



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

18 September 1990

Tuesday, 18 September 1990

Questions without notice:

Multicultural ACT	3287
School closures - inquiry	3288
Inner city parking	3289
Hackett Primary School - maintenance costs	3290
Tuggeranong swimming pool	3292
Kings Highway - upgrading	3292
Woden Valley Hospital	3293
Tuggeranong swimming pool	3293
Weetangera Primary School - hearing impaired unit	3294
Weston Creek Health Centre	3295
Asthma drugs	3298
Land use variation	3299
Roadworks	3300
Public works contractors	3300
Nurses career structure review (Ministerial statement)	3301
ACT court system (Matter of public importance)	3304
Appropriation Bill 1990-91	3323
Estimates Committee - appointment	3350
Gaming Machine (Amendment) Bill 1990	3379
Pawnbrokers (Amendment) Bill 1990 [No 2]	3379
Second-hand Dealers and Collectors (Amendment) Bill 1990 [No 2]	3380
Truck (Amendment) Bill 1990 [No 2]	3381
Discharge of orders of the day	3381
Adjournment:	
Mr Len Clampett	3381
Mr Len Clampett	3383
Mr Len Clampett	3385
Royals Rugby Football Club	3385
Football clubs	3385
Reid	3385
Estimates Committee	3386

Answers to questions:

Consultancies (Question No 183)	3389
Public housing waiting lists (Question No 208)	3391
Ambient lead levels (Question No 211)	3393
Unvented gas heaters (Question No 212)	3399
Housing Trust - sales (Question No 217)	3400
Housing Trust - purchases (Question No 218)	3401
Hospital redevelopment project (Question No 224)	3404
Community Development Fund (Question No 229)	3405
Hospital redevelopment project (Question No 238)	3406
Royal Canberra Hospital patients (Question No 249)	3407
Hospitals - consultations	3408
School counsellors	3409
Alcohol and drugs	3410
Hospital redevelopment	3411

Tuesday, 18 September 1990

MR SPEAKER (Mr Prowse) took the chair at 2.30 pm and read the prayer.

QUESTIONS WITHOUT NOTICE

Multicultural ACT

MS FOLLETT: Mr Speaker, my question is to the Chief Minister. While I am waiting for him to appear I will ask whether the Assembly could welcome Lyneham High School to the chamber this afternoon. If the Chief Minister is not here, is somebody taking his questions for him?

Mr Collaery: I am happy to take questions for the Chief Minister until he emerges from the scrum.

MS FOLLETT: Mr Speaker, my question refers to the paper released shortly before the budget and called Blueprint for a Multicultural ACT. I would like to ask: other than re-releasing the decision to establish an ACT human rights commission, what resources were included in the budget to implement the multicultural blueprint?

Mr Collaery: With your indulgence, Mr Speaker, I will just whisper to my leader and pass on the message.

MS FOLLETT: I am happy to ask it again.

MR SPEAKER: Would you re-ask the question, please, Ms Follett?

MS FOLLETT: The question relates, Chief Minister, to the Blueprint for a Multicultural ACT which you released shortly before the budget. I ask: other than restating your decision to operate a human rights commission in the ACT, what resources have you allocated in the budget towards implementing the Blueprint for a Multicultural ACT?

MR KAINE: Mr Speaker, the provisions in the budget for all kinds of special purposes, whether for multicultural affairs, for the ageing, for the handicapped or for the disabled, are all explicitly stated in the budget and at this point they are merely a continuation of the programs that have been there in previous years. This is a blueprint. It sets the directions for the future and, until we examine these directions in further detail and are able to cost them, it is not possible to make specific provision in the budget for any particular course of action that emerges from it.

18 September 1990

For example, we have said that we will establish an advisory committee on multicultural affairs. I do not believe that this is likely to cost the Government anything. It is something that can be done at no cost and we will do this fairly quickly. Once the committee is in place and it begins to recommend courses of action that the Government should heed and follow, then there may be a price-tag that can be attached. At that time we will consider what provisions ought to be made in the budget. Of course, if there is a financial liability that comes up this year, it can always be provided for by an allocation from the Treasurer's advance which exists for such purposes.

School Closures - Inquiry

MR WOOD: Mr Speaker, I direct a question to the Minister for Education. The question concerns the Government's inquiry into its own incompetence, that is, the inquiry into school closures. Minister, where will the resource backup for that inquiry be located? Is it the case that it will not be either the education department or Treasury? What will be the extent of those resources?

MR HUMPHRIES: Mr Speaker, I thank Mr Wood for his question. First of all I want to place on the record very emphatically my rejection of his description of this as an inquiry into the Government's own incompetence. When this inquiry was announced I predicted that people would say that the fact that the Government is conducting an inquiry into the costings and savings figures projected for school closures was proof of the fact that it had no confidence in the figures it had already produced. On the contrary, Mr Speaker, let me say quite emphatically that this inquiry is an affirmation, certainly, of my confidence in the work that my department has done to produce those figures, and I stand by the accuracy of those claims. If I were not prepared to do so, I would be most unlikely to have agreed to an independent inquiry.

The backup that Mr Wood refers to, I think, is a reference to the administrative support for the inquiry. It will certainly not come from the Ministry of Health, Education and the Arts. I understand that the ACT Treasury has offered to provide people who are competent to provide administrative support for that function. Given the fact that the P and C council, for one, continues to assert that it is the Treasury's view that we cannot make savings from this process, I would have thought that from that point of view we are, in fact, again delivering ourselves into the hands of our enemies, by providing to such people the access to the sensitive process of conducting this inquiry.

As I have said before, I am quite confident that this process, however it is conducted, will produce an outcome which will affirm the Government's decision up until now.

I have not yet made a final decision on how that support should be provided. Certainly, Mr Hudson, the inquirer, will have some input into how that is provided and what the nature of the support will be. When the decision is made on just how that support should be provided I will advise the Assembly.

MR WOOD: I have a supplementary question, Mr Speaker. With respect to this report which then appears to be just a sop to the Rally, can you assure the house and the community that it will be an open inquiry at which all groups will be able to present their views?

MR HUMPHRIES: Mr Speaker, to a large extent the way in which the inquiry is conducted will be up to Mr Hudson. I do not propose to prescribe tightly - - -

Members interjected.

MR HUMPHRIES: There are certain things that the Government has required. One of the things we have prescribed to Mr Hudson is a very clear guideline on the time frame; that is something about which I make no apology. I do not wish to see schools remain for a long period in a state of uncertainty about the outcome of this process, and I make no apologies for wanting his report within a six-week period.

I also want to say that it is clear that the way in which the inquiry will be conducted, particularly the way in which submissions from the community will be received, is a matter for Mr Hudson; however, I would be most surprised if he were not prepared to accept submissions from the public. I am sure those submissions have been wholly or partly written already as a result of the two earlier rounds of calls for public submissions on the part of the Government. My expectation would be that Mr Hudson would welcome submissions and would certainly take them into account.

Mr Berry: Why do you not make decisions in relation to it?

MR HUMPHRIES: It is not my task to tell this person how it is to be conducted. After all, as Mr Berry well knows, the call has been for a public and independent inquiry and, if I were to tell the person how the inquiry is to be conducted, there would be question of it being either independent or public. There is no question about these things. It is clearly both.

Inner City Parking

MR STEFANIAK: Perhaps before I ask my question I should congratulate Mr Moore and the Labor Party on winning what appears by their red ribbons to be second prize at some show during the luncheon adjournment. My question is to Mr DUBY, the Minister for Urban Services, and it has nothing to do with second prize or shows.

18 September 1990

Mrs Grassby: It is solidarity; something you do not have.

MR STEFANIAK: That is a good comment. I thought that was a Polish organisation. My question is to Mr DUBY and it is about a letter published in the Canberra Times on Sunday last, advising motorists that there is plenty of free parking in the areas of the Currong, Allawah and Bega Flats and in Turner and O'Connor. The letter goes on to state, "Providing you park about 9.00 am and come back at lunchtime to check if your tyres have been chalked, you can park free all day". Can the Minister comment on that; and what is he doing in relation to the events alleged in that letter?

MR DUBY: I am aware of the letter that was written to the Canberra Times and I would like to correct some of the allegations that were made in that letter. There is no question about the fact that unauthorised motorists who park in the vicinity of the Bega, Allawah and Currong Flats, Argyle Square and a number of streets around Turner and O'Connor for extended periods will and do incur parking fines. There are actually three-hour time restricted parking areas in these vicinities, and people who overstay without authorisation receive tickets. Parking inspectors patrol these areas every day at varying times and any vehicle parked in contravention of those restrictions is issued with an infringement notice. I should point out, though, that residents of the flats are provided with authorised labels for their vehicles so they can park near their residences at times that are convenient to them. They can park there and visit their family friends, et cetera, or come and go as they please, as they should be able to.

The inner city three-hour area parking restrictions were installed to allow visitors and families of residents to park in close proximity, yet discourage commuters. Frankly, in my opinion, that is exactly what is occurring. I refute the allegations in the letter that commuters are occupying spaces meant for the flats and not allowing the legitimate residents to use the facilities provided for them.

Hackett Primary School - Maintenance Costs

MR MOORE: My question is to Mr Humphries and it concerns the supplementary budget information paper No. 3. The table provided there shows a Hackett Primary School maintenance bill of \$104,600 per year, which is the average expenditure over the last three years. That is significantly higher than any of the others. Can you explain, first of all, Minister, why it is that these figures are averaged over three years instead of the standard seven years to allow for cyclical maintenance, painting and so forth? Secondly, does that \$104,600

include maintenance carried out on the ACT Sports House? I refer to page 12 of your document.

MR HUMPHRIES: I do not know the answer as to why - if this is the case and I assume it is from what it says here - this has been averaged over a period of only three years and not seven. I take it as read, for the time being, that Mr Moore is right in saying that it is usual to do this over a seven-year period rather than a three-year period but I am not going to enter into that debate. I will take that part of Mr Moore's question on notice and get back to him.

As to whether those maintenance figures also include the Sports House complex at Hackett, my understanding is that, in fact, none of the figures in these documents refer to costs that are associated with the tenants that share those sites with some of those schools. Any major maintenance would not be on the Sports House. I visited the Sports House in the company of Mr Stefaniak only a couple of weeks ago and was impressed by the layout of that place and the quality of the building. There seemed to be no reason why major maintenance would be required. However, it is my understanding that there is no question of - - -

Mr Wood: The same with the primary school; it is a good quality building.

MR HUMPHRIES: It is clear that there are problems with our schools, Mr Wood, and we have to look into the question whether we should be meeting the ongoing maintenance costs and putting education dollars into those costs, rather than into other more important things such as teachers and resources. This is my understanding of the situation, Mr Moore, but I will advise you of any inaccuracies in what I have said. They should be notified.

MR MOORE: I have a supplementary question. Mr Humphries, are you aware that Cook Primary School - it is listed a couple over - is almost the same design as Hackett Primary School and about the same age and its maintenance costs were about a third of those of Hackett Primary? Of course, what happens here is that we question the validity of the figures.

MR HUMPHRIES: I do very much doubt that Hackett and Cook Primaries are the same age, as Mr Moore assumes. I do not know that they would be. Obviously Hackett school would have been there some years before the Cook school was built. However, once again I will take that question on notice, if there is any issue to be appraised there or teased out, but I do not think that there is. It is obvious, I think, that there are wide variations in the maintenance costs of these buildings. It is very hard to predict why it is that one building will need more maintenance than another building. There have certainly been ongoing problems in our school system with respect to the design of buildings, and I have often wondered why it

18 September 1990

is that we continue to design anew to a large degree every new school we build, and why we do not simply use and retain a successful design and reproduce it again and again, rather than risk new design faults every time we want to build a school.

My understanding is that those costs are accurate, but I think it is inappropriate to canvass them too much in this place at this time. I have announced the establishment of an independent inquirer into these issues. I have absolutely no doubt that these issues will be fully canvassed before that person, and that would be the appropriate place to raise issues of the kind that Mr Moore has now raised.

Tuggeranong Swimming Pool

MRS GRASSBY: My question is to Mr Duby. I refer to the Minister's announcement that Decoin Pty Limited will proceed with the development of a swimming pool facility in Tuggeranong, and I ask the Minister: will the Minister give a time frame in which Decoin is to commit funds to its proposed swimming facility in Tuggeranong, and a deadline for the commencement of the construction of this facility?

MR DUBY: I thank Mrs Grassby for the question. In relation to the Decoin development at Tuggeranong, I am not in a position to give a deadline for the commencement of work on that facility, but I can advise that it is anticipated that there will be a swimming facility constructed and in use in Tuggeranong by Christmas time 1991.

Kings Highway - Upgrading

MRS NOLAN: Mr Speaker, my question is also to Mr Duby in his capacity as Minister for transport. Last year I was instrumental in persuading the New South Wales and ACT governments to put forward a joint submission to the Federal Minister for Land Transport, Bob Brown, in relation to the upgrading of the Kings Highway. That submission requested that the road be upgraded to national arterial status and included a detailed overview study of the road. What is the status of that submission; when did it go to the Federal Government; and will you continue to actively pursue the outcome?

MR DUBY: I thank Mrs Nolan for the question. Mrs Nolan is correct in stating that she was instrumental in establishing that a joint submission be prepared by the ACT and New South Wales governments to the Federal Government regarding the upgrading and improvement of the Kings Highway. As a result of many of her submissions, a submission was put up by the two governments. On 14 June

1990 I wrote to the Federal Minister for Land Transport, Mr Bob Brown, as did the New South Wales Minister for Transport, Mr Bruce Baird, on the upgrading of the Kings Highway. We sought an opportunity to discuss with Mr Brown a joint submission prepared by the two governments which sought special funding assistance amounting to some \$11m over the next 10 years to allow for the progressive upgrading of the entire length of the road. We have not yet had a response from the Federal Minister and I believe a reminder notice - if it could be referred to as such - will be forwarded to the Minister shortly.

I might point out that I notice that in the New South Wales State Government budget the New South Wales Government has allocated some \$3.23m of its own resources to be spent on the Kings Highway in this financial year. That is certainly welcome, given the usage that ACT residents make of that particular stretch of road between the ACT and the popular resorts of the coast. It should be borne out and remembered that the portion of the Kings Highway that lies within the ACT boundary is, in comparison to the length of the rest of the road, remarkably short and, in comparison with the length of the road, that portion which lies within the ACT area is of far superior standard to that which exists in New South Wales.

A reminder to Mr Brown is actually in the process of being prepared, and in conjunction with the New South Wales Government such a reminder will be going to the Federal Minister shortly.

Woden Valley Hospital

MR STEVENSON: My question is to Mr Humphries and concerns Woden Valley Hospital ward 12B. How many outpatients and how many inpatients are handled each week by ward 12B at Woden Valley? How many doctors and nursing staff are available or on duty at any one time? Are these staffing levels adequate or are patients often left to their own devices?

MR HUMPHRIES: Mr Speaker, it will not surprise Mr Stevenson to know that I will have to take this question on notice. I am obviously interested in what occurs in 12B, as the area of mental health is an area where the ACT has had serious problems in the past. I am very happy to take the question on notice and I will provide Mr Stevenson with the answers to his questions.

Tuggeranong Swimming Pool

MR CONNOLLY: Mr Speaker, my question is to the Minister for Urban Services, Mr Duby. I refer to the previous question on the Tuggeranong pool announcement. Who are the

18 September 1990

principals of Decoin Pty Limited? What is their financial backing for this proposal? Has this pool proposal been financially audited by the ACT Government?

MR DUBY: I thank Mr Connolly for the question. In regard to the first part of the question, as to who are the principals of Decoin Pty Limited, I am afraid I just do not know off the top of my head. I can supply that information for him at a later time. In terms of who are the financial backers, once again I do not know off the top of my head who the financial backers are, because as Minister I have kept myself detached from the financial implications and the financial ins and outs of the proposal, as I do with many other proposals which come before me. However, I can find out that information.

In regard to the third part of the question, as to whether the proposal has been vetted or put through the wringer by the Office of Industry and Development, the answer to that is yes. This proposal has been around for many years. I believe it is something like four years since this proposal was first mooted. The financial viability of the company has been extensively examined by officers of the ACT Office of Industry and Development, and in all circumstances Decoin has come up looking good.

The position is that Decoin is required, I believe, to provide a security deposit, which it is in a position to do or has already done. The advice is that, no matter which way the proposal is looked at, it comes out being a very good solid financial commercial proposition. It should be pointed out that the proposition is something like the expenditure of over \$12m on a swimming, aquatic and recreational facility in the Tuggeranong Valley; something which I am sure members will agree has been long overdue.

In addition, not only is it providing the aquatic facilities, it is also providing a recreational and family centre complex within the valley; once again, something that has been long overdue. It is not just a swimming facility. I believe the proposal includes the provision of 10-pin bowling alleys, restaurants, places for night-time entertainment, et cetera. In addition to that, there is the provision of a wave pool complex which will be extraordinarily popular with young people in general.

In broad answer to the question, the simple answer is yes, it has been very closely scrutinised, and the financial viability of the firm is as good as the financial viability of any other commercial operator which was interested in going onto the site.

Weetangera Primary School - Hearing Impaired Unit

MS MAHER: My question is directed to the Minister for Health and Education. Can the Minister say whether or not

the hearing impaired students at Weetangera Primary School will be disadvantaged if they are relocated at Hawker Primary School? Will the hearing impaired children's hearing aids work effectively at Hawker Primary School, despite the noise generated by the air-conditioning?

MR HUMPHRIES: I thank Ms Maher for her question; it is a timely one. The noise generated by the air-conditioning at Hawker Primary School, when the school is in use, is no greater - in fact, even marginally quieter - than the noise generated by the ventilation plant currently operating at Weetangera Primary. The hearing impaired students at Weetangera already experience low frequency interference to their hearing aids from the ventilation plant, and, of course, this is a chronic problem with the combination of electricity and such hearing aids. The low frequency interference at Hawker would be no greater, and quite possibly less. This problem occurs when the HIU students are integrated in mainstream classes, which are open-plan classes. Officers of the ministry visited Hawker and Weetangera schools to assess the physical facilities available at Hawker Primary for the relocation of the HIU. Through Australian Construction Services the ministry engaged a consultant to carry out an acoustic acceptability survey for both Hawker and Weetangera primary schools.

The consultants were Mark Eisner and Eric Taylor. Mr Eisner's experience has been used for many school designs and refurbishment projects. He has undertaken work on ACT and New South Wales schools for the hearing impaired. They visited those schools today, and a full report will be available, I understand, by the end of this week. Their preliminary findings, however, are that the reverberation levels were similar, but a low level increase in reverberance at Weetangera could have an adverse effect on the hearing capacity of hearing impaired unit students.

Generally speaking, I think it is true to say, Mr Speaker, that Hawker is a more favourable location for the hearing impaired unit, and there is no significant difference in the classroom environments when the hearing impaired units are integrated.

Weston Creek Health Centre

MR BERRY: My question is directed to the Minister for Health. Mr Humphries, what assessment of the needs in the Weston Creek area and what consultation with the community were conducted before the decision was taken to close, reduce, and relocate services which were formerly delivered from the Weston Creek Health Centre?

MR HUMPHRIES: I thank Mr Berry for his question, Mr Speaker. The decision has been made, as I am sure Mr Berry is aware, to relocate the Therapy Centre that is currently located at the old South Curtin School to the Weston Creek

18 September 1990

Health Centre. The amalgamation of the Lyons and Curtin primary schools into the South Curtin site has, of course, made that move necessary. We, as a government, place the highest priority on meeting the needs of the Therapy Centre clients. They are obviously clients with some sensitivity, and we have been thorough in ensuring that the location of Weston Creek is the best possible location for the service.

The decision was based on a number of factors. The Therapy Centre clients need access for wheelchairs, and parking and access to public transport are also very important. A designated building for equipment use for both indoor and outdoor work with children, of course, is also very important, and the Weston Creek Health Centre satisfies all those requirements. I have discussed the move with the parents and the staff and I believe it is the most appropriate option in the circumstances. Positive discussions were held last week with the staff at the Weston Creek Health Centre, and consultations are continuing for arrangements to relocate other tenants to appropriate locations best suited to their needs.

I can inform the Assembly that a private general practitioner and dental service currently operating from the Weston Creek Health Centre will stay. The ACT Community and Health Service staff psychiatrist, physiotherapists and social workers will move to the larger regional health centre at Phillip. This move will allow access to those services by a greater number of clients. The area community nursing team will be relocated within Weston Creek and the Weston Creek Community Association has been offered space at the Rivett Primary School which, of course, will be used as a general community resource.

I believe the impact of these moves for residents in the Weston Creek area is minimal. The general practitioner and the dentist are not moving. The community nursing team is going to stay - there is a mobile team servicing the Weston Creek area - as will the Weston Creek Community Association. Of the services moving out - that is, to Phillip - the psychiatric service is not an area specific service. Its clients come from a much wider catchment area than just Weston Creek.

Mr Doby: Is this a dorothy dix?

MR HUMPHRIES: This is for Mr Berry. The social worker is a senior social worker whose main role is to provide support for community social workers. A small clinical load is carried in addition; but, again, these clients are not area specific - they may be - - -

Mr Berry: On a point of order, Mr Speaker: I think Mr Humphries has gone deaf in his youth. He is not answering the question I asked. The question - - -

MR HUMPHRIES: What is the point of order, Mr Speaker? This is entirely relevant; he asked me about the movement of tenants. I am answering the question.

Ms Follett: No, he did not.

MR HUMPHRIES: Yes, he did. Then he asked me about consultation, and I am answering that part of the question as well.

Mr Berry: The question I asked was: what assessment of the needs in the Weston Creek area and what consultation with the community were conducted before the decision was taken to close, reduce and relocate services delivered from the Weston Creek Health Centre? That was the question I asked.

MR HUMPHRIES: I am very happy to repeat the parts of the answer that deal with Mr Berry's question. I have discussed the move with parents and staff, and we believe that this particular option is the most appropriate option. Positive discussions were held last week with the staff at the centre, and consultations are continuing - - -

Mr Berry: We are talking about the Weston Creek area - the health centre.

MR HUMPHRIES: I am talking about Weston Creek as well, Mr Berry. I am talking about the Weston Creek Health Centre. If I can complete my answer, it is perfectly to the point of Mr Berry's question. If Mr Berry does not like it, I suggest that he ask a different question.

Mr Duby: If he does not like the answer, he should not ask the question.

MR HUMPHRIES: Indeed, Mr Duby. Positive discussions were held with the staff at the Weston Creek Health Centre and consultations are continuing for arrangements to relocate other tenants to appropriate locations best suited to their needs. We have also been in consultation with the Weston Creek Community Association, one of the organisations representing the community in the Weston Creek area, and with the people who are serviced by that association. The staff at that centre, as I have indicated, will be located to places where their services can continue to be offered quite functionally and quite well to the people of Weston Creek.

MR BERRY: I have a supplementary question. I come back to: what assessment of the needs in the Weston Creek area was conducted?

MR HUMPHRIES: Mr Berry has asked these questions in the same fashion before, and the answer is much the same. The needs that I have referred to are the needs that I have just described, the needs for things such as a community nursing team, the need for the Weston Creek Community Association, the need for physiotherapists and social workers and psychiatrists and dental services and general practitioner services. These are all the services to which

18 September 1990

Mr Berry refers. They are the present services offered to the people of Weston Creek. Why any greater service should be necessary is hard to see. The needs for these services have been assessed over a continuing period. They have not changed because the Government has made any - - -

Ms Follett: How do you know?

MR HUMPHRIES: To answer Ms Follett's question, the needs that are served by the health centres are continually assessed by the people that provide those services. I am absolutely confident that, if a need was identified which could not be addressed by these moves, and if a need which was addressed could not be met by these new arrangements - - -

Members interjected.

MR SPEAKER: Order! Mr Berry, your question is being answered by Mr Humphries and you are not listening.

MR HUMPHRIES: It is perfectly plain, even to Mrs Grassby, that, if needs are addressed by the staff at that centre or by the people who presently provide services to the people of Weston Creek, these needs would be addressed by these new arrangements as well, since those staff are talking to the Government about these issues.

Asthma Drugs

MRS NOLAN: My question is also to Mr Humphries, this time in his capacity as Minister for Health. Can the Minister inform the Assembly about recent reports about doubts of the safety of asthma drugs?

MR HUMPHRIES: Mr Speaker, I am sure that without interjections I will be able to give a very short answer to Mrs Nolan's question. I would like to reassure members at the start that the safety of asthma drugs is not in doubt. Mrs Nolan no doubt refers to the article in the Canberra Times yesterday on the subject.

Mr Wood: The report did not say it was. Those who read that or heard it knew that there was no danger with the drugs.

MR HUMPHRIES: I think that these matters are of some concern, Mr Wood, to the people of the ACT. I know it is not as juicy a subject as school closures; it is not a nice juicy issue you can attack the Government on. But it is still of concern to people in the ACT who happen to suffer from asthma.

Recent reports relate to the excessive reliance by asthmatics on the use of over-the-counter drugs. These are airway relaxing drugs commonly used in aerosol inhalers.

Reports indicate that sales of these drugs increased in Australia by 410 per cent between 1980 and 1986. There is concern amongst the medical profession that asthma sufferers are relying on the aerosol inhalers rather than seeking medical advice to assess their asthma conditions properly. I understand the use of anti-inflammatory drugs which suppress the condition is being urged as a better long-term treatment for the management of asthma. In addition, the reports indicate that there is an increasing international trend towards rising asthma death rates and it appears that most asthma deaths are due to undertreatment of asthma conditions rather than overmedication.

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

Land Use Variation

MR KAINE: Mr Speaker, yesterday the Leader of the Opposition asked me a question in connection with block 11 section 49 in Deakin.

Mr Jensen: Last week.

MR KAINE: Was it last week? It seems like yesterday.

Mr Berry: It comes with age, Trevor.

MR KAINE: Yes, I know.

Mr Jensen: You will never know, Wayne. You will never live that long.

MR KAINE: You will not ever be old enough to know. Mr Speaker, I will table the response, but the answer is that the Canberra Church of England Girls Grammar School applied for additional land to develop a sportsground and ancillary buildings for use by its Junior School. The Junior School currently occupies blocks 2 and 3 of section 49 Deakin and it seeks to combine this area with block 11. This would result in a combined site of 2.78 hectares, which is less than the average ACT primary school size. Under current policy, private schools which are recognised and obtain financial assistance, from either the Commonwealth or the Territory, are entitled to land for school purposes free of charge. This has been a longstanding policy which has been supported by the Labor Party since it has been in office federally and locally for about eight years.

Mr Berry: Never supported by us.

MR KAINE: It has received bipartisan support over many years. I did not notice you changing it while you were in government.

18 September 1990

Mr Speaker, the school meets the criteria that have applied in the Territory for years. This is not something we have just invented or made up. A draft variation to the land use policy for block 11 section 49 Deakin has been published for public comment, and if approved the draft variation to community facilities will permit the land to be used for school sporting activities. I present the following paper:

Land Use Policy - Development of sportsground by Canberra Church of England Girls Grammar School.

Roadworks

MR DUBY: On Wednesday, Ms Follett asked me a supplementary question concerning roadworks at the intersection of Majura and Wakefield Avenues, namely, "Could Mr DUBY advise the Assembly how many accidents have occurred because of the current disruption to that intersection and to the roadworks on Limestone Avenue?" My answer is: I am advised that my department is not aware of any accidents which have occurred as a result of the closure of the Limestone, Majura and Wakefield intersection since its temporary closure awaiting roadworks.

Temporary traffic management arrangements at the intersection are being monitored and are performing adequately. The temporary traffic management arrangements covering two reconstruction contracts on Limestone Avenue between Girrahween Street and Anzac Parade are also performing adequately. Officers of my department have attended two accidents in that area during the course of this work. However, I repeat that to our knowledge neither accident was as a result of the disruption to those intersections.

Public Works Contractors

MR DUBY: On Wednesday, Mr Speaker, Mr Connolly asked me the following question: "I refer to your statement to the Assembly on 14 August that the letter tabled during the debate on R and G Shelley was, and I quote, "... 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 moneys from the ACT Public Works and, more importantly, audit of the head contractors on a monthly basis by ACT Public Works?" Mr Connolly asked would I table the letters requiring audit of the contractors' books.

My answer to Mr Connolly's question is that he clearly does not understand the differences between the roles that Shelleys have played in the works that they have performed

for the ACT Government, namely, that they have worked in two roles; one as a subcontractor and one as a project manager. The letter that Mr Connolly referred to is one that was written to R and G Shelley Pty Limited as project managers and related to arrangements for the handling of progress payments to contractors engaged by them under that arrangement, as I said in my original statement during the debate.

No letters have been sent to any contractors relating to the terms of payment between them and their subcontractors, nor are there any contractual provisions which provide for an audit of the contractor's records. Again, no letters have been written to any contractors on this subject by ACT Public Works. If you do not know what you are talking about, do not ask the questions.

NURSES CAREER STRUCTURE REVIEW Ministerial Statement and Papers

MR HUMPHRIES (Minister for Health, Education and the Arts), by leave: Mr Speaker, I thank the Assembly for granting leave. I present the following papers:

Nurses career structure review in the Australian Capital Territory -
Report, dated 29 June 1990.
Ministerial statement, 18 September 1990.

The review was conducted by Ms Mary Perrett, Senior Assistant Commonwealth Ombudsman, New South Wales Division, who was the Chairperson, and Ms Aileen Monck, Director of Nursing, Flinders Medical Centre, South Australia. The report was presented to me on 6 July this year.

The ACT nurses' career structure was introduced in 1987 following a decision by the Conciliation and Arbitration Commission. During the implementation process an agreement was negotiated between the ACT Community and Health Service and the Australian Nursing Federation to hold a review of the career structure within 12 months of implementation.

The ACT Community and Health Service has always been of the opinion that the career structure as implemented provided excessive resourcing at the senior levels with a resulting "top heavy" structure. In comparison with interstate examples, even taking into account differences in service provision, the Community and Health Service has maintained that the percentage of senior nursing staff in the ACT structure was excessive and cost ineffective. In November of last year a joint decision was made to hold the review as an agreed item under the structural efficiency principle of the national wage case principles. In December of last year, therefore, I commissioned an independent review of the career structure of nurses in the ACT. The process and terms of reference were jointly negotiated and agreed

18 September 1990

between the ACT Community and Health Service and the Australian Nursing Federation - ACT Branch.

The review of the nurses' career structure is one of the most comprehensive of its type to have been undertaken within the ACT health system. The diverse methods used by the review panel to gather and assess information were exhaustive in scope and included a call for public submissions via the local media; workshops, which canvassed the opinions of all levels of nursing staff; oral and written submissions; worksite visits and open hearings.

This level of consultation has resulted in a comprehensive report which acknowledges the indispensable contribution of nurses to the efficient working of the health system and to the continuing health and well-being of the general community, a nursing service which is highly valued for its level of expertise and dedication. The report objectively examines all the involved issues and provides recommendations which have been designed to streamline and enhance the career structure for nurses, as well as improve the overall efficiency of the health service. It supports the continuation of the existing career structure of five levels and three streams - clinical, management and education - of nursing expertise.

The significant changes recommended are designed to improve the efficiency of the structure; to achieve the desired outcomes as identified in the terms of reference; to bring about alignment with structures in other States in line with the move to national standards; and to provide guidelines for the implementation of the nursing career structure once the principal hospital is achieved. The report recommends a greater focus on the clinical role and actual service delivery. There will be a reduction in the layers of management and education. As the reviewers state, they are firmly of the view that:

The Clinical Stream represents the zenith of the nursing profession: the Structure should work to ensure that both the Education Stream and the Management Stream operate to support clinical practice.

They go on to say that they have found:

... resulting from the number of positions and streaming between the management and clinical functions of nurses (at this level): a tendency towards growth in bureaucratic procedures; a lack of role clarity; a fragmented approach to leadership and management; inefficient decision making processes; inequitable spans of control and spheres of responsibility; and a decrease in accountability at each level of practice. Lean, flexible, supportive structures are most appropriate for a service industry such as nursing.

This refocusing of emphasis for the career structure, as outlined in the report, supports the original aims and objectives of the structure's design which sought to encourage devolution of authority and decision making by moving those functions towards the lower levels of the structure, thereby enhancing the desired independent role of the professional nurse.

The report recommends 61 changes to the structure, covering a broad variety of significant related issues including leadership principles, promotional issues, impact of the structure on service delivery, future education requirements, professional development for nurses and the need to align the career structure with service delivery needs. Also recommended is a major reduction in the number of positions at senior levels, the amalgamation of functions and the development of new processes for movement into positions at the base of the structure.

In the chapter on community nursing, the review panel specifically documents concerns regarding the numbers of senior positions within the community nursing service which supports a total nursing staff of 150.2 full-time equivalents. Again, I quote:

The Community Nursing Service in the ACT is composed of a Director of Nursing recently reclassified at Level 5; six Level 4.2 Assistant Directors of Nursing, two Clinical, two Education, one Management and one Resource Management; thirty seven Level 3 nurses -

and so on.

Approximately 30 per cent of the total staff, therefore, are engaged in management activities, with a consequent reduction in positions available for hands-on care. In this regard the panel further notes - and they are talking here about the base grade - that:

... a high level of individual practitioner expertise is expected of nurses in the community setting. This is reflected by their Level 2 classification.

This identifies the fact that nurses at level 2, who form the base grade nurse in community nursing, are experienced practitioners and should require minimal supervision within the career structure model. The panel further elaborates in relation to community nursing that:

In the process of implementing the Career structure in the complex organisation environment of the Community Nursing Service ... it is apparent that there has been a significant resource shift from client services to service management and non-client specific community education.

18 September 1990

The review recommends, Mr Speaker, that some resources from reduction in management positions in community nursing be transferred to direct care positions. The nursing panel concludes that some senior positions have replaced hands-on nurses and have resulted in a reduction in direct patient services. In order to restore the previous levels of direct care and meet the steadily increasing demand on community nurse services, these positions must be returned to service delivery.

The review did not address in detail the structures in mental health, drug and alcohol, and intellectual disability services. Further work is being undertaken by the ACT Community and Health Service in order to identify structural changes in these areas. Proposals in relation to the intellectual disability service will be developed in the Department of Justice and Community Services.

The review document does not specifically address costings issues, Mr Speaker, although it is obvious that potential savings are involved in the general health system. However, it is important to emphasise that there will be no curtailing of clinical or patient services as a result of the review; rather, services will be enhanced and in some cases expanded.

The Government considers the recommendations of the report to be of primary importance in achieving and maintaining an efficient nursing service which weds the highest level of effectiveness with the minimum cost needed for its achievement. On behalf of the Alliance Government I have pleasure in accepting in total the recommendations of the report of the review of the ACT nurses' career structure. The ACT Community and Health Service is to set in place the processes required to implement the recommendations and, in line with the Chief Minister's agreement with the TLC regarding consultative processes, the implementation will proceed in consultation with the Australian Nursing Federation. Mr Speaker, I move:

That the Assembly takes note of the papers.

Question resolved in the affirmative.

A.C.T. COURT SYSTEM

Discussion of Matter of Public Importance

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

The failure of the Alliance Government to refer proposals to restructure the ACT Courts and the Administrative Appeals Tribunal to the ACT Community Law Reform Committee.

MR CONNOLLY (3.21): Mr Speaker, I think all members would agree that the future of the courts in this community is one of the more important decisions that will face this Assembly, both this Assembly and future Assemblies after future elections. This is a matter which was raised by me in this Assembly in the first week that I joined it, and I thought at the end of that week that the matter had been, in effect, put to rest. At the end of that week the Attorney-General, following an extraordinary level of public comment and comment from quarters that do not normally engage in public dispute on issues of concern to the community - I refer to reported comments of members of the judiciary - indicated, in what I took to be fairly clear language, an intention to refer this question of the future of the courts of the ACT to the ACT Community Law Reform Committee.

At the time the Opposition welcomed that statement and looked forward to this question of the future of the courts going to that committee. A week or so ago, however, the long awaited Curtis report was issued and the public utterances from the Government seemed to indicate that the Community Law Reform Committee is now no longer the favoured option and that we may be back to the position that we were in in April, with the Government or certain members of the Government determined to press ahead with a particular form of court reform regardless of the views of the community.

Mr Speaker, at the outset I would pass some compliments to the Government, which is something the Opposition does not regularly do, because the ACT Community Law Reform Committee that Mr Collaery has established is a committee that has the full support and confidence of this Opposition. Today, when Mr Collaery announced reference of tenancy law to that committee, members of the Opposition welcomed that.

It is a committee which varies from traditional law reform commissions in that it is not dominated by lawyers. This is the type of law reform committee which achieves bipartisan support in this house. It is chaired by former Justice Kelly, a person in whom all members of the community in Canberra can have the utmost confidence, and its structure is such that it represents the legal profession, people practising at the private Bar in the profession, academic lawyers and people representative of community interests - not necessarily lawyers. This is the sort of body which the Opposition thinks is well qualified to look at fundamental issues of law reform, and we welcome both the reference of defamation law and the reference of tenancy law to that committee.

Mr Speaker, the issue of concern today is reform of the court structure. It is perhaps unusual that this is being raised again by the Opposition as an MPI, as it was first raised as an MPI in May; but we have been forced to do this

18 September 1990

because there has been no Government statement forthcoming on this very important Curtis report. In the absence of a ministerial statement to respond to, the Opposition feels it is incumbent upon it to raise this for community concern.

In April, the Canberra community learnt from the pages of the Canberra Times that the Alliance Government had what was described as a radical proposal for restructuring the court system. We learnt, from utterances of the Attorney-General there reported, that the model for the reform of the ACT courts would be the New Zealand unified system. In due course, in April, Mr Lindsay Curtis was commissioned to prepare a consultant's brief. The terms of reference to Mr Curtis were that he report on how a unified court system might work, but not on whether or not a unified court system was the best model for the ACT. This is an important point to make, because I am in no way being critical of Mr Curtis' report or suggesting that Mr Curtis is wrong in recommending a unified court structure. Mr Curtis had no say in that question. He was merely asked to report on how such a structure might operate. Of course, Mr Curtis is also a person in whom the community is entitled to have some confidence, having served successive governments very well in senior positions in the Attorney-General's Department.

Mr Speaker, the Curtis report makes, essentially, two lines of proposal for reform of the courts. The first is procedural reform and on that the recommendations of the Curtis report, I am pleased to say to Mr Collaery, will receive the warm support of the Opposition. Procedural reforms to simplify the process of litigation in the Magistrates Court and the Supreme Court are to be welcomed by the Opposition, by this Assembly generally, and I am quite confident they will be welcomed by the profession and the wider community. The proposals to simplify the transfer of matters between the Supreme Court and the Magistrates Court, again, are welcomed by the Opposition. They are in line with the general move to cross-vesting that has occurred throughout Australia in recent years, and can be enthusiastically supported by this Opposition because our basic principle in reform of the court structure is to achieve a more open and accessible system of justice. This type of procedural reform, we accept, will do just that. Perhaps it is overdue in the ACT, but it is a welcome reform and we will be supportive of the Government in its moves along this line.

The area of concern, however, is the apparent locking in of the Government position on the question of structural reform. I say "apparent locking in" because from the first public utterances on this issue, the first newspaper report of radical proposals to restructure the courts, we see a commitment to this unified court structure, this so-called New Zealand model. This is a model that we previously criticised, and it has been criticised by the profession and it has been criticised by the judiciary.

Mr Speaker, at the moment, the people of Canberra are well served by a Supreme Court which will, until July 1992, remain subject to Commonwealth legislative control, and by a Magistrates Court which has recently had its numbers increased and which deals with matters of a complexity and a financial level of responsibility that are considerably higher than those of magistrates courts in the other States and Territories.

In this Territory we do not have a district or intermediate level court. We see no need for such a court. Our concern is that by adopting a locking in to a uniform court structure we will lose the considerable advantages that we presently enjoy with the Magistrates Court. Merely to turn the magistrates into judges, merely to restyle the magistrates as judges, we see would have no social benefit whatsoever but could, indeed, lead to certain adverse consequences. We raised these when this issue was previously under debate. We raised the question of the level of informality that is presently able to operate in the Magistrates Court.

It may seem trivial; but we raised the issue of the mere styling of a judge, the paraphernalia that goes with the judicial office that tends to alienate the ordinary person appearing in what may be a simple matter before what should be the most open and accessible level of the judiciary. Fortunately, most Australians will have contact with the law, if they have contact at all with the law, only at the level of the Magistrates Court. They will expect and they will, indeed, experience a tribunal - a court that tends to shy away from the formality of a superior court - in which the person presiding, while perhaps wearing a black smock, does not appear bewigged and begowned and does not appear alienated from the community.

The magistrates in this Territory have served the community well by keeping that approach in the Magistrates Court. We see no benefit in turning that workable structure into a system presided over by judges. Our concern is that this proposal would, in truth, amount to no more than creating an intermediate court for the ACT. It is apparent from the Curtis report that Mr Curtis still sees a need for a magistracy. At point 10.14 of his report he indicates that there would still be magistrates and special magistrates who would preside over lower level matters.

The real danger, Mr Speaker, is that all a unified court structure would mean in practice in this Territory is the creation of a district court - the addition of one additional level in the judicial hierarchy and one additional level of complexity. We have raised these criticisms previously. We raise them again today. I am not locking us into a position that in no circumstances ought magistrates ever to vary their style and title or that in no circumstances ought the distinction between the Supreme Court and the Magistrates Court be varied, but it

18 September 1990

is a very important question. It is a question on which, I think, the Attorney would have to agree that arguments can be advanced on either side and we ought to have full and open consultation and debate on it before locking into any decision.

At the end of the debate in May, the impression that I gained, and the impression that the Canberra media gained, was that this question would be referred to the Community Law Reform Committee and, as I said before, we welcomed that. The Community Law Reform Committee, as presently structured, is a body that can appropriately reflect the concerns of the community; it is a body which is accessible to the community as a whole. It is not dominated by the profession; it is not dominated by lawyers; it is not a body that is going to come down with a recommendation that would be seen by the community as favouring lawyers. It is a body that could appropriately conduct this debate and come back with a report on all options for reform of the court structure. I stress, Mr Speaker, a report on all options, because at the moment the only material before this community, and the only public utterances of the Government, seem to be locking us into this one structure; this so-called unified court structure.

As I said before, this is often referred to as the New Zealand model because there were certain recommendations made in New Zealand some years ago which led to the distinction between the District Court and the High Court of New Zealand - the equivalent of our Supreme Court - being removed. For some years now, New Zealand has operated in a District Court-High Court structure that does not include a magistracy. It does, however, as I understand, operate with a system of justices of the peace who preside over smaller criminal matters which are now presided over in Australia and the ACT by magistrates, and it does operate with a rather novel Disputes Tribunal, formerly the Small Claims Court, presided over by lay persons rather than lawyers. It is not an appropriate model with which to claim a direct comparison with the Australian Capital Territory. It is a system which, in effect, has been introduced to raise the limit of the District Court which was limited until recently to a financial level of \$12,000 in civil litigation.

A reform designed to make the District Court more compatible with the High Court of New Zealand is not a model that definitely ought to be taken as the basis for reform in the ACT. Our structure is entirely different; our tradition of the magistracy here is well entrenched. The Magistrates Court, as I said before, has a very high financial jurisdiction here. It can deal with matters up to \$50,000, which is considerably above Magistrates Courts in other parts of Australia, and it is not appropriate to rush into that New Zealand model.

Mr Speaker, of even more concern to the Opposition than the abolition of the Magistrates Court and the turning of the

Magistrates Court into a court presided over by a judge is the abolition of the Administrative Appeals Tribunal, which again Mr Curtis was locked into by the terms of reference. The Administrative Appeals Tribunal is a fundamental reform of which Australia can be justly proud. It is a non-legalistic tribunal to provide merit review of administrative decisions. It is a reform which was introduced originally by a Labor government but it has been supported by Liberal governments. It is a reform that has been copied in other States and Territories, including this Territory. It is a tribunal which enjoys the confidence of the community. It is a tribunal on which the whole structure and future of planning legislation in this Territory is premised, because the innovative planning and land management package, which is presently before the Assembly, is predicated on Administrative Appeals Tribunal merit review. To abolish this effective and efficient tribunal and vest its jurisdiction in a court is, in our opinion, extremely dangerous.

The AAT works well, it is understood by lawyers and lay persons alike and it has an unparalleled record of providing justice to the lay person without the need to be represented by lawyers. Many actions are successfully conducted in the Administrative Appeals Tribunal without the need for lawyers. I practised in that tribunal myself for some years and can testify that the unrepresented applicant is treated with extreme understanding by the tribunal and is assisted in getting justice; cheap justice and accessible justice which is the goal of this Opposition. To lock ourselves into a position where that tribunal was to be abolished would, in our view, be extremely dangerous. This is a very important and fundamental issue of law reform. It ought to go to the Community Law Reform Committee, as previously indicated by the Attorney-General. It will be very disappointing, Mr Speaker, if the Government tries to avoid putting this matter to the Law Reform Committee. I see no advantage to the Government in avoiding the Law Reform Committee on this. It is an appropriate body to look at the matter. It would reassure the community and the profession and it would assist us all in our, I would hope, bipartisan goal of effective court reform.

MR COLLAERY (Attorney-General) (3.36): I thank my colleague, Mr Connolly, for his restrained comments. I believe that this debate is premature but, all the same, I think the Government should give a response to the matter before it. Let me set the record straight on a number of issues. Firstly, Mr Speaker, section 37 of the Australian Capital Territory (Self-Government) Act requires the Executive of this Territory to, among other things, execute and maintain the laws and the subordinate laws of the Territory. As everyone knows, we inherited a great deal of out-of-date legislation; laws that are not only anachronistic but also inequitable in their impact, and are having unintended results.

18 September 1990

One of our first moves, of course, was to set up a mechanism to ensure that ACT laws - and I quote from my speech in this house - are systematically and rigorously reviewed and tested for public relevance. The mechanism chosen was the Community Law Reform Committee. I am indebted to Mr Connolly for his bipartisan endorsement of that body. Certainly, in a very difficult self-government stage, we are dealing with the prioritisation of our objectives. Were Mr Connolly in my position he might understand more clearly the choices available to the Executive as to how it goes about its processes post-self-government.

The foremost task that the Government sees the Law Reform Committee undertaking, Mr Speaker, is to look at the body of law, particularly that part of out-of-date law, and those gaps in law that require and excite community concerns, particularly laws that require a Government policy. Weapons control legislation might be an example. Another aspect, of course, is the great emphasis and the enormous amount of effort in our legislative drafting area on the planning appeals and leasing and other Bills.

So, in a prioritised world, the Government took the view that the court had a number of structural concerns, which my colleague, the Chief Minister, will address - and we are talking about the fabric of the court - but from my Attorney-General's point of view I could see issues, and indeed the very issues that Mr Connolly speaks of as being important, to be raised in the public domain and assessed and requiring Government action as early as possible.

On balance, we decided to go the expensive route, you might call it, of having and paying for an eminent consultant, Mr Lindsay Curtis, to prepare this report. It is a very comprehensive report. If I could draw the attention of Mr Connolly to appendix B of Mr Lindsay Curtis' report, you will see that he says:

The existing court system in the Territory presents a picture of great complexity.

Then he attributes the complexity to structural issues, historical issues, cross-vesting concerns and the like. Certainly, to set a review process going for a court mechanism is a highly technical enterprise. It was our judgment that we should have it done by a consultant and that in the second phase, as I said in my speech to this house earlier, there would be joint implementation strategies developed. I believe I used words such as strategies or joint implementation teams or consultative groups being established.

I can well accept Mr Connolly's keenness on this issue. He has, as he said, taken an interest in administrative law particularly, and he has been a Government constitutional lawyer; but I do suggest to the house that he is a bit overeager. I am presently in the process of close

consultation with the Law Society, the Bar, the judges, the magistrates and the ACT President of the AAT, and, of course, Mr Menzies of the Credit Tribunal. I am in the process of going through a consultative phase, contacting them and setting timetables for this consultative review. I am gaining their comments first. I certainly am gaining their comments on the question before the house today, which is whether the issue should go to the Community Law Reform Committee, from its point of view, or whether it should be pursued in all its technicalities at this stage within those groups and whether we have adequately aired community concerns. I believe Mr Connolly referred to the fact that we were going to look to have some public contributions by way of public seminars and the rest.

This MPI has been put on, Mr Speaker, in the middle of that process. I do not believe we are dragging the chain. Only today I spoke to the president of the Law Society and the Bar and others on some issues relevant to this. The fact is, Mr Speaker, that the Law Society and the Bar have formed their own special consultative committees. I have mentioned our court reform proposals in quite a number of community fora recently and yesterday, for example, in the Griffin Centre, and I believe that we need - - -

Mr Wood: Fora?

MR COLLAERY: We must tell the school teacher the plural of forum, Mr Speaker.

Mr Wood: It is a bit archaic, like the law itself.

MR COLLAERY: We are on an appropriate subject, aren't we, Mr Wood?

Mr Wood: We are, indeed. Maybe in this area it is justified.

MR COLLAERY: Certainly we milked that one too, didn't we, Mr Duby?

Mr Duby: I suppose you think agendi is the plural of agendum.

MR COLLAERY: All I am saying is that I want to be extremely careful about being drawn out to pass judgments on the review itself. I do not believe at all that the Government has locked in the consultant to doing away with the Administrative Appeals Tribunal. I suggest that Mr Connolly read again the section of Mr Curtis' report on the administrative appeals structure and the quite proper questions Mr Curtis raises about issues relating to merit and judicial review. Mr Connolly and other lawyers here are familiar with those issues but others may not be. I will not detain the Assembly with that debate other than to say that clearly the consultant was asked to examine the desirability of establishing an administrative division of the courts. In other words, the AAT is translated, in all

18 September 1990

of its role, in its exact role for that matter, into another structure. There has never been a suggestion that we would abolish the Administrative Appeals Tribunal. How, for instance, would I - and Mr Connolly knows my background - ever suggest that I would abolish administrative merit review and the like? That is unthinkable. But surely, Mr Speaker, I have had to be very careful, as Attorney, about judging these issues.

One of the other issues is the committee's naturally limited resources. Already the Law Reform Committee has two complex and important issues referred to it; namely, defamation law and residential tenancy law. Other important issues are in the process of being referred to the committee. If a project of the size of the court restructuring proposal were referred in toto to the committee - I stress "in toto" - along with these other major references, this could risk the timely consideration and implementation of these much needed reforms in landlord and tenancy and defamation - much needed reforms endorsed by the Opposition.

This is not to say that particular elements of Mr Curtis' proposals could not be referred to the committee; for example - and I believe I have said it publicly - the alternative dispute resolution machinery proposals, committal proceedings and any number of other issues. It is my view that we require informed comment on the consultant's report as our next phase of a careful and prudent restructuring of the courts before we rush into referring the whole thing in toto and thus paralyse the Law Reform Committee with that great undertaking.

There will be a process of consultation at the widest level with members of the public and various representative community groups. The Community Law Reform Committee will, no doubt, be one valuable conduit for community views. I have no doubt, Mr Speaker, that in this process that committee will not hesitate to present its views. Indeed, as Mr Connolly knows, the committee in fact is free to take on board its own references. It could, indeed, take the issue itself and decide to review aspects of the proposals before the community.

And, of course, there will be ample opportunity. There will be advertisements. There will be public seminars. Much of that will be conducted, I hope, in an atmosphere of orderly debate, not in an atmosphere of political point scoring. It was for that reason that I thanked Mr Connolly for his restrained comments. There was much in what Mr Connolly said that I would not cavil with. I believe we are talking about a procedural difference of opinion across the floor of this house about how the Government should tackle the challenge of restructuring what we have inherited. I think my colleague Mr Kaine can comment on the implications of the inheritance.

Certainly, Mr Speaker, because of the complexity and variety of matters addressed by Mr Curtis, the proposals have to be formulated in stages. I trust that with further understanding of what we are about we can put down the idea that Collaery is rushing to judgment on issues, that Collaery is hell-bent on a non-consultative process or that he is hell-bent on replicating New Zealand in the ACT. If we can put down those things which I accept are legitimate political jousts put at the Government, we can move on to see that we have the best court system in this city state and, as a result, in this country.

Mr Speaker, once the Government has resolved its position on a number of particular issues we will be in a position to go out and tell the community what our viewpoints are; but, indeed, anyone tackling Mr Curtis' report could be forgiven for having some divergence of views on some of the singular issues he tackles. I look forward to the Community Law Reform Committee being a sounding board on those issues.

So, finally, Mr Speaker, I emphasise that the Government is committed to the widest possible consultation on this issue. If the Opposition could give us time to achieve the first stage, which is an orderly contribution from the profession, from the judges and the magistrates, from the AAT and from the Credit Tribunal, with knowledge of their contribution and with their assistance we will move to the community consultative stage.

Clearly, Mr Speaker, that is what I have been discussing in the last few weeks - how all of the people affected should set the timetable for these proposed reforms and how we should eventually tackle proposals to have some unification for economic and social reasons and in order to preserve the excellence of the law.

MRS GRASSBY (3.49): We in the Labor Party do not see any benefit in abolishing magistrates and the Administrative Appeals Tribunal. Magistrates are the most accessible level of justice. I understand this is said to be so by the Law Society in the ACT and I cannot see why we need to change it. Small Claims Courts designed for lay persons are ideal for conducting matters. Overall informal settings in courts are comfortable for people to be in.

Turning magistrates into judges puts this all at risk and there is no gain to anybody. Going to court for the first time can be one of the most frightening things that can happen to you, particularly if you are facing a judge. If your first language is English and you have been born in this country and you do understand the legal system it is bad enough, but if your first language is not English and you go into one of these courts it is quite frightening.

I had my very first experience in a court when I had to go to the Equity Court and I will never forget it. We employed a QC because we were told this was the best way to

18 September 1990

go - a barrister, a lawyer, then a lawyer versed in the matter of hotels which we were in, and then an accountant and then another lawyer that understood that. I thought, Mr Speaker, as we walked into the court to Justice Powell and the opposition walked in with just as many people, that Cecil B. De Mille would have been proud of us. We had a cast of thousands and we, the little people, were paying for it, of course. I looked around this court and saw the amount of money that was being spent and I thought, "This could be really and honestly the beginnings of a good MGM film for Cecil B. De Mille". We certainly had the cast. I sat there wondering what I was doing there because they did all the talking and lots went on. There were lots of wigs and gowns. I might tell you, Mr Speaker, the whole thing cost my partner and me \$55,000 and we won the case. I honestly fear to think what it would have cost us if we had lost the case.

So, the fear, as I say, for simple people who have never had to go to court before is bad enough but for somebody who really does not understand it is quite frightening. I feel that it is absolutely ridiculous to change the system that we have that I think does a very good job. I consider the Administrative Appeals Tribunal, a great reform brought in by Lionel Murphy, a first for the English speaking world. It really is something we should be proud of - a tribunal designed for persons to appear on their own which has been copied in the States. Some people say a person is a fool to be his own lawyer; but, in cases of small claims and courts like this where people really cannot afford to employ a lawyer and know simply how to put their case, they do not feel overawed. They are not overawed by the fact that they have to sit there in front of a judge in wig and gown and all these extra people - as I say, a cast of thousands which one does not really need.

To change this court will only add to the formality and the cost. Is it because magistrates feel that they do not have the standing that judges have? If they feel they are not getting paid enough, then I say, "Let us pay them more. Let us put more magistrates in the courts so that we can get the job done". But it makes me think a little that it is not so much the pay. I think they like the mystique of wearing gowns and that funny little thing they wear that is all made out of string, that is all wrapped around there and hangs round the back.

It reminds me of the time I went to a State parliament in the days when the Speaker of the particular State parliament wore a wig. I took school children there from a very small country town called Tooleybuc. Afterwards, when I took the children for afternoon tea, one of the little boys said to me, "Hey, missus, who is the real swinging fella up on the chair with the wig on?", and I said, "Well, that is the Speaker". He said, "Cripes, does he really get around like that?". I said to him, "Well, that is a hangover from old times. He happens to be a Liberal and Liberals love dressing up". This child could not quite

understand it. So you can imagine how most people going to the court feel about this. I think this is what the magistrates feel and I am sure Mr Collaery would love to prance around in a wig, or a gig and a gown. I think it would look good on him.

Mr Collaery: Do you mean I would like to prance around in a wig and a gig?

MRS GRASSBY: Yes, I would not be surprised if you did want to do that too, Mr Collaery. I feel that to move this into a higher court and make magistrates judges is a big mistake. Labor favours an open and acceptable justice system. To rush into a unified court model would be expensive and confusing for the community. I know that Mr Collaery has said that this is not so, but I would like to point out to him that in attachment A of the review the Attorney-General has directed the development of a unified court system as a model for reform. The unified court system the Attorney-General has in mind is a structure that would consist of two complementary parts - a Supreme Court and a lower court, styled as the Canberra Court, that would amalgamate the Magistrates Court and the Administrative Appeals Tribunal.

Mr Collaery: But not abolish them; amalgamate, not abolish.

MRS GRASSBY: But why change a system that we have?

Mr Kaine: Because it could be better.

MRS GRASSBY: Most people in Australia envy the system we have. It makes me think that Mr Collaery is not going to be here for long. I think he sees himself as a judge, sitting up there in his wig and gown and in all his glory. He would not want to be just a magistrate; it would be too low for him.

Mr Speaker, I do not see any reason to change the system we have. I think it is a very good system. I have spoken to a lot of people in the field of law who come here to practise from time to time and others who are practising here, and they think the system is an excellent system. Why should we change it? Should we change it just because Mr Collaery went to New Zealand and saw this system in New Zealand? I do not want to be rude about New Zealanders; but I understand there are about nine million sheep over there and three million of them think they are people. I do not think we need to follow their system. If we are so far advanced, why do we need it? I understand the sign at the airport in New Zealand says, "Would the last person leaving please turn off the lights". If they are all leaving, obviously the system cannot be terribly good, and I think we should stick to the system we have. We as members of the Labor Party think it should be made simple and less costly to the people of Canberra because, as I say, anybody who goes to court learns very quickly that the

18 September 1990

only people who win out of a court case are the lawyers. Nobody else wins. They win extremely well. As I said, we had a case in the Equity Court and my partner and I won it, and it cost us \$55,000. If you tell me that is winning, Mr Speaker, I will tell you I would not want to put my money on that sort of a horse.

MR KAINE (Chief Minister) (3.58): I am a bit reluctant to engage in debate on this matter of public importance. If you look at the visitors gallery, look specifically at the press gallery and look at the benches of the Opposition at the moment you would have to wonder just how important this matter is. I will come back to that later. But Mr Connolly thinks it is important, so I suppose we have to engage in this debate.

I would have to say that I am completely confused sometimes by Mrs Grassby's approach to this question of debate. First of all she talked about abolishing magistrates. I do not see anything in the report that talks about abolishing magistrates. I do not know whether Mrs Grassby did not understand what she read, or whether it is another case of deliberate misrepresentation by the Labor Party on what the report proposes. There is certainly no statement there, that I am aware of, that says we are going to abolish anything.

Then she went on and talked about the cost of thousands with the little people paying. Well, that is what the change is about - to simplify the processes so that people understand it, and to keep the hearings down to the lowest possible level in the courts, where there is as little argy-bargy as is necessary, and in a fairly informal context, so the people do not feel threatened by the system and do understand what is going on. That is exactly what the restructuring proposals have to do with. So I am not quite clear on what Mrs Grassby was attempting to do.

But I was impressed with her proposition that we have a system and we should not change it. I presume that that attitude is also the case in connection with schools, hospitals, community services and any other service. In other words, it is the arch-conservatism of the Labor Party really coming to the fore, that we must not change anything, not even for the better.

Mr Speaker, what are the proposals that have been considered by the Government really about. There are two elements. One element is changes to the legal system, and the other element is changes to the structure in which the legal system works. Now, to suggest that we should refer that latter element, the structural changes within which the legal system works, to the Community Law Reform Committee would, in my view, be totally inappropriate.

Setting aside the legal system itself for the moment, what we are trying to do is to get the arrangements right; to get the administrative processes right; to get the legal

processes right and to get the resources right; and by that I mean the physical facilities within which the system works. I am told, for example, that our magistrates work at the moment in four different locations, none of them suitable for their purpose and all of them buildings that have simply been taken over and used by magistrates because there is no other accommodation available.

Now, to suggest that the provision of adequate facilities ought to be referred to the Community Law Reform Committee is, in my view, getting your thinking wrong, like Mrs Grassby did. I think it is important that the valuable resource represented in the Community Law Reform Committee should be put to the right purpose. Do not get it bogged down in matters on which it is not expert and on which perhaps it has nothing particular to say when, at the same time, there are aspects that have to do with the legal system that they should properly be looking at and that they should be devoting their expertise to. So I think, again, we need to get our thinking straight, and I am not too sure that the Opposition, in putting forward this motion, has really done that.

If we were to follow the logic of Mr Connolly's view, every major issue to be focused on by this Government, legal or not - if it was in any way associated with the law - would have to be channelled through the committee. I do not see that; there is no logic to that at all. Notwithstanding their expertise, I think that there is a workload that this committee can handle and we should make sure that they get the right work, not flood them with things that are really quite irrelevant to their purpose.

The other thing that I wanted to comment on, Mr Speaker, was the implication in Mr Connolly's so-called matter of public importance that there is not any consultation going on. Well, that is rubbish. There is a responsible process of consultation with the community going on, on this issue, and the important thing, in my view, particularly having in mind the things that Mrs Grassby said, is that the community should be involved.

The community should be aware of the processes that we are going through. The community should be aware of the consequences of change in the legal system. I think that is far more important than having the Community Law Reform Committee bogged down in matters of this kind.

The Government, Mr Speaker, has not yet developed its final position on any of the matters canvassed in the Curtis report. We are open to input from anybody who cares to make a comment on it. All of those issues are up for discussion, both in the community and in this chamber, and of course it will come before the Assembly eventually. It is only when there has been full community consultation that the Government will develop its position on the various aspects of Mr Curtis' proposals.

18 September 1990

The Community Law Reform Committee is quite competent to offer an opinion on these matters if it is so inclined. It does not need a referral from us in order to do that. It is a committee of experts who, I am quite sure, would not feel constrained in giving the Government the benefit of their views if they had the time and the inclination to look at the Curtis report and tell us about it.

In conclusion, Mr Speaker, I submit that Mr Connolly's MPI is no matter of public importance at all. I refer again to the media gallery. There is not a journalist in the house and there has not been one here during most of this debate. So clearly there is very little interest from journalists in this matter. There is no interest on the part of the Opposition. The Leader of the Opposition has not been here during the entire debate and at no time have there been more than three members of the Opposition sitting on the benches during this debate. I think that is a measure of how much a matter of public importance this is and I would suggest that in future we spend our hour either debating matters that are really matters of public importance or getting on with the important business of the Assembly.

MR WOOD (4.05): Mr Speaker, at least we all agree that the restructure of the court system in the ACT is a matter of high priority. The Chief Minister has just said that there is not much interest in it on the part of the journalists and seemed to suggest that this was the criterion we should follow in deciding how important things are. Yet my understanding is the Chief Minister spends a great deal of time avoiding journalists. It is interesting to note that he wants to give them a greater recognition at this stage.

Mr Speaker, the definitive work on courts has long been that of Charles Dickens, one of the greater reformers of history. I am sure the lawyers in the house will understand if I give a brief quote from *Bleak House* on what Charles Dickens thought about courts. After spending a page or two very well describing a thick fog in London Town he wrote this short paragraph:

Never can there come fog too thick, never can there come mud and mire too deep, to assort with the groping and floundering condition which this High Court of Chancery, most pestilent of hoary sinners, holds, this day, in the sight of heaven and earth.

Now is that the case today still? I would not claim that the courts are in quite the state of disrepute that they were in in Dickens' day, but at the same time no-one in the ACT today would say that the courts are working as the ideal model or as well as they should. There is still too often the valid judgment that it is the law rather than justice that rules. Charles Dickens went on, in better style than I ever could, to talk about the ruthless search for precedents and the convoluted thinking that went on in the courts of that day. Is this not the case still today;

that in so many courts it is a search for the precedents? Lawyers find something that they can hang their argument onto and forget the simple and natural justice of things. Justice today still depends on whether you can afford the highest priced lawyers. I do not think anybody would deny that. If you are in a rich corporation taking on civil matters, it is a battle of the top QCs in the land.

The problem goes back centuries, of course. There are three problems in my view - tradition, the mystique that is built up around courts, and the privilege that the courts have always maintained. The courts in early days were designed to keep the establishment classes in safe and secure positions. It was their protection against others. While much of that may have gone, I would not pretend, and I am sure other people would not pretend today, that they are in any ideal situation.

I want to put in a plea to Mr Collaery and others as they consider the future of courts. Let us get some low cost justice - a catchcry these days, I know. Nevertheless, this is an area where too little is being done although the problem is certainly being recognised. I want to say to you: do not lock yourself into this concept of a unified court system. Think of all the other options that are available, and I want shortly to give you some principles that should operate.

As I do so I want to point out that there are three areas generally where we can focus our thoughts if we want a lower cost of justice, a lower cost that will bring some genuine justice to our legal system, and those are the courts, the laws that we make and the legal profession itself. The focus in this speech will be on the courts. Let me again quote Charles Dickens and let us see how much of this would apply today. Referring to the Court of Chancery, he said:

This is the Court of Chancery; which has its decaying houses and its blighted lands in every shire; which has its worn-out lunatic in every madhouse, and its dead in every churchyard; which has its ruined suitor, with his slipshod heels and threadbare dress, ... which gives to monied might the means abundantly of wearying out the right; which so exhausts finances, patience, courage, hope; so overthrows the brain and breaks the heart; that there is not an honourable man among its practitioners who would not give ... the warning, "Suffer any wrong that can be done you, rather than come here!".

Keep out of court. It is not a bad message, is it? And it still applies. So I would ask Mr Collaery to think about that. The courts ought to have four principles in mind. The court structure you establish ought to be simple, and it ought to be quick, cheap and fair. I do not think anybody would deny those principles.

18 September 1990

Mr Collaery may reply later. He is talking about a unified structure. Is it going to be only judges? He is talking about levels of court; but do we need all judges? I have a fear. If we have all judges, even though there may be levels of court, the idea of all judges denotes a whole heap of other principles, of other factors that will apply. So think of the alternatives.

In recent times, in the ACT as elsewhere, alternative systems have been proposed and are working well. Last year's budget, the Follett budget, introduced financing for a conflict resolution service, and there are a variety of options in that area to resolve conflicts well away from court structures. I hope that this Government will seek to expand that service, to widen it to cover a wider range of eventualities. I know that in the ACT courts a great deal of time is now being given to case management, to see that things are programmed better and flow through rather more efficiently. I have seen some reports that suggest that this, though difficult to introduce, is overwhelmingly the most effective way of reducing costs of our court systems and of reducing the case delays. Let us use simple management techniques. Let us go for high technology, if you like; computerised procedures and all sorts of modern systems.

But let us not forget at the same time that it is the person who counts. Those delays are extraordinarily expensive for the Government and they are very expensive also for the people facing the courts, and surely we would claim the courts are there to serve those people. I would also want to put in a plea that the costs of some of the civil court cases ought to be completely borne by the parties. There are many cases that go through the courts where one major firm challenges another firm. Why should the community have to pay for that?

Mr Collaery: Especially when they are from out of the jurisdiction.

MR WOOD: Indeed. Why should we have to pay? Thank you. So let us see that we have a scale of fees that makes sure that there is no cost to the community in that. Can we have a look at the court recesses? The court has fairly long recesses. Now, there may be good reasons for that. You do not want to comment on this one, Mr Collaery? All right. There may be good reasons for that. I am not aware of them. Nobody has told me what they are.

Mr DUBY: There is always a duty judge, though, Bill.

MR WOOD: Ah, there is always a duty judge. But why should we not have shifts so that courts sit right through the Christmas vacation? I suppose there should be a few days off as everybody has over the Christmas-New Year period. Why are we not having shifts so that there are continuous court sittings? It happens in a magistrates court; why not

as well in the Supreme Court? I am sure we would be much more efficient and more cost-effective if that were to happen. It is our responsibility in this Assembly to look at the language of the laws. So much time is spent on trying to interpret what a law says. I have a belief that if a reasonably literate person reads a piece of legislation, reads the law of the land, that person ought to be able to understand it. It should be as simple as that. There is, of course, a great background of law that I would not expect every person to understand.

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.15): Mr Speaker, I have heard claims by the Opposition that they have a terribly full agenda and that there are issues of burning importance that the people of the ACT wish to debate in their public forum, the Assembly of the Territory, and yet we find this weak and meandering matter of public importance put up for our consideration today. I really wonder why it is necessary for them to scrape the bottom of the barrel in this fashion. It is obvious, as Mr Collaery has said, that this debate is premature. This is not a good time to be debating this matter. The matter is on the public table for the public to comment; it is there for the public to give us politicians and Ministers their views. Yet it is obvious that those opposite are not particularly interested in that; they would rather take their cheap shot now rather than later.

It is a bit like the debate on the schools costings. They would rather hit and run like latter day commandos than actually sit down and properly debate the issues at the appropriate time and in the appropriate place. There is a great consistency, Mr Speaker, in the way the Opposition has approached issues like this. There is a tactic they use. If the Government floats an idea for community consultation, as we floated, in this case, a concept on which we want feedback from the community, immediately the tactic is pounce. The Opposition says the Government is planning to attack this area of public life in the ACT; we are going to change this; we are going to destroy that; we are about to wreck this. This is their tactic with an idea.

If we do not float the idea, of course, we are attacked on the basis that there is no community consultation. They say, "Why have you not spoken to people about this? Why have you not put up public consultation about that?". Again, it is a clear case of the Opposition taking cheap political points because it is convenient to do so.

Mr Kaine: It is sour grapes, because they did not do anything.

MR HUMPHRIES: Absolutely, Mr Kaine. The point is that the Opposition in government took none of these issues to heart. They implemented none of these things, on the feeble basis that they ran out of time. I do not believe that. The fact is, Mr Speaker, that those opposite are

18 September 1990

more intent on making those cheap political points of which I spoke a moment ago than they are on debating the real issues. I will give you a good example of that. In this Assembly today I tabled a review of the career structure of nurses in the ACT, a matter on which Ms Follett was extremely critical of the Government when the report was first tabled. Again, an idea was being floated but the Government was being attacked.

Mr Berry: Mr Speaker, I raise a point of order on relevance.

MR SPEAKER: Please proceed, Mr Humphries.

MR HUMPHRIES: This is a tactic being used by the Opposition, Mr Speaker.

Mr Berry: On a point of order, Mr Speaker: I raised the issue of relevance. Mr Humphries was referring to a matter that was resolved.

MR SPEAKER: All right, thank you, Mr Berry. Please get to the point, Mr Humphries.

MR HUMPHRIES: This is very much to the point, Mr Speaker. This matter of public importance today is a part of a tactic by the Opposition to take cheap political points without having to debate the substance of what is going on. There was Opposition criticism when the review of which I spoke was tabled. Today in the Assembly, when the report itself was tabled, there was not one word of criticism. They were not prepared to back up the cheap shots they make elsewhere. That, in my view, Mr Speaker, is contemptible.

The current topic is a very bland one: "The failure of the Alliance Government to refer proposals to restructure the ACT Courts and the Administrative Appeals Tribunal to the ACT Community Law Reform Committee". That is almost satisfactory, as a matter to debate in this Assembly. But in fact the debate here has been much broader than that. It has not been about just our failure to refer a particular proposal. You would not have enough to keep an hour's worth of debate going on that. It has been about particular aspects of these proposals, particular features of the ideas the Government has responsibly placed on the public table for public comment. An idea apparently is too reprehensible to put up and float in the public arena. It is too much. It is mind blowing. It is too much to cope with.

We know, of course, that the people opposite are the true conservatives; the ones who do not want things to change, who are not prepared to accept new ideas and new ways of doing things. Mrs Grassby's comments were very amusing, and I greatly enjoyed her contribution to the debate. Her rather folkloric concept of the legal system was a little bit unexpected; but, still, it was a welcome contribution to the debate. I was particularly interested to note her advice to the Assembly and presumably to its members. I

quote: "The only people who win out of court cases are lawyers".

I note that Mrs Grassby is presently engaged in a \$1m law suit with a lawyer in this chamber, and I think that Mrs Grassby's advice is probably very timely. I would certainly suggest that she settle as soon as she possibly can.

Mr Berry: Mr Speaker, I am sure that the discussion of matters which might be before the courts is out of order.

MR SPEAKER: Thank you, Mr Berry, for your observation. The time for the debate has expired.

APPROPRIATION BILL 1990-91

Debate resumed from 13 September 1990, on motion by **Mr Kaine:**

That this Bill be agreed to in principle.

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.21): Mr Speaker, I get to my feet again. What a pleasure for Mr Berry. I have studied the comments made by Ms Follett in response to the tabling speech of Mr Kaine on the Appropriation Bill. Ms Follett's response was produced last Thursday and I read it with interest because I was keen to see what she, as Leader of the Opposition, could make of a document which represents many months of hard work on the part of this Government. I was flattered by the approach that she took to the budget because, as far as I could tell, what Ms Follett has done in respect of this budget has been to attack the appearance of the budget, the image, if you like, of the budget - an image which she herself has been instrumental in creating. She failed almost completely in the course of her comments to comment on the specifics of the proposals put forward in the budget.

There is very little in her response to the budget that would elicit either a different version or different belief about the way in which the Government is approaching these issues, or for that matter a different vision of the way in which the problems the Territory currently faces should be handled. In this response there is not one word of Labor Party vision for dealing with the problems that we are facing in the Territory at the present time.

Mr Kaine: There was none last year either.

MR HUMPHRIES: There was none last year, as Mr Kaine says, and there is none now. I suspect that if the Territory were unfortunate enough to be blighted with a Labor government until the next election that would be the result at every turn. Of course, Ms Follett has a very easy

18 September 1990

response to that comment, I suspect. She claims that the situation of which Mr Kaine has spoken so frequently and so eloquently, the magnitude of the problem that the Territory currently must address, does not really exist. It is a figment of Mr Kaine's imagination. We do not really have to worry about having a shortfall in our budgetary allocations from the Commonwealth. We do not really have to worry about falling standards or making do with less. It is all a weird fantasy that we have made up to justify our cuts in public health and education and so on and so forth.

Well, I do not believe that, and I do not think the people of the ACT believe that either. I think they know full well that this is not a lazy budget, but rather that we have taken the first serious step towards addressing the very serious budget problems that this Territory faces. Most people, I believe, know that the ACT cannot get away with easy decisions, cannot get away with cop-outs. But that is exactly what it is that those opposite suggest we should do. There are no easy answers and this Government has avoided that course of action. It has adopted hard positions on difficult questions.

It is obvious that Ms Follett and her Opposition have opposed every single revenue measure this Government has proposed, in one form or another. And, what is more, they have opposed every single expenditure reduction measure this Government has announced. I am not an economist, but I want to know how it is that the Opposition makes up the numbers. I want to know their vision of the Territory's finances and how their solution to the problems the Territory faces would present itself. I want to know what they would do. Nobody in this Territory has been treated to the luxury of that information. Nobody knows what Labor would do in our shoes. We can only assume that their attacks are based on the self-satisfied knowledge that only those opposite could possess, that they do not have to make any hard decisions until, at the very earliest, some time in March 1992. All I can say is: heaven help the Territory if they have the opportunity to do so even then, because the situation will be no better at that time.

It is obvious to me that in fact it is the Opposition which is lazy. If this Government, as they say opposite, is lazy, then the Opposition is absolutely bone idle. This budget is a balanced budget. It is a responsible budget, and it is a budget that looks to the future. We are doing what any good government would do in the same circumstances. We are restructuring the provision of services in the Territory to bring down the costs of providing those services, and to ensure those services of themselves can remain at the disposal of the people of the ACT.

We are making substantial savings from schools consolidation and from hospital restructuring. The restructuring that is going on in the health and education

sectors and the bureaucracies administering those services is fundamental to that process. It is a process of restructuring the way in which we provide services and the allocation of those services. We are, as I said, unlike the Labor Party, taking some hard decisions.

The alternative, of course, if one rejects all the revenue raising measures the Government has put forward, and if one rejects all the expenditure reducing alternatives the Government has put forward, is to borrow and to sink further into debt. Perhaps those opposite would like us to go the same way as governments elsewhere in this country have gone; for example, the Government in Victoria.

In Victoria the Premier, Mrs Kirner, who is an ideological fellow traveller with Ms Follett, has slashed 3,600 jobs from education, including 1,620 secondary teaching jobs. She has increased class sizes - a matter of great importance to people in the ACT, a matter of great importance to those opposite, to the Socialist Left presumably - and she has cut 1,500 jobs in the health sector in Victoria. Yet still Victoria is left with a deficit of some \$660m.

I think, Mr Speaker, those opposite know, in their heart of hearts, that if this Government does not take steps like this, like the steps that it has taken, the only alternative is the sorts of steps that those opposite have pretended they do not wish to adopt but which they know their colleagues in Victoria have adopted. Of course, we do not have a State Bank to sell. We have not the same assets, the assets of the people of the ACT, that we are prepared to throw out with the bath water. We know what is important. We know that good governments administer well. We know that good governments have to make sure that they deliver services in a more cost-effective manner, and that is what we are all about.

As I said, I have gone through the speech Ms Follett made last Thursday and examined the comments she has made and I repeat that I think these comments are attacking the image of the budget rather than the substance. I note that Ms Follett was at some loss at the beginning to actually identify what she wanted to say about this budget. She started off by saying that it was too hard on the people of Canberra; the budget was a tough one; it was unnecessarily harsh. No doubt she picked up the Canberra Times the next day. Its criticism came from precisely the opposite direction. It said that we had not taken enough of the hard decisions. Ms Follett's language changed then to, "This is a lazy Government; this is a lazy budget produced by a lazy Government", and yet she knows in her heart of hearts that hard decisions have to be taken. I refuse to accept a single word of criticism put forward by those opposite unless and until they spell out their vision and unless and until they spell out what they would do in the same circumstances. They were in government for seven months and they could barely balance the budget. Thank

18 September 1990

goodness the Alliance Government was in power to ensure that the budget did not blow out as seriously as it was going to.

Ms Follett: We made a surplus, a \$24m surplus, on our budget.

MR HUMPHRIES: We made the surplus, Ms Follett, not you. I want to quote from Ms Follett's remarks. She said:

The budget makes it clear that this is a Government which has no strategy for caring for Canberra.

Again, that is very hard to substantiate. First of all - and I am sure Ms Follett recalls this - there was a very detailed budget strategy statement tabled in, I believe, May of this year, setting out how we proposed to deliver the same level of services to the people of Canberra at less cost. In the rhetoric it is completely ignored. She says we need a strategy "which would protect the economic vitality of the ACT and at the same time provide measures to increase, not decrease, social justice".

Economic vitality is a pretty rich term coming off the tongue of Ms Follett. What did she do in government to protect the economic vitality of the ACT? What has she done since going into opposition to support the Government in measures to improve the economic vitality of the ACT? The answer is "absolutely nothing", because her solution, I suspect, to the budget problems is to tax business. The Opposition wants to tax business to the hilt. That is what they would do to make up the shortfall.

Ms Follett smiles sweetly but she knows that is the truth. If you do not tax ordinary people by putting up the rates - and she attacked that suggestion - if you do not cut expenditure - you cannot touch anything in the ACT; you cannot cut jobs; you cannot change the way in which infrastructure is provided; you cannot make any of these changes - then what are you left with? Presumably you tax business to the hilt. So much for the idea of protecting the economic vitality of the ACT. What a rich statement!

She complains about paying through higher taxes for poorer services - again, a matter of some hypocrisy on the part of those opposite. The other interesting thing I noticed in the remarks that she made was her reference to a tax on the private sector. There was nothing about a tax on the public sector. Ms Follett said:

The Government is still hell-bent on attacking the public sector, privatising public services such as health and education and slashing public sector jobs.

I do not think there were many occasions - I can recall only two in fact - when Ms Follett shared a platform with

me in the days when we were debating in public fora the school closures issue, but she will recall those occasions when we did share a platform. She will recall that one of the frequent requests, the frequent demands, made by people at those public meetings was that we as a Government should get into the business of looking at the size of our bureaucracy. It was a consistent theme at every public meeting I attended.

I think that those meetings which were not attended by Ms Follett were attended by other members of the Opposition and they can verify that it was a consistent theme. "Do not cut schools", they said, "until you have looked at your own bureaucracy, until you have reduced the size of your public sector". That is what they said. Ms Follett, when she went to those public meetings, as I recall, tried to echo those claims. I can recall her comments at the Garran Primary School when people made the same assertion and she said, "Of course you must do that. You must look at the size of the public sector. We must ensure that we do not have waste in government". That is what she said.

But now she says the Government is hell-bent on attacking the public sector, privatising public services, slashing public sector jobs. In this place it is a different tune. In this place public sector jobs are sacred.

Mr Berry: Gary, can you come up with anything else but abuse? Why do you not deal with the issues in your portfolio area and the atrocities that you are committing on the health and education system - just atrocities?

MR HUMPHRIES: I think, frankly, that any government that comes into this place and inherits the responsibilities of governing the ACT and pretends that the level of public sector employment in this town provided by the ACT is satisfactory, is a fool. Such a government is foolish, because it is perfectly obvious that the ACT has to trim its sails. It has a work force which is not appropriate to the level of service that is being provided, and the level of waste is quite severe. I will give examples. Mr Berry wants some examples from my own portfolio. I will give some. The fact that level 3 and level 4 nurses in our public hospital system stand at three times the level - - - (Quorum formed)

I was referring to the situation in our public hospitals, with our level of nursing staff. The response to that level of nursing staff was criticised by the Opposition the other day. Apparently they could not find anything to say about it today when the report was actually tabled. We have the equivalent of something like 27 level 3 and level 4 nurses in the public hospital system. The Royal Adelaide Hospital, with the same number of beds and an equal if not greater level of complexity in the procedures conducted, has only nine. Why does the ACT need 27, and Royal Adelaide need only nine? Jindalee Nursing Home - - -

18 September 1990

Mr Berry: You are going to sack 60 people.

MR HUMPHRIES: Well, Mr Berry, others outside this place do not take the same narrow, blinkered, ideological view that you take about the need to produce real savings in the system and to trim the size of the public sector work force in the ACT. You are out on a limb. You do not understand what people in the ACT really want. They want a government which will be trim and will be able to deliver services within cost limits.

MRS GRASSBY (4.36): The Appropriation Bill of 1990-91 shows a government which is lacking in any budgetary strategy. As Rosemary Follett said in her speech last week, "This is a lazy government, an uncaring government, whose budget will burden the Canberra community with higher taxes, fewer jobs and services and a reduced standard of living".

The most obvious example of this Government's uncaring attitude is its attack on the ACT education system. Despite repeated requests over the last few months, the Minister for Education, Mr Humphries, failed to justify his school closures. He constantly said, "Wait for the budget and all will be revealed". Well, we have seen the budget and nothing has been revealed.

Mr Humphries has simply come up with another set of figures which once again are open to serious questioning. And what has been Mr Humphries' response to this? He has had so little faith in his own figures that he has established an inquiry to try to justify them. At the same time the community has said they do not want their schools closed, but this has had no effect on this Government. It is all very well for the Chief Minister to tell school communities that they have to bite the bullet. Well, they are prepared to do so. They have offered scores of ways to try to help him balance the budget other than totally closing down, but he is not prepared to listen.

In the area of health, the standards that Canberrans have come to expect are also under attack despite the overwhelming view of the majority of residents of the ACT. This Government simply does not care what people think. Forty-one thousand people signed a petition not to close the Royal Canberra Hospital, and the Government said they did not care. In Mr DUBY's portfolio it is interesting to see that \$300,000 has been allocated to recycling programs. This is from a Minister who flew in the face of recommendations of the Standing Committee on Conservation, Heritage and Environment inquiry into waste management and closed the Ainslie Transfer Station without any public consultation whatsoever.

Of course, the Ainslie Transfer Station was used frequently by residents of North Canberra and was a successful example of how the community became involved in recycling. Its popularity can be easily judged by the outcry which met Mr

Duby's decision to close it. Obviously working on the basis that whatever the people of the ACT want they cannot have, the Ainslie Transfer Station was doomed from the time this Government came to power. It is also interesting to note that many of the so-called innovative ideas of this Government are simply proposals which were included in our budget last year, which this lazy Government did not get around to implementing.

For example, Mr Duby talks about the allocations of money for the community tree planting projects of the ACT. I must say, however, being fair to Mr Duby, that in his press release he says that the funding for this year will build on the enthusiasm generated last year. I am flattered. What he forgets to say, of course, is that the momentum and enthusiasm generated last year came from a new initiative in the Follett Labor Government. I might say that it was in my portfolio.

What I am concerned about is where the initiatives of the Follett Labor Government have been continued by this Government, but the costs have been allowed to blow out without any explanation from the Government or any public outcry. Let me give this Assembly two examples. Mr Duby recently announced that the cost of putting a bubble over the Olympic pool would be \$2.1m. Last November this work was estimated to cost just over \$1m. Although I have taken this matter up with Mr Duby, both in the Assembly and through the press, Mr Duby has failed to provide a satisfactory explanation for the 100 per cent increase. In the Assembly last week Mr Duby said that my estimates had not taken into account the cost of upgrading the change sheds. Let me tell Mr Duby that there is a lot of concern out in the community about the cost for a bubble and the upgrading of changing sheds. Many people believe that, if there is a choice between saving schools and spending a million dollars for changing sheds, then the community would rather keep the schools.

The second example relates to the question of the swimming pool complex in the Tuggeranong Valley. There are many unanswered questions about that proposal from Decoin Pty Limited which I will deal with later. However, at this stage I would like to point out that Mr Duby has claimed that the cost of extending the Erindale pool would be \$6.5m and the cost of a new public pool in the town centre would be \$10.2m.

Last year a report prepared for the Follett Labor Government indicated that the cost of extensions to Erindale would be about \$2m and the cost of a new pool would be about \$4m. Mr Duby has failed to give any justification at all for the increase of nearly 300 per cent in these estimates in less than 12 months. On the question of the Decoin proposal for the swimming facility in Tuggeranong, estimated to cost in excess of \$12m, it seems that this Government has decided to replace its commitment to the swimming facility in Tuggeranong with the

18 September 1990

release of a number of old sketch drawings in the hope that this will muzzle the people of Tuggeranong. I can assure the Minister that this is not the case.

The Minister has refused to give any time frame in which Decoin has to commit funds to the proposed swimming facility and has refused to give us a deadline for the commencement of construction activity. This is surprising in light of his comment today that the pool will be completed by Christmas 1991. He knows when the pool will be completed but not when the work will start. Given the recent Shelleys fiasco, one would have to wonder what type of financial audit the Government has carried out on Decoin before agreeing that they could proceed with its proposal.

I ask the Minister: who is going to take over this project if Decoin runs into financial difficulties or is not able to raise the \$12m required? Will he make a commitment now to build a public pool if Decoin is not able to proceed? Or is he not concerned because this is simply a snow job to try to get the question of the Tuggeranong pool out of the too hard basket?

Mr Deputy Speaker, let me now turn to the area of public housing. Despite my best efforts, it has gone unreported in the media that public housing in the ACT is among the big losers in the Alliance Government's first budget. The allocations of \$35.9m for construction and refurbishing of public housing in 1991 represents a decrease of 32 per cent over the allocation in the Follett Labor Government budget last year.

Last year the Labor Government undertook a program to increase the public housing stock by 280 dwellings per annum, plus an additional 92 dwellings to house the people relocated by the Melba Flats redevelopment. A total of 375 dwellings were to be added to the public housing stock. Mr Collaery has reduced this total to 275, which includes replacement housing for Melba Flats residents - a decrease of 100 dwellings. Mr Collaery continues to talk about his commitment to social justice but his actions belie his words. This number of houses is not even sufficient to keep up with the growth in demand. It can only result in increased waiting times for people with urgent housing needs.

Since Mr Collaery came to power he has made many statements about social justice, but of course he has failed to deliver. He stood by while the youth employment outreach program was abolished. He attacked Brian Burdekin for bringing the position of homeless youth to his attention. He promised human rights legislation; but of course nothing was done until the Labor Party introduced its own human rights legislation. He promised a rental bond trust; but, once again, it was up to the people on this side of the Assembly to put the proposal into action.

Mr Deputy Speaker, as I said earlier, this is a lazy budget from a lazy government. The decisions they have made have attacked the interest of every person within the ACT. It is unfortunate that the community has to wait 18 months - or even less now - before it has the opportunity to throw them out of government, but throw them out of government they will, Mr Deputy Speaker.

Mr Jensen: The red ribbon does not match your tie, Wayne.

MR BERRY (4.47): I hear Norm's interjection in relation to the red ribbon. Of course, it has some symbolic meaning which members of the Government would not recognise, and that is the passion with which the schools community hold their position in relation to the schools debate. It is appropriate that I rise now to deal with the Minister responsible for health, but who also is irresponsible in education.

Members interjected.

MR BERRY: Could we have a bit of order in the house?

MR DEPUTY SPEAKER: Just continue, Mr Berry. I will control the house. If they get a bit too tetchy, I will stop them.

MR BERRY: It seemed you were a bit slow off the mark.

Mr Jensen: On a point of order, Mr Deputy Speaker: that is a reflection on your speakership.

MR DEPUTY SPEAKER: Rest assured, Mr Berry. Please continue.

Mr Collaery: On a point of order: I understand that you gave a ruling that Mr Berry withdraw his reflection on your speakership.

MR BERRY: It was merely an observation, Mr Deputy Speaker. I meant nothing. I withdraw it.

MR DEPUTY SPEAKER: Thank you.

MR BERRY: Mr Deputy Speaker, this is the Government, the lazy Government - that quite appropriately is its title - that has imposed high petrol taxes and high costs on the people of Canberra as a result of its consideration of the need for a Liberal budget in the ACT. This high cost, of course, will be borne by the ordinary Canberra person. One can imagine that these costs might mean, on the lower side, about \$3 a week for somebody who is travelling to work in their car, but it may well be \$6 or \$8 or \$10 a week if people have to travel further or use their car for other purposes. This is the Government that has imposed those taxes on the community, but they have done it in such a way that the money will be spent to destroy community assets.

18 September 1990

The atrocities that they are committing, Mr Deputy Speaker, are particularly relevant for the Minister to whom I respond in relation to health because of his inept handling of the schools matter and his attempts to destroy the public health system in the ACT. This Minister, in his response to the Leader of the Opposition, could not rise above hurling abuse at the Leader of the Opposition. Bear in mind, Mr Deputy Speaker, that this Government in which this Minister participates could not even spend the money which was budgeted for in the first budget for the Territory under self-government. This Government opposite is so lazy that it cannot spend the money. The money, of course, would have been spent on issues related to social justice, a claim that Mr Collaery seems to make in respect of his participation in the provision of government to this Territory.

Of course, that is the greatest joke of all times. A little while ago Mr Jensen interjected and talked about the fraudulent behaviour of members of the Opposition. The fraud has been committed by the members of the Government. But in my view the greatest blame for that fraud lies on members of the Residents Rally, because it has been the members of the Residents Rally who have made the major contribution to ensuring that the Liberal philosophy of government for the ACT has been implemented. For example, it has been Mr Jensen, Mr Collaery and Dr Kinloch who have made sure, by turning around on their own policies, that this Government could destroy the health and education systems in the Territory. Mr Jensen, Mr Collaery and Dr Kinloch have to bear the responsibility for that because it is theirs.

I have said before that this is a lazy Government and I do not think anything demonstrates that more clearly than the budget of the members opposite. And it has nothing to do with social justice. A couple of recent events should point out to the Government that they are on the wrong track. A little while ago there was a hospitals debate organised at the Australian National University. I notice the Minister is still stinging from the resounding defeat that he received at that debate, and rightly so because his case was poorly put in the first place, and lacked any convincing evidence, except, I should say, for yours, Mr Deputy Speaker. I noted you were among the very few who supported the Minister in that debate.

The reason why the Minister lost the debate was that his case was poor; it was lazy, along with the entire approach that has been taken by this Government. The hospitals debate was lost by this Minister because of the action that he is taking in ripping down the structure and delivery of public hospital services in the ACT. He is responding to the wishes of his masters in the business sector because the masters of the Liberal Party do not want to pay their share for the delivery of public hospital services in the ACT.

This Government is tearing down the public hospital system, as I have said. Of course, we do not know the facts but the admission so far is that they have cut 100 beds out of the public hospital system. That impacts on the people of the ACT. Those are the facts that the people of the ACT are presented with. Their public hospital system is being torn down by the members opposite. And they will pay the price. Look at Mr One Per Cent over here, Mr Collaery. I might mention at this point that there was a recent mock ballot conducted at the Higgins Primary School. The result of that ballot would present an even duller picture for Mr Collaery because the Residents Rally and the Liberal Party shared less than one per cent of the vote. I have to say that Mr Duby was not even mentioned.

Mr Duby: I did not campaign.

MR BERRY: It would not have been a safe place for you to go, I suggest. The fact of the matter is that the members opposite will not be here after 1992. There is no doubt about that. Of course, they are very testy about this position and I understand why they are testy about it. They have committed these atrocities and they are going to be taken to task about the issues. This is the Government that set out to destroy the public hospital system in the ACT and to destroy the education system, while it gives expensive handouts to private schools. The Chief Minister admitted to that today. It gives expensive handouts to private schools while it destroys the public system.

Mr Kaine: I did nothing of the kind.

MR BERRY: This Chief Minister, who complains, in his meanderings not long ago was talking about a 1,000-bed hospital down at the Royal Canberra Hospital site. So where are these people coming from? They are about destroying the public system regardless of the needs of the people of Canberra. They have indicated clearly that they intend to attack public sector jobs. The Chief Minister has indicated that their target is around 3,000 jobs. They have started, I should say, by unloading 60 jobs from a small sector of the health system at Jindalee Nursing Home. The indications are that there will be 60 jobs cut out of the system. That is the first attack that has been announced.

Another attack that has been mentioned, of course, is the Health Minister's attack on nurses in the public sector. He is slavishly following the line produced by his masters in the Priorities Review Board report which talks about priorities for improved public sector management. Slavishly following his masters, the board recommends that nursing staff levels, particularly supervisor and education levels, be adjusted down to better reflect needs. Now, this Minister is getting stuck into the nurses as a result of that - there is no other reason - because he has to follow his masters. If he does not he will not be pre-selected to come back here next time. There will be 60

18 September 1990

jobs cut out of the public nursing home at Jindalee. The Government has already made it clear that that will happen.

This is a Government that came into power with the assistance of people who had pledged themselves to support the public hospital system - and I refer particularly to Mr Jensen, Mr Collaery and Dr Kinloch. They pledged themselves in particular to ensure that the Royal Canberra Hospital stayed open and that the Liberal members opposite would not therefore be able to destroy the delivery of public hospital services in the ACT to help their private sector mates. But the Residents Rally, the one per cent party, or less than one per cent party, turned around on that promise, ratted on their promise to the community and set out wilfully to destroy the public hospital system, the same as they have done with the education system. They ratted on their promise to the community in relation to the education system, and I am sure that Mr Wood will have something to say about that in due course.

The fact of the matter is that the Government opposite in its budget has done nothing but demonstrate its ineptitude in the provision of progressive public services in the ACT. It has proved its ignorance on the issue of social justice, Mr Collaery, and I think its ignorance has been reflected in the way it has treated the public services in the Territory, particularly the hospital system. By the end of the term of this Government people will have started to feel the pinch. Already waiting lists for surgery are growing, and that is as a direct result of the actions of the Government members opposite. They are inflicting pain and suffering on the people of the community while they get on with their agenda of ripping down the public hospital system. There is no doubt about that.

At the same time they have spent a whole stack of money to ensure that the people of Canberra get something that they do not want. And that is the real issue. This Government opposite is a government that the people do not want. So, in accordance with that theme, the people of Canberra not only have to suffer a Government that they never wanted in the first place, but now have to suffer reduced services because of the actions and laziness of the members opposite.

MR CONNOLLY (5.02): Mr Deputy Speaker, in the debate on the Appropriation Bill it is appropriate for the Opposition to both raise general concerns about the Government's budgetary strategy and focus on the particular area of portfolio responsibility of the Opposition spokespersons. I do not want to dwell extensively tonight on the general overview of the budget because that has been done very effectively by Ms Follett, as Leader of the Opposition, and by other speakers. It is clearly a lazy budget; it is a budget which is hacking into the services and standards of this community; it is a budget which is universally condemned by the community, who see a Government that has no mandate to govern.

But, Mr Deputy Speaker, the most extraordinary aspect of this is that the Government continues to attempt to justify this on the basis of social justice. The Government has appropriated this term, social justice, and claims that it is supportive of this concept.

Well, we saw this afternoon just what they understand by social justice. At a time when the public schools in this town are being closed down and sold off to developers, you are giving Canberra Girls Grammar School a large block of land for a hockey field. Social justice! That is your understanding of social justice. If your social standing is right, you just help yourself to community assets. That is their understanding of social justice. It sums up this Government in one action. And the extraordinary thing is they do not even seem to think that there is anything unusual about that decision. The community will judge you harshly on that decision because it encapsulates your contempt for the community and your priorities.

Those parents of children at the public schools that are being closed, who are being told "We have to close down your school and thus affect your education" and, in the case of the therapy centres and the hearing impaired unit, affect the very health and well-being and livelihood of these young people, are being told "We have to do that because of budgetary imperatives", and at the same time you are giving away a prime piece of real estate to Canberra Church of England Girls Grammar School. Well, I will leave it to the community to judge your sense of social justice and priorities.

Turning to the particular aspects of the portfolio area that I shadow, Mr Collaery on one view could go down as a very historic Attorney-General. There are a number of reasons for that. Ms Follett, in her amusement, no doubt is thinking of them. The conventional way of approaching an ongoing budget is to look at this year's expenditure as compared to last year's expenditure and decide whether Ministers have been successful in increasing their access to resources and their application of those resources to community needs - and we are usually looking at a few percentage points one way or the other as a measure of success or failure. Certainly it is conventional for Ministers themselves to judge their success by the extent to which they have been able to increase their access to and application of community resources.

On this view I am left with the perplexing problem that Mr Collaery is in one sense the most successful Attorney-General in history in that his law and order share of the resources of the Territory budget has gone from 2.34 per cent in 1989-90 to 8.28 per cent in 1990-91 - an increase of 254 per cent - which few Ministers in any jurisdiction have been able to match. Of course, it is difficult to look at these figures and make any sense of them in terms of the Government stewardship of issues of law, justice and - - -

18 September 1990

Mr Humphries: It sounds like "Terrynomics" to me.

MR CONNOLLY: Well, the figures are indeed accurate, Mr Humphries. It is difficult to look at these figures and make any sense of them in terms of a critique of the Government stewardship because, of course, the major distortion in these figures is that, whereas last year the Territory was constrained in its control over these areas of expenditure, because we had no control over the Magistrates Court or policing, in this budget period the Territory assumes for the first time control over policing, which means that the law and order expenditure has gone from zero to some \$54m. This area, a most important area of public expenditure, is one about which in this budget we are in no position to offer a critique of the Government's actions. That \$54m is, of course, fully funded by Commonwealth grant and it means that for this budgetary period we are merely spending the money that the Commonwealth has given us for policing.

The Opposition's critique will, in fact, come far more clearly next year when the Territory faces for the first time the challenge of running its own budget to fund its own police force. We have repeatedly made references to the difficulties that this will present to the Territory, and I hope that we, as members of this Assembly, have full opportunity to make an input into that decision before it is announced in next year's budget. Similarly, in the area of the administration of justice, expenditure has increased from some \$615,000 to over \$5m, again because of the transition of the Magistrate's Court to local responsibility. So, while on one view the law and justice area of Government responsibility has shown dramatic increases in this year's budget, they are an artificial increase reflecting the assumption of new functions by this Territory and it will really only be when we look at successive budgets that we are able to offer an effective critique of the way those moneys are being applied.

It is pleasing personally, as well as as a socialist party, to see that the legal service to government, the Government Law Office, is being maintained and increased in real terms. I trust that the figures that are apparent in this budget document will, in fact, reflect a real increase other than that which is necessary to cover the increase in responsibilities. The services of the Government Law Office to government are fundamental and it is hoped that this increased allowance will not just cover the increased responsibilities but will allow that law office to increase its efficient delivery of services to government.

Of particular note there, I would congratulate the Attorney for the initiative to provide electronic publishing of legislation. It is extraordinarily difficult for persons in this Territory to find out what the law is at any given date. There is no access even to a paste-up set of statutes of this Territory, Acts and Ordinances, even

available to members of this house. It is an extraordinary position that the legislators have no way of knowing what the law is from day to day. I would hope that the moneys allocated for electronic publishing of legislation are quickly moved in the direction of providing a paste-up or update service of legislation rather than merely an electronic form of ongoing statutes. The need is to look to the past rather than the future in that area.

So, in terms of portfolio responsibilities, I am not able to assail the Government for cutting back because the law and justice area is one where massive new responsibilities have fallen to the Territory and, accordingly, there have been massive increases in expenditure. The main challenge in this area of government revenue is to look to the future and the period next year when this massive increase in expenditure will not be matched by an increase in Commonwealth expenditure. The Territory for the first time will have to make its own harsh decisions about the allocation of resources to policing. That is an area which will be a challenge to us all.

But, Mr Deputy Speaker, on the overall critique of the budget, the answer must be that it is found wanting; that this Government is blindly pursuing its objectives of slash and burn in the public sector in this Territory, an objective which will be resoundingly defeated by the citizens of Canberra when next they have the opportunity.

MR SPEAKER: I call Mr Wood.

Mr Wood: We will have had two speakers from this side.

Mr Stefaniak: Call the Chief Minister then.

Mr Wood: Are you all finished? I do not think everybody on that side has spoken.

Mrs Nolan: The Ministers have.

Mr Wood: That is like the censure motion on Mr Humphries. It displays a distinct lack of confidence.

Mrs Nolan: I totally reject that. It shows all confidence.

Mr Jensen: Wait, Bill. All will be revealed.

Mr Wood: There are five people sitting at the back there.

MR STEFANIAK (5.09): Thank you; I will take it up. It is a very good budget, Mr Speaker. I commend the Chief Minister and Treasurer.

MR WOOD (5.10): There are five people sitting on the Government backbench. I would have thought they would have wanted to use their time to stand up and support the budget. It says a great deal, it says an enormous amount,

18 September 1990

that they do not want to do that. They do not want to stand up, and they do not want to defend that budget. I am not surprised. I would think that that says it all. They have as little confidence in the budget as they had some weeks ago in the Minister for Education. The first thing to be said about this budget is that they were given great assistance from the budget that was left to them by Rosemary Follett. I recall the Chief Minister saying there was \$24m in surplus after that budget; so I think we should give some acknowledgment to that sound budget that was brought down last year by the Follett Government. Another aspect of that, of course, is that not every item in Rosemary Follett's budget was spent, and we see some of those circulating again this year. So, again, that is a compliment to the Follett budget, to the Follett Administration; this Alliance Government can see the sense, the good sense, of the proposals that were brought down just one year ago. So let us acknowledge the good starting point that this Government had in preparing its budget.

The second thing to be said about the budget is that it has come down in two parts. The first part came down some time ago but it has not been raised again in the last week or so. It was brought down early deliberately so that the people would forget it, and so that the budget would not appear as harsh as it really is. The first part of the budget was the list of increases in taxes and charges. There was a very substantial increase in a great variety of charges. In some cases they were at the level of the CPI; in other cases they were at a level higher than that. I recall, for example, that the general rate was increased not by the CPI of about 6 per cent but by 16.6 per cent, and that is an enormous amount of money. On my quick calculations here just a moment ago, that is something like \$7m to \$8m that the Canberra taxpayer has to fund. Why was that not part of the Chief Minister's speech just a week ago? Why did he not say, "We have been down this path of hitting the ACT taxpayer, but we regretted that we had to do it?" Why did he not remind the people that he had done that - \$8m worth? That was part one of the budget.

In part two of the budget we come to further tax increases from this high taxing Government, and those better known, better remembered, such as a petrol tax that will bring in something like \$8m this year. What a heavy imposition that is on ACT people. Do not forget that this is a city - now, regrettably, we can see - designed for the motor car, and, while we would wish to change it, we know we cannot. But an imposition on petrol tax is a very severe one to the ACT resident. That was just one of the extra charges from this very high-taxing Government, a Government that prefers to spend money in other ways.

It could have saved money. It could have avoided a lot of the expenditure that it did incur. We had the PRB, the Priorities Review Board, that I think cost something like \$340,000. We have had just recently an application by this

Government to join the Australian Fisheries Council - a process that will cost something like \$100,000, or range up to that amount. Why, one asks, would we join the Australian Fisheries Council whose objective is to promote the development of fishing in the oceans, particularly, around Australia?

That is a remarkable thing to happen. Are we going to see something like Kaine's carp as a table item around Australia? What on earth would we want to have to do with the Australian Fisheries Council? Why do we have to cough up money to join them? You might tell me some time. I see you are looking bemused.

Mr Duby: Naturally, we are part of the inland waterways.

Mr Kaine: Get some diseases in the fish population in our river system and you will know why.

MR WOOD: Well, it is primarily concerned, I can tell you, with ocean fisheries. That is what it is about. It has a very limited interest in the inland waterways. I would think that the amusement with which that proposal was greeted at the recent meeting in Hobart was well justified. I would think that we can save upwards of \$100,000, the amount directed to fund that, and divert it to keeping schools open. That would be much more sensible.

Mr Kaine: Which school would you keep open for \$100,000, Bill?

MR WOOD: Well, for \$100,000 we could probably keep two or three schools open down the track, because that is about the extent of the savings that you might make after your one-off costs have gone. But let us move then, following that interjection, to the question of education.

Mr Duby: There is no such figure as \$100,000 for the Fisheries Council. What are you talking about, Bill?

MR WOOD: That is what it is going to cost.

Mr Duby: It is not.

MR WOOD: Yes.

Mr Duby: Show me where.

MR SPEAKER: Order!

MR WOOD: It is not contained explicitly in your budget figures. I do not know where it will come out there.

Mr Collaery: Oh, it is fishy!

MR WOOD: I will get you the minutes of that Agricultural Council meeting and we will catch up with it. Let me not be diverted from the thrust we will make on education. The

18 September 1990

Treasurer has not so much manipulated his figures as manipulated his words. The budget papers are quite clear on what the costs of school closures will be, on your figures - not necessarily the accepted figures - but the words are different. The tactic was successful, of course, because when the budget was brought down the media generally reported that there was \$1m a year to be saved through school closures. That is what is written here; that is what they accepted. I suppose it justifies the convolution that goes on to support that.

But, in fact, if you look at figures 5.3 and 6.1 of supplementary paper No. 3 you will see that the cost of school closures this year is \$2m. You are down the tube to the extent of \$2m. It is as clear as that. The schools reshaping program estimated savings in 1990-91 amount to \$1,010,000. The one-off costs in table 6.1 amount to \$2,989,000 - a difference close enough to \$2m. So, there is no saving from school closures in this year; and again I stress that these are the Government's figures, not necessarily the agreed figures.

It is true to say that in the education program, whichever program number or particular title it has, there will be a saving because the one-off costs are being allocated to various other departments, to other agencies. So, it will not be a cost on the education program and therefore the Government can claim, quite wrongly, with some measure of deceit, that it is a saving this financial year. That is simply not the case. I regret that the words were printed in the media and the situation as it truly is was obscured.

Let us look at just one aspect of the imposition on parents from that proposal for school closures, and it is a doubling of disadvantage. You are closing schools in certain areas, and I note the budget papers say that you propose bus services equivalent to eight single journeys. I suppose that means four new bus services of a return nature. I do not know whether there are circumstances where you take kids to school but then do not take them home; there may be, but I could not imagine them. But you are providing four new bus services.

Mr Kaine: There is a heck of a lot the other way round, where we do not take them to school but we do take them home.

MR WOOD: I know. I know that everything is not quite simple. I have been there and I have done that. But there are to be four new equivalent bus services for all these school closures. You have indicated that some thousands of children are going to be affected, and that is all you will provide for them. Not only that; because they have to drive further you are going to make them pay more by reason of that increase in petrol taxes. It really is a difficulty for the parents. You are adding onto it at all times.

We now have an inquiry into the Government's incompetence, because that is what it is. The Government has not been able to convince anybody, not even its own backbench, and in some cases not its frontbench, that the figures that it has provided are accurate and can be relied upon. So now, both as a measure of its incompetence, as a confession of its incompetence, and also as a sop to the Residents Rally, it has reluctantly agreed to hold its incompetence up to display.

Mr Humphries: Will you accept the verdict when it comes down?

MR WOOD: That is what it has agreed to. Well, I heard you on radio today and you were all over the place on that.

Mr Humphries: Will you accept the verdict?

MR WOOD: Well, first of all I would not agree that this gentleman is necessarily an umpire, but we will debate that. We will give you the opportunity to debate that at another time. But now we have the situation where the figures are going to be evaluated, and I can only applaud that. Hear what I am saying; I can only applaud that. It may well be that, if five weeks is not too short, we will see some more accurate figures - figures that the Government has never been able to provide to the satisfaction of the community. Not only that, but figures had to be dragged out of the Government.

When you started this exercise six or seven months ago you did not think at any stage it was necessary to provide any figures at all about school closures. You came in with a view, a philosophical view, that schools ought to be closed. That was the view that you had, and you said, "We will close them". Bit by bit you have been convinced and have said, "Well, perhaps we do have to justify this; perhaps we do need to do a little planning"; and reluctantly and painfully you have been drawn down the path of preparing some figures and retrospectively doing the planning to try to justify what you are doing. It has been a miserable exercise throughout. The paucity of the Government's thinking has been demonstrated over and over again and, finally, we now have an inquiry, first as a sop to the Rally and secondly as an acknowledgment that you have not been able to get it right. I will be making my own submission to that inquiry. I know a great number of people will be.

We preferred that it have a wider range of people on it, but that is not to be. We will see how the inquiry develops. Perhaps to conclude my portion of this debate it would be fair to say that the Hudson inquiry into school closures will become part 3 of the Treasurer's budget. I believe that is how it will be described and it may well be

18 September 1990

that parts 1 and 2, or specifically part 2, of the budget will need to be redrawn in view of what is found out by that inquiry.

Sitting suspended from 5.25 to 8.00 pm

MR KAINÉ (Chief Minister and Treasurer), in reply (8.01): I am assuming that no other member of the Opposition is eligible or wants to - - -

Members interjected.

MR SPEAKER: Order!

MR KAINÉ: If every member of the Opposition that wants to speak has done so, then I am only too happy to close the debate.

Members interjected.

MR KAINÉ: I can see that they feel it is absolutely necessary to perform to the gallery, Mr Speaker, but they will calm down in time.

Mr Wood: You did lead with your chin.

MR KAINÉ: No, I did not. I just wanted to be sure that everybody in the Opposition who wanted to speak had been given the opportunity to do so, because in standing up to speak I am, in fact, closing the in-principle debate on the budget. I must say that I have been rather disappointed at the quality of the response. We have produced a very productive budget, one which for the first time confronts the structural problems of the Territory, and yet the responses have been narrow - - -

Members interjected.

MR SPEAKER: Order!

MR KAINÉ: I will seek additional time when my time runs out, Mr Speaker. The responses have been narrow and have not addressed to any degree the structural problems that the ACT confronts. The whole debate has focused on personalities and very minor matters in the debate, and not on the issues in question. The first thing, Mr Speaker, that - - -

Mr Wood: I remember Mr Collaery's speech; he spoke about law reform.

MR SPEAKER: Order, Mr Wood! Mr Wood, I warn you.

MR KAINÉ: Mr Speaker, a lot of the - - -

Members interjected.

MR SPEAKER: Please proceed, Chief Minister.

MR Kaine: Nearly three minutes has gone by so far, Mr Speaker, and I have not had a chance to say anything yet. I hope they are going to give me an opportunity to reply, because, if they do not, I am going to seek an extension of time to make up for it.

Mrs Grassby: That is all right; we will let you have it; you can talk all night.

MR Kaine: If you would stop chattering now, I could get on with my reply.

Mr Berry: Do not take any notice of them, Trevor; they are just trying to get at you.

MR Kaine: I am not taking any notice of you, because you have not said anything useful yet, and I do not expect you to now.

Mr Speaker, one of the things that have been said in response to the budget is that it does not present any sort of a strategy. I do not know what the people on the Opposition side were doing when I presented the budget, but I went to great lengths to explain the basis of the budget and the strategy that was envisaged in it. I explained the fact that it was not only a budget for this year, but a budget for the first year of at least a three-year budgetary cycle, a budgetary process, to deal with the fundamental questions that are raised by the transition to self-government; and yet the Opposition keeps popping up and saying, "There was not any strategy in this budget". Well, I can say, Mr Speaker, that there was a great deal more strategy in this budget than there was in the last budget, which totally failed to address the question that there were fundamental issues that needed to be addressed. I find it quite astonishing that the Opposition, and particularly the Leader of the Opposition, should say that there was no strategy implication in the budget.

I repeat, Mr Speaker, that I spelled out at great length, first of all, the Government's budgetary strategy; secondly, the Government's budgetary objectives - they are all stated in my speech; and, thirdly, what the Government is doing this year to get the ACT on to a firm financial basis. I can assure the members of the Assembly and the public that the framework and the basis that we establish this year will be built on next year, and I would dispel right now the illusion that next year's budget is somehow going to be an easy budget, because it is next year that the Commonwealth withdraws the additional finances. We will really have to confront the budgetary issues then.

The best that the Leader of the Opposition could do was to accuse the Government of being lazy. Coming from the Opposition, I find that absolutely astonishing, because the only lazy person in this house is the Leader of the Opposition. She spends virtually no time on the floor of

18 September 1990

the house; in fact, she was here hardly at all today. I see she is here now, and that is a bit of a turn-up. She spends very little time on the floor of the house. She makes no worthwhile contribution to the debate when she is here. I have a copy of her response to the budget. I have a copy of the original - not what she actually said, but what she would have said if she had thought about it at the time. She made no counter proposals whatsoever to what she asserts is a lack of action on the Government's part. There was not one constructive point in the entire speech.

I would suggest that the Leader of the Opposition ought to go back and read my address in reply last year, which was, in fact, equal time. I was given equal time and I used every minute of it. I made some very constructive comments in my response which, in fact, are the very things that this Government is doing today in most areas. And I did not simply criticise her budget; I put forward some very constructive proposals as to how it could have been improved, and should have been improved. Despite the fact that I have taken her to task over this many times, her approach is to continue simply to distort and to misrepresent. Even her own mates are beginning to object to this. I am gratified that an increasing number of Labor voters and former Labor voters, who contact me constantly, have expressed their concerns about her negative approach as the Leader of the Opposition.

Ms Follett: What, Paul Whalan? Paul Whalan rings you every day?

MR KAINE: No, Paul Whalan was your best performer, and you really do need to worry about the fact that you let him get away.

I would just like to run through some of the things that the Leader of the Opposition said in her response to the budget, where she distorts and she misrepresents. I do not have to go past page 2. Page 1 was fairly innocuous - but page 2! I would like to read into the record the paragraph in her speech that she did not read. She skipped over this paragraph. She was talking about how the Government had been influenced by people from out there who had made inputs to us. This is the bit that she missed:

The Treasurer went on to say that this consultation with himself was supplemented by inputs from the TLC and CARD.

She did not read that bit out because it did not suit her to acknowledge that I, in fact, had had consultations with the Trades and Labour Council. Hansard will show that the Leader of the Opposition left that paragraph out of her speech entirely. Even the things that she might have said she neglected to say, and she was quite deliberate about it.

Also on page 2 she claimed that she changed last year's budget after community consultation. I would submit, Mr Speaker, that, if you compare the forward estimates that she put out before the so-called sham of budgetary consultation started and you then look at the budget that she produced about five months later, there are absolutely no changes between the forward estimates that she put out for so-called consultation and the budget that she finally brought down. So the community consultation process produced nothing.

I will move on to page 4 of her speech where she says:

The Government is still hell-bent on attacking the public sector, privatising public services such as health and education and slashing public sector jobs.

Great emotional rhetoric, Mr Speaker, but not a bit of truth to it whatsoever. Nowhere is the Government, in this budget or in any other document, talking about privatising anything in health or education; not one single thing. But, of course, the Leader of the Opposition has no difficulty in saying these sorts of things. She is so deep into Labor Party politics and rhetoric that she does not care what she says - true or untrue.

Let us move on to page 5. She says, in connection with planning, that this Government has not progressed this issue one iota. There are five Bills that have been out there for some months now for public consultation. They are currently being revised to take into account what the public has said. They will go out for a further one month's consultation with the agreement of Mr Connolly, who said that they needed further time, and at the end of that period those five Bills will be on the table here for debate. They have been progressed more than one iota; we have, in fact, five very comprehensive and very good Bills on planning. But the Leader of the Opposition does not want to know about that. She does not want to be confused by the facts on anything.

Going to page 11 of her speech: the hospital project, she says, has meant huge increases. I do not know what figures Ms Follett has been looking at, but we started off with a budget of \$154m in last year's dollars. It remains \$154m in last year's dollars. There has been no increase whatsoever. But, of course, Ms Follett does not want to be confused by the facts. It suits her to appeal to her audience and to say that there have been massive increases. There have been no increases. A lot of what Ms Follett said is absolutely and unequivocally ideological rubbish that bears no relationship to the facts whatsoever. But that does not stop her saying it.

Mr Berry got up and said something about how awful it was that Mr Humphries actually had the effrontery to attack Ms Follett. He then spent 15 minutes on a personal attack on

18 September 1990

Mr Humphries. This is a two-way street. If he can attack Mr Humphries, then he should not take umbrage when Mr Humphries attacks somebody else. But, apart from that, Mr Berry contributed nothing to this debate - absolutely nothing. He repeated the old Labor Party rubbish about total destruction of health and education. Mr Berry, I have to tell you there is no destruction, neither of the health department nor of the education system. In five years' time we will all be looking back and saying what a great job the Government did in dealing with this matter.

Another distortion of the truth - and I will not call it a lie, because that is unparliamentary - was that Mr Berry said, as he keeps repeating, that we have made a reduction in the number of beds in our hospitals. We have done no such thing. Read my lips. It is on the public record that there has been no reduction in the number of beds in our public hospital system. So much for Mr Berry and his destruction of the health system.

Mr Berry, of all people, the great procrastinator, could not make a decision about what to do with the hospitals. He could not even address the question of the \$7m overrun in the budget in his own department. He could not handle it. As far as Mr Berry was concerned when he was running the health system, next year would do. It did not matter that we had massive financial overruns; it did not matter that the whole hospital system was falling apart. He could not make up his mind; it was just too bad. (Extension of time granted) So much for the great procrastinator, who now has the effrontery to tell us how to run the hospital system.

Let me come to some of the things that Mr Connolly said. I must admit that Mr Connolly had the good grace to do what oppositions in other places in this country do, and which we did, I believe, when we were in opposition. Once in a while decent oppositions concede that the government does something right; just once in a while. I think that when we were in opposition we did that in all fairness; when the Government did something right, we told it so. In his speech, Mr Connolly acknowledged that we had done something right in connection with financing the Law Office which, up until the time that we took government, had been grossly underfunded and its functions had never been properly recognised. They were not properly recognised by the previous chief law officer of the ACT, but I will not name that person because he or she might be upset.

Mr Connolly did go overboard a little bit. He said that this Government has been universally rejected by the community. I do not believe that. There is an increasing majority in this community which recognises that we are facing budgetary difficulties, that hard decisions have to be made, that reductions in expenditure have to occur, that rationalisation the way the Government has done it has to occur. An increasing majority, many of them Labor voters, many of them Labor supporters, recognise this. That is what this Government is on about, and that is why you are

totally wrong when you say that our policies and this Government are universally rejected by the community. That is not so; but I understand, Mr Connolly, that your heart is in the right place and I thank you very much for that.

I know that the Labor Party jumped with glee on my response in connection with some land for the Canberra Girls Grammar, and its members have now attempted to link that in some way with the program of consolidation and rationalisation in the public school system. There is absolutely no relationship between the two things. I know that the Opposition will grasp at any straw, no matter how weak, no matter how wet, no matter how damp; but there is no relationship between the two things. When the decision is made by the Government in connection with the piece of land for the Canberra Girls Grammar, it will be found to be quite consistent with the policies of the Labor Government at the Federal level and the local level for the last eight years. It will be absolutely consistent, Mr Wood, with your policy when you were in government, and with the policies of the Labor Government for the preceding seven years before that. This Government has made no change whatsoever in the policy in connection with this matter. You can put out your propaganda, you can appeal to your electorate, and you can tell them that we have done something wrong; but it is directly consistent with what your Government did last year and what the Federal Labor Government did for the preceding seven years. So, have your moment, put out your propaganda; but it will be proven yet again that this will be a boomerang.

I come now, Mr Speaker, to Mrs Grassby. Now, Mrs Grassby and I are good friends, and when we are not on the floor of the house we do not shout at each other or fight or anything else. I was most interested in what Mrs Grassby had to say, but there are a couple of places where I have to put some things in perspective. Mrs Grassby talked about the actions of this Government, as did her contemporaries over there, and, in her view, we are destroying public housing in Canberra.

Let us look at the facts. In 1988-89 there were 331 public housing units completed in Canberra. You can talk about the dollars and cents, but we are looking at housing completions, and there were 331 in 1988-89. Last year, under the Labor regime, the local one, there were 335. This year - - -

Mrs Grassby: Not bad for six months.

MR Kaine: No, that was the total year. We finished it off for you, Ellnor. You started it off; we finished it. We are good finishers over here. This year 275 new units - houses, flats and the like - will be completed and 65 houses will be totally refurbished. That is a total of 340. The other fact is that - - -

Mr Wood: What were the refurbishments last year?

18 September 1990

MR KAINE: No, they were refurbishments this year.

Mr Wood: What were the refurbishments last year?

MR KAINE: None.

Mrs Grassby: Come on, Trevor, that is not true.

MR KAINE: You see, you make up the numbers; I am giving you facts. You can make them up, you can speculate, you can hypothesise all you like; but these are the facts. At the same time Mrs Grassby talked about how much money they spent. Mrs Grassby put \$37.8m in last year's estimates, but the program that she put in place consumed only \$25.9m of that. She could not even put in place a program to use the money that was available. You talk about underexpending. Mrs Grassby undershot by one-third. Just in case you have not the figures in your head, this year we are putting \$35.75m in for housing, and that will be spent, I can assure you. So much for Mrs Grassby and our total destruction of the public housing system in the ACT.

I come to Mr Wood. Since Mr Whalan went Mr Wood is by far the best performer in the Opposition; there is no question about it. He should be the Leader of the Opposition. Whenever there is a good debate on the floor of the house it is always Mr Wood who contributes to it. I know your mates will not like this, Bill, but I am telling you the truth. I know Bill's heart is not in it, but he described our appointment of an eminent person to review the mathematics and the facts behind the school closures as "an inquiry into the Government's incompetence". I would like to understand your logic, Bill. If we had not convened an inquiry, we would be heartless and unfeeling and having no concern for the people in the public; but, since we have convened an inquiry, we are now incompetent. You cannot have it both ways, Bill. You are a decent bloke and you know that you cannot have it both ways.

MR SPEAKER: Order! Your time has expired, Chief Minister.

MS FOLLETT (Leader of the Opposition): Mr Speaker, I seek leave to make a statement.

MR SPEAKER: Do you claim to have been misrepresented?

MS FOLLETT: Yes, I do. Mr Speaker, in the course of his remarks Mr Kaine brandished a document which he alleges is a copy of the speech that I gave on 13 September in reply to his budget. He alleges that I omitted certain sections of that speech. Mr Kaine has not asked me for a copy of my speech nor have I supplied him with one; so I cannot guarantee that what he is brandishing is, in fact, my speech. But I would refer you, Mr Speaker, to the proof copy of Hansard for 13 September, which contains the text of my speech on that day. I say in the Hansard - Mr Kaine, you have got it wrong again:

There is no community input into the formation of his budget. The Treasurer went on to say that this consultation with himself was supplemented by inputs from the Trades and Labour Council and from CARD.

But the TLC has stated that it had no consultation with the Government on the budget.

No, I did not leave it out, Mr Kaine. It is in there, in the record, in the Hansard. You are quite wrong.

Mr Collaery: Did you read it out?

MS FOLLETT: Of course I did.

MR BERRY: Mr Speaker, I claim to have been misrepresented in the speech by Mr Kaine.

MR SPEAKER: Please proceed, Mr Berry.

MR BERRY: Mr Speaker, there are a number of misrepresentations, but to make the point - - -

Mr Collaery: And they all hurt.

MR BERRY: Misrepresentations always do hurt, Mr Collaery.

The Chief Minister claimed that there was a blow-out in the hospital budget and that I did nothing.

Members interjected.

MR SPEAKER: Order!

MR BERRY: Mr Speaker, we are going to have to put the bag on these people before we let them in here at night-time.

Mr Kaine: I noticed you were very silent when I tried to speak! The boot is on the other foot, now, mate.

MR SPEAKER: Order, Chief Minister, please. Mr Berry, please proceed.

MR BERRY: I am prepared to give it away if I cannot get a word in.

Mr Speaker, the Labor Government moved quickly in response to a reported blow-out in the hospitals budget and it subsequently appointed an expert group to examine that issue. This group did carry through that proposal, but Mr Kaine seems to have had selective amnesia. It was his group that took over government from the Labor Party and later on acted on the report from the group that was sent in by the Labor Party. The way that his group acted on that report is the issue that is of concern and this, of course, led subsequently to a cutback in public hospital

18 September 1990

services, longer waiting lists for surgery and eventually fewer public hospital beds.

MR SPEAKER: Order, Mr Berry, that is not where you have been misrepresented.

Question resolved in the affirmative.

Bill agreed to in principle.

ESTIMATES COMMITTEE Appointment

MR KAINE (Chief Minister) (8.27): Mr Speaker, I move:

That -

- (1) an Estimates Committee be appointed to examine the expenditure proposals contained in the Appropriation Bill 1990-91;
- (2) the Committee consist of five members;
- (3) the Committee report to the Assembly by 5 November 1990;
- (4) if the Assembly is not sitting when the Committee is ready to report, the Committee may send its report to the Speaker, or in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing and circulation; and
- (5) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

Mr Speaker, the debate in principle on the budget now being completed, it is necessary, desirable and expedient that we examine the budget in greater detail. It is customary to establish an Estimates Committee for this purpose. I am proposing that we do this. I am proposing that the committee should consist of five members of the Assembly and it should report back by 5 November. This would enable the final debate on the budget to be completed in order for the budget to take effect from 1 December when, of course, the Supply Bill expires. The Budget has to be in place so that we have continued authorisation to spend money.

Mr Speaker, this is a fairly normal approach. I know that the former Chief Minister, now Leader of the Opposition, had a different idea about establishing an Estimates Committee; but there are a couple of things that I should say about that. One is that she was forced, by virtue of being the leader of a minority government, to take a different approach than governments normally do. The second is that I am well aware of the fact that, having gone through the process last year, the Leader of the Opposition said that she would never go through that process again; she would do it differently. Now the facts are that she is not the Chief Minister, we do not have a

minority government, and I am proposing that we do what is more normal in Westminster parliaments, and that is establish a representative Estimates Committee of a limited number of people.

Ms Follett: Give yourself the numbers; that is what you mean.

MR KAINE: You can nominate for membership. In the democratic process you can nominate for membership and I am sure that your colleagues will support you in electing you to the membership of that committee, if that is what you wish. But, of course, if you want to abstain like you do most of the time on the floor of the Assembly, you do not need to nominate yourself; it is as simple as that.

Mr Moore: Will the Ministers abstain?

MR KAINE: It is not appropriate for the four Ministers to be members because they will be questioned by the Estimates Committee on their estimates.

Mr Moore: Will they abstain from the vote for the members of the committee?

MR KAINE: Do not talk nonsense. Where in the parliamentary system in Australia do members abstain from electing other members of the parliament to committees? That is not normal either.

Mr Speaker, my proposal is before the Assembly. I am quite sure that some members will want to debate it vigorously; but I submit that we need to establish the Estimates Committee before we adjourn tonight so that we can, tomorrow or whenever members are prepared to do so, elect members to it so that the process of analysing the budget in detail can begin and can be completed in time for the committee to report back early in November.

MR BERRY (8.31): The Labor Opposition is opposed to the motion which has been moved by Mr Kaine. As Mr Kaine rightly says, it has become natural to oppose most of the activities of the Liberal-Residents Rally Government opposite because of the philosophical void between the two sides of the house.

Mr Collaery: We can be hard and have a social justice platform at the same time. You do not know anything about it.

MR BERRY: Mr Collaery talks about social justice. He could not even spell it. Mr Speaker, again the Chief Minister has had selective amnesia about the facts in relation to the establishment of an Estimates Committee in this place and the precedents which were set by the Follett Labor Government when it was in office. The noisy lot opposite are not going to like this medicine because it points out the flaws in what the Chief Minister has said.

18 September 1990

Mr Humphries, in particular, will dislike this because it shows that he is behind a Chief Minister who is prepared to try to mislead the people of the ACT in relation to the Estimates Committee proposals which have been decided upon appropriately by this Assembly in the past.

Mr Kaine: On a point of order, Mr Speaker: I am in no way attempting to mislead this house or anybody else. I would ask Mr Berry to withdraw that.

MR SPEAKER: Please withdraw that, Mr Berry.

MR BERRY: I will withdraw that, Mr Speaker.

Mr Kaine: Thanks.

MR BERRY: I will remember your gratitude, Mr Kaine. The fact of the matter is that Ms Follett moved on 28 September 1989:

That -

- (1) an Estimates Committee be appointed to examine the expenditure proposals contained in the Appropriation Bill 1989-90;
- (2) the committee to be chaired by the Leader of the Opposition and also comprise such other members of the Assembly who notify their nomination in writing to the Speaker;
- (3) the committee meet on 10, 11 and 12 October 1989; and
- (4) the committee report to the Assembly by 2 November 1989.

Mr Jensen: You did not have the numbers, Wayne. That was why it had to be done that way.

MR BERRY: The fact of the matter is that the Labor Party, with those people who supported it then, did have the numbers, Norm. That is the difficulty for you. But there were some changes later on in the light of some glittering prizes that were offered.

Then, Mr Kaine rose and sought leave to move together two amendments which he had circulated at the time. He moved - and this is a beauty:

... the committee shall consist of such members of the Assembly who notify their nomination in writing to the Speaker by 29 September 1989 ...

He talked just a moment ago about the ideas of the then Chief Minister when, in fact, what eventually were reflected in the decision of the Assembly were his own views. Now he has flown against the wind in putting together this proposal which is deliberately designed to freeze out members of the Opposition parties in this Assembly. It is made to ensure that the Government's budget will not be properly scrutinised because the proper

scrutiny of the budget would reflect badly on the Government, as has the debate in relation to the Appropriation Bill. It has put the Government in a bad light.

Of course, the Government members opposite are a bit tetchy about this because they have grown quite used to bullying issues through committees and they would seek to do that in relation to this one. The fact of the matter is that the committee in the Chief Minister's proposal is to consist of five members. One would suspect that most of those would be their own - - -

Ms Follett: They could not speak on the budget but now they want to.

MR BERRY: Yes, they are like a bunch of chooks on the fence. They are not game to come over; all they want to do is sit there and cackle.

Mr Kaine: You sound like feeding time at the zoo, mostly.

MR BERRY: The chief gorilla over there is being critical of the Opposition, but the fact of the matter is that the Opposition has just exposed that the result in terms of the establishment of this Estimates Committee was pretty much along the lines that he, himself, suggested and now denies for the Opposition in 1990.

Mr Speaker, the Labor Opposition is strongly opposed to the Estimates Committee proposal which has been put forward by the Chief Minister and the Government. I have circulated an amendment which I intend to move at the conclusion of my speech on this matter. I know that the Government has had possession of this amendment because I circulated it earlier. I had expected that its members might have contacted me to let me know their position in relation to the amendment, but they have not done so at this point. That is regrettable, and it seems a shame that we have to find out what their position is after I move the amendment.

Mr Kaine: How are you going to find out before you move it? Put it on the table and we will debate it.

MR BERRY: The matter has been in your hands since last week because I put it there myself, as you might recall.

Mr Kaine: You have not been up to discuss my motion with me either, and my motion was first.

MR SPEAKER: Order, Chief Minister!

MR BERRY: Mr Speaker, the Chief Minister complains that we were not up there to discuss his motion with him. I am not sure that we would have got an appointment with him, because I do not think I am in his good books at the best of times.

18 September 1990

Mr Kaine: You are my friend; you can get an appointment any time.

MR BERRY: Thank you for that. I will take you up on that.

The Labor Opposition's position is clear because it is set out in the amendment which I myself placed in the hands of the Chief Minister. It would have been gracious of the Government members to let us know their position.

Mr Speaker, before being seated I will, if I may, take the opportunity to move this amendment dated 18 September 1990, which is circulated in my name. A small amendment to this was previously circulated, Mr Speaker, and it altered the date on which the nominations should close. I will speak on the amendment in due course. I will wait to see what the Government's response is. I move:

That paragraphs (1) to (4) be omitted and the following substituted:

- (1) an Estimates Committee be appointed to examine the expenditure proposals contained in the Appropriation Bill 1990-91;
- (2) the Committee shall be chaired by the Leader of the Opposition and consist of such members of the Assembly who notify their nomination in writing to the Speaker by 19 September 1990;
- (3) the Committee report to the Assembly by 2 November 1990;
- (4) that 3 members of the Committee shall constitute a quorum of the Committee; and

MR HUMPHRIES (Minister for Health, Education and the Arts) (8.39): I am not clear, Mr Speaker, whether I am speaking to Mr Berry's amendment as well as to this motion. It is most unusual for him not to have moved the amendment when he got up to speak.

Mr Wood: He did move it.

MR HUMPHRIES: I want another chance to speak. This just wastes more time of the Assembly. If this is what Mr Berry wants, this is fine.

MR SPEAKER: Order! Mr Humphries, I believe the amendment has been moved. You are speaking to both the amendment and the original motion.

MR HUMPHRIES: Mr Berry said he was going to move the amendment later, Mr Speaker.

Mr Berry: No, I have done it.

MR HUMPHRIES: All right. I am speaking to the amendment and to the motion. I support the amendment and I oppose the motion.

Members interjected.

MR SPEAKER: Order!

MR HUMPHRIES: I think we will have to change the Hansard, Mr Speaker. If I get support from those opposite it proves I must be wrong, so I will change my position and I will support the motion and oppose the amendment. Is that right?

Mr Speaker, I draw the attention of members to standing order 235, which Mr Jensen drew our attention to a moment ago. It refers to the capacity of members of the Assembly who are not members of a committee to come on to that committee to ask questions, with the leave of the committee itself. Those opposite who claim that this is some gagging of Opposition members, some restriction on their capacity to grill the Government on its budget, would only need to see this to realise that it simply is not a possibility. The fact of life is that we have to do a great deal of work in this Assembly. It is entirely appropriate that committees like an Estimates Committee be set in place to do this kind of work, and it is not usual, and there is no precedent of any relevance - I believe - for making this committee a committee of the entire Assembly. The fact that one such instance has occurred before does not establish a precedent.

Mr Wood: You even worked under that precedent.

MR HUMPHRIES: I worked under the precedent because that was what the Assembly decided. The Assembly may decide something different tonight.

Mr Speaker, there is also an objection on the part of those opposite to the Government having a majority of the members on the committee. I think it is worth reflecting for a moment on the practice of the Labor Party in places other than the ACT Legislative Assembly, and it is worth reflecting on what will happen - God willing or God not willing - if the Labor Party ever wins a majority in this place. We have no doubt that, the first instant the Labor Party has a majority of members in this Assembly, it will insist on a majority on every committee the Assembly appoints and it will insist on the chairmanship of every committee this Assembly appoints. This is what the Labor Party does in almost every other place, in the case of almost every other committee in Australia.

I can only describe this approach by the Labor Party at this time as hypocrisy. It is a course of action that it chooses to run with now because it suits its purposes; but when the time comes that the Labor Party has a majority in this place - and let us hope that time is not imminent - those opposite will probably say, "Well, the Alliance Government appointed a majority of its members to committees; why should not we?". That is what they will

18 September 1990

say. They will claim this precedent as their precedent, and they will reject the precedent of which Mr Moore has spoken.

I see no reason for that to bind this Government. I intend to do what every other government does in this country, and that is, elect to the committee a majority of members of the Assembly reflecting the views of the Government. That will not in any way impinge on the capacity of the committee to conduct a very proper inquiry. Those from the Opposition who sit on that inquiry will have every opportunity to ask questions; even those who are not sitting on the committee will have every opportunity to ask questions.

I am afraid there is no opportunity - not that I would wish it - for us to escape those questions or to cover up or not be asked those questions. We will be facing the full force of the questioning of those opposite, every one of them, and I look forward, as I have said before, to justifying the basis on which the Government has brought forward its figures in this budget. There is no concern about that.

This is an appropriate course of action. This motion is an appropriate motion. It is the same motion you would see anywhere else in this country and in any other parliamentary situation, and I see no reason to apologise for it. It is what will be the case, I am sure, as the permanent precedent in this place for many years to come.

MR CONNOLLY (8.44): Mr Speaker, the cynicism of the Alliance Government on this issue is breathtaking. Last year, in the first full sitting year of this new, small Assembly, the precedent was clearly set with the support, both of the then minority Government and of the Opposition, that all members of this Assembly could take part in the Estimates Committee. This is fulfilling the highest traditions of what an Estimates Committee is for, which is an opportunity for the legislature to put under scrutiny the Executive's proposals for the spending of public money for the forthcoming year. The precedent established last year, which was supported by Ms Follett, as Chief Minister, and enthusiastically supported by Mr Kaine, was that all members serve on that committee.

I went to Hansard to see what was said in that debate, but I must give Mr Kaine credit for great foresight here. He kept his mouth very firmly closed on that occasion. He was offered the chance to speak to the motion, but he declined the opportunity.

Mr Kaine: I am a lot smarter than you give me credit for.

MR CONNOLLY: On this occasion you certainly were. So, I am not able to quote any reasons for Mr Kaine's support on that occasion for all members serving on that committee, but it is clear that that is what he supported. He moved an amendment to the motion to that effect. That precedent

was clearly established, and, Mr Speaker, it is a good precedent. It is a good precedent for any parliament, but particularly for a small Assembly such as this - an Assembly where there are only 17 members in a small community and where the scrutiny of the Executive action is properly before all members. I would suggest it is similar to the process in the Senate, where all senators have the opportunity to take part in one of the various estimates committees.

It is a good precedent. It is a precedent that we ought to follow. But, no, this Government is not prepared to do this. It is not prepared to give all members of the Assembly the opportunity to serve on the Estimates Committee. It wants a committee of five, which, no doubt, will have three members of the Government, one member of the Labor Party - if we are lucky - and one independent. This means that one of the independent members sitting on the crossbenches will not get an opportunity.

Mr Wood: Two members of the Labor Party.

MR CONNOLLY: We would hope for two members of the Labor Party, but no doubt the Government will not be so generous. So, one of the two non-Labor Party members will simply not get a chance to take part in the Estimates Committee and not get a chance to put the Government's proposals for the budget under scrutiny.

Mr Speaker, this is a particular area where the Government ought to have no fear of all members of the Assembly sitting on the Estimates Committee, because at the end of the day the budget is not going to be refused by the Opposition. This Opposition, in clear Labor Party principle, will not oppose a budget. The Government has nothing to fear from allowing all members of the Opposition, and all independent members, and all members who are its own supporters, to serve on this committee. No adverse reflection on its budgetary decisions is going to be reflected in a vote of this house on the budget. It ought to have the guts to stand by the precedent established last year, particularly when it was established on the motion of the Chief Minister. It is to the shame of the Chief Minister that he is not prepared, as Chief Minister, to subject himself to the same scrutiny that he enthusiastically subjected Ms Follett to when he was Leader of the Opposition.

Mr Humphries was making some comments about establishing precedents - and what is good for one is good for the other - but it reflects no credit on Mr Kaine, or any other member of the Government frontbench, that they are not prepared to accept the same degree of scrutiny that the members of the minority Labor Government were prepared to subject themselves to last year. This would be the case regardless of the question of who had moved last year that all members should take part in the Estimates Committee, but it is doubly damning and doubly shameful that last year

18 September 1990

it was Mr Kaine himself who moved that all members of this house should serve on the Estimates Committee. That was a good resolution then; it is a good resolution now. We are moving his own words back to him and he is not prepared to accept them.

MR MOORE (8.49): Mr Speaker, just before I start speaking on the topic, I would like to welcome parents from Holder Primary here. They are here to observe the Assembly and see how it works as part of their campaign against school closures and this Government which mercilessly takes away from public education and gives back to private education.

With reference, Mr Speaker, to the Estimates Committee, where we will have an excellent opportunity to question the Government more closely about the shonkying up of those figures in education and so forth, it is particularly important that we have as open a committee as we can. I recall that very early in this Assembly, in fact, after the election was held and in the six or seven weeks following that time prior to this Assembly sitting, there was a great deal of discussion about a committee system form of government. Many people considered this to be most appropriate for a government that was a mixture of local and State-style governments.

One of the great proponents of this at the time was Mr Jensen, and, as I recall, his excellent proposal for making the whole Assembly work together by strengthening the committee system was actually published in the Canberra Times. But, of course, that was long before he saw the possibility of his own great power in front of him, and now he has been able to go to the lofty position of Executive Deputy. What we should be considering - - -

Mr Collaery: You would be there, too, if you had not defected.

MR MOORE: Mr Collaery interjects that I could be there too. Mr Collaery, I am aware of the kind offers to take me into the Alliance that you and your colleagues have made me on many occasions. As you know, I was always aware that I was invited to become part of that Alliance Government over very many months, and you will also remember that I argued again and again that, in fact, that was not how we should conduct ourselves.

We should be acting in this particular instance in the public interest and it is in the public interest that as many members as possible should be fully involved in the Estimates Committee. It is not enough to quote standing order 235 and ignore standing order 234. Standing order 235 allows people in to question; but standing order 234, of course, is a very different story indeed. Standing Order 234 actually requires that members, not of the committee, "shall always withdraw when the committee is deliberating". There is no choice about it; when the committee is deliberating, other members "shall always

withdraw". It is quite clear that other members would not be able to have a say in the committee report.

What was established last year and is a precedent is that we can have an open system. Members of the Residents Rally, do you remember those calls for open government for years before we were a political party? Do you remember as a political party actually promising that we would go for open government? Well, here is an opportunity to ensure that it is open, by opening this committee - including opening the deliberations - - -

Mr Collaery: It is. You can ask what you like on it.

MR MOORE: I see; so Mr Collaery in his normal way twists and turns and squirms. He is twisting and turning and squirming; he is recognised right across Canberra as a great twister, the great squirmer, and - - -

Mr Collaery: I will sit in front of you on the committee.

MR SPEAKER: Order! Mr Moore, resume your seat. Mr Collaery, I warn you. Please proceed, Mr Moore.

MR MOORE: Mr Collaery, the great twister and turner and squirmer, can see that open government is okay when you are just asking questions; but when you are actually going to write a report, when there are going to be deliberations, he is not going to buy into it because he is frightened about the deliberations.

Mr Berry: On a point of order, Mr Speaker: I raise standing order 200(e). Mr Collaery has deliberately ignored your warning and has continued to interject relentlessly. Mr Speaker, I call on you to name him.

Mr Stefaniak: On a point of order, Mr Speaker: there is no standing order 200(e). There is a 200; but not a 200(e).

Mr Berry: It is 202(e), Mr Speaker. I call on the Speaker to name the member opposite, this member who is interjecting all the time and deliberately flouting your instructions.

MR SPEAKER: Order! Mr Berry, resume your seat. Mr Collaery, please desist.

Mr Collaery: Mr Speaker, I believe interjections are the life of the Assembly. I have made very few tonight.

MR SPEAKER: That is your interpretation, Mr Collaery. You have been over the top. Please proceed, Mr Moore.

MR MOORE: Mr Collaery also interjected earlier about Mr Moore and the crossbenches. I would just remind Mr Collaery, on this very issue of committees, that not so long ago a vote was cast which resulted in Mrs Nolan being

18 September 1990

elected to the Conservation, Heritage and Environment Committee. You would have seen that at the time they were all checking each other's votes, which left my vote to put Mrs Nolan on the Conservation, Heritage and Environment Committee. This caused Mr Berry to turn around and refer to me as a rat, and, of course, not being that familiar with ninja turtles, he probably was not exactly aware of the power of a rat.

Mr Duby: On a point of order, Mr Speaker: we have this rodent over here referring to someone on this side of the house as a rat.

MR SPEAKER: Mr Duby, that was not a point of order.

Mr Berry: Mr Speaker, I think it again indicates that some caution needs to be exercised by members in the dinner break on the evenings when there are evening sessions.

Mr Collaery: On a point of order, Mr Speaker: that, in anyone's terms, is imputation. What Mr Berry is implying to the gallery and to the discredit of self-government is that the Government members have been drinking during the dinner break. As leader of Government business in the house, I assure you that I have not had a drop of alcohol today.

Mr Berry: Just by way of personal explanation, I did not accuse Mr Collaery of drinking. What I was saying was meant to ensure that people exercise caution, whatever they might be consuming in their dinner break.

MR MOORE: Mr Speaker, I hope that in due time you will ask Mr Duby to withdraw that rodent comment. After all, it is he who has been rabbiting on with his comments.

I think that one of the most important things that we should focus on at the moment is the initial reaction of the Chief Minister last year, and that of many members who now sit on the Government benches, to the notion of an Estimates Committee. Originally when it was suggested by the then Chief Minister, Ms Follett, their reaction at the time was: do we need it? How important is it? In fact, Mr Kaine did not want to chair it, and he made it very clear that he did not want to chair that particular committee. Part of the reason, of course, was that he did not want to attend it very often. I remember that on the very first day of the Estimates Committee Mr Kaine arrived there late and absolutely fuming. We heard rumours from his office about the amount of fire that was flowing because things were not prepared, and he was not informed of what was going on because he had been perhaps down the coast or somewhere else. He had been on holidays in preparation for the Estimates Committee while the rest of us were preparing questions. So, it is ironic that the Chief Minister should now turn around - - -

Mr Kaine: I will withdraw your invitation to coffee if you keep this up.

MR MOORE: The Chief Minister interjects that he will withdraw my coffee invitation. Chief Minister, surely you realise it will take a little more than an invitation to coffee to buy me off. In fact, I could say it would take a lot, lot more than you could ever offer.

Mr Jensen: Careful, careful. Would you like to rephrase that?

MR MOORE: No, I would not. What we have is a situation where in the public interest we should be adopting, in general, the amendment moved by Mr Berry. I state that I certainly will be supporting this amendment, and I ask each member of the Government to consider seriously the impact and to act in the public interest to ensure that this is an open committee in the broadest sense.

MR STEFANIAK (8.59): Mr Speaker, I think we are all - certainly, Mr Moore and Mr Berry - missing a number of salient points here. Firstly, this is a motion to establish an Estimates Committee, not the whole Assembly less the Executive and you, who will appear before it. Without repeating what Mr Humphries said, I would adhere to his comments about what happens in other places.

I am certain that, if the Labor Party at some future time forms a majority in this place, they will establish an Estimates Committee and it will not comprise everyone bar the Executive and the Speaker. In fact, I will quite confidently say that, if I am around and they form a government and they have everyone bar the Executive and the Speaker, I will stand here and sing 48-Crash for you. I am quite convinced it will not happen. That is a threat.

Mr Speaker, one other thing is that since we were established in May last year we have had a number of committees in this Assembly, and they have all worked very well. I have served on quite a number of them - about six or seven, I think, to date - and I have yet to be on a committee where people appear before that committee and every member of that committee does not get a fair go in asking exactly whatever questions they want of witnesses. That was true of the Estimates Committee last year; that is true of every other committee; and it will be true of this committee. I really do not know what the Opposition is worried about. Opposition members of the committee will have their chance to ask any questions they like of the four Ministers who appear before it and you, yourself, Mr Speaker.

We have, of course, standing orders 234 and 235. Standing order 235 is really quite clear. It states:

18 September 1990

When a committee is examining witnesses, Members of the Assembly not being members of the committee may, by leave of the committee, question witnesses.

I am sure that, contrary to what Mr Moore says, there simply will not be any problem there. If members of the Opposition who are not members of the committee want to come down and desperately ask a few questions, I do not think they will have any problem at all. In fact, I would be rather surprised if they do come down because they have not a terribly good track record in terms of attending some of the committees of this Assembly, for somewhat spurious reasons. Really, I do not know why Mr Berry has bothered to put forward this motion. The Government, of course, is supporting the motion put forward by the Chief Minister which establishes an Estimates Committee in accordance with what happens in other parliaments in Australia. I am certain this will be put forward by the Labor Party if, at some future stage, it is in government and is forming an Estimates Committee.

MR STEVENSON (9.02): Mr Speaker, there is no more important matter that concerns the public than what is being done with its funds. It is vital that there be an opportunity for a full and thorough examination, not only of future but also of past expenditure by the Government in this Assembly. The public interest should be paramount. There is absolutely no reason whatsoever that the precedent set in this Assembly and readily agreed upon by the majority of people here should not be continually followed. It gives an opportunity for all members of the Assembly, less the Ministers and the Speaker, to have a vital input into the report.

Mr Stefaniak talked about the fact that people who desperately want to ask a few questions would have no difficulty. Once again, I think many people may like to ask a lot more than a few questions. It should not be by leave of the committee; it should be a committee of the whole. The important thing is not what questions are asked in any committee that has ever existed in this Assembly. The important thing is what is printed in the report and, even more importantly, what the recommendations are concerning that report. There is absolutely no reason whatsoever that the same situation that occurred last year should not again occur.

No reason has been given by members of the Alliance that that should not happen. The suggestion that the Labor Party would do the same thing is not a reason why it should not happen. The people of Canberra should have the right for their elected representatives to be on that committee and to have a vital part in the report which, in the final analysis, is the only important thing.

MR DUBY (Minister for Finance and Urban Services) (9.04): Mr Speaker, what we are looking at here tonight is a rather

bizarre variation to the motion that was put by Mr Kaine. Mr Stevenson said that this matter is a matter of public interest, and it certainly is. He also said something along the lines that money does not matter, which reminded me of his speech last Thursday, I believe, where once again he seemed to point out that money did not matter; it was only a matter of opinion. What we are talking about is the Estimates Committee. We are talking about the people who are going to review the Government's expenditure in a whole range of areas.

I personally find no difficulty whatsoever with the view that the Estimates Committee should match the same lines of the other committees of the Government - of the Assembly.

Mr Moore: "Committees of the Government". You said it.

MR DUBY: Of the Assembly. There should be five members of each. People have recognised over a period of time that the membership of committees is limited in this Assembly. We do not have the luxury of hundreds of members or over a hundred members, as there are in other assemblies, or even over three score, as they have in virtually every other parliament in the Commonwealth. To my way of thinking, to have five members is perfectly practical and perfectly sensible. To my way of thinking also, I have no hesitation in saying that proportional representation should apply.

Accordingly, once again, if you were going to apply the rules according to this Assembly and its membership, you would have a committee of 17 for every single matter that came before this Assembly. Mr Speaker, that is clearly unworkable, it is clearly unfeasible and it is clearly unusable. Five has been determined, Mr Speaker, as a practical working arrangement which fits the working arrangements of this Assembly. I have no difficulty with having five on any committee because five will guarantee a cross-section of opinion that meets all members of this community, including all members of this Assembly.

Mr Moore: It is your budget; that is your side of it.

MR DUBY: Mr Speaker, we are hearing objections from one-seventeenth of the Assembly over there - the man with a big mouth, the man who wants to object at every opportunity, the man who raises points of order non-stop.

Mr Moore: On a point of order, Mr Speaker: I have not raised a point of order tonight.

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

MR DUBY: Mr Speaker, the prosecution rests. I feel that is a prime example of the sort of thing we are talking about. Mr Moore, I think, has been given enough rope to hang himself with, not only in the time of this Government but also in the time of the past. He has got to the stage where anyone who reads the Hansard of this place knows

18 September 1990

perfectly well that his objections are frivolous, his objections are stupid and his objections in a lot of cases should be overruled.

Mr Moore: On a point of order, Mr Speaker: that is a clear imputation on you as Speaker and also an imputation on me, and I ask that both imputations be withdrawn.

MR SPEAKER: I would ask you to withdraw those imputations, Mr Duby.

MR DUBY: I withdraw any imputation whatsoever, Mr Speaker, against the interests of the Chair. I withdraw it; simple as that. But, mind you, Mr Speaker, that is a point that is often made in dealing with this man over here, because many, many times we have nothing but point of order, point of order, point of order. Those points of order are then overruled by you, in your wisdom - - -

MR SPEAKER: Order, Mr Duby! Relevance, please.

Mr Berry: What were you talking about?

MR DUBY: I thought I was on a pretty good line of attack there. The fact is - - -

MR SPEAKER: Well, I think you might have been, but it is hardly relevant to the case.

MR DUBY: The fact is, though, that those points of orders are often overruled and the cry that you often hear from this side of the house, Mr Speaker, is, "Well, why did you make the point of order and make the comment in the first place?". I guess that is one back. The fact is that the Assembly committee system works on a membership of five. It works very well. There is a long sigh of relief from Mr Berry, and I am pleased to hear that. Obviously that must have been caused by a bit of curried beef or whatever.

I do not understand the objection of people here to a simple five-member committee system. I think that this particular committee will work very well. The comment that I had from other members of the Assembly last year was that the committee was simply too large; it was unworkable. I think the logical and sensible way to go is the way proposed by the Chief Minister. In the best interests of good government of the Territory, I think that should be supported.

Mr Moore: Well, if it is good government of the Territory, it will be the first time we have seen it for the last year or so.

MR DUBY: I notice once again, Mr Speaker, a muttering from that side of the Assembly.

Mrs Grassby: Well, I do not know, Mr Duby, but you are sending Dr Kinloch to sleep.

MR SPEAKER: Order!

MR DUBY: I notice again, Mr Speaker, another muttering. Nevertheless, things are working well. I think for them to make out that this does not lead to open government is a load of baloney. What we are talking about here is the major forces on both side of this Assembly agreeing to have a system of review and a system that works well. I hate to say it, but when you get on the single independents slide you have to wear the consequences.

MR WOOD (9.11): Mr Speaker, the organisation of the Estimates Committee is different this year, or is likely to be different, from what it was last year. I thought last year's system was good. It is as simple as that. Every member who wanted to make a contribution, both in questioning and in deliberations, had the opportunity to do so. Let me raise a practical point. The work is going to be very arduous. The Estimates Committee will run five full days at least, and very likely more than that.

Mr Jensen: I was there for every one last year, Bill.

MR WOOD: For how long last year?

Mr Jensen: I do not know, but I was there for every one.

MR WOOD: You were there all the time. I would suggest that you, as chairman, were the only person who was there all the time. I recall that on many occasions the committee dropped to about three members. It had trouble maintaining even that small quorum. It is very intense. Concentration is required. It moves rapidly; sometimes slowly. But it takes up the whole time of the members who are on that committee. Nevertheless, I want to be on it. I want to be there to ask questions and to deliberate. And Mrs Grassby wants to be on it. What about Mr Stevenson? He wants to be on it. Mr Moore?

Mr Moore: I certainly do.

MR SPEAKER: Order!

MR WOOD: We have members - - -

Mr Kaine: I want to be on the Social Policy Committee, but you will not let me be on it.

MR WOOD: You have never asked until this moment.

MR SPEAKER: Order!

MR WOOD: We want to be there to be able to participate in the proceedings of that committee. Now, the Labor Party will, in the end, be forced to nominate one person of several, or five, who want to nominate. Mr Moore and Mr Stevenson and the ALP are going to go outside and fight it

18 September 1990

out. I do not think that is desirable. I think that the talents of members should be used.

I regret that this parliament, which could have been different, which every person who came into this parliament said, at the time, should be different, is now following the patterns of the traditional two-party systems. Mr Moore has made the point about the Residents Rally.

Mr Jensen: This is why it is not different, Bill.

MR WOOD: Yes, I am quite comfortable in the two-party system. A Labor Party, of course, cannot grouch about that, but you will note that the Labor Party when in government last year was very innovative. Witness the budget arrangements last year - a revolution in the way that governments operate. We were innovative. Rosemary Follett made some commitments in our election speech about open government and ways of proceeding in government. It is true that the way the parliament was structured, the numbers in the parliament in the end, meant that certain systems had to apply; but the will of the Follett Government was there to see that there was open government, that everybody who wanted to had a chance to participate. But what we have seen now, coming on to a year of this Government, is a rigid two-party system.

Mr Moore made the point about the Residents Rally and what it was saying about community parties, but over and over again the actions of people in this house on the Government side are to structure this as a two-party system.

Mr Humphries: And you will be part of it, Bill. If not now, in future years you will be part of it.

MR WOOD: Well, let us wait and see. I can tell you, Mr Humphries, that you will have the opportunity to sit back here and see us working. You can throw this back at me if you wish. I will be here, Mr Duby; and you will have your chance to throw this back at us and you will have further experience of the same openness of a Follett Government. I regret that I am now in competition with seven people on this side of the house to join this committee. But it may be that we wait only a year or two before the former and better system is returned to this house.

MRS GRASSBY (9.16): Mr Speaker, I would like to move the amendment that is in my name and has gone around. I wish to change the date of reporting. I think it has been handed around. I have a copy. I move:

That paragraph (3) be amended by omitting "2 November", and substituting "5 November".

MR JENSEN (9.17): I presume I am speaking to the motion and the two amendments. Is that correct?

MR SPEAKER: Yes.

MR JENSEN: I propose to be brief tonight. Members opposite, especially Mr Connolly, who was not there, of course - I am talking about last year during the Estimates Committee - seem to forget that every member of the Senate does not participate in the deliberations of the Estimates Committees. So, how can he say here tonight that all members cannot question Ministers during the Estimates Committee?

The point in relation to this matter is that every member of the Assembly who is not a member of the Executive or holds your position as Speaker will be quite welcome and quite able to question the Ministers and their officials in relation to every matter that is in the budget statements. There are no problems at all, Mr Speaker. That is not at issue.

Mr Moore, I think, suggests the problem associated with the ability to deliberate during the committee discussions. Let me assure you, Mr Speaker, that, once again, not every member of the Senate participates or is able to participate in the Estimates Committees that are run on the other hill.

Mr Moore: Who cares less what happens in the Senate? I want open government here. You did once, too.

MR JENSEN: I will get to that in a minute, Mr Moore. Therefore, Mr Speaker, not everyone will want to question. However, let me make this point in relation to the transcripts. Every day of the Estimates Committee there will be a transcript produced. Those of you opposite who are not too lazy will have the opportunity to read, very carefully, those transcripts.

During the debates that will no doubt follow the Estimates Committee, Mr Moore, if you think that the Estimates Committee has been slack or idle or has not followed up a particular point that you would like followed up, if you are not on the Estimates Committee you will be able to raise those issues, very carefully, in an open manner in this house, where everyone can hear and listen to what you are saying. You will be able to put forward the point in exactly the same way that you can do in every other committee if you want.

How many times, Mr Speaker, has Mr Moore presented himself to any of the other committees, other than the one he has been on, to ask questions? Not once, Mr Speaker, have I seen him come down to any of the committees that I have been involved in and seek to ask questions on anything. There have been public hearings all the time. Not once have I seen Mr Berry, not once have I seen Mr Connolly and not once have I seen Ms Follett at committees other than those they have been involved in.

Mr Moore: Not once have I seen Mr Jensen in any of my committees.

18 September 1990

MR JENSEN: That is not quite true, Mr Moore. I did participate in a briefing with the Heritage Committee. We had a briefing in relation to that. I asked questions of the officials in the same way.

Mr Humphries: He has got you between the eyes.

MR JENSEN: Right. Clearly, Mr Speaker, Mr Connolly, like his other Labor colleagues, continually seeks to misrepresent the real position.

Mrs Grassby: We were all on that committee. He has never been to our committee, ever. Never has he been to our committee and asked questions, so he is telling lies again.

MR JENSEN: Mr Speaker, please, can I have some protection?

MR SPEAKER: Order, Mrs Grassby! Please proceed, Mr Jensen.

MR JENSEN: Well, I have been told, Mr Speaker, by interjection, that I am telling lies and I request that it be withdrawn.

MR SPEAKER: Please withdraw that, Mrs Grassby.

Mrs Grassby: Mr Speaker, he said that we had never been to a committee. He has never been to any of our committees.

MR SPEAKER: Please withdraw that, Mrs Grassby.

Mrs Grassby: I withdraw it, Mr Speaker.

MR JENSEN: Thank you, Mr Speaker. I accept Mrs Grassby's unqualified withdrawal. The Assembly last year was in a different form. Clearly, it was in a different form. There was a minority government. Ms Follett's Government really had no option. They had to submit to the will of this Assembly.

Mr Moore: Open government. Whatever happened to your theories on your committee system before power?

MR JENSEN: We are not talking about stopping open government, Mr Moore. You are quite welcome, Mr Moore, to come to any committee and ask questions. You are quite welcome, Mr Moore, to raise those matters. Oh dear, we are getting angry, are we, Mr Moore?

Mrs Grassby: Yes, how power grabs.

MR JENSEN: Power? There is no power over here, I can assure you.

Mr Humphries: He has that look on his face.

MR JENSEN: Yes, I seem to have seen that look once before. Talk about projectionism - psychological projectionism. Mr Moore is trying it on me and I can assure you, Mr Speaker, that he is not winning at all. It is that dark look again. Mr Moore knows very well what I am talking about. I seem to recall the day after he indicated that he had no vision - - -

MR SPEAKER: Order! Relevance, Mr Jensen.

MR JENSEN: I am sorry, Mr Speaker. Well, we will move off that. We know all about Mr Moore's lack of vision. I guess he has a similar sort of lack of vision when it comes to committees, Mr Speaker, because he seeks not to participate. However, in relation to full debates in this Assembly in relation to the committee deliberations, Mr Moore will be quite able to say everything he wants. So, frankly, I do not see what the problem is over there. Last year the minority Labor Government did not have the numbers. I am talking now about situations where I did suggest that it would be appropriate, Mr Moore, for this Assembly to have a different format.

However, the Labor group, as you well know, Mr Moore, refused to participate in the collegiate form of government that we would have been quite happy to participate in.

Ms Follett: I was not invited.

MR JENSEN: Oh, rubbish, Ms Follett. You know full well that we spoke about the issue and the possibility of a collegiate form of government; but, because you were wedded so much to the two-party system and you did not accept the fact that an organisation like the Residents Rally - - -

Mr Berry: I raise a point of order on relevance.

MR SPEAKER: Thank you, Mr Berry. Please proceed, Mr Jensen, to the point.

MR JENSEN: I thought I was being to the point, Mr Speaker. We are talking here about open government. That is what the committee system is all about. But Ms Follett was not prepared, with her cohorts at the time, to participate in the collegiate form of government that I certainly spoke of. Mr Connolly would not know because he was not there. It was Mr Whalan, Mr Speaker, that was driving the issues in those days - not Mr Connolly, of course, because he was not there.

So, as Mr Moore admits, Mr Speaker, they were not prepared to participate in a sort of collegiate government. Therefore, Mr Speaker, because of this we are forced to continue on in a situation where we have an Opposition and a Government. If that is the way they wish to have this Assembly run, well, that is the way it will happen.

18 September 1990

Therefore, Mr Speaker, it is quite appropriate, as it is in every other parliament where a government has a majority, for committees to have a majority of government members. It is as simple as that. I do not have a problem with that, Mr Speaker. It happens everywhere, except when there was a minority government like we had last year and, of course, they did not have the numbers. That is the difference between this year and last year. There will be no difference in the ability of those opposite to question the Ministers quite severely, and I am sure they will if they are prepared to turn up.

MS FOLLETT (Leader of the Opposition) (9.25): Mr Speaker, I was not going to speak in this debate, but I really feel I have to correct some of the glaring errors that Mr Jensen is seeking to inflict upon this Assembly. First of all, Mr Speaker, there is his most egregious misrepresentation in the matter of the collegiate government. I would like to state, yet again, for the record, that it is absolutely untrue to say that I refused to take part in a collegiate government. In fact, I was never invited to. So, let me put that on the record. I have said it before, and I will say it again: it is untrue.

Mr Speaker, the other thing that Mr Jensen has said that is equally untrue is that last year when we were in government we did not have the numbers to pull the sort of rort of a committee system that the present Government is pulling. Well, the fact of the matter is that on the floor of the Assembly -
- -

Mr Kaine: The committee system in the House of Reps is a rort, is it, under a Labor Government?

MR SPEAKER: Order!

Mr Kaine: She used the word, Mr Speaker.

MR SPEAKER: Order! You will have a chance to speak on the matter. Please proceed, Ms Follett.

MS FOLLETT: Mr Speaker, the fact of the matter is that when we were in government we did have the numbers to shape the Estimates Committee as we wished. We had, in fact, not only our own five members but also the support at that time of the No Self Government members and, occasionally, of other members as well. We did have the numbers but we chose not to use them. We chose to opt for an open Estimates Committee, just as we had chosen to opt for open government. So Mr Jensen, again, is very selective in his memory there, very selective in his recollection of the events that took place.

Mr Speaker, I think that what we have heard from members opposite confirms absolutely, if any confirmation were needed, that Government members opposite are quite determined that the Assembly's committee system shall reflect the view of the Government rather than the view of

the Assembly. It seems to me that throughout the debate on committees, which has been going on for the life of this Government, they have failed to comprehend the simple fact that Assembly committees are not Government committees and that it is really not open to Mr DUBY or Mr JENSEN or any other member of the Government to decide who shall be on a committee.

We have heard the kind of allusions made, particularly by Mr DUBY in his remarks, as to who would be on that committee. That is absolutely disgraceful. I have no doubt in my mind that with a committee of five members, as has been proposed by Mr KAINE, we would see three Government members. Hands up if I am wrong. We would see, in fact, one member from the Liberals' A team, one from the Liberals' B team, the Rally, and one from the Liberals' C team, whatever they call themselves now. So, there would, in fact, be three Government members on this committee. Does anybody deny that? Resounding silence from those opposite. So, in effect, what we are seeing is a blatant attempt by the Government yet again to control the processes of the Assembly's committees. It is an absolute disgrace. I think it is particularly inappropriate that they will, in effect, leave only two positions on that committee to be filled by three parties. How does that fit in with the standing orders?

Mr Kaine: There are not three parties. What three parties are you talking about?

MS FOLLETT: Well, two parties and an independent, if you want to be nitpicking about it.

Mr Kaine: I am nitpicking about it because you have to be accurate. You are the one who is insisting on being accurate.

MR SPEAKER: Order!

MS FOLLETT: Mr Speaker, it seems to me that this Government is determined to conduct their business in the greatest possible secrecy, as far as possible out of the light of public scrutiny, and I can only conclude it is because they do not have confidence that their Ministers are fully able to support their portfolio budget position or they have something to hide. I think it is a relatively easy conclusion to reach that there is an enormous reluctance on the part of Government members to subject their budget, their work, their expenditure, to the kind of close scrutiny that my government was open to last year. The fact that we had a committee of the whole - - -

Mr Jensen: You will be able to ask the same questions, Rosemary.

Mr Berry: I raise a point of order, Mr Speaker! Mr Jensen repeatedly interrupts the Leader of the Opposition. It is about time he was pulled up and the Leader of the Opposition was given a fair go in this - - -

18 September 1990

MR SPEAKER: Thank you, Mr Berry. It is like the pot calling the kettle black, there.

Debate interrupted.

ADJOURNMENT

MR SPEAKER: It being 9.30 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

ESTIMATES COMMITTEE Appointment

Debate resumed.

MS FOLLETT: Mr Speaker, as I was saying, I think there is absolutely no doubt that the Government does not wish to open itself up to scrutiny on the important matter of its budget and is seeking to use the committee system, the very structure of the committees, to deny other Assembly members an opportunity to participate fully in that process.

It is what we have seen from them repeatedly on the whole issue of committees. We have seen the Government's determination to control this Assembly. That is completely the opposite of any recognised parliamentary system. The parliament must be paramount, not the government, and they are trying it on again. They are a little bit embarrassed about it, but that is undoubtedly the case.

I believe that this is yet another Government cover-up and that we will in fact see from this Government the kind of membership of this committee that I have outlined before. What I would like to ask is this: what is the position of Executive Deputies here? Will the Government have the courage of its own convictions about Executive Deputies and acknowledge that actually it has only two backbenchers? I think that is a very interesting point for them.

Mr Kaine: We do not have only two backbenchers. There are only four members of the Executive; one, two, three, four. Can you count? One, two, three, four.

MR SPEAKER: Order!

Mr Kaine: The perpetuation of this myth is getting a bit sickening.

MR SPEAKER: Please seek leave to make an address to the Assembly.

MS FOLLETT: Mr Speaker, I am absolutely delighted to hear Mr Kaine refer to the Executive Deputies as a perpetuation of a myth. I could not put it better myself. What is he going to do with them on the question of the Estimates Committee? I put it to you, Mr Speaker, that what we will see from the Government is Liberal teams A, B and C taking three of the positions so that they have the numbers. They have no credibility, they have no ideology, so they are stuck with the numbers and they will use them time and time again to ensure that their view prevails in this Assembly, rather than subject themselves to an open and democratic process.

MR COLLAERY (Deputy Chief Minister) (9.33): Mr Speaker, the real issue here tonight with the Labor Party is that it believes it is born to rule. It believes it is born to rule committees; it believes it is born to rule this town. The continual lengthy debates about the fact that they have not got their way in the procedures of this Assembly really stem from the fact that this group opposite cannot adjust to the fact that they are not in government. They were never really in government, Mr Speaker. The Follett Government was really a toboggan without a driver. That was open government, all right. We could see what was in the toboggan but it did not have a driver. There is this constant reference to the fact that we are going to use our numbers. No group, no political grouping in this country, is more adept at using its numbers and playing the numbers game than the ALP Left. It has to do it to survive. It knows all about numbers; so clearly the Leader of the Opposition's references to the prediction that we will use our numbers is truly - to use Mr Moore's oft-quoted words - a psychological projection. Certainly, Mr Speaker, they are not born to rule and we have proven that; nor are they fit to rule, and we have proven that.

Clearly, there is ample precedent for the structure we propose. In the Commonwealth arena, as my colleague Mr Humphries indicated, a government senator without ministerial responsibilities is nominated for the chair of each Senate estimates committee in the establishing motion. There is no worry about even a back room deal. It is simply put in the establishing motion and that motion goes through on the numbers, by the Labor Party I invite you to look at the Senate records in that regard. Again, constantly, in the South Australian Parliament a government member of the House of Assembly chairs the estimates committee. That is my advice.

We have been delayed a long time this evening, once again, bringing this divided factionalised Labor Party to the realisation that we want to govern in an orderly fashion, in a fashion established elsewhere in parliamentary assemblies using the Westminster system. Clearly, we are

18 September 1990

entitled to do that without the obsessive, ideological, doctrinaire time wasting that this Opposition perpetuate and inflict on us.

MR BERRY (9.36): Mr Speaker, I - - -

MR SPEAKER: Mr Berry, you can speak only to Mrs Grassby's amendment.

MR BERRY: I can speak to the amendments?

MR SPEAKER: No, you can speak only to Mrs Grassby's amendment.

MR BERRY: I therefore seek leave to speak to the amendment which has been circulated in my name.

Mr Kaine: No, you have already spoken to it.

MR SPEAKER: Leave is not granted. Mr Berry, please resume your seat.

Mr Moore: Mr Speaker, I am seeking clarification. As I understood it, at the end of Mr Berry's speech he moved the amendment and then did not speak to it.

MR SPEAKER: It was his prerogative to do as he wished, Mr Moore, but he produced the amendment when he had his time to speak.

Mr Moore: Does he not get the right of reply?

MR SPEAKER: No.

MR BERRY: I therefore move:

That so much of standing and temporary orders be suspended as would prevent Mr Berry from speaking to his amendment.

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

That the question be now put.

Mr Berry: On a point of order: I think this gag business is a bit of a joke.

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

Mr Berry: I intend to take every opportunity that I can to ensure that the message is clearly before this place in relation to the behaviour of the Government members opposite.

MR SPEAKER: Order! That is a speech, Mr Berry. What is your point of order?

Mr Berry: I have not got to the point yet. The fact of the matter is that the Government opposite is seeking to prevent discussion of a very important matter, and in raising the point of order that I have raised - - -

MR SPEAKER: Order! Please resume your seat, Mr Berry. There is no point of order, from what I can gather.

Mr Berry: You have not heard the end of it yet. The fact of the matter is that there is an important issue before - - -

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

MR SPEAKER: One point of order at a time, Mr Jensen.

Mr Berry: Leave has been sought to speak on a particular motion. At the time that I spoke on that matter, indications from the Chair were, and I must say that I hope this is not a misinterpretation from me, that it was expected that I would speak further on the amendment. I do not mind being found out for making a mistake and a misjudgment, but I had hoped that that would be recognised by the Government in allowing me leave to speak on this matter.

MR SPEAKER: I accept your position, Mr Berry, but I believe it is not a point of order.

Question resolved in the affirmative.

MR SPEAKER: The question now is:

That so much of standing and temporary orders be suspended as would prevent Mr Berry from speaking to his amendment.

Question resolved in the negative.

MR BERRY (9.38): I rise to speak to the amendment moved by Mrs Grassby.

Mr Kaine: It is going to be a pretty short debate since we are only talking about the date.

MR BERRY: I would not bet on it. The first thing that I wish to raise is the comment by Mr Humphries in relation to this matter, because it was Mr Humphries who had the first - - -

Mr Humphries: On a point of order, Mr Speaker: the comments I made were not in relation to the dates or to any matters pertaining to Mrs Grassby's amendment, because Mrs Grassby's amendment had not been moved at the point when I spoke. I therefore submit that Mr Berry's comments are irrelevant.

18 September 1990

MR SPEAKER: That is a correct observation and I uphold your position there, Mr Humphries. The fact is Mr Berry, that you cannot speak on Mr Humphries' statements because he spoke before Mrs Grassby's amendment was tabled. Therefore, you cannot comment on what Mr Humphries said.

MR BERRY: The fact of the matter is that the Labor Party was the party that formed the Government when proposals were made which, I should say, referred to the date. I have to raise an issue as it was mentioned in the transcript. This was a motion that was moved by Mr Kaine. Now, before members opposite spring to their feet - I know they are a bit touchy about this as they have been found out because they have not explained the Estimates Committee position in the Federal house - - -

Mr Kaine: On a point of order, Mr Speaker: I raise standing order 58 - relevance. The only matter under discussion is the date, because that is the only matter that is the subject of Mrs Grassby's amendment.

MR SPEAKER: Your position is upheld there, Chief Minister.

MR BERRY: The fact of the matter is, Mr Kaine, that you moved and it appears - - -

Mr Kaine: I raise the same point of order, Mr Speaker. It is irrelevant what I moved.

MR SPEAKER: Chief Minister, I cannot judge what he is about to say until I hear it.

Mr Kaine: He is talking about what I moved and it is totally irrelevant.

MR SPEAKER: The original motion did have a date in it, Chief Minister, and until he gets to the point I do not know what he is saying. Please proceed, Mr Berry.

MR BERRY: I am having some difficulty getting to the point, Mr Speaker, because the jittery members opposite have been found out in relation to this matter. I will seek to make every endeavour to get to the point; at the same time I would seek to ensure that the members opposite are made fully aware of the errors of their ways. At this point I might add that they are not going to get off so lightly in this debate because other colleagues, of course, will be speaking on the matter. The fact of the matter is, Mr Speaker, that in relation to the date which was referred to in the amendment moved by my colleague Mrs Grassby, Mr Kaine moved - and it is shown in Hansard on page 1697, in the middle of paragraph two - - -

Mr Jensen: On a point of order, Mr Speaker: it seems to me that Mr Berry is talking about a date in 1989. I seem to recall that the dates we are talking about in the amendment moved by Mrs Grassby are 2 or 5 November 1990. I would suggest that Mr Berry can talk about only that issue.

MR SPEAKER: Order, Mr Jensen! Mr Berry, speak to the point, please.

MR BERRY: The people opposite are splitting hairs because they have been found out because of their inconsistency and the inadequacies of their arguments, Mr Speaker. This will become painfully evident to them - - -

Mr Collaery: On a point of order, Mr Speaker: I draw to your attention the words, "This will become painfully evident". They have been said three times by this speaker opposite, and I ask that he be directed to cease speaking pursuant to standing order 62, so that we can get on with the business of the Assembly.

MR SPEAKER: Thank you, Mr Collaery. I do agree that you are labouring the point, Mr Berry. Please proceed.

MR BERRY: It is with great difficulty, Mr Speaker, that I drag myself to the point because of the obstacles that have been put in my way by the members opposite who, of course, are embarrassed about this issue. I understand why they are embarrassed but I wish they would not raise these obstacles. It makes it very difficult for me. The fact of the matter is that the issue of the date of nominations was dealt with by the Chief Minister in the debate over this issue when Ms Follett was in government. I cannot speak for Mrs Grassby because I do not know what was in her mind at the time; but I assume that the - - -

Mr Humphries: On a point of order, Mr Speaker: there is no relevance in what Mr Berry is saying. He is talking about dates for nominations. Mrs Grassby's motion refers to dates for reporting. We still have heard nothing in the course of the speech to do with the amendment Mrs Grassby has actually moved. I ask you to direct the speaker to discontinue his remarks.

MR SPEAKER: Your point of order is not upheld there, Mr Humphries. I would ask Mr Berry to get to the point as quickly as possible.

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

That the question be now put.

Question put:

That the amendment (**Mrs Grassby's**) be agreed to.

The Assembly voted -

18 September 1990

AYES, 11

Mr Berry
Mr Connolly
Ms Follett
Mrs Grassby
Mr Humphries
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Stevenson
Mr Wood

NOES, 6

Mr Collaery
Mr Duby
Mr Jensen
Mr Kaine
Dr Kinloch
Ms Maher

Question so resolved in the affirmative.

Question put:

That the amendment (**Mr Berry's**), as amended, be agreed to.

The Assembly voted -

AYES, 7

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

NOES, 10

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

Question so resolved in the negative.

Question put:

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

The Assembly voted -

AYES, 11

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

NOES, 6

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

Question so resolved in the affirmative.

GAMING MACHINE (AMENDMENT) BILL 1990

MR SPEAKER: I am a little bit at a loss. Were you wishing to make a personal explanation, Mr Stevenson?

Mr Stevenson: Yes, on behalf of Mr Clampett and because of incorrect statements made in this house by Mr Terry Connolly.

MR SPEAKER: I would ask you to save that until the adjournment debate, please, Mr Stevenson. Please proceed, Mr Collaery.

MR COLLAERY (Attorney-General) (9.54): Mr Speaker, I present the Gaming Machine (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

Mr Speaker, the Gaming Machine Act 1987 provides for the licensing of gaming machine operators and regulates the operation of gaming machines. The Bill, which gives effect to decisions taken as part of the budget, amends the Gaming Machine Act 1987 in three principal respects. Firstly, it increases the maximum denomination of coins which gaming machines in club premises may lawfully accept from 20 cents to \$2; secondly, it increases from three to 10 the maximum number of class B gaming machines - in general terms, machines other than poker machines - which can be approved for installation in hotels which have at least 12 accommodation rooms; and, thirdly, it implements a new graduated scale of fees payable by clubs on the monthly gross revenue received from gaming machines.

Mr Speaker, the new graduated scale of fees is expected to increase revenue to the Government from gaming machines by \$1.8m per annum. It will also have the effect of providing a more equitable distribution of the amount of fees payable by different sized clubs. The current scale favours the larger clubs at the expense of the smaller ones. The Bill also incorporates an amendment to correct a grammatical error contained in a previous amendment to the Act. I present the explanatory memorandum for this Bill.

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

PAWNBROKERS (AMENDMENT) BILL 1990 [No. 2]

MR COLLAERY (Attorney-General) (9.56): Mr Speaker, I present the Pawnbrokers (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

18 September 1990

Mr Speaker, the New South Wales Acts Act 1986 sought to consolidate those New South Wales Acts which still apply in the Territory without undertaking any reform of their provisions. At the time the New South Wales Acts were consolidated, prior to self-government, the Senate Standing Committee on Regulations and Ordinances, which then reviewed ACT legislation, expressed concerns about provisions in some New South Wales Acts which contained inappropriately defined offences and created strict liability offences. These Acts included the Pawnbrokers Act 1902. An undertaking was made to the committee to implement such legislative changes as would be necessary to overcome the committee's concerns.

On 14 May 1990 I presented a Pawnbrokers (Amendment) Bill 1990 to the Assembly to give effect to that undertaking. During debate on the Bill the Opposition sought to make a number of changes to the Bill relating to penalties. I agreed that penalties in the Bill, and penalties in the principal Act also, should be reviewed. It is that Bill which the Assembly has agreed - - -

Mr Connolly: Will agree.

MR COLLAERY: Will agree, hopefully, Mr Speaker, to withdraw. This Bill brings the legislation into line with the current attitude to statute law as it affects individual rights and liberties, and changes penalties following the review I have previously mentioned.

Finally, Mr Speaker, the opportunity has been taken to modernise the principal Act to reflect current drafting practice such as correct gender specific terms. I present the explanatory memorandum for the Bill.

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

SECOND-HAND DEALERS AND COLLECTORS (AMENDMENT) BILL 1990 [NO. 2]

MR COLLAERY (Attorney-General) (9.58): I present the Second-hand Dealers and Collectors (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

Mr Speaker, I repeat the comments I made in relation to the Bill last presented and again indicate that the opportunity has been taken to modernise the principal Act to reflect current drafting practice. I present the explanatory memorandum.

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

TRUCK (AMENDMENT) BILL 1990 [NO. 2]

MR COLLAERY (Attorney-General) (9.59): I present the Truck (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

Mr Speaker, I repeat the comments I made earlier in relation to the other two Bills and in particular I draw attention to the fact that a like Bill is being reintroduced to incorporate the amendments to penalties and the more up-to-date drafting style. I present the explanatory memorandum to this Bill.

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

DISCHARGE OF ORDERS OF THE DAY

MR COLLAERY (Attorney-General) (10.01), by leave: I move:

That the following orders of the day, executive business, be discharged:
Pawnbrokers (Amendment) Bill 1990: Detail stage - Resumption of debate.
Second-hand Dealers and Collectors (Amendment) Bill 1990: Detail stage - Resumption of debate.
Truck (Amendment) Bill 1990: Detail stage - Resumption of debate.

Those orders relate to the Bills that have been overtaken by the Bills that I have just introduced.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Mr Len Clampett

MR STEVENSON (10.02): Mr Speaker, I have a letter addressed to you from Mr Clampett concerning comments made by Mr Terry Connolly in this house. It states:

I wish to correct a few of the many incorrect statements made in the ACT Assembly on Thursday 13 September, 1990 by Mr Terry Connolly of the ACT Labor party.

18 September 1990

1. The name of my book is "Hand Over Our Loot", not "the" loot.
2. Nowhere have I ever said that there should be unlimited creation of credit as occurs now with the private banking system. This statement by Mr Connolly cannot be substantiated by fact.
3. There is no fraudulent material in my book. I should not have to give Mr Connolly, who is a solicitor, lessons in the subject of semantics.
4. If Mr Connolly reads the Constitution of the Commonwealth of Australia he will see that the power of banking comes under section 51 (xiii), not (i) for the Commonwealth, and that same sub-section expressly grants the States banking power. I quote the sub-section;
"Banking - other than State banking; also State banking extending beyond the limits of the State concerned, the incorporation of banks, and the issue of paper money:"
5. Mr Connolly fails to distinguish between coin, paper money and credit.
6. Mr Connolly fails to understand that money/credit is only a forerunner to Trade in all dealings, either domestic or international.
7. Sub-section (i) of section 51 of the Commonwealth Constitution pertains quite clearly to,

"Trade and commerce with other countries, and among the States:" not to banking.

It is pointless to go on with the mistakes Mr Connolly has made as there are so many.

However, while in Canberra next Thursday morning, I will make, in person, a similar offer to that which I made to Senator Peter Walsh on page five of my book, that is to show that he didn't mislead the House. That full offer is this. I challenge Mr Connolly to a public debate on the matters he has raised with respect to my book, and will give him \$50,000 in legal tender of the Commonwealth of Australia if he can legally prove all that he said about myself or my book. I will ask that he invite as many bankers and economists as he is able to muster, as I have a few hard questions to ask them in public, questions that bankers and economists seem reluctant to answer. Mr Connolly should not be surprised if the bankers decline to

allow their secret of money creation to be aired by admittance.

I presume Mr Connolly will apologise to the Legislative Assembly for misleading the House with respect to the contents of my book. Such an apology, incorporated into Hansard, would suffice for an apology to me. If Mr Connolly fails to offer an apology to The House, I will ask that he publicly apologises to me after the debate.

Len Clampett.

Mr Len Clampett

MR CONNOLLY (10.04): Mr Speaker, I must respond briefly. I clearly must apologise to Mr Clampett. I misleadingly referred to his book as Hand Over the Loot, not Hand Over Our Loot. I most abjectly and humbly apologise for that grievous error. I also said that the dodger for the publicity for the book was fraudulent. I repeat that; it is fraudulent. He claims to be a professor of constitutional law. He is, of course, no such thing. He is a pedlar of manic ideas, a pedlar of nonsense, of fairies in the bottom of the garden, of economic trivia. It is unfortunate that weak minds in history have often accepted this idea originating from a Major Douglas in Canada - that money can be created as fruit from the trees; that money is a never ending commodity, as long as someone can dream up the answer. But the problem of economics, the problem of scarcity, is simply that no-one has worked out the magical answer to money. Mr Clampett is peddling nonsense. He is doing so fraudulently by claiming to be a professor of constitutional law. He deserves to be treated with contempt and I have no intention of publicly debating him or giving his ideas any credence.

I raised this matter in the house because it is of concern that these ideas are being peddled to small business people who are having difficulties with banks and finance companies at the moment. Mr Clampett's ideas are nonsense.

Mr Len Clampett

MR DUBY (Minister for Finance and Urban Services) (10.05): Mr Speaker, I rise posthaste to join Mr Connolly in his round admonition of the concepts put forward by Mr Stevenson.

Mr Connolly: It is an unlikely combination.

MR DUBY: It certainly is. For once I join with Mr Connolly in roundly condemning. The fact of the matter is that I can only endorse the comments made by Mr Connolly.

18 September 1990

The statements made, I think in the debate last Thursday, were roundly refuted by Mr Connolly and need no further expansion. The simple fact is that Mr Connolly - - -

Mr Stevenson: What about some evidence? We are not talking about facts when you talk.

MR DUBY: I heard the comment from Mr Stevenson: "We are not talking about facts". I have enough faith in Mr Connolly to believe him when he tells me that the man who wrote this comment is not a professor of law or whatever; he is a fraud and a charlatan. And he is. If he does not like it, let him do what needs to be done; let him produce the letters of law that are required.

In the year and a half that we have been in this Assembly, frankly, I have come to respect the views of Mr Stevenson and I would like to put that on the record. I respect your views in the sense that they are your views. In most cases I do not agree with them. In 99.9 per cent of cases I do not agree with them. But I respect your views because I have found, over the period that we have been in this Assembly, that you have aired those views, and you have aired them with distinction.

The point remains, though, that in many cases your views are simply unacceptable to me and to other people in this Assembly, and to a lot of people in the broad community. Undoubtedly, there are people in the community who share your views, and I guess that is what democracy is all about. I repeat that I respect your views, and I want to make that quite clear. Some people have suggested that there is animosity, or that Mr Stevenson and I do not get on well together. We do. We get on very well together on a personal basis. We just do not happen to share the same views on a whole range of issues. That, in my view, has nothing to do with the way that we deal with each other on a personal and a professional basis.

However, in this regard, Mr Stevenson, I share the views expressed by the shadow Attorney-General - I have no doubt that those views would be endorsed by the Attorney-General of the ACT Government - that the comments made by the gentleman you claim to represent are clearly beyond the pale and unacceptable. Frankly, in a lot of ways they just do not make sense.

I shall sit down and leave it at that. Mr Speaker, the Government endorses the views in this case, and in this case only, of the shadow Attorney-General. Mr Stevenson, you are on your own.

Mr Len Clampett : Royals Rugby Football Club

MR STEFANIAK (10.10): I suppose I would have to agree with the thrust of the argument put by Mr Connolly and Mr Duby. I suppose I should apologise slightly to Mr Stevenson for making comments about the Beverly Hillbillies when he talked about Mr Clampett; but, like Mr Duby, I certainly respect Mr Stevenson's views. Probably I would agree with more of his views than Mr Duby would, but certainly on this point I would not agree with Mr Stevenson.

The only other point I would like to make, on a totally different subject, Mr Speaker, is to congratulate the Royals Rugby Football Club which has won its 15th first grade premiership. That means it has won more first grade premierships than any other club in the ACT rugby union. So, congratulations to Royals.

Mr Duby: What about Daramalan?

MR STEFANIAK: Craig, they have won only two.

Mr Duby: Are you not going to congratulate them for being there?

MR STEFANIAK: I will congratulate them for being there. They have been worthy adversaries over the last seven years in fighting out the first grade grand finals, but I think it is worthy to put on the record that Royals have now won more first grade premierships than any other rugby club in Canberra's history, beating a record RMC held for many years. RMC have won 14. Royals are not quite the equals of St George yet, but who knows?

Football Clubs : Reid

MR MOORE (10.11): Just to follow Mr Stefaniak's topic before I start on my own, it is surprising that while he is congratulating Royals, which I am sure is very important to him, he missed out on congratulating the Canberra Raiders who have got themselves into the grand final. Of course, we are all very aware of that, and I know that Mr Stefaniak would be a little churlish with himself now in realising that he forgot to do so. He will do so in the next couple of days.

I would like to comment on the draft heritage study of Reid. Mr Duby has been kind enough to share a copy with me and with members of the Reid Residents Association. In fact, it was the major subject discussed at the annual general meeting of the Reid Residents Association last night. The study offers a great opportunity for people who live in a heritage area and who have to deal with the constraints and the restraints of owning a heritage house. There certainly are constraints and there are also a tremendous number of advantages.

18 September 1990

The draft study has many suggestions to offer. It is a very thick document. I notice that members of the Reid community have approached it very positively. I must take this opportunity to congratulate Mr DUBY for making that available at this stage to the association and to me, and I hope that the result will be a very positive one, not just for Reid but for other heritage areas in Canberra. Indeed, it could well lead the way in looking after similar heritage areas throughout Australia. This sort of heritage, as opposed to the museum style of heritage, such as Calthorpe's House, is a very difficult and awkward situation to deal with. There has to be a fine balance in allowing people to live in and to develop an area while retaining it as a museum piece. This study goes a long way towards doing that. It is a great opportunity for people in Canberra to appreciate what is their shared asset and what is recognised - - -

Mr DUBY: The community as a whole.

MR MOORE: That is right. It is an asset to the community as a whole and is recognised as such in that draft report.

Estimates Committee

MR BERRY (10.14): Mr Speaker, I seek to discuss briefly something which occurred in debate today and which will have an impact on the future of government in the Territory in relation to the delivery of its budgets. Some information was put before the house which needs to be explained and I think it was a misrepresentation of the facts. It was said that what was being attempted by the Government in relation to the establishment of estimates committees was in line with - - -

Mr Collaery: I raise a point of order. Standing order 52 says: "A Member may not reflect upon any vote of the Assembly, except upon a motion that such vote be rescinded". It is not within Mr Berry's capacity in this debate to move that the vote be rescinded.

MR BERRY: Well, it is a new aspect, old son.

Mr Collaery: It is not a new aspect, I suggest.

MR SPEAKER: Thank you, Mr Collaery.

Mr Collaery: It is to re-debate the issue we voted on.

MR BERRY: I am not reflecting on the vote.

Mr Collaery: Use the adjournment debate for what it is intended.

MR BERRY: To speak on any issue.

Mr Collaery: No, within reason.

MR SPEAKER: Mr Berry, you are not to reflect on the vote earlier.

MR BERRY: I will not reflect on the vote.

MR SPEAKER: Please proceed.

MR BERRY: I will not reflect on the vote. I will not say that the vote was wrong. Does that reflect poorly?

Mr Collaery: More than that. You cannot argue again.

MR BERRY: I will not say that it was right then.

Mr Collaery: I raise a point of order, Mr Speaker. He is clearly indicating he intends to retrace the issues.

Mr Duby: Why don't you just say you lost?

MR BERRY: I cannot say that either; that would be reflecting on the vote. There has been a misrepresentation of the facts, Mr Speaker, which I wish to raise. I think it is important for Government members opposite. If they could be patient, I think it might be worthwhile just listening for a moment. The issue, of course, is that this place is quite different, and this was never discussed during the course of that debate. What occurs here is quite different from that which occurs in all of the other parliaments in Australia. All of them are of a different size; they all have different election systems; they have a different basis upon which they were formed, a different timing, and all those sorts of things.

The fact of the matter is that what was sought was the involvement, in a participatory way, of all of the members of the Opposition and the Government appointed members to look at the Government's budget, and to ensure that there was no question that the budget was inquired into properly and that a full range of Opposition members had a deliberative say in the report of the Estimates Committee. It is a matter of fact that we have been denied that opportunity.

Question resolved in the affirmative.

Assembly adjourned at 10.17 pm

18 September 1990

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ANSWERS TO QUESTIONS

**LEGISLATIVE ASSEMBLY QUESTION ON NOTICE
QUESTION NO 183 ASKED ON 7 JUNE 1990**

Consultancies

MS FOLLETT: To ask the Minister for Health, Education and the Arts

In the light of his answer to question No 127 in which he said that "the Department of Education does not budget separately for consultancies" and "the Department of Health does not allocate funds for specific items such as consultancies", can the Minister" advise

- (1) What criteria do each of the two Departments apply to the use of consultants.
- (2) How do the two Departments estimate their operating costs requirements for budget purposes.
- (3) When a consultancy proposal is being considered, how do the two Departments establish that use of funds for the consultancy will not prevent other essential running costs expenditure or cause budget overrun.

Mr Humphries: The answer to Ms Follettis question is:

- (1) The Ministry for Health, Education and the Arts is working with the Chief Ministers Department to develop a set of criteria which will apply to the use of external consultancies in all areas-of the ACT Government.

In the meantime any request for the engagement of consultants must be sought in writing and approved by senior management. The use of consultants is very limited and strictly controlled. Consultants are used only when relevant expertise is not available within the Ministry.

- (2) The formulation of the Health and Education budgets is a complex and evolutionary process. Operating costs requirements are assessed against a range of criteria including program objectives and funding priorities specified in Corporate Plans, historical patterns, client demand, future plans, price

3389

18 September 1990

movements, nature of the cost (discretionary or fixed), changes in Government policies and overall budget parameters set by the Government and Budget Cabinet.

Program managers who anticipate the need to engage a consultant would make allowance for such costs in their budget bids and meet costs from the overall funding level approved for that program.

(3) The use of consultants is only approved if it does not impact on the provision of essential services or costs and is within the approved budget allocation for the program concerned.

3390

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

Public Housing Waiting Lists

QUESTION NO 208

Ms Follett - asked the Minister for Housing and Community Services

- (1) At 5 June 1990, how many persons were registered on the waiting list for each of the following categories of public housing: (a) bedsitters, (b) 1 bedroom flats, (c) 2 or more bedroom flats, (d) 2 bedroom houses, (e) 3 bedroom houses, (f) 4 or more bedroom houses, (g) aged persons units, and (h) each other category, including special programs, for which separate waiting lists are kept.
- (2) How many persons in each category at (1) above were considered to be priority applicants?
- (3) What was the estimated waiting time for (a) applicants and (b) priority applicants joining the waiting list at 5 June 1990 for each of the categories outlined at (1) above?

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

- (1) (a) & (b) combined-1,080
(c) 718
(d) (e) & (f) combined-1,818
(g) 324
(h) No other separate waiting lists are kept.
- (2) (a) & (b) combined-21
(c) 39
(d) (e) & (f) combined-48
(g) 5
- (3) Waiting times for applicants;

(a) 7 - 9 months
(b) 29 - 34 months
(c) 14 - 18 months

3391

18 September 1990

- (d) 26 - 32 months
- (e) 15 - 21 months
- (f) 16 - 24 months
- (g) 26 - 41 months (one bedroom aged persons unit)
5 - 36 months (two bedroom aged persons unit)

Waiting times for priority applicants;

- (a) Approx 6 weeks
- (b) 6 - 8 weeks
- (c) 6 - 8 weeks
- (d) 4 - 6 weeks
- (e) 4 - 6 weeks
- (f) 6 - 8 weeks
- (g) 2 - 6 months (one bedroom aged persons unit)
2 - 6 months (two bedroom aged persons unit)

3392

QUESTION ON NOTICE

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION.

Ambient Lead Levels

QUESTION NO 211

MS FOLLETT - Asked the Minister for Health, Education and the Arts on notice on 7 August 1990:

What are the public health implications of the high airborne lead levels recorded in Civic and Phillip?

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

I am pleased to inform you that there is no public health risk from lead levels recorded in Civic and Phillip in recent times.

The National Health and Medical Research Council, Australias peak advisory body on such levels and standards, recommends that

the level should not exceed 1.5 micrograms per cubic metre for three month rolling averages (90 day lead levels). This is also the standard set by the World Health Organisation and the United States of America.

During the period from January 1988 to May 1990 in Civic, there were three exceedances of this guideline in 1988, none in 1989 and none to date in 1990. Prior to 1988, there was a greater number of exceedances per year (five in 1987, four in 1986, ten in 1985 and ten in 1984) . During this same period in Woden, there were two exceedances in 1988, none in 1989 and none to date in 1990. There was also noted a greater number of exceedances prior to 1988 (four in 1987, five in 1986, eight in 1985 and three in 1984).

The data collected shows cyclic trends associated with climatic conditions. Lead in air levels tend to be higher in winter due to the formation of inversion layers and stable air masses.

It should be noted that unleaded petrol was introduced into the ACT in 1985. A definite downward trend in lead levels is developing on the statistical graphs.

The highest level in the period January 1988 to May 1990 was 1.77 micrograms per cubic metre in the three month period May to July 1988 in Civic and 1.70 micrograms per cubic metre in the same three month period in Woden.

3393

18 September 1990

The lowest levels recorded were 0.35 micrograms per cubic metre in the three month period January to March 1990 in Civic and 0.33 micrograms per cubic metre for the same period in Woden.

I can assure you that this monitoring will continue to be carried out by my Government Analyst and any public health risk will be drawn to my attention.

3394



DEPARTMENT OF HEALTH
AUSTRALIAN CAPITAL TERRITORY

REPORT ON WODEN AMBIENT LEAD LEVELS

ACT DEPARTMENT OF HEALTH

ACT Government Analytical Laboratories

The following data for ambient lead levels is the most up to date available.

The data is for three month rolling averages (90 day lead levels) and is expressed in micrograms per cubic meter.

Month	1988	1989	1990
Jan - Mar	0.66	0.55	0.33
Feb - Apr	0.56	0.60	0.35
Mar - May	1.06	0.86	0.60
Apr - Jun	1.33	0.93	
May - Jul	1.70	1.08	
Jun - Aug	1.68	0.95	
Jul - Sep	*	1.03	
Aug - Oct	1.31	0.91	
Sep - Nov	0.78	0.78	
Oct - Dec	0.66	0.58	
Nov - Jan	0.55	0.44	
Dec - Feb	0.54	0.36	

* Denotes where less than 70 % of data was available for averaging.

The above data shows cyclic trends associated with climatic conditions. Lead levels are higher in winter due to the formation of inversion layers and stable air masses.

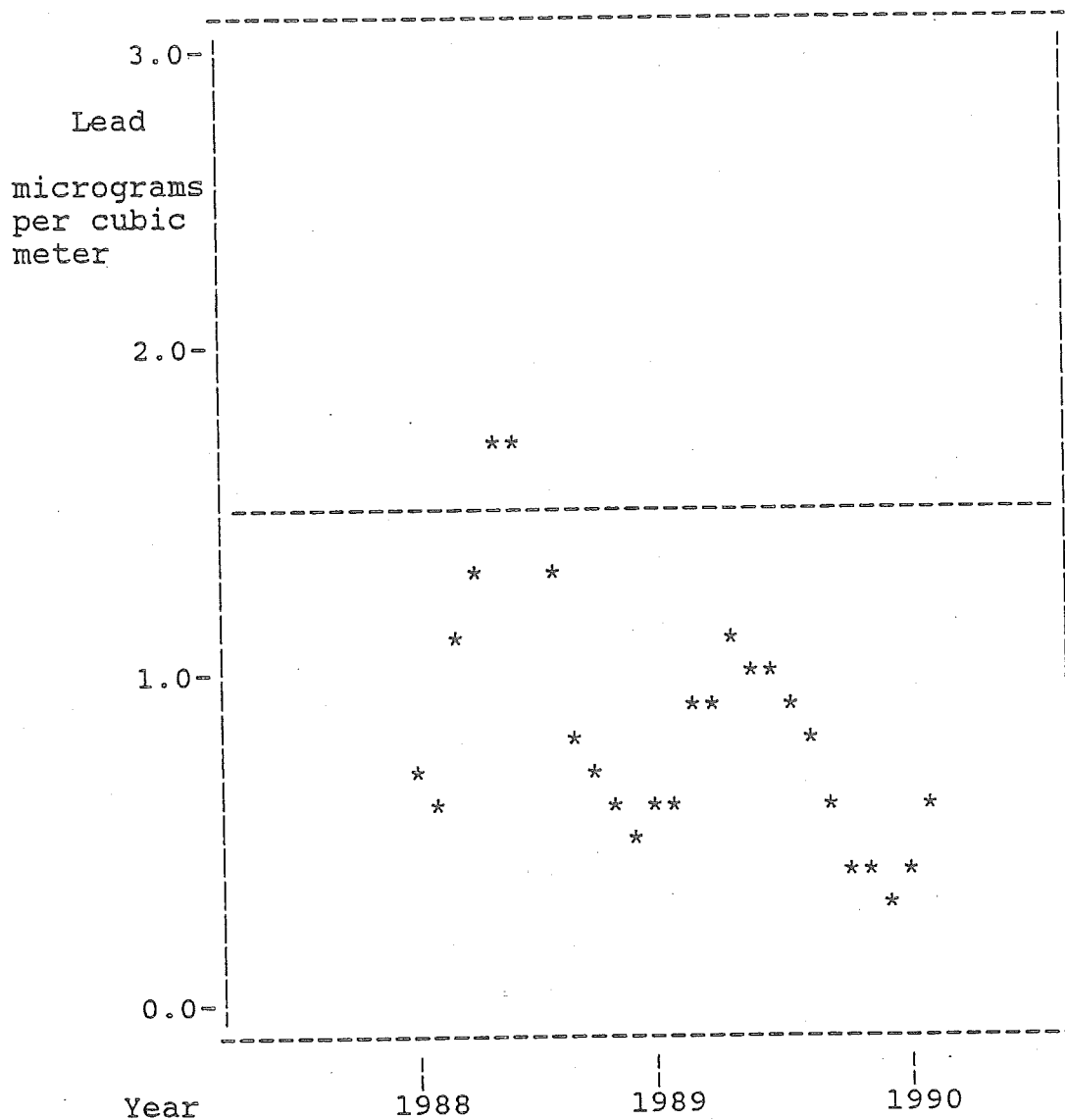
However as can be seen from the following graph a definite downward trend in lead levels is appearing.

The line at 1.5 micrograms per cubic meter is the current guideline set by the NH&MRC for 90 day ambient lead levels.

1988 had 2 exceedances of this guideline. There have been no exceedances for 1989 or 1990 to date. However, prior to 1988 there were a greater number of exceedances per year.

Year	Exceedances
1984	3
1985	8
1986	5
1987	4
1988	2
1989	0

* Note : Unleaded petrol introduction was 1985.



W.R.
Wayne Riley

O.I.C. Environmental Chemistry



DEPARTMENT OF HEALTH
AUSTRALIAN CAPITAL TERRITORY

REPORT ON CIVIC AMBIENT LEAD LEVELS

ACT DEPARTMENT OF HEALTH

ACT Government Analytical Laboratories

The following data for ambient lead levels is the most up to date available.

The data is for three month rolling averages (90 day lead levels) and is expressed in micrograms per cubic meter.

Month	1988	1989	1990
Jan - Mar	0.70	0.81	0.35
Feb - Apr	0.67	0.92	0.37
Mar - May	1.24	1.13	0.47
Apr - Jun	1.69	1.32	
May - Jul	1.77	1.41	
Jun - Aug	1.75	1.27	
Jul - Sep	1.44	1.10	
Aug - Oct	1.38	0.89	
Sep - Nov	0.92	0.84	
Oct - Dec	0.80	0.70	
Nov - Jan	0.76	0.59	
Dec - Feb	0.78	0.44	

The above data shows cyclic trends associated with climatic conditions. Lead levels are higher in winter due to the formation of inversion layers and stable air masses.

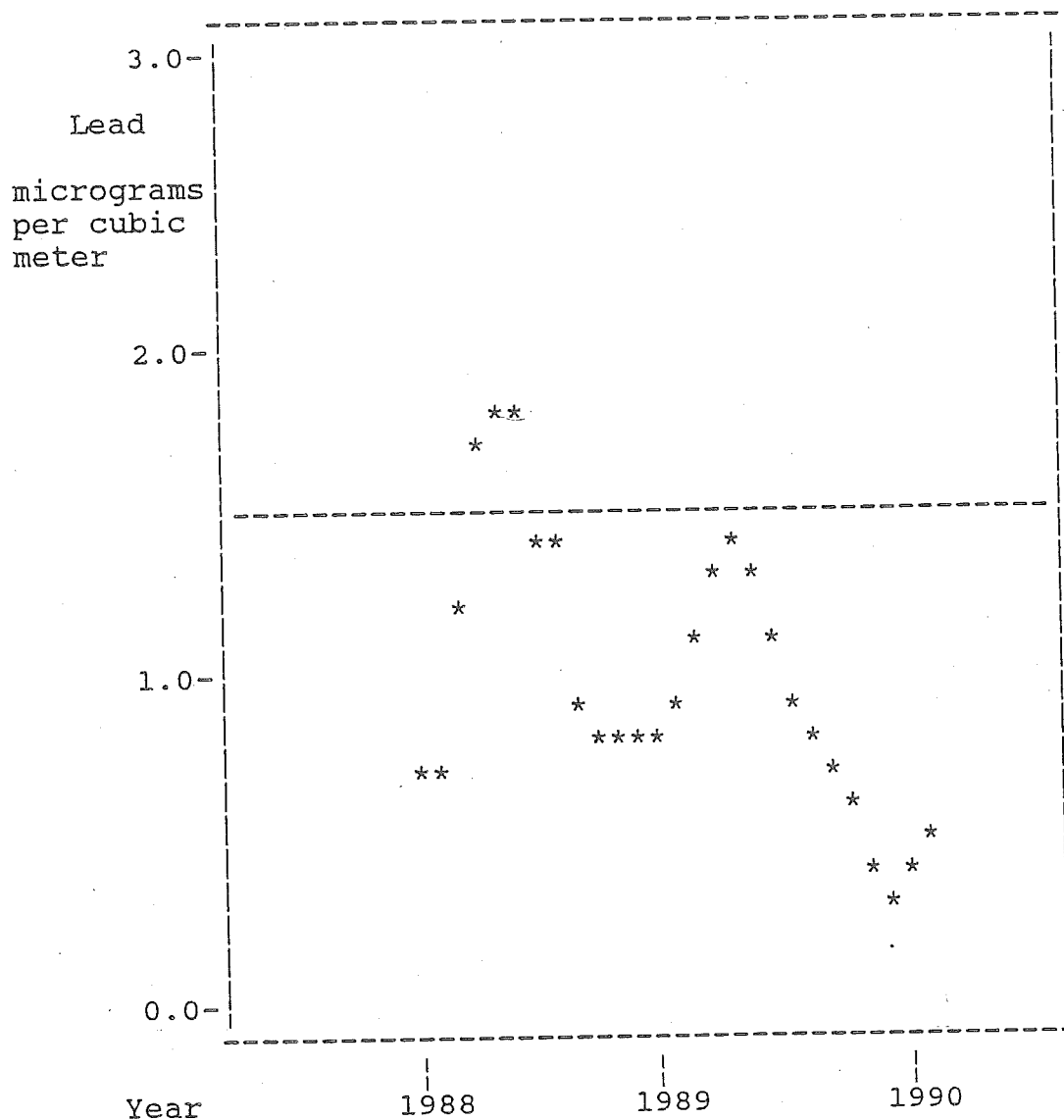
However as can be seen from the following graph a definite downward trend in lead levels is appearing.

The line at 1.5 micrograms per cubic meter is the current guideline set by the NH&MRC for 90 day ambient lead levels.

1988 had 3 exceedances of this guideline. There have been no exceedances for 1989 or 1990 to date. However, prior to 1988 there were a greater number of exceedances per year.

Year	Exceedances
1984	10
1985	10
1986	4
1987	5
1988	3
1989	0

* Note : Unleaded petrol introduction was 1985.



W.R.
Wayne Riley

O.I.C. Environmental Chemistry

Unwanted Gas Heaters

Minister for Health, Education and the Arts

Legislative Assembly Question No 212

Ms Follett - asked the Minister for Health, Education and the Arts:

What action has been taken following the advice of the ACT Pollution Control Authority that the use of unwanted gas heaters in ACT classrooms should be investigated.

Mr Humphries - the answer to Ms Follett's question is as follows:

Two schools in the ACT had vented gas heaters installed in selected areas on a trial basis; the schools are Calwell and Isabella Plains Primary Schools .

In August 1989 the Ministry arranged for the ACT Community and Health Services Analytical Laboratory to conduct tests on emissions at both schools.

The results of those tests indicated that concentrations of nitrogen dioxide in the schools did not represent a health hazard. The Analytical Laboratory suggested however that ventilation be improved in some rooms containing the vented gas heaters.

The Ministry has investigated various methods of improving the ventilation in the schools but considers the safest and most economical means of rectifying the situation is to replace the heaters with vented gas heaters.

Arrangements have been made to undertake this work prior to next winter.

3399

18 September 1990

MINISTER FOR HOUSING AND COMMUNITY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

Housing Trust - Sales

QUESTION NO. 217

Ms Follett - asked the Minister for Housing and Community Services -

- (1) How many houses were sold by the Housing Trust in 1989-90 and in what suburbs were they located.
- (2) What was the sale price of each house detailed at (1) above.

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

(1) In 1989-90, the Trust sold a total of four houses. The location of the houses were: Barton, Narrabundah, Griffith and Kambah.

(2) The sale price of each house was as follows:

Barton \$235,500
Narrabundah \$ 65,000
Griffith \$307,000
Kambah \$ 46,000.

3400

MINISTER FOR HOUSING AND COMMUNITY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

Housing Trust - Purchases

QUESTION NO. 218

Ms Follett - asked the Minister for Housing and Community Services -

(1) How many houses were purchased by the Housing Trust in 1989-90 under the spot purchase program, and in what suburbs were they located.

(2) What was the purchase price of each house detailed at (1) above.

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

(1)/(2) Under the spot purchase program in 1989-90, 72 houses and 24 flats were purchased, the details of which are set out below. The spot purchase program includes dwellings purchased for addition to the housing stock, special purpose dwellings and sites acquired for urban consolidation projects.

SUBURB NUMBER PURCHASED PRICE

Downer 2 \$102,000
\$ 85,000
Watson 1 - \$ 80,000
Hackett 1 \$ 92,000
Yarralumla 1 \$145,000
Kingston 1 \$165,000
Narrabundah 1 \$ 80,000
Hughes 1 \$ 91,000
Curtin 2 \$ 93,000
\$ 85,1D00
Lyons 1 \$ 95,000
Garran 1 \$ 95,000
Farrer 2 \$104,000
\$ 86,500
Waramanga 3 \$115,000
\$112,000
\$ 95,000

3401

18 September 1990

Fisher 1 \$ 85,000
Rivett 1 \$ 97,500
Duffy 2 \$. 92,500
\$ 87,000
Holder 1 \$109,000
Kaleen 2 \$ 93,000
\$150,000
Aranda 3 \$ 90,000
\$ 87,000
\$ 88,000
Macquarie 2 \$112,000
\$120,000
Belconnen (flats) 18 \$1,637,000
Florey 6 \$ 96,500
(All six Florey houses same price)

Page 1 \$ 86,000
Scullin 1 \$ 92,000
(Flats at Scullin) 6 3 x \$ 63,000
2 x \$ 73,000
1 x \$ 74,950
Holt 3 \$ 99,500
\$ 73,000
\$ 98,000
MacGregor 1 \$ 80,000
Flynn 1 \$ 89,950
Melba 2 \$ 88,000
- \$124,000
McKellar 1 \$109,000
Kambah \$ 74,000
Wanniassa 2 \$ 97,000
\$134,000
Monash 2 \$ 94,000
(includes Mobile Home) \$ 36,000

Richardson 1 \$ 95,000
Chisholm 2 \$106,000
\$101,000
Theodore 1 5
5 x \$ 89,950
\$ 98,500
3 x \$ 84,666
3 x \$ 80,000
\$ 81,000
\$ 78,500
\$.76,500
Calwell 1 \$ 89,000

3402

18 September 1990

Isabella Plains 1 \$ 92,500
Bonython 1 \$1 12,500

3403

18 September 1990

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

Hospital Redevelopment Project

QUESTION NO. 224

Mr Berry - Asked the Minister for Health, Education and the Arts without notice on 15th August 1990 :-

1. Will the Minister explain why each of the working parties for the Hospital Redevelopment Project was established?

Mr Humphries - The answer to Mr Berrys question is as follows:-

There are approximately 50 working parties that cover medical and surgical specialities, as well as all support and service areas of hospital operations. Their purpose is to provide input into the functional planning of future hospital facilities and services as part of the redevelopment program. Working party membership varies, but generally represents a broad cross-section of interests including health professionals, service providers, and community representatives and planners. This broad involvement ensures that the working parties are able to provide comprehensive advice on future requirements for our public hospital system.

3404

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

Community Development Fund

QUESTION NO. 229

Mr Berry - asked the Minister for Finance and Urban Services -

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

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

- (1) In 1989/90 an allocation of \$824,000 was provided from the Community Development Fund to my portfolio. The allocation was for Special Events and Festivals, Civic and Ceremonials and the Canberra Public Cemeteries Trust. Of this amount \$822,500 was spent leaving a balance of \$1500.

3405

18 September 1990

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

Hospital Redevelopment Project

QUESTION NO 238

MR BERRY - Asked the Minister for Health, Education and the Arts on notice on 16 August 1990:

1. The 18 July 1990 Hospitals Redevelopment Update outlines a 7 stage planning process; what stage are we at now.
2. When will we reach stage 3 so that we can know the time scales for the development of capital and operating cost estimates.

MR HUMPHRIES - The answer to Mr Berrys question is as follows:

The stages of Facility planning outlined in the 18 July 1990 Hospitals Redevelopment Update provides an overall framework which is followed in New South Wales and allows people to understand the various processes involved in hospital redevelopment. While presented conceptually as a linear process, in practice these stages often occur in parallel particularly where the planning aspects of some components are more clearly established.

At this time the overall project is still at Stage 1 while some elements are proceeding to Stage 2.

The Master Development Control Plan which represents the end of Stage 2, is not expected to be finalised until around March/April next year.

3406

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

Royal Canberra Hospital Patients

QUESTION NO 249

MR BERRY - Asked the Minister for Health, Education and the Arts on notice on 16 August 1990

Since the hospital redevelopment is to take 3-5 years, and since the new diagnostic treatment block will take one year to design and two years to construct where will the Minister put patients at the end of 1991 when the Royal Canberra Hospital closes.

MR HUMPHRIES - The answer to Mr Berrys question is as follows:

The final program for the transfer of services from Royal Canberra Hospital has not yet been agreed and some options which may improve the transitional arrangements are still being explored.

However, there is at present significant underutilisation of space at Calvary and to some extent at Woden. The transfer of Royal Canberra Hospital services can in fact be accommodated by the expansion of Calvary, an additional 160 beds, the opening of a new psychiatric block at Woden and the use of existing vacant facilities. In the existing program, outpatient clinics and the cafeteria would be temporarily located in demountables.

3407

18 September 1990

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

ANSWER TO A QUESTION WITHOUT NOTICE TAKEN ON NOTICE

Hospitals - Consultations

MR BERRY - Asked the Minister for Health, Education and the Arts without notice on 27 March 1990:

In the absence of consultation with particularly, the trade union movement and the Interim Hospitals Board, on the future of Canberras hospitals, will the Minister inform the Assembly of the dates and the details of any consultations he has had with members of the medical profession, the AMA, the business sector and Calvary Hospital on this matter?

MR HUMPHRIES - The answer to Mr Berrys question is as follows:

There were no formal consultations on the future of Canberras hospitals between myself as Minister for Health and members of the medical profession, the AMA, the business sector or Calvary Hospital, prior to my Ministerial Statement on Public Hospitals Redevelopment.

I did attend a meeting with the Salaried and Visiting Specialists of the Royal Canberra Hospital on 15 February 1990 which became, primarily, a discussion on public hospital redevelopment.

Discussions on public hospital redevelopment have been a common feature of my discussions with a broad range of the groups, including the sectors mentioned, since entering the Assembly and being appointed a Minister. These discussions were informal and cannot be described as formal consultations with any groups or organisations.

3408

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

QUESTION WITHOUT NOTICE - 29 MAY 1990

School Counsellors

Ms Follett asked the Minister for Health, Education and the Arts the following question on may 29, 1990:

What is the cost of school counsellors who are working with children who are located in new schools, and that has resulted from the most recent round of school closures, and what is the estimated cost of counsellors for the proposed closure of up to 25 schools?

Mr Humphries - The following response is provided to Ms Follett,s question:

Guidance and Counselling resources are generated by the total enrolment of students in the system. Thus if the total number of students remains the same, school amalgamations would not affect the counselling resources available. The ratio of students to counsellors would remain unchanged.

Counsellor time is allocated to schools according to student enrolment in the school. For example, currently a school of 250 students generates approximately one day peer week of counselling; a school of 500 students two days, a school of 750 students three days.

It is generally recognised that counsellor effectiveness in a school is enhanced by greater availability to students and staff. Smaller schools have often referred to the perceived inadequacy of one day per week only of counselling. Thus the greater amount of time available to a larger amalgamated school should lead to a more effective use of counsellor time.

It is possible that in the short term, as does occur with changes such as moving home of changing school, the amalgamation process may generate from students and concerned parents a greater need for counselling services. In this case, a re-ordering of counsellor priority tasks would take place.

3409

18 September 1990

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION WITHOUT NOTICE

Alcohol and Drugs

Mr Moore - Asked the Minister for Health, Education and the Arts without notice on 30 May 1990:

1. I understand that the Health Authority has appointed an Alcohol and Drug Service Steering Committee which comprises three Alcohol and Drug Service workers and one Policy and Planning employee. Could the Minister please inform the Assembly why only Government employees have been selected for that Committee, which is a committee of review?

Mr Humphries - The answer to Mr Moores question is as follows:-

There will be significant non-Government representation and involvement in the Alcohol and Drug Service Review. The Steering Committee to which you refer is not in fact a committee of review but a short term management task group whose role was to carry out only those tasks necessary to convene the Review Team.

The Alcohol and Drug Service Review is an initiative of my Department which aims to develop a broad plan for appropriate levels of service provision for alcohol and drug related problems into the 1990s; to consider how best to administer grants; and to develop advisory mechanisms which take account of the views of the community. The Review will take place in two stages. The first stage will be a structural and organisational review of the ACT Alcohol and Drug Service. The second stage will be examining the role of the non-Government sector and the appropriate level of service provision. This stage will be conducted next year and culminate with the development of a strategic plan. The non-Government sector will be closely involved in the second stage of this review process and has already been asked to nominate suitable representation.

3410

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION WITHOUT NOTICE

Hospital Redevelopment

Ms Follett - Asked the Minister for Health, Education and the Arts, without notice, on 31 May 1990:

On Tuesday you announced the closure of 50 private hospital beds at Calvary Hospital, the closure of 60 public beds at Royal Canberra Hospital and the opening of 60 public beds at Calvary.

1. What processes have been undertaken to plan the transfer of beds?
2. How many jobs were involved in the staffing of--the 50 beds at Calvary? How many jobs were involved in the staffing of the 60 beds at Royal Canberra Hospital? How many jobs will be involved in the staffing of the 60 new beds at Calvary?
3. Can you guarantee preference to Public Hospital staff? How can you do that when the Government does not in fact employ staff at Calvary?
4. What is the impact on the Calvary Hospital of employing staff under the same public sector arrangements when Calvary Hospital currently require its staff to comply with the medico-moral principles set out in the Associations Articles of Association?

Mr Humphries - The answer to Ms Folletts question is as follows:

1. The Government has agreed to a process to manage the hospital redevelopment process and the consolidation of Royal Canberra Hospital services to Calvary and Woden Valley Hospitals. The Government has established a Planning Committee to guide and monitor the medical and health aspects of the planning process and a Consolidation Committee which will oversight the movement of services from Royal Canberra to the other two hospitals. Each of these committees is widely representative and underpinned -by more specifically focused working groups.
2. With regard to the program of transferring public beds to Calvary a committee is currently examining staffing requirements, processes and terms and conditions under which staff transfers will be made. As you might appreciate the work involved in determining staffing associated with each of the moves is complex and subject to considerations such as vacancy levels. Detailed information will be available progressively as the project proceeds.

18 September 1990

3. The Government has given an unequivocal assurance that preference will be given to public hospital staff and the arrangements put in place by the Government to manage the consolidation process, combined with the Government's decision to bring Calvary employees under Commonwealth Public Service Act employment will ensure the guarantee is met.
4. The Government is aware that Calvary Hospital currently requires a written undertaking from its staff to comply with the medico-moral principles set out in the Association's Articles of Association. The Government has no intention of disturbing the medico-moral principles of the Order of the Little Company of Mary but has raised with Calvary the requirement for staff to provide a written acceptance of the principles. I am confident a sensible compromise, consistent with the principles of the public Service Act, will be achieved.*

3412