum demand of 513.7 MW has persisted for 24 hours per day for 365 days, the energy purchase would have been some 4500.0 million kWh. The System Load Factor Percentage ratio is thus $2075/4500$ or 46.1 % on an Annual basis.

The load factor can also be calculated on a monthly basis in a similar way.

3188

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

ACTEW - Electricity Purchases

QUESTION NO. 236

Ms Follett asked the Minister for Finance and Urban Services

- (1) What is the pricing formula under which the ACT Electricity and Water Authority purchases electricity from NSW.
- (2) When does the current agreement with NSW expire.
- (3) In what circumstances may either party vary the contract.

Mr Duby - The answer to the Members question is as follows:

- (1) The ACT Electricity and Water Authority purchases electricity from NSW on the same "Uniform Bulk Supply Tariff" as applies to other customers of the Electricity Commission of NSW (ENCASE).

The Tariff formula includes charge elements for energy purchase at defined "peak", "shoulder" and "off-peak" periods as well as a "supply charge" allocated between ENCASE customers on the basis of previous consumption history.

- (2) There is no formal "agreement" for supply to the ACT, nor are there "agreements" for supply to the other customers of the Electricity Commission of NSW. The Commission has been supplying the Australian Capital Territory under similar arrangements for over 25 years and exchange of correspondence each year confirms the extension of supply availability under the existing terms.

The Snowy "Agreement" presumes a "cost of transmission" of Snowy power, and presumes the willingness of ENCASE to supply the make-up. ENCASE each year advise a "cost of transmission" based on their previous years audited costs and acceptance of this cost advice each year serves to confirm "that arrangements will operate under the same terms and conditions as those currently applicable..."

See part (2) above.

3189

12 September 1990

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

ACTEW - Off-Peak Hot Water Systems

QUESTION NO. 237

Ms Follett - asked the Minister for Finance and Urban Services

- (1) On what basis did the ACT Electricity and Water Authority or its predecessors determine the pricing for the off-peak hot water tariff.
- (2) On what basis did the Authority determine the refund level for the Off-Peak \$150 Cashback Campaign.

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

- (1) The off-peak tariffs recognise cost reductions associated with better utilisation of supply system capacity investment and have recently been set at 50% of the domestic remainder energy rate. This is similar to arrangements for off peak supply in NSW.
- (2) The Off-peak Cashback Campaign was modelled on a similar campaign in NSW known as OPPOSE (Off-peak Purchase Assistance Scheme). This scheme offered customers a \$100 grant for the installation of an off-peak system and allowed a "loan" of a further \$100 on favourable terms to be repaid over an extended period.

The ACT Electricity Authority adopted the scheme in principle but offered \$150 as a single rebate amount. This arrangement reduces administration effort and costs and when interest and associated costs are taken into account the two schemes are very similar.

3190