



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

21 November 1990

Wednesday, 21 November 1990

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

ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE
Statement by Chairman

MR PROWSE (10.31): Mr Deputy Speaker, as chairman of the Administration and Procedures Committee, I would like to make a brief statement, as an interim report, so to speak, from the Administration and Procedures Committee. Members may recall that the Standing Committee on Administration and Procedures is currently inquiring into standing orders 200 and 201, and their application, particularly with regard to private members' legislation.

The issues facing the committee are complex and ones that have profound implications for the future operation of the Assembly. The fundamental issue is the need to balance the rights of private members to initiate business, and to obtain the Assembly's distinct vote on it, against the need for executive governments, especially minority governments, to exercise control over the financial affairs of the Territory.

The committee has considered two major legal opinions on the matter - one from the Government Law Office, and one from Mr Pat Brazil that was sought by the committee. It is clear from the opinions available to the committee that the provisions of section 65 of the self-government Act and standing orders 200 and 201 are open to interpretation. Because of the importance of the questions raised and their significance to the future operation of the Assembly, the committee has resolved to seek a further opinion on the matter from the Commonwealth Attorney-General, as the Commonwealth has the responsibility for administering the Australian Capital Territory (Self-Government) Act.

Accordingly, I will be writing to the Chief Minister, asking him to pass on the terms of the committee's request to the Federal Minister responsible for administering the self-government Act.

MR BERRY (10.33), by leave: I oppose the action that has been taken by the Administration and Procedures Committee, on some basic principles. The first is that the activities of the Administration and Procedures Committee will be seen to be politicised if the Government endorses the interim report of the Administration and Procedures Committee. The Government will be seen to have supported a delay in the

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debate of those important issues which appear today as orders of the day Nos. 1, 2, 3 and 4 in private members' business.

We know that the tensions which have developed within the Government lie mostly in the difficulties that the Residents Rally faction of that Government is having with the public debate over hospitals and schools. We also know that for the Residents Rally to display its position, or for the Residents Rally MLAs to display their position, in relation to these matters would be something new for those members of that faction of the Government. We have never been able to find out where they stand on most issues, from day to day. What these motions would force the Residents Rally MLAs to do, of course, is to show the people of the ACT what their position is. It seems to me that, if the Government seeks to put off the debate on these issues, that will be well recognised by the community. I think the Government should recognise this.

After all, the Government has the numbers to deal with these matters before the Assembly in private members' business in any way that they wish to. They do not have to worry about the numbers. Well, we assume that they do not have to worry about the numbers. It would be an interesting way, I suppose, for the people to find out in respect of the hospitals and schools issues if we could just get the Residents Rally members opposite to put their hands up, but therein lies the difficulty.

The decision of the Administration and Procedures Committee in this matter will be viewed as an endorsement of a delaying tactic if it is endorsed by the Government. Not only has the Administration and Procedures Committee adopted a position which will further delay the issue, but it has done so in the face of advice to the contrary. The advice that was received by the Administration and Procedures Committee from Mr Brazil, in response to a question whether or not further advice from a queen's counsel should be sought, in fact, was that that would be an appropriate course but that was a decision for the committee. The committee completely ignored that advice, and has chosen another course. I will not speak out of school like Mr Jensen, but this will also be viewed as a further indication that the Administration and Procedures Committee has been politicised because it, too, will be seen not only as an endorsement of a delaying tactic, but one which flies in the face of senior advice. There has never been any question about the advice.

I would call on the Government to oppose this interim report and to support the advice that was received from Mr Pat Brazil, which supported the passage of private members' business of the kind which has been put before this place by the Opposition. The Labor Opposition will support that proposal in order that private members' business is not blocked, whether or not it is embarrassing for the Government.

The serious issue for consideration by this Assembly is whether or not it should block the passage of private members' business. I call on the Government to reject the Administration and Procedures Committee interim report and endorse the advice that has been given by Mr Pat Brazil in his letter of 6 November 1990.

Mr Collaery: We are going to. He told us to get another opinion.

MR BERRY: Mr Collaery interjects that Mr Brazil told them to get another opinion. He did not tell them anything. They are the Government. He said certain things to the Administration and Procedures Committee. Mr Collaery does not seem to be able to separate those two things. That is how the community will view the Government's influence over everything in this place, including so-called independent committees.

Mr Jensen: You would not know bipartisanship if it tripped you up, Wayne.

MR DEPUTY SPEAKER: Order, Mr Jensen!

MR BERRY: Thank you, Mr Deputy Speaker. The Labor Opposition will support the adjournment of orders of the day Nos. 1, 2, 3 and 4 on the basis that the Government will bring the advice back to this Assembly before private members' business next week, so that we can pursue the matter if the Government chooses to support the views of the Administration and Procedures Committee. Otherwise, the Labor Opposition is perfectly prepared to debate the matters today.

I repeat that we will support the adjournment of those motions until next week - no later. We do that very reluctantly. We would prefer to deal with them today in order that the community can see where this Government, and in particular the Residents Rally, is headed on these matters.

POSTPONEMENT OF ORDERS OF THE DAY

MR COLLAERY (Deputy Chief Minister) (10.41), by leave: I move:

That orders of the day Nos. 1, 2, 3, 4 and 8, private members' business, be postponed until the Assembly has received, and determined any motion moved upon the presentation of, the Report of the Standing Committee on Administration and Procedures Inquiry into standing orders 200 and 201.

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Mr Deputy Speaker, I would remind members that this issue was referred for general report in relation to standing orders 200 and 201 at an earlier sitting of this Assembly. I have heard Mr Speaker on this issue, and also Mr Berry, who dissents from his committee's decision to seek that further view from the Federal Attorney-General. While Mr Brazil of Macphillamy Cummins & Gibson has recently provided advice to the Legislative Assembly Standing Committee on Administration and Procedures which suggests that these Bills may not offend against procedures set down in section 65 of the ACT (Self-Government) Act, the Opposition is well aware that a conflicting opinion has already been provided by the ACT Government Law Office. That advice cannot be ignored. The staff of the law office, apart from having had a singular contribution to the drafting of the self-government Act, are highly experienced lawyers who have particular knowledge and expertise in relation to the interpretation of the ACT Constitution as embodied in the self-government legislation.

Following the receipt of Mr Brazil's advice, I requested further advice from the law office. Officers are preparing a detailed analysis of the matters raised by Mr Brazil. However, I am informed that it is their preliminary view that the opinion does not take into account the fact that the system of government established in the ACT is unique to Australia and, indeed, the world, and that in those circumstances it is unlikely that the Commonwealth Parliament intended the different words of section 65 in our Act to have the same effect as those of section 56 of the Australian Constitution.

The opinion does not give due meaning to the word "charge" in the phrase "effect of which is to dispose of or charge any public money of the territory" in section 65. It can also be said that, if Mr Brazil's opinion is accepted and applied by this Assembly, we will be passing legislation which is now before the Assembly in private members' business which will never have any effect. As Mr Brazil himself points out, the executive government would not be required by law, by virtue of that legislation, if passed, to make the payments or incur the expenditure.

So, what possible purpose could be served by the Assembly spending its time and effort in considering and passing such laws? It would simply be a waste of public money, an abuse of the Assembly process, and an absolute exercise of political fiction by the Opposition. I have received an advice prepared by the shadow Attorney-General, Mr Connolly, which suggested that procedures under section 65 are not justiciable and that Acts passed contrary to the provisions of section 65 could not be challenged in the court as being invalid. This may or may not be true. I have requested the law office to provide advice in relation to this question.

However, even if the Government were to accept Mr Connolly's advice, I could not accept that, just because the matter was not justiciable, the Assembly could disregard its obligation to properly comply with the procedural requirements imposed on us by section 65 of the Federal Act. To do so would be quite improper. In my view, it is incumbent upon the Assembly to come to a conclusion as to the correct interpretation of section 65 and, once that has been decided, to consistently abide by that interpretation. I remind the Assembly, and particularly the Opposition, that it cannot have two-bob each way.

While the Opposition wants to accept Mr Brazil's opinion, it will not accept his further advice in his covering letter addressed to the Clerk of Legislative Assembly, which I will read into the record:

Your letter of 4 October asked whether in my view further advice should be sought from a Queen's Counsel on the matter. I think that would be an appropriate course in the circumstances, but the final decision on the matter is one for the Committee.

This Government having accepted Mr Brazil's advice, I have no doubt that the Opposition will go out and say, again, that we have gagged debate for our own purposes. Certainly, for these reasons, the Government has decided that the proper and prudent course of action is to refer the issue to queen's counsel with experience in the area of constitutional law for a final opinion. To this end, the ACT Government Solicitor has engaged Mr Jackson of queen's counsel, a former Federal Court judge, to provide a further opinion on the matter. The questions which I have requested should be put to Mr Jackson are the following: Do private members' Bills dealing with the Ainslie Transfer Station and school closures infringe section 65? If so, were those Bills to be passed by the Assembly and to become enactments, could the validity of those enactments be legally challenged? That is the justiciable issue that I have been debating with Mr Connolly. And, finally, is there sufficient doubt as to the operation of section 65, and its justiciability, to make it prudent for the ACT Government to seek to have section 65 amended to more closely reflect section 56 of the Australian Constitution and to put the matter beyond doubt?

I now wish to respond to Mr Berry's comments that the Government, and particularly the Residents Rally, is afraid to debate these issues. On today's notice paper, I point out, there are a number of motions relating to school closures. They will, no doubt, be debated. So, the Government is not at all afraid to debate those issues.

If members look at the notice paper, they will notice a matter of public importance set down for this afternoon that covers the health debate. So it is absolute fiction

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to suggest that the Government resiles from debate. What the Government is doing is acting prudently, lawfully and carefully on a very vexed and unclear question as to the interpretation of section 65. I draw the attention of members to the *Hansard* debates when Ms Follett's Appropriation Bill was being debated. You will find in *Hansard* my comments drawing attention to the fact that section 65 required a closer interpretation and that it was not free from doubt.

Those comments were made by me and addressed to Ms Follett more than a year ago, and no action was taken by Ms Follett in government. It is only appropriate now that she has to wait while we resolve it.

MR BERRY (10.49): This is just another delaying tactic, another tacky delaying tactic, by Mr Collaery.

Mr Kaine: If it is a delaying tactic, why do not you sit down and we will vote on it. We will vote on it right now. No problem.

MR BERRY: Other Government members have to support Mr Collaery to get him off the hook, otherwise he will probably go haywire. The fact of the matter is that Mr Collaery is working hard to stop this matter, particularly the hospitals Bill being discussed because the Residents Rally executive have instructed him to stop the fast tracking and closure of Royal Canberra Hospital.

Mr Collaery will be tested when it comes to the debate on that issue. He does not want to be in it. Trevor Kaine, although he has told us today that he has not had to threaten to resign, might have to if it comes to that issue.

Mr Kaine: No, not today. I told you I was not going to do it today.

MR BERRY: All right. Of course, Mr Collaery, in his duplicity, has forgotten the move-on powers Bill when he was involved in that debate. Of course, there is no concern about that matter at all. Expert advice has been sought on this issue. The Administration and Procedures Committee has decided to ignore that advice and has recommended another course. The Government has decided to ignore the Administration and Procedures Committee's recommendation and to take away from the Administration and Procedures Committee the right to choose what counsel it would wish to brief and what questions it might ask of counsel.

It seems to me that what the Government is setting out to do is to usurp the role - - -

Mr Collaery: Be careful.

MR BERRY: I am not frightened of anything that you might be threatening me with, Mr Collaery. The fact of the matter is that you have set out to usurp the role of the Administration and Procedures Committee which you charged to do a certain job.

Mr Kaine: No, you are. They are recommending a course of action that you, as a committee member, are objecting to. You are usurping the role of the committee.

MR DEPUTY SPEAKER: Order, members! Order!

MR BERRY: Thank you, Mr Deputy Speaker. The fact of the matter is that the Administration and Procedures Committee has made a majority recommendation that the Government has decided not to accept. If the Government did accept the Administration and Procedures Committee recommendation and accepted the position of the Opposition that that advice should be back in this place by next week in order that we can act on the matter - because we are confident that the advice will be the same as Mr Brazil's - the Government would be in the same position as they are in today; namely, ducking for cover.

Mr Jensen: What will you do if it is not, Wayne? Will you accept it if it is not?

Mr Kaine: The Government has not rejected anything.

MR BERRY: Ducking for cover, Mr Jensen. The Government, Mr Kaine, has rejected the advice of the Administration and Procedures Committee because it has already sought advice from a queen's counsel. It has not even waited for the Administration and Procedures Committee interim report. The Government, of course, joined with the rest of the members in this Assembly to send it off to the Administration and Procedures Committee. What duplicity! What double standards!

One of the things that are enjoyed in the democratic procedures that are often thought about on the Government side of the chamber but, in fact, supported on the Opposition side is that there is room for dissent. That, of course, has been my position in relation to the Administration and Procedures Committee. I think the Government should have accepted the first advice because it was good advice. They chose not to accept that advice and went on another course.

The Government has charged the Administration and Procedures Committee to come to a decision and will not even support that decision. The issue before the Assembly is the delaying tactic which concerns the process of the Schools Authority (Amendment) Bill, the Royal Canberra Hospital Bill, the Human Rights Bill, and the Landlord and Tenant (Rental Bonds) Bill, but, strangely enough, not the Ainslie Transfer Station Bill. The Ainslie Transfer Station Bill is the one that features in the advice to the queen's counsel which the Government has sought to - - -

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Mrs Nolan: That is No. 8. That was mentioned.

MR BERRY: Not on today's orders of the day.

Mrs Nolan: It was mentioned by Mr Collaery.

MR BERRY: Not on the orders of the day for today. Read them: 1, 2, 3 and 4. The fact of the matter is that this is another delaying tactic. The Opposition wants a quick result; the Government does not.

Mr Jensen: Over the page, Wayne. Try page 1082.

MR BERRY: Try the orders of the day on the green paper. No. 1 is the Schools Authority (Amendment) Bill; No. 2 is the Royal Canberra Hospital Bill; No. 3 is the Human Rights Bill 1990; and No. 4 is the Landlord and Tenant (Rental Bonds) Bill 1990. They are the ones that are the subject of discussion today, or would have been. The issue, of course, is the delay. The Opposition opposes any delay. It wants the matter before the Assembly in this sitting period. It is reluctantly prepared to accept an adjournment of the motions that appear on the paper today only on the basis that the Government has decided to accept the Administration and Procedures Committee interim report in order that that advice can be achieved quickly and brought back to this place so that we can get on with the business of the Assembly, irrespective of the embarrassment that might be suffered by the Residents Rally party and the cracks that that might form in the Government ranks.

MR JENSEN (10.56): If my ears were not hearing what I was hearing from Mr Berry, I certainly would not believe it. Let me very quickly make a comment on one of the last points that Mr Berry raised. Mr Berry says that the orders of the day on the daily program do not include reference to No. 8. I presume that is what he is talking about. If Mr Berry would pick up the notice paper that is lying on his desk, he would see that the orders of the day for private members' business do include item No. 8.

As Mr Berry well knows, if the items on the daily program in relation to private members' business are in fact gone through, it would be normal then for us to continue on with No. 8. Therefore, what Mr Berry is saying in relation to that matter is rather stupid. I would suggest that he should wake up to himself and pay a little more attention to what is happening.

Ms Follett: Sit down.

MR JENSEN: Ms Follett asks me to sit down. It is about time that Mr Berry was reminded of his responsibilities in this house. You do not like it when, in fact, it happens. I think it is important to respond to a couple of other points that have been made by Mr Berry. I am pleased that he has finally acknowledged in this place, although he will

not do it in public, the fact that Mr Brazil recommended to the Administration and Procedures Committee that, in fact, this matter be referred to a QC. I will get to that before I conclude my remarks.

In fact, that is what is going to happen by virtue of the nature of the recommendation by the Administration and Procedures Committee. In fact, it will be referred to a QC because, whether Mr Berry is aware of it or not - and I know that he is because it was discussed yesterday - the person who is likely to provide this information and advice to the Assembly will, in fact, be a QC. He will be the Solicitor-General. It will be the Solicitor-General that the matter is referred to by the Minister through the Attorney-General. Mr Berry knows that. He was in the committee yesterday. That is the proposal. That is what it is all about. That is that. That is completely separate from the request that has been put by the Government to another QC. So, in fact, what we are going to end up with, probably, is another two reports from QCs.

It will be interesting to see what will happen when we do get those reports from the QCs, because Mr Berry, when he saw the report from the Government Solicitor, did not accept it. He was not prepared to accept that particular report. He, therefore, sought another one. He was happy with half of that response, but he was not happy with the second half. What is going to happen if this particular advice, or two sets of advice, are put before the Assembly? What is going to happen if they do not agree with Mr Berry's feelings and the feelings of the Labor Party? Are they going to accept that advice and say that that is the end of it? I would suggest not. They will not do that.

Mr Berry will continue to see whether he can wriggle out of this matter. It is incredible hypocrisy on the part of Mr Berry and the members opposite. It is important that this matter be raised and resolved at a very early stage in the life of this Assembly. This is a new Assembly. It is barely - - -

Mr Berry: Next Wednesday?

MR JENSEN: That is a good point that Mr Berry has raised. That, quite clearly, is up to the people from whom the advice is sought. Does Mr Berry want us to say to the QC who is given this job, "Put everything aside. We must have this by next week"? Let us see what happens. It will be up to the QC to make his decision as to when it is provided. I am sure that whoever provides this information to the Assembly will be fully aware of the importance of the issue, and, in fact, would seek to do it expeditiously, which, I think, is important.

It is interesting that Ms Follett walks out once again. It is amazing that she seems to do it whenever, in fact, a little bit of heat is turned up on them. It is incredible. What I was saying was that it is appropriate to ensure, at

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this early stage of the Assembly's history, that any vestige of doubt about the legality or the constitutionality of any aspects of the Australian Capital Territory (Self-Government) Act, or any other Act that establishes this base which is, in fact, our constitution, is very clearly and quickly identified and put to rest. Otherwise, this matter will continue to come up again and again.

It is clearly appropriate that this matter be resolved as quickly as possible. That is one of the reasons why I supported the recommendation of the Administration and Procedures Committee. It is about time that Mr Berry and his colleagues, instead of political grandstanding and seeking to score cheap political points on these issues, adopted the method of bipartisanship. Quite frankly, Mr Berry would not know bipartisanship if he fell over it. He does not know the meaning of the word.

It is about time, on issues that are important to the nature of the Assembly, that the Labor Party opposite - particularly people with a knowledge of these issues, like Mr Connolly - adopted a sensible, reasoned attitude to these things rather than the sort of ideological, "they are trying to get at us" approach.

On that basis, it is appropriate that this matter be referred in the way that Mr Collaery has done and I, therefore, support, in fact, the withdrawal of these motions on the notice paper until the matter is properly resolved.

MR CONNOLLY (11.02): In the words from *Alice in Wonderland*, this place is getting "curiouser and curiouser" every day. We have just seen the Government in total confusion. Mr Collaery announces a Government decision that this matter is going to go to senior counsel. He says that it will go to Mr Jackson, an eminent queen's counsel, and a former judge of the Federal Court of Australia. We then have Mr Jensen leap up from the back bench and say that it is going to go to the Solicitor-General. Who is it going to go to? How many opinions are we going to get? Are we going to get two opinions? The Government has not announced any indication that it will be accepting the advice of the Administration and Procedures Committee. So, are we going to get two opinions?

I will not debate the law across the chamber with Mr Collaery but I am quite sure that, if we are going to get two opinions, they will be in line. I am quite convinced that the law is compelling. But heaven help us as to what will happen if, as Mr Jensen says, we get an opinion from the Solicitor-General of Australia and we get an opinion from another queen's counsel, and they are at odds. What do we do then? If we are going to go and get two opinions, it will just lead to more and more confusion.

Let us get on with the matter. We are wasting time in this place, as always. The Government does not want to get on with private members' business. Let us vote on this matter and get on with the other important schools issues that are before the chamber. If we are going to waste private members' business time, we will ask for more time.

MR KAINE (Chief Minister) (11.03): Mr Speaker, it is interesting to see the hysteria that comes out from the people opposite when they are on the losing end of something. They do not even listen to what is said. Mr Connolly, I gave you more credit. I thought that you listened intently to what people said during the debate, but you just demonstrated that you did not for one second listen to what Mr Jensen said. I am quite astounded that the Opposition takes this view and I was fascinated to hear Mr Berry once again. He has this lexicon of words such as "posturing", "duplicity", "politicising", "delay"; all of which Mr Berry is a past master at. He postures, he is duplicitous and he delays, and if anybody is politicising any committee it is Mr Berry. He is guilty of every one of the charges that he throws around, hoping that they will stick on somebody else. The fact is that they are starting to stick on you. I would suggest that you use a few different words in the future.

He says that the Assembly should accept the first legal advice. Well, Mr Berry rejected the first legal advice - that came from the Government Solicitor's Office. He did not like that, so he went and got another one. Now he is saying that the Assembly should accept the first legal advice, and he is dead right. The Assembly should accept the first legal advice, but he rejects it himself. That is why we had to go and get a second legal opinion.

Then we come to the second legal opinion. He says that the Government has rejected the committee's recommendation. The Government has not rejected anything. We had a verbal interim report only half an hour ago. How could the Government reject any such recommendation? But it is not the Government that has rejected that. It is Mr Berry again that has rejected it.

Mr Berry: It is a waste of time. Are you going to go to the Feds or aren't you?

MR KAINE: It is a waste of time, because you think it is a waste of time.

Mr Berry: Delaying; that word again - a delaying tactic.

MR KAINE: You are delaying, because if you had accepted the first legal opinion the matter would have been resolved by now. But you would not accept that. Mr Gumshoe gets on his feet again and away we go on more delaying tactics - and then he tries to smear the other members of the Assembly, trying to make them wear the label of what he himself is doing. He can use the words, but nobody is

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impressed. In fact, I am surprised that he impresses even himself. There have been differing opinions so far, and the qualification that Mr Brazil himself expressed in connection with his opinion. He expressed this qualification by saying that he thought that it would be a good thing for the Government to get the opinion of a queen's counsel. But Mr Berry does not want that bit. He is quite happy to reject that bit, because he thinks that he can pick and choose and select out of a piece of paper words and phrases that suit his cause, for the time being, and that is the end of the matter. Well, it is not, Mr Berry, because this Assembly, as Mr Jensen ably pointed out, is here for a long time, and the precedents that we establish now are going to determine how this Assembly does its business well into the next century, and beyond.

Some of us are concerned about the precedents that we set, but not Mr Berry. He wants a quick decision that suits him, because it suits his particular political position on a couple of issues today. Do not worry about tomorrow - that is Mr Berry. Do not worry about tomorrow; let tomorrow take care of itself. But we will have a decision today. If we pick and choose - pick a few paragraphs here and a few paragraphs there - we will get a decision that suits Mr Berry on two issues today - and forget the rest.

Mr Berry: Why don't you get three or four?

MR KAINE: Mr Berry, as I said before, when Mr Connolly finished speaking, this is an issue that is likely to claim the attention of lots of lawyers over a long time before it is finally resolved. That may well be true. When Mr Connolly is no longer a member of this Assembly, after the third week in February 1992, he may well appreciate the fact that he has a very lucrative area of business that he can pick up and spend the next 20 years or so on - becoming an expert in constitutional law. Mr Berry needs to re-evaluate his position. He is guilty of duplicity; he is guilty of posturing; he is guilty of politicising the committee; and he is guilty of equivocating on the opinion because it does not suit him.

Mr Berry: On a point of order: I think there is a clear imputation there, Mr Deputy Speaker, and I ask that you order the Chief Minister to withdraw that.

MR DEPUTY SPEAKER: I think it is marginal, Mr Berry. I think I will just allow that - - -

MR KAINE: Mr Deputy Speaker, if he does not like "duplicity" and "posturing", he uses them constantly.

MR DEPUTY SPEAKER: There is nothing wrong with "posturing", Chief Minister.

MR KAINE: Is "duplicity" all right?

MR DEPUTY SPEAKER: I think "duplicity" may just fall over the line as being okay.

MR KAINE: Well, "schizophrenic", can I use - - -

MR DEPUTY SPEAKER: Certainly "schizophrenic", Chief Minister.

MR KAINE: I will withdraw "duplicity" and say "schizophrenic". I know that he is interested in the Schizophrenic Foundation.

MR DEPUTY SPEAKER: "Hypocritical" is fine, members.

MR KAINE: Okay, I did not say that. He is guilty of politicising the committee, because he alone got up here and took exception to the committee's recommendation. He is the one that is politicising it; again, because its view does not coincide with his own, he rejects it. It does not matter about the formalities; it does not matter that the majority of the committee has taken that view; it does not matter what the facts are. It does not suit Mr Berry, so he rejects it.

Finally, he, of all people, is guilty of equivocating and causing delay, because he simply will not accept an opinion that he does not like. The rest of the Assembly members may well accept it - because it has not been put to them to vote on - but it does not suit Mr Berry, so let us take up more time. Incidentally, it is the private members' business time that we are wasting at the moment - - -

Mr Berry: That you are wasting.

MR KAINE: If you get into this kind of debate, you have to wear the consequences. I suggest that it is not appropriate for the Government, or Mr Berry, to get a quick and nasty decision on this matter. It does need to be carefully considered and, when we get the answer, it needs to be the right answer - not one that suits Mr Berry today, in connection with hospitals and schools.

MR MOORE (11.10): It seems to me that the Chief Minister has talked about precedent. We have a quite clear precedent on this issue, as it so happens, and it is the move-on powers. It was a private member's Bill, it was passed by this Assembly and it has not caused any problem. Whilst the legal wranglings are going on and ought to go outside of this Assembly, and be a matter for the Administration and Procedures Committee, that is fine. But what we are seeing here is the reason why people refer to this Assembly as "the house of farce" - and, watching this morning, I think it is probably with quite good reason. What happened is that the Government, instead of just following the precedent and dealing with the issues, has decided to use some legal wrangling and delaying tactics so that it does not have to face each of these Bills. I have

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not seen the move-on powers causing a great deal of problem in the same way these matters are, and yet, clearly, it does require expenditure of money via the use of police.

Mr Collaery: That was not the Government law advice - and we accepted it.

MR MOORE: I see; thank you. It seems to me that the issues that are going on now could just as easily be carried on in debate while we go ahead with the particular issues and then deal with them later. But we are getting to the stage where we are dealing in small technicalities of legal opinion, which I am not saying are unimportant; they are important. However, they should not take up hours and hours of the sittings of this Assembly.

Mr Kaine: Let us vote, in that case.

Mr Connolly: Yes, let us. Good idea. Did you hear what the Chief Minister said? Let us vote. Sit down.

MR HUMPHRIES (Minister for Health, Education and the Arts) (11.12): Having had three speakers on that side, I think we are entitled to a similar number on this side. Mr Speaker, it seems that the Opposition is prepared to choose its judge. It likes to shop around for an appropriate forum. When it finds the forum or the opinion that it likes, it says, "This is the definitive view. This is the single view that we like, and anything else is wrong".

I note a different tactic in respect of the Hudson inquiry. Apparently that particular verdict did not suit the Opposition, so it said, "No, we do not want it". I am afraid you do not have that luxury. There is a genuine question of doubt about the matter, given that the Assembly has now received different advice from two different sources. It is incumbent on us to ascertain properly what the answers to these difficult questions are, and that means that we have to seek that further advice. I remind the Assembly that Mr Brazil himself says that it would be appropriate to obtain queen's counsel's advice - and the Opposition cannot pick and choose between particular parts of the advice he gives.

I should remind the Assembly, in case anyone has forgotten, that the Follett Government was more than prepared to use section 65 to knock out legislation it did not want. Ms Follett and the members of her Government found it convenient to use it when they were in government, but find now in opposition that section 65 is a bit of problem. They would like to get around that. The fact of life is, of course, that the moment Ms Follett and her party - heaven help us - returned to office, they would undoubtedly again be looking to the protection of something like section 65 and standing orders 200 and 201. You cannot pick and choose. The fact is that you have to accept that there is a real question of doubt, and we should get on with the business of finding out how we resolve that doubt.

The move-on powers legislation is not a good case in point, because the advice obtained was that it did not entail the expenditure of moneys. That was the clear advice. It was advice obtained by Ms Follett's own Law Office. Apparently she has forgotten. It is a wonder what a year in opposition does to one's memory. It was her Law Office that obtained that advice, and it said that it was not blocked under section 65. She accepted that advice. She came on to the floor of the Assembly and debated the issue. The people on this side of the house debated the issue.

It is not true to say that the Government is not prepared to debate these important issues. Of course it is; and those issues are on the notice paper, on the agenda for today's meeting, and they will be discussed in due course, each of them - schools, hospitals, everything.

I think it is time that we got on with the business of accepting that section 65 and standing orders 200 and 201 are extremely important pieces of law - law which binds this Assembly - and we have to know exactly what those pieces of law mean for this Assembly. We cannot continue to debate across the chamber what the section in particular of the self-government Act actually means, because it will be a continuing source of problems. I think we should agree to settle the issue, and the mechanism chosen is by far the most appropriate means.

MS FOLLETT (Leader of the Opposition) (11.16): Mr Deputy Speaker, I would like to remind the Assembly that this is in fact private members' business this morning, and that what we are seeing is, in effect, the Government's attempt to kill off private members' business once and for all. We have heard from one Liberal lackey after another, starting with Mr Prowse and going on with Mr Collaery, about reasons why they are not prepared to pursue private members' business this morning. I do not believe any of it.

The fact must be absolutely evident to everybody in this Assembly, and to everybody in the gallery, that this Government and its lackeys will go on getting advice on this matter until the cows come home. There is absolutely no end point to this process. It is in fact their intention to go on seeking advice until they find some that suits them, until in every case which is the subject of this legislation we are well past the point of no return - until it is too late to do anything about Royal Canberra Hospital, until it is too late to do anything about the schools which they propose to close, until it is too late to do anything about the Ainslie Transfer Station. That is their objective.

They seek to kill off effective private members' business, and this is from a mob that has committed itself to a concept of open government. What a farce! This is, indeed, a house of farce. They will go on obfuscating, delaying, stifling private members' business until they

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themselves are once more private members - and that will not be very long. I should repeat what Mr Humphries has said; namely, that, of course, we will remember this when we return to government in 1992, and this will not be lost on us. Your attempts to totally kill off private members' business, the arguments that you have put forward, and your constant seeking to delay and to dominate and to take over private members' business have not gone unnoticed.

Ms Maher: And you are adding to that by just standing up there talking.

MS FOLLETT: I note that Ms Maher has finally had something to say. This is a rare event - and it is a sterling contribution. Mr Deputy Speaker, I have every right to be standing here speaking; it is private members' time, and I am speaking in private members' time.

I say again that what we are seeing here is an attempt by the Government and its lackeys to kill off private members' business in any effective form in this Assembly. It will not go unnoticed and we will certainly be remembering it in the future. We have attempted to meet them halfway in their never-ending quest for further information and further advice. Mr Berry has indicated that, but obviously that was not good enough. What I want to know is: after we have got Mr Prowse's advice and Mr Collaery's advice, what are they going to do next? Which other of these members is going to put in a request for yet more advice? It is a never-ending process. There is no end point in the motion that Mr Collaery has put. There is no timetable on it, nor is there in the process that Mr Prowse has put forward. It is an unacceptable course of action and, as I say, it is an attempt to kill off private members' business in this Assembly.

MR PROWSE (11.20): Mr Deputy Speaker, I was not going to speak in this debate, but I must respond to the Leader of the Opposition's unnecessary remarks. The farcical character she keeps attributing to this Assembly comes from her. Every time she walks out of this Assembly she makes it into a farce. It is her prerogative, she believes, to walk in and out of this Assembly, when there is action on the floor of this house. I believe that those elected to this Assembly should be on the floor for every minute of the day that the Assembly is in business.

Ms Follett continually abuses members for farcical behaviour. If we look at the psychological attitude of people we always recognise a person by the words that person throws at others. If someone always says to you, "He is a liar", you can be assured that that person has a psychological bent towards lying. Anyone citing farcical behaviour at all stages is displaying the farcical behaviour.

The situation that I really wanted to speak about was the absolute rubbish that Mr Berry came out with when he claimed that the Administration and Procedures Committee was in fact politicised. The committee approached this action that it has taken in a very serious and long-term look at the problem. This Assembly, and the decisions taken today and in the next week, will possibly carry through for the next hundred years. We have to take the correct decisions. This particular issue, on section 65 of the Act and standing orders 200 and 201, must be dealt with at an appropriate level and resolved in a final manner. We cannot keep going on, as you claim. We have had two legal opinions and, unfortunately, my understanding of the legal profession is that, no matter what opinions you get, someone will always challenge them.

To that end, I believe that the appropriate action is to go to the Federal Attorney-General. It is the Federal Government's Act. That is why it is absolute drivel for Mr Berry to say that this has been politicised because the Liberal led Government did not agree with the approach taken by the committee and so has gone against it. The committee has gone to the Federal Attorney-General who, if I may refresh your memory, happens to be a member of the Labor Party. How can you then draw the conclusion that the committee has been politicised? I just would like to sit on that remark and say: absolute rubbish!

MR COLLAERY (Deputy Chief Minister) (11.23), in reply: There being no other speakers, Mr Deputy Speaker, and most of the time for private members' business having expired because of a pointless debate that the Opposition has put on today, I will close the debate.

There have been a number of comments around the floor. The substantive ones have come from this side. No speaker on the other side has rebutted the propositions we put. Firstly, is it true that Mr Brazil himself, who was nominated in committee as the person whose opinion should be sought by Mr Berry - we have learned that on the floor - said that it would be proper to get an opinion of queen's counsel? We have not heard an admission on that. Secondly, the Government is clearly attempting to make this a prudent course of conduct. On the other hand, the Opposition takes a very immature, sometimes juvenile, approach to this issue, as it does to many others. The juvenile behaviour of some members yesterday, in wearing badges into the chamber, is something you do not see in other parliaments around the country.

You have no idea, Mr Deputy Speaker, what I hear from Federal Labor people about the local Labor people. You have no idea what they think of the miserable performance of most of the Labor people opposite. I exclude a couple. But certainly they are appalled and they are not too excited about any prospect of this bunch getting back into power again at any time. I doubt, given their factional disputes at the time, which transcend any of the healthy

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tensions in our Alliance, that they will be back up in this Territory. They are killing each other out there, and we see that lift rattling when they go up together.

The Government has sought an opinion pursuant to the advice proffered by Mr Brazil. That does not suit the Opposition. The Opposition has brought forward, and wishes to bring forward, some private members' Bills. If ever we get to your private members' Bills, there is going to be a delicious shiver of pleasure through the Government Law Office and me, because your Bills are so faulty it is unbelievable. There is a human rights Bill on the table - if we get to it today, and we should be debating issues like that - which is a dead copy of the Northern Territory draft Bill.

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

MR DEPUTY SPEAKER: The Human Rights Bill is certainly relevant. Perhaps you might have made your point of order a bit earlier.

Mr Collaery: It is No. 3 on the paper.

MR DEPUTY SPEAKER: That is on the paper. Continue, Mr Collaery.

MR COLLAERY: That Bill is an extraordinary document. We saw in yesterday's *Canberra Times* a letter from Ms Follett, which I have responded to and which response was not published, and in that letter she talked about her Bill. The Bill bears a curious similarity to another private member's Bill introduced in August in the Northern Territory Legislative Assembly. And, amazingly, this Human Rights Bill that we are supposed to be gagging has these features of that Bill. The Opposition Leader, when she was in government, said that she would, for example, have religious or political - - -

Mr Berry: I raise a point of order. I do not think we are debating that Bill to which Mr Collaery refers. We are debating the adjournment.

MR COLLAERY: We are responding to the gag allegation.

MR DEPUTY SPEAKER: Yes. Mr Collaery, I do not think there is any need for you to get into actual details of the Bill. That is probably getting a little bit away from the motion.

MR COLLAERY: I accept your ruling, but I say that we have been accused of wishing to avoid debate. I cannot wait to debate some of these private members' Bills. Their drafting is so faulty. But the proper and prudent course of conduct is to settle the legal situation finally and forever.

There are so many faults. In her Human Rights Bill she left out religious and political discrimination. It is so faulty. It is so deficient in terms of what she promised as - - -

Mr Berry: Mr Deputy Speaker, I think he is getting into the detail of it.

MR DEPUTY SPEAKER: Yes, perhaps if you could - - -

MR COLLAERY: Yes, I will defer, Mr Deputy Speaker. The tag to be given to this debate has moved on probably from "gag" to a new one. We saw Ms Follett leave the chamber, and she went out and spoke to her acolytes; then she came straight back in and she said that we are destroying private members' business. She got her new orders and the replicant came in and said that we are now destroying private members' business.

This is a very good private members' business debate. What the Opposition is saying is that it wants to charge on and overrule the good sense and opinion of eminent counsel, Mr Brazil, who was nominated by Mr Berry himself. The Opposition does not want to get a further opinion. That is the standard of this Labor Opposition. They really do not know what they are doing; they are inconsistent. But the most abiding impression people should get from this debate is the continuing inability of our Government to reach any compromise with this Leader of the Opposition. She cannot control her troops, as we saw yesterday and last night. She is rarely in the Assembly. She runs a most formidable press campaign however, never by press releases.

Mr Berry: Mr Deputy Speaker, I rise on a point of order. I think relevance again raises its ugly head in the way that the member is approaching the debate.

MR DEPUTY SPEAKER: Yes, Mr Berry, I think I will fight for you on this occasion. Please stick to the point, Deputy Chief Minister; you are getting a little bit off it.

MR COLLAERY: Yes, Mr Deputy Speaker. This debate is certainly the most important private members' debate we could have. It is about access to business by private members. And, as my colleague Mr Humphries acknowledged, one day we may be on the other side, and we want it said too. A year ago, sitting over there where Mr Wood is now, I pointed out this problem to the present Leader of the Opposition, and did she seek to settle the doubts that had emerged that were pointed out by Mr Brazil? No, she was happy to sit on those doubts.

Why should we not now round off this debate and claim, firstly, that we have totally demolished the pretensions put forward this morning by this Opposition? All the Opposition had to do was to agree with the Government Whip, who is clearly available at any time to settle the issues.

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Mr Connolly: You got into trouble last time you started talking about your own Whip, Bernard. I would just be careful.

MR COLLAERY: Yes, there is no trouble now, I can assure you, Mr Connolly. The fact of the matter is that you have not sought in any way to compromise on this matter. You are not prepared to await that opinion. And you, Mr Connolly, above all, should know full well that, from an ethical and a legal point of view, it is quite proper for us now to seek that further opinion.

The fact that the Assembly's committee has decided to seek an opinion from the Federal Attorney-General is their business. It is the duty and function of our Government to know exactly what our advice should be to this Assembly and, as first law officer, I am seeking that advice.

Question resolved in the affirmative.

POSTPONEMENT OF ORDER OF THE DAY AND NOTICES

MR BERRY (11.31): I seek leave to reorder the agenda for private members' business so that notices Nos. 1, 3, 4, 5 and 7 can be considered forthwith in a cognate debate.

MR SPEAKER: Mr Berry, I draw your attention to order of the day No. 5. Do you want to include that as well?

MR BERRY: No, notices.

MR SPEAKER: Do you wish to withdraw or postpone order of the day No. 5?

MR BERRY: I move:

That order of the day No. 5 be postponed.

Question resolved in the affirmative.

MR BERRY: I move:

That the order of debate now be notices Nos. 1, 3, 4, 5 and 7, and that they be considered in a cognate debate.

Question resolved in the affirmative.

MR SPEAKER: Before we go further, I am looking to find out whether you want to postpone notice No. 2.

Ms Follett: Yes.

MR BERRY: That has been adjourned.

MR SPEAKER: Do you move that that be postponed?

Mr Connolly: We moved that we do notices Nos. 1, 3, 4, 5 and 7, so No. 2 just sits there.

MR SPEAKER: So we will come back to No. 2 then.

Mr Wood: At some other time.

SCHOOL CLOSURES

MR WOOD (11.35), by leave: I move:

That it is the opinion of this Assembly that Lyons Primary School remain open to continue to provide high quality education.

That it is the opinion of this Assembly that Holder High School remain open to continue to provide high quality education.

That it is the opinion of this Assembly that Curtin North Primary School remain open to continue to provide high quality education.

That it is the opinion of this Assembly that Cook Primary School remain open to continue to provide high quality education.

That it is the opinion of this Assembly that Hackett Primary School remain open to continue to provide high quality education.

These motions read that it is the opinion of this Assembly that Lyons Primary School, Holder High School, Curtin North Primary School, Cook Primary School and Hackett Primary School should remain open to continue to provide high quality education.

The Government has voted to close these five schools - four primary schools and one high school. It voted yesterday to do that, upstairs on the fifth floor. We seek on the floor of the Assembly the support of members to ensure that those schools remain open. We do not concede defeat in this matter, and nor have the schools conceded defeat. They intend to fight on and we will join them in that fight. We will continue to give the same support to those schools as we did to the schools that have now successfully completed the campaign to stay open. We do not support the political expediency that proposes to sacrifice these schools.

I was interested to hear the Deputy Chief Minister comment about the healthy tensions of the Government, those tensions over the issue of these schools which have almost torn the Government apart. I want to make some comment about the outcomes, if known, of the Hudson report. It is not at all clear what the Government has accepted from

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Hudson. There is a decision that three schools that Hudson indicated ought to remain open will remain open; but there has been no clear statement from the Minister for Education about anything else arising from Hudson.

Mr Jensen: That is rubbish.

MR WOOD: Well, there is very little. There are a couple of things I will mention, Mr Jensen. It seems that you are satisfied that the Minister should put out a media statement of about five paragraphs arising from Hudson. You think that is an ample response to that report that your Government commissioned. That is the full extent of what we have. You seem satisfied with it. Do not pass it back now to the Minister for Education.

All that the Minister's media statement does is say that three schools will remain open and we are going to have a task force to look at certain things. That is what the Minister has said arising out of the Hudson report. Those three schools now to remain open were locked in under Hudson to his preferred option C. Option C had a whole range of other proposals. The Minister has not made it clear whether he has accepted the whole of option C. I doubt that he has. I think the schools and this Assembly deserve some greater statement from the Minister.

It is, of course, typical of the inept planning that we have seen all along. The Minister cannot seem to get anything together and is quite unable to make any sensible sort of statement. He certainly is not capable of making any statement that gives us any details of what he has been on about. Three schools will remain open. Does that mean, as Hudson required, that there is also to be a small schools policy? That was the Hudson requirement for keeping open Weetangera and Rivett. Is a small schools policy that part of the deal?

Ms Maher: That is why we set up that community committee to look at - - -

MR WOOD: No, it is not.

Ms Maher: It is.

MR WOOD: You have not specified a small schools policy. That committee has to look at three things. You might have a look at those and refresh your memory about them. I should remind the Minister that at some trouble, over quite a period, the former Schools Authority established a policy for dealing with schools as enrolments decline. It was a policy that was subsequently ignored by the department, even before the Minister came into his present position.

I want to go on to these four primary schools that remain threatened. I will not accept that they are going to close, but they remain threatened. Let us start with Lyons Primary School, which has a case that is as good as any

other. Indeed, as I read into Hudson, I believe that he raised enough questions about Lyons Primary School to suggest that there are very good grounds for keeping it open. In fact, Lyons Primary School will stay open. It will never close because the reality of the situation is that South Curtin school will not be worked upon. The union ban will prevent any work there.

The tenants - the great number of tenants at that school - will not be able to be relocated and at the end of first term next year the Minister will make an announcement that the children at Lyons Primary School will stay on for another term. At the end of term 2 we will have a similar announcement simply because it is quite impossible to have South Curtin school ready for any students. It will not work out. There is no way that that can happen. Apart from that sheer reality, Lyons has a very good case. It is clear, and Hudson made the point, as the Interim Territory Planning Authority did, that it is - - - (*Quorum formed*)

It is clear that Lyons has a social disadvantage because of the way the suburb has been structured, with large numbers of fairly low cost houses and multi-unit buildings. For a whole variety of reasons it is clearly identified as such. Accordingly, it, more than many other suburbs, needs its local school. There is also a great debacle emerging about buses supposedly to take students from Lyons to South Curtin. Hudson, who did not like to bus government school children across boundaries and recognised the cost attached to busing, recommended a proposal for a mini-bus of some sort and a shuttle service. The parents showed that to be no great sense, showing that it took a very considerable amount of time to do that with a small bus. So it is simply not feasible. I think I recall the Minister saying that that probably was not an option.

Well, what is the option? I did hear - perhaps I am wrong - that someone was proposing a banana bus, an articulated bus. That could do no more than run down the main street. It certainly could not even negotiate a park within a school or drive through. So that is not an option. The problem of busing those children, now accepted, presumably - nobody has said that those young children, up to grade 3, should not be bussed - is one that you will not be able to get over. People are reluctant to provide for routine bus services; so how do you get out of that one? All people say that they have to be bussed and you will not overcome that problem.

Then, with Lyons, there is the problem of costs. Figure 5.1 in supplementary budget information paper No. 3, in a sense, was used as evidence against Lyons Primary School. Yet, the figures in that, as we found out in the Estimates Committee and as Hudson also pointed out, when attributed to Lyons and other schools were quite wrong. Hackett is a school, too, that suffered quite severely through the use of incorrect figures. In total sum those figures are not major; but when you are comparing costs, and when the

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Minister talks about one school or another being 6 per cent or 8 per cent above the average cost for the system, if there is \$100,000 or so, it makes a significant difference to that school. When the eight or nine schools were listed here and costs attached to it, it was a damning piece of evidence. Yet it was wrong. So, for that reason, if no other, the case against Lyons should be thrown over.

Lyons also showed the case for establishing a decent rental policy. I think it is a criticism of all previous administrations that we have not done more in the way of demanding adequate rents from non-community bodies that may occupy our schools. I think this debate has been beneficial if for no other reason than that it has shown that we can do a great deal more for rents. That the Commonwealth body can rent at a net loss to the ACT Government a good wing of a school is really a nonsense. At least I think that will be stopped from now on. That is also, of course, the case with Hackett where we actually lose on the rent that is charged because of the money that we contribute to heating, to cleaning, to maintenance and even to watering of the neighbouring ovals. Frances Perkins, whose advice many people in this community accept, points out - - -

Mr Jensen: Not Hudson.

MR WOOD: I know that you do not and I know that Mr Hudson did not in every respect. She points out that, of all the decisions, Lyons is the one that will actually cost the Government money over the years. As circumstances require, when you have to reassess the future of Lyons, when they are still in their own school next year, I think you would do well to go back and look at this whole range of factors and make the sensible decision to keep Lyons school open.

I can make arguments as strong for Hackett school, for Cook school and for Holder primary and high schools; but I am aware of the time. I want this debate to be concluded today, so I will stop at that point. I simply note, in closing, that so much has been shown to be wrong in this debate and it is still wrong to close these good schools. Do not close them. Keep them open. The whole aim that you established when you set out on this exercise now has been demolished, so let us complete the exercise and keep all these fine schools open.

MR HUMPHRIES (Minister for Health, Education and the Arts) (11.48): Mr Speaker, once again we get to the treadmill, talking about these issues as if nothing has happened in the last two or three months in that area. If I were the Labor Party I would be embarrassed about some of the things in the Hudson report and I would ignore them as well.

The fact is that it is impossible to rely on this document to any extent unless you acknowledge some very salient features of the report. Those salient features are that there are substantial sums of money to be saved through the

closure of schools and that the social and economic costs of such decisions are not beyond the capacity of governments and communities to bear. In other words, the equation, the balance of social and economic considerations against economic ones, indicates that a decision to close schools is a rational decision.

I want to refer to a couple of points in the report. On page 7 Mr Hudson referred to the costs arguments. Mr Wood referred again to Dr Frances Perkins. It was very brave of him to do that, I think, in the circumstances. Mr Hudson's report is unequivocal about Dr Perkins' costings and her figures. It says at one point that she has overestimated particular costs by a factor of 10, and that is not the only fault that he finds in her costings. I think that the work done on her figures has been comprehensive and very careful. Quite frankly, I think anybody who relies on those earlier figures relies on discredited information. This is a very crucial point. He says:

It is too much to believe that the shifting of some 1400 primary students into alternative schools will have "minimal" effects on non-salary costs in the receiving schools.

He also points out cost differences between small and large schools. This has been the subject of intense debate in this place and in the community in the course of the last few months.

It is worth just looking at the figures that he puts forward for the additional costs of a very small school over larger ones. He says that, as opposed to a school of 400 students, a school of 150 costs per annum \$899.5 more per student per year than that school of 400 students. That is a very significant cost, a very large cost. At 250 students, it costs \$321.1 more per student per year than does a school of 400 students. The point is, of course, that those additional costs are costs which represent sums of money which could be very usefully used elsewhere in the education budget.

The crux, I think, comes in paragraph 2.7 of his report. He says, after looking at the figures very carefully:

It is not unreasonable to conclude that the closure of smaller primary schools will save an average of \$210,000 in 1989-90 values.

I do give Mr Wood credit for the fact that, despite having said that there would be no savings over the last few months, he did acknowledge, publicly on the radio or television, that the Hudson report does indicate that there would be some savings from school closures.

Mr Wood: I told you that - about \$200,000 - back in March. I have never moved away from that figure.

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MR HUMPHRIES: Well, with respect, no, I am sorry; I can certainly find references in *Hansard* to where Mr Wood has said that there would not be savings in the closure of schools.

Mr Wood: Well, you had better go and find them. You will not.

MR HUMPHRIES: I will do that, Mr Wood. In fact, Mr - - -

Mr Wood: I will send you that speech.

MR SPEAKER: Order, Mr Wood! Mr Wood, please do not debate.

Mr Wood: That is what we are here for.

MR SPEAKER: When it is your turn, Mr Wood.

MR HUMPHRIES: Mr Hudson also goes on to add in the capital costs of those sorts of schools and he says, in paragraph 2.10:

If these capital savings are annualised at the current long-term bond rate one begins to appreciate that the discrepancy between the average cost per student (capital and recurrent) between small (say 150-170) and medium-sized schools (say 400) is of the order of \$1,500 per student p a.

That is a lot of money - money which, I argue, can well be spent with much greater efficacy and effect elsewhere in the education system.

I believe that our education system needs support. I believe that it needs money spent on it in a number of areas. I believe that we can do better in some of our ancillary programs and I would like to see some of the money that we save from these school closures put into those areas. I believe that it is possible, it is only possible, to find additional money for other more important areas of the educational system if we are able to bite the bullet and accept that some school closures make sense.

If the ALP wants to pick and choose its judges, or pick and choose within judgments, then it plays with fire. The reality is that we cannot, as a government, exercise the luxury of choosing only those pieces of information or evidence before us which happen to suit us. We need to look at the whole picture.

This debate was described by Mr Wood as a matter of great importance. He emphasised the importance of the debate. It obviously is not too important if only one member of his party can be present in the chamber when the matter is going on.

Mr Connolly: He is just out behind - - -

MR HUMPHRIES: They are all in the toilet, I understand. I beg your pardon. It must be a very crowded toilet. Mr Wood says that the schools will fight on. That, of course, is their prerogative. I do not think they will get much assistance from most other schools in the Territory because the reality is that most people who have been subject to some consideration are now no longer under consideration. They are very pleased that they are no longer facing the axe and now that they are saved I think that most schools will not be taking part in wider campaigns.

Mr Connolly: They will stick together.

MR HUMPHRIES: Mr Connolly says that they will stick together. I noticed an article in today's paper saying that one of the schools intended to have a public meeting tonight at which the motion will be put that they resolve to proceed with the implementation of the Government's plan to close their particular school.

It is actually also interesting - I should put this on the record, Mr Speaker - that that school is not mentioned in the motions that the Assembly is considering today. Apparently we are of the opinion, in the Labor Party's words, that X school should remain open to continue to provide high quality education but apparently the Holder Primary School is not a school providing high quality education, in the view of the Opposition, or a school that it believes ought to have some different view taken about it than the view the Government has taken about that school. Now there are anxious looks across the chamber. Obviously they have just discovered that they have forgotten all about Holder Primary School. I think we should reflect on the Freudian slips that might have occurred there.

Mr Speaker, I think that those opposite should be aware that it is not in the interests, necessarily, of every school in this debate - that is, any of the schools that they have referred to in these motions, or Holder Primary School, which they have not referred to in their motions - that it continue. It is important for those schools to have some idea of the future that they face, and for that reason I believe it is important that this debate be settled quickly. Those opposite would not accept that. Those opposite see it as being in their political interests to fight these decisions right down the line until every last school child in question is traumatised. That would be their choice - to traumatise those children. They cannot put to one side lightly, Mr Speaker, the effect that these ongoing debates have on children.

Of course, they can throw the argument back and say that to avoid that trauma we should not consider rationalising resources in the school system. That argument might carry some water if it were not for the fact that the ALP

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opposite themselves attempted to rationalise resources in the school system when in government, and undoubtedly will do so again whenever they next return to the government benches.

Change in any education system is a fact of life and when that change occurs it is important for governments, and I would hope oppositions, to stand together in the view that they should limit damage and trauma to the lives of students affected by those changes. That view has gone out the window for those opposite. It is their intent to use children in this debate to gain the most political advantage. I suspect that, were children to be used, for example, in demonstrations, to be heavily politicised about the debate, they would not think twice. They would be quite happy for that to occur. They do not really care. I care, and I think it is unfortunate that this debate cannot be settled quickly and finally and, notwithstanding the decisions, be they right or wrong, provide a clear indication to people that we should get on at this point with those decisions and try to make the best environment for those children to proceed to obtain an education next year. That is my hope and I would hope that the Opposition is not totally impervious to such a plea.

I will sit down, saying only that this debate is in a real sense over. The debate, I think, for the vast majority of the school community, has finished. I would hope that in this place we acknowledge that and move on to other issues. It is important that, for the sake of members of the education community, particularly children, we acknowledge the need to plan for the future and look to the future rather than to the past.

MR CONNOLLY (11.59): What breathtaking cynicism from the Minister for Education to come into this place and piously hope that the Opposition will put this debate behind them; that we will not, in his words, exploit children in this issue; that we will not, in his words, cause bitterness and division in the community. If the Opposition had not fought this fight tooth and nail from day one we would be shutting down 25 schools, because that is what he wanted to do. If the Opposition had not been going out into the community, fighting this issue on every platform and at every opportunity, we would have had no debate on the school closure proposals. What was Mr Humphries' original position? His original position was: there will be no debate over the schools that will close; there will be a debate only over criteria. Well, we saw that that did not happen.

What were the words Mr Collaery used? The constructive tension within the Government party rooms certainly saw to that. There was constructive tension between these hairy chested Liberals - the Thatcherite approach, "We have to show we are tough and close 25 schools" - and the Residents Rally, friends of the community standing by their principle that no school will close. And what is the result? Seven

to nine months of chaos in the school system and an eventual decision now that we are going to close four primary schools. For one of them the agony is not over yet. They are going to close that some time next year, they hope. Well, we will see what happens.

These four schools that are mentioned in the Opposition's motions are the schools that have been sacrificed on the altar of holding this ramshackle Government together. They are the schools that have been sacrificed for the vanity of the Liberal Party that started off, as I said, with this Thatcherite "Let's get tough; Terry Metherell can close schools, so can I" approach, and, at the end of the day, from their 25 schools they are down to four. That is the bottom line. They have to close those four.

What about the Residents Rally? They are the ones who would like to have nothing to do with this. They are the ones who would like to be the good news party, the warm, soft and cuddly party. "We saved three schools", say the Residents Rally. Well, the community will not wear that. The community will realise that these four schools have been closed by Mr Collaery, Mr Jensen and Dr Kinloch. They cannot get away from that. Dr Kinloch, Mr Jensen and Mr Collaery voted to close these schools. When we have a debate later on this afternoon these members will be on record because they will have to put their hands up and show what they feel about closing those schools.

I must say that I have not completely lost hope that Dr Kinloch might vote against his so-called Alliance colleagues and vote with the Opposition on this motion, because that is certainly the way he has expressed himself. That is certainly the way he has gone out on public platforms. I hope that he will have the courage of his convictions and vote with the Opposition on the Bills.

Mrs Grassby: What about Jensen? He told them Lyons would stay open.

MR CONNOLLY: Well, we will see what Mr Jensen does too. We will see what all these Residents Rally individuals do. All they are interested in is holding onto power. Mr Collaery was seen on television the other night saying that he would not lose government over this single issue. Or that may have been the hospitals. It is hard to tell which issue of Rally policy that they are departing from on any single day is the single issue that he will not lose government over. They are determined to hang onto office and they are prepared to sacrifice the schools of Canberra for that. And these are the four schools that are going to get the chop, in their view.

The fundamental point about this schools decision is, we say, that it is deleterious to the educational benefits to children. I heard talkback radio, early yesterday afternoon, when the decision had just been announced on the Julie Derrett show, and the most striking comment there

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from a distressed parent, I think from Lyons, was, "We just want the best for our kids. That is what we want out of an education system". That is a reasonable expectation in the community. It is a reasonable expectation that persons elected to this Assembly, that governments, will provide people with what they want, which is the best possible educational opportunities for their kids; that they will not see education as the big area to hack, slash and burn in an attempt to demonstrate budgetary savings. As Mr Moore points out, and as he pointed out very effectively in his additional comments in the Estimates Committee report, they are not cutting everywhere else. The areas where this Alliance Government - this Residents Rally warm and cuddly influenced Government, they would like the community to think - is cutting back are education, social welfare and health. That is where the hacking is occurring.

Mrs Grassby: Hypocrites.

MR CONNOLLY: Indeed, Mrs Grassby, hypocrites. The community should be entitled to expect that the priority in education is the educational advantage of children, the best possible education for their children. There is no question, Mr Speaker, that retaining the schools would serve that interest.

We heard a lot of nonsense earlier on in this debate from members of the Government that suggested that in some way the smaller schools in Canberra were at the point where they had lost their educational viability. Well, that is one point Mr Hudson has effectively put to rest. He says:

There is a limit in an urban community to the extent to which a primary school can lose enrolments and remain effective.

Mr Humphries: That is right.

MR CONNOLLY: Well, indeed, Mr Humphries, is that right? That must be right. A primary school of three students is not effective. However, in principle, I believe that this does not apply until a school's enrolment falls still further below the current enrolment of Lyons and Hackett so long as the school is properly resourced. So, Lyons and Hackett schools - these schools which are going to be cut by this Government, closed down, one later this year and one in the mid part of next year - Mr Hudson says, clearly, remain educationally viable.

There is no doubt that the ACT public education system is an excellent one. Yesterday, in the matter of public importance, the Minister, in defending himself against our attack on him, was extolling the virtues of the ACT public education system, and a virtuous system it is and it is proper that we should be proud of it. Our point is that he is attacking it. He is closing down schools. You cannot continue to claim credit for the benefit of this system while you are attacking it, root and branch. You cannot

point with pride, as we all should, to the very high retention rates in the ACT education system while at the same time you slash it at the roots, slash it at the primary school level which, all educational authorities advise us, is the most important stage of education and where the children's future is effectively determined.

The only response from this Government, well and truly on the defensive, as is demonstrated by their gradual and bloody retreat from closing 25 schools to closing four schools, is, "Oh, the Federal Labor Government in 1988 closed schools", as they did. The local branch of the Labor Party was critical of that at the time. If anything, that wrong decision by the Federal Labor Government in 1988 demonstrates why we need self-government, because Federal governments, of whatever persuasion, whether they be Liberal governments or Labor governments, are not elected to be responsive to the needs of the ACT community.

Mr Collaery: That is a ripper. We will hold you to that.

MR CONNOLLY: Federal governments are not elected to be responsive to the needs of the ACT community, I say again, to the amusement of members opposite. How three ACT members of the Federal Parliament are expected to change and influence decisions in the Federal Parliament escapes me. Self-government was introduced to this Territory because there was a need for an accountable government, accountable to the community of Canberra, that takes responsibility for decisions affecting Canberra. It is proper for us to criticise the decisions of a Government that was not elected to be responsible for the citizens of Canberra. It depends on support from two members who were elected on a no self-government ticket - three, in fact, as one is now a Liberal.

The point is that you cannot defend your wrong decision by pointing to a wrong decision taken by the Federal Labor Government. Members of the Opposition here have no responsibility for that decision.

Mr Speaker, these schools, we say, must stay open and we say that they can stay open. One of the most interesting things to emerge from the Hudson report is that he looked at two models. He looked at the Government's preferred model, closing seven schools, which he says will save \$2.5m. He then looked at another option of alternative savings which closes four schools and saves \$2.4m. What we ask is this: what would be the projected savings if you looked at those alternative saving strategies and did not close the four schools? How much money could be saved through effective efficiencies in the educational system, yet retaining obviously not as much but probably still a significant amount? What price do you pay for closing the four schools?

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We think that the schools can be retained. Effective efficiencies can be made in the system and educational opportunities retained. The decision was irresponsible, ill thought out and stands condemned.

MR BERRY (12.09): Mr Speaker, I rise to move an amendment which has been circulated in my name. The amendment is to notice No. 3. It reads:

Omit "High School" and substitute "Primary and High Schools".

I do not seek to speak on the matter. The words were overlooked in the course of matters. The amendment speaks for itself.

MR SPEAKER: Yes. We will vote on each notice as it comes up.

DR KINLOCH (12.10): May I begin by quoting the Residents Rally policy on school closures. It states:

All is not well, however.

This was something that both Mr Moore and I were heavily involved with:

In recent years many problems, partly related to funding, have resulted in a diminution of services, and fewer schools available in the public sector.

I suppose that is partly a reference to the four schools closed by the Labor Government. It continues:

There has been a tendency towards unnecessary duplication of public and private schooling in some areas. There is also a worry about the recent direction of the ACT Schools Authority.

The Rally remains committed to the idea of neighbourhood schools.

As indeed we continue to be. It goes on:

The Rally believes that NO school in the ACT should close until all alternatives have been considered and the school community - students, parents and teachers have had an opportunity to discuss the proposal and make recommendations on future ramifications.

So, what we are saying is that we are not some kind of party believing in a static state. We recognise that sometimes there have to be changes and those are the circumstances under which we would accept changes. I honour all those who have concerns about our schools and I believe that that concern runs throughout this Assembly. I

recognise Mr Wood's good heart in this matter and I recognise Mr Humphries' carefully considered responses. I recognise the passion that has been put forward by many people.

It would be ridiculous to expect me to stand here and say that I welcome the closure of any of our excellent schools. I do not believe that any member of the Alliance Government is enthusiastic about closing schools. I am certainly not enthusiastic about it and wish that circumstances were other than they are. But I now wish to reflect on the process which has brought us to this point of the recommended closure of four primary schools and I quote from my own submission to the Hudson inquiry. I want to stress that this was a personal submission. There was also a submission from the three of us - the three members of the Residents Rally - but I feel, in this circumstance, I should quote only from my own, which was separate. This is to Mr Hudson:

I need to explain to you, briefly, the events which brought about the Rally's rejection of an agreement which had been earlier arrived at in the Joint Party Room of the Alliance Government.

a. For many weeks I was personally involved as Executive Deputy for Education in discussions about the proposed closures. As Chairman of the Ministerial Advisory Committee on Education I was particularly aware of the advice given to the Minister by his appointed committee. The overwhelming strength of that advice was to oppose school closures.

The committee gradually came to have very grave worries about the competence of those setting up the closure process, and the nature of that process.

b. I, on behalf of the Rally, was much involved in the process which insisted that two criteria be added to the criteria named by the Division of Education. These were "social contexts" and "quality of education". I should add that these two central and essential criteria were not looked on with favour by some of those who were involved in the attempts to close schools.

Especially quality of education. I continued:

The Minister, however, accepted these criteria.

c. When the time came for the Joint Party Room to consider the recommendations of the Schools Restructuring Project Group, each one of us was given a "confidential" envelope containing briefing papers from the SRPG. I was immediately

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disappointed with the quality of that advice, and ... said so in the J.P.R. At that stage, however, I did not believe that information had been kept from the members of the government. I did indicate, however, that I did not see that the Group had taken account of what any educationist worth his/her salt would surely recognise as the main criteria, namely the social context of a school and its inherent quality ...

d. After many hours of discussion in several J.P.R. meetings, and also after one long Cabinet meeting -

not that I was involved -

there seemed to be an impasse beyond which we could not go.

Those who were there will remember that all too well. I went on:

From the Rally point of view we had clawed back the number of proposed closures from 25 to 7 -

at that point. I continued:

So in a formal way, an exercise in formality, if you like, I moved the acceptance of that proposal at that point.

I assure you that it was no laughing matter. It was a very serious matter. My submission continued:

e. Within days, of course, we discovered the even greater inadequacy of the briefing material, especially when much of it was re-issued, without confidentiality -

I stress that, and that of course then negated the original confidentiality of the earlier document -

to the school communities. We then began to discover that documents had been ignored. (I make no comment as to whether or not this was deliberate. It could have been no more than incompetence or oversight.) Even more importantly, the individual schools began to find what they claimed were errors, partisan positions, mis-statements and mis-understandings in that material.

I endorsed the worries of the school communities about this partisanship. The most glaring example to me was not the omission of the undertakings given to some of the schools that there would be no further review of their situation for five years. That was bad enough.

Parenthetically, may I say that I take it that that was the basis of the legal possibilities. I continued:

It was the paper included in the briefing material to argue against so-called "small" schools. No paper was presented to argue the case in favour of so-called small schools. In other words the briefing material was loaded to produce a result. It was not impartial advice to a government, on the basis of which a government would make careful decisions.

I will return to this question of smallness in a moment. As a result of all that and as a result of the distress of the three members of the Residents Rally, we insisted upon an independent inquiry. That independent inquiry, eventually accepted by the Chief Minister, administered by the Minister for Education, came to be the Hudson inquiry.

I want to stress that that was an inquiry that we had been instrumental in achieving. You have to realise, then, what our obligation was in accepting what that inquiry would produce. I do not for a moment believe that Mr Hudson was seen as an umpire, although some had that point of view. That is their right; they could have that point of view. Certainly, though, having insisted upon such an independent inquiry, based on what we regarded as inadequate evidence before that, we had an obligation to accept that inquiry one way or another - at least to look at it very seriously; at least to recognise what Mr Hudson had to say.

So, then, we had the several weeks of the Hudson inquiry. I want to stress at this point that, even with the eventual report, I do not necessarily accept all that is in it. I do not wish to attack it. I just want to say that I think it is very deficient in its attempt to deal with an educational philosophy. But I tend to forgive Mr Hudson for that. It sounds rather patronising; but what I mean is that, after all, he had five, six or seven weeks to look at all the material that we had - there are mountains of it - and try to come to some conclusion based on financial and economic data and social contexts data. It would be fair to say that he did not have time to deal with the question of educational philosophy.

But there was one problem within that, and that was this question of smallness, to which I now return. In my own submission I said to Mr Hudson:

These for me are the basic questions.

I had given him some questions. I went on:

They therefore relate to the whole question of "smallness". I feel that you have an obligation to consider the literature on that matter. I am not a professional educationist, but I am aware

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that size of school is a factor in excellence. From personal experience and observation I venture a generalisation that the larger an educational institution, the more impersonal it becomes. This may not matter in the case of the University of California. It may not be crucial in the case of a large College for students in Years Eleven and Twelve ... Size is critical, however, in the pre-school and primary school years.

I discussed that and I raised the question:

How "small" should such a school be? I have seen Montessori schools with less than one hundred students. If we consider the range of country schools in rural Australia we might regard one hundred as a relatively large school. Certainly anything over two hundred is already beginning to reach an uncomfortable level of over-size. Yet we are in the business of trying to close schools some of which are closer to two hundred and fifty. This needs the most careful and thoughtful examination. This has not been provided by the Division of Education.

That was my view to Mr Hudson. In a sense, option C which he presented in the inquiry report, took that on board. I am not saying that he took my comments on board, but what he took on board was the kind of analysis of the size of schools, and I wish the word "small" was never used. I think one can rightly say "smaller" and "larger" or less well endowed or better endowed, financially less expensive, financially more expensive. One really cannot talk about "small", because what is a school of 10 students? However, be that as it may, I am somewhat hung up on that. Mr Hudson then addressed himself to about 30 schools, and I think that would be fair. Why should he have looked at all the schools? He looked at about 30. Could I request an extension of time?

Mr Moore: No. We have to vote and I have not spoken, Hector. Come on, I have only three minutes as it is.

MR SPEAKER: I call Mr Moore.

MR MOORE (12.20): I am limited to about three minutes. It is interesting that Dr Kinloch should raise the issue of misinformation being brought into the joint party room. It is also interesting that the Estimates Committee raised the issue of misinformation with reference to schools as well. The same people were advising Mr Hudson; so it seems to me quite clear that the Hudson report also is based on a lack of accurate information and therefore can be questioned on exactly the same basis. This issue of closing four schools still has the same questions hanging over it.

With reference to the Residents Rally policy that Dr Kinloch put up, I will draw his mind back to what we meant when we said that we considered the school community. He knows, as he will recall, I am sure, that we were talking about the individual school community. I certainly agree with him about the significance of the size of school and how much more beneficial small schools are, with reference to younger children. At no stage, of course, did we see in the joint party room information any arguments about the advantages of small schools. Instead, what you get is disadvantages of small schools.

Furthermore, the P and C council, after Hugh Hudson brought down his report, suggested to this Government an option E, which provided a tremendous number of compromises that would take a positive approach and encourage the growth of the smaller primary schools. They put it out in a press release. I do not have time to go through it, which I would normally have done. However, the point was that there was a positive approach. There was always the option of a positive approach, but this negative Government has taken a negative approach on this particular issue of funding in schools. They have a negative approach. They have got a negative reaction, and that negative reaction will continue from the community.

MR HUMPHRIES (Minister for Health, Education and the Arts) (12.22): Mr Speaker, I seek leave to suspend so much of standing orders as would prevent Dr Kinloch speaking for a further three minutes in this debate.

Mr Wood: We have an agreement.

MR HUMPHRIES: Well, we had an agreement to stop at 12.20.

Mr Wood: Can we extend?

Mrs Nolan: Yes, we can. Yes.

Mr Collaery: We will suspend.

Mr Wood: Okay, we go to the vote.

Mr Collaery: Yes.

MR HUMPHRIES: I move:

That so much of standing and temporary orders be suspended as would prevent Dr Kinloch, who had already spoken, from again addressing the Assembly.

Question resolved in the affirmative.

DR KINLOCH (12.23): Mr Speaker, I apologise for the great length of time I was taking. It was a long argument that I was involved with, and I will try now to sum it up without reference to notes. What I was leading to was this: whatever may have happened up to the point of the Hudson

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inquiry, once the Hudson inquiry was in front of us, we, the Residents Rally and all members of the Alliance Government, had an obligation to take that very seriously, as indeed have members of the Opposition and Mr Moore. Therefore I was particularly concerned about - - -

Mr Stevenson: What about me?

DR KINLOCH: Dennis, I am not trying to exclude you, I am sorry. Therefore, we had to take into particular consideration the options that were put before us. Of course, there was no way some of us would have accepted options A and B, or option D. We were involved with option C. In a sense we would have preferred option E or H, as I sometimes was calling it; but one had to be realistic within the context in which we found ourselves and that is the context of a report which looked at a range of sizes of schools.

Although saying all kinds of things about a number of schools, a bit like the book of Revelation, you could pick all sorts of things out of Mr Hudson's report. Nevertheless, if you look at the clarity of some aspects of the report, then the schools identified for closure by Mr Hudson were Cook, Hackett, Holder and, the fourth one in that list of four he had, Lyons.

Now, I want you to know that members of the Residents Rally not only fought hard with our particular aspect towards the schools, we also moved in that direction that no schools be closed. You know that within your own party - I speak now to the Labor Party - when you have divisions you stick with your divisions. What we in a sense have agreed to is a kind of option C, but, frankly, better than an option C, because we have also taken up the question of the task force to look at these matters in the future.

We came to a conclusion, therefore, as a Government. I recognise the dilemmas for some of us. Do not try to tell me that this was a soft and easy matter. I do not feel warm and cuddly. It was a very, very difficult matter. I believe that, having done all we could, having looked at the Hudson inquiry, we took the options that were most reasonable under the circumstances, and I will try to live with those decisions.

MR WOOD (12.26), in reply: Mr Speaker, Mr Moore, in a sense, has been the one who has missed out in this debate as he finished early to allow my right of reply, brief though that will be, and for the vote to be taken. I think the debate has confirmed to me today that we ought all to be voting yes to these motions. Dr Kinloch, I hope, understands the impact of his - - -

Dr Kinloch: I do, I do.

MR WOOD: I hope you understand the impact that your letter is going to have in this Assembly, because it was a very powerful indictment of some things that have happened. I think the case remains quite clear that none of these schools should close. I want to correct one point that Mr Humphries made. He said that I had not acknowledged the savings from school closures. On 3 May, Mr Humphries, in speaking on this matter, I said:

The Minister made the statement recently that the closure of five schools a little while ago saved about \$1m - \$200,000 a school. They were primary schools. I will not argue about that figure. I think it sounds about right. It confirms what I was saying earlier that you do not really save a great deal of money by closing schools.

That was a point I made quite consistently throughout. I do not think you listen to me any more than you listen to your bureaucrats or your own colleagues.

Mr Speaker, these schools need to survive. They are important institutions. They do great work. The children in them learn and they come on to be of benefit to the community and to their parents. They improve themselves, of course, if we come to the fundamental reason for education. I urge you all to vote to keep them open.

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

That so much of standing and temporary orders be suspended as would prevent the questions on notices No. 1, Nos. 3 to 5 and No. 7 being put and resolved seriatim.

Mr Jensen: Mr Speaker, before we go to the vote, I would seek leave under standing order 46 to make a brief personal explanation.

MR SPEAKER: Do you claim to have been misrepresented?

Mr Jensen: Yes, I do. I claim to have been misrepresented.

Mr Collaery: After the vote.

Mr Jensen: All right. It does not matter.

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MR SPEAKER: I believe that it is the Assembly's wish to take a vote on each of the notices in turn. The question is that notice No. 1 regarding Lyons Primary School 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.

MR SPEAKER: The next matter is notice No. 3, to which Mr Berry has circulated an amendment.

Amendment (by **Mr Berry**) agreed to:

Omit "High School", substitute "Primary and High Schools".

MR SPEAKER: The question now is that notice No. 3, 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.

MR SPEAKER: The question now is that notice No. 4 concerning Curtin North Primary School 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.

MR SPEAKER: The question now is that notice No. 5 concerning Cook Primary School 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.

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MR SPEAKER: The question now is that notice No. 7 concerning Hackett Primary School 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.

MR SPEAKER: I call Mr Jensen on a personal explanation.

MR JENSEN: Mr Speaker, during the debate and interjections, Mrs Grassby said that I had told the Lyons community that I would save their school. Mr Speaker, I wish to advise the house that I reject that statement totally. At no time did I promise such a thing. In fact I said that I would argue their case before my colleagues but that to make such a promise would be dishonest. That was, in fact, the point that I put to the people of Lyons and I wish that to go into the record. I would suggest that such statements are despicable.

Sitting suspended from 12.37 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Mr Speaker Prowse

MS FOLLETT: My question is to the Chief Minister. I refer Mr Kaine to recent speculation that he is about to replace Mr Prowse as Speaker. Mr Kaine, on 18 October you said in relation to Mr Prowse, "You have my utmost confidence, Mr Speaker". Do you stand by that statement?

MR KAINE: I do not know that I ought to be commenting on Labor Party speculation and rumour.

Members interjected.

MR KAINE: My confidence in the Speaker has not changed.

Ainslie Transfer Station

MR JENSEN: My question is directed to the Minister for Finance and Urban Services. I am sure the Minister is aware of the comments in relation to the Ainslie Transfer Station. I wonder whether the Minister could inform the Assembly how the residents of north Canberra have responded to the closure of the transfer station in terms of waste disposal and recycling. In particular, have concerns about illegal dumping been realised?

MR DUBY: I thank Mr Jensen for the question. That has been a matter of concern for a number of people, and I am pleased to say that the statistics indicate that in general the volume of recyclables being collected since the closure of the Ainslie Transfer Station has been maintained and, in the case of glass, increased. As the Government's recycling strategy continues to be implemented and the expanded network of collection facilities installed, the volume of recyclables collected is expected to rise. Upon the closure of the Ainslie Transfer Station, facilities for the collection of PET plastic and aluminium were provided at Ainslie, Hackett and Dickson shopping centres, and all shopping centres in the area were provided with bottle banks for the collection of glass.

In addition, of course, the new Mitchell recycling centre was officially opened on 21 September this year. As well, as part of the contract for the composting facility at the West Belconnen landfill site, a garden waste drop-off facility at Mitchell will commence operation this very Saturday. That is something which I think will be appreciated by the north side residents as they can now drop their organic materials to be composted. One of the major complaints that people had about the loss of the Ainslie Transfer Station was that there was nowhere to put their garden clippings.

I am pleased to say that the concerns expressed in regard to increased illegal dumping as a result of the closure of the Ainslie Transfer Station were totally unfounded. The residents of north Canberra have acted in a very responsible fashion and have not participated in the calls put upon them by many opponents of that closure who, in effect, requested people to dump rubbish illegally throughout the north side. The citizens did not respond to that.

Tuggeranong Swimming Pool

MR CONNOLLY: My question is to Mr DUBY as Minister for Urban Services, and the question relates to the Tuggeranong swimming pool facility. My questions are: has Decoin Pty Limited been formally offered a lease to construct a swimming pool facility in Tuggeranong; when was the offer made; has the lease been accepted; and, if not, what deadline for acceptance has been imposed?

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MR DUBY: I thank Mr Connolly for the questions. Unfortunately for Mr Connolly, they are misdirected. I am not responsible for the issuing of any leases for facilities at Tuggeranong whatsoever. Perhaps he should address them to the appropriate Minister.

Hospitals - Waiting Lists

MS MAHER: My question is to the Minister for Health. With regard to comments made by the Labor Party in relation to the waiting lists at the hospitals, can the Minister inform the Assembly how the Government plans to minimise the impact of the public hospital redevelopment on the waiting lists in Canberra's public hospitals?

MR HUMPHRIES: I thank Ms Maher for the question, because it does raise a very important point about waiting lists. I know that Mr Berry is sensitive on this issue because he knows that the facts do not always flow in his favour; nonetheless I think it is worth highlighting what they are. The waiting lists for elective surgery at both campuses of Royal Canberra Hospital have generally been declining over recent years. However, there have been some specialty areas that have had historically long waiting lists, and sometimes those waiting lists have increased in recent years.

The Labor Party has sought to undermine public confidence in the hospital system by characterising an increase in numbers on the public hospital booking lists over the last three months as a blow-out. When released, I think Mr Berry even called it an explosion in waiting time. The present figure of about 1,400 on the waiting list is actually 400, not 500 as Mr Berry has claimed, greater than an all-time low of about 1,000. However, as no doubt Mr Berry has deliberately avoided saying, the present figure is well below the figure of 2,112 in June 1986.

The Government is determined to ensure that Canberra continues to have amongst the lowest waiting lists in the nation. I will repeat that because those opposite were chattering. The fact is that Canberra has amongst the lowest waiting lists in the nation. I appreciate that it is inevitable that the public hospitals redevelopment will lead to fluctuations in services which could evidence themselves as an increase in the booking lists. Some dislocation is an inevitable by-product of establishing a principal hospital and the other enhancements of the public hospital system that we propose.

We are determined to minimise dislocation, and to this end we have established a hospital booking services liaison committee. The committee's focus will be to monitor the status of booking lists, make recommendations to minimise booking lists and advise the board of any concerns to

patient services. It will bring together hospital and departmental personnel and members of the medical profession. In addition, the board is currently undertaking recruitment action with some senior specialist positions and also reviewing operating theatre management, both of which will have a very significant impact on those waiting lists. It is my hope and my goal that through those measures we can not only preserve but perhaps improve the timely delivery of services to ACT patients through the redevelopment.

Hospitals - Waiting Lists

MR BERRY: My question is also directed to the Minister for Health, Education and the Arts. My question is as follows: is the Minister aware that a patient on the waiting list for neurosurgery on his back was put on the methadone program for pain relief while waiting for a bed in the ACT hospital system? Does the Minister support the use of addictive drugs to keep patients out of pain while they wait up to 12 months for surgery?

MR HUMPHRIES: Mr Speaker, I think Mr Berry is epitomising the kind of low tactics that I referred to earlier in response to earlier questions. He is making references to particular cases, trying to pretend that particular cases prove a general point and in some way establish his proposition that the hospital redevelopment is a bad thing. Again, Mr Berry makes no attempt to substantiate that through the question. He cannot substantiate that through the question because he takes an isolated case. Of course, the answer is that I do not know of that particular case. I will, of course, take it on notice and discover what the facts are concerning that particular case.

I have to say, if I am to rely on previous evidence of what Mr Berry has said, that it is most unlikely that the facts as presented by Mr Berry are, in fact, true. The case he has presented is in some way exaggerated or misrepresented. The use of powerful drugs to relieve pain is, of course, a common case in the ACT public hospital system.

Mr Berry: On a point of order, Mr Speaker: I ask that the Minister withdraw the accusation that I have misrepresented something.

Mr Doby: He never said that at all.

MR SPEAKER: I think he did, but in the context I think it was acceptable, Mr Berry. I do not think it was a direct challenge to you. It does not set a precedent. In the context in which it was used, I think it was acceptable. Mr Humphries, please proceed.

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MR HUMPHRIES: The fact is, Mr Speaker, that to suggest, as Mr Berry has suggested, that there are problems which are proved by this particular case is quite false. That is not the case. Mr Berry should be very careful before he comes into this place flaunting particular individual cases as examples of the tawdry and inaccurate points that he seeks to make as part of this debate.

Private Hospital Development

MRS NOLAN: Mr Speaker, my question is also to Mr Humphries in his capacity as Minister for Health. I would like to ask him why the Government is persisting with the development of a private hospital on the north side, given comments that have been around. John Langmore claims that it is going to cost us all more.

MR HUMPHRIES: Mr Speaker, I thank Mrs Nolan for that timely question. Mr Langmore's comments of the last few days simply display the extent to which the ACT branch of the Labor Party allows ideology to flaw its thinking on economic issues. Dr McNicol, the national president of the Australian Association of Surgeons, rightly responded to Mr Langmore by saying, "a new private hospital would not cost the ACT taxpayers a single cent". He went on to say that a number of economic and health benefits for the Territory would flow from that decision. For example, he highlighted the fact that the revenue generated from the sale of the land was beneficial to the Territory, as were the creation of jobs in both the construction and staffing of the hospital, an influx of health clients, an introduction of new medical services and the increase in choice in the system.

Despite having the highest level of private health insurance of any community across Australia, Canberra has the smallest proportion of its acute hospital beds in private hospitals. What this means is that the people of Canberra are required to finance public hospital services proportionally larger than other States and Territories, thus placing an unacceptable burden on the ACT taxpayer. The Commonwealth Labor Government recognised this problem in 1986 and approved a trebling of private hospital beds from 91 to 270. Where was Mr Berry then? What was he saying about that? Nothing, of course. This reflects population growth projections through to that time. We are increasing that figure by a further 30 in line with population increases to the year 2000. That is hardly a dramatic number, I would have thought.

I understand that the Labor Party is threatening to withdraw approval from these new hospital beds if it is ever, God help us, returned to government. Let us be clear about what this means for Labor's priorities on health. By February 1992, the next opportunity that this rabble opposite will have a chance to form a government, I expect

that approval would have been given for 150 beds in a new private hospital in Belconnen. Contracts for construction would have been let and construction would actually have started. To honour their commitments to withdraw approval, the Labor Party would have to pay out millions of dollars in compensation. Those millions of dollars could be spent on improving health services to Territorians, but Labor would rather spend them on keeping the health system ideologically pure of private hospitals. I think that is rank futility, Mr Speaker.

The Labor Party wants us to go back on its 1986 commitment to private patients, and that is just totally unacceptable. If I were a private hospital developer I would not lose any sleep over the threat made by the Labor Party. Its members have shown a different attitude in government to when they are in opposition, and the fact is that Mr Berry is all huff and no puff.

Tuggeranong Swimming Pool

MRS GRASSBY: My question is to Mr Kaine. Has Decoin Pty Limited been formally offered a lease to construct a swimming pool facility in Tuggeranong? When was the offer made? Has the lease been accepted, and, if not, what deadline for the acceptance has been imposed?

MR Kaine: I am glad they finally got round to asking me the question, Mr Speaker. In fact, a formal offer in connection with that lease was passed to Decoin early in November. Extensive negotiations have been carried on with the company since that - - -

Mr Connolly: Would the Chief Minister table the document that was handed to him by Mr DUBY?

MR Kaine: No, I will not.

Mr Connolly: It was handed to you by Mr DUBY though, was it not, when he dodged the question?

MR SPEAKER: Order, Mr Connolly!

Members interjected.

MR Kaine: Let the animals in the zoo quieten down.

Members interjected.

MR SPEAKER: Order!

MR Kaine: I am going to throw another pound of kangaroo meat in a minute and see whether you will make the same noise again. I presume that Mrs Grassby asked me the question because she wanted an answer to it, and if they give me enough time I might get around to answering it.

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The fact is that we have made an offer to Decoin and that was done early in November. There have been extensive negotiations with the company since that time, and it has now confirmed that the lease conditions are acceptable to it.

It was given 28 days to advise of the acceptance of the offer, which it has not yet done. In fact, it has until 26 November and, if by that date it confirms in writing its acceptance of the lease together with a premium payment of \$1.2m and a \$500,000 performance bond, then it can proceed immediately on working on that pool.

Mr Connolly: Will the Chief Minister table the document he was reading from?

MR SPEAKER: Mr Connolly, please!

Mr Connolly: On a point of order, Mr Speaker: I am asking the Chief Minister to table the document he was reading from.

MR KAINE: You table all yours, and I will table all mine.

Mr Connolly: If you ask for it - - -

MR SPEAKER: Order!

MR KAINE: I did not ask for anything. I asked for nothing.

MR SPEAKER: You can move a motion pursuant to standing order 213, but you cannot just demand it, Mr Connolly.

Mr Connolly: I seek leave to suspend so much of standing orders, pursuant to standing order 213, to make Mr Kaine table the document. It is standard practice; it is normally done.

MR SPEAKER: All you have to do is move the motion. You do not have to suspend standing orders. Just move under standing order 213, if that is what you wish to do.

Motion (by **Mr Connolly**) negatived:

That Mr Kaine (Chief Minister) be ordered to present the document from which he had quoted.

Planning - Leases

MR MOORE: Mr Speaker, my question is to the Chief Minister, Mr Kaine, and I refer to block 3, section 52 in Civic. In response to questions, first from me on 20 February this year, and then from Dr Kinloch on 21 February, you stated:

I understand that the lessee has approached both the Office of Industry and Development and the Interim Territory Planning Authority seeking a variation of the lease to provide for a readjustment of the gross floor area -

which -

would allow up to 8,000 square metres of retail and office use.

At that time you also stated that you would consider a report being prepared by the OID, and you said that you would advise the Assembly, the lessee and the public accordingly, when you got it. My question is: why have the Assembly and the public not been advised, and why has an advertisement in the *Sydney Morning Herald* on 23 October advertised well over 9,000 square metres of office and retail space for section 52?

MR KAINÉ: I am not responsible for a private company putting an advertisement in a public newspaper, Mr Speaker, and I do not know the answer to that question. But I will find out what the current position is from the ACT Government's viewpoint. I do not believe that the original covenant on that lease has been changed at all, but I will confirm what the current situation is.

MR MOORE: I have a supplementary question. Considering that it has been over two years since the lease was sold and the lease conditions clearly have not been met in terms of the development, is there any reason why that lease has not been determined, as has happened in other cases, for example, the one that Mr Jensen referred to in the paper the other day?

MR KAINÉ: Yes, there are a considerable number of reasons why that has not taken place, Mr Speaker. One of the facts is that not only the lessee but also a company that made a considerable financial investment in that block before it was discovered that the lessee could not go ahead with it have indicated that they are involved in considerable legal difficulty which could involve the ACT Government. The ACT Government has given them an opportunity to negotiate their way out of it rather than foreclose and cause at least one company a very significant financial loss, which under the present circumstances I do not think would be good for the ACT economy. But again I will get the full details of that and make them available.

Select Committee on HIV, Illegal Drugs and Prostitution

MR JENSEN: My question is directed to Mr Moore in his capacity as chairman of the Select Committee on HIV, Illegal Drugs and Prostitution. Mr Moore, will you please advise this Assembly when this select committee, which has spent over \$23,000 on travel in the past 14 months and has produced interim reports to the *Canberra Times*, will report to the Assembly on this very important issue, or do we have to wait until the final Australian capital city is visited?

MR MOORE: No. I am actually delighted to have the opportunity to answer that question, Mr Speaker. It is the decision of the committee that it will report in two stages on the issue of HIV and prostitution. In a paper we released to the *Canberra Times*, which was well circulated and has been the source of some discussion, we outlined the fact that there seems to be very little evidence to show a connection between HIV and prostitution at this stage. That being the case, we have decided that we will bring down a report on prostitution prior to bringing down a report on illegal drugs.

In looking at that committee I think it is important to note that in establishing a select committee without a reporting date the Assembly recognised the need for that committee to have an educative role, as well as the role of coming to conclusions and making recommendations to the Assembly. Because illegal drugs and prostitution are such sensitive issues, the committee has worked tirelessly towards ensuring that we can have a good bipartisan result on them.

I think it is also most important for the Assembly and the public to know that there are public hearings this Friday, and, of course, any member of the Assembly is welcome to attend those public hearings and to join us in asking questions if they have a particular interest in those issues. At the moment there are no further plans for that committee to travel, but I would like to add at this point that the opportunity we have had to meet with members from other jurisdictions has been particularly useful to us. In the last instance in Darwin, I, myself, was favouring a decriminalisation approach because I had not seen anywhere where a legalisation approach had worked, and I was very interested to see that the Northern Territory has draft legislation prepared on the notion of legalisation of prostitution rather than decriminalisation. It was very interesting to see how the members were intending to make that work, how it applies there and to see to what extent we can extrapolate from there and move to apply those issues to the ACT. Thank you very much for the question, Mr Jensen.

MR JENSEN: I have a supplementary question, Mr Speaker. My supplementary question is: in the light of that answer, I wonder whether Mr Moore is able to indicate to the Assembly why he chose to use the medium of the *Canberra Times* rather than this Assembly, which appointed the committee, to raise the issues?

MR MOORE: I am not quite sure what Mr Jensen is driving at, but the committee decided that as it approached those particular issues it - - -

Mr DUBY: Its reporting date?

MR MOORE: There is no reporting date and the committee has not determined yet what its reporting date is going to be.

Mr KAINE: We can soon change that. Would you like one? We will nominate one for you.

MR SPEAKER: Order!

MR MOORE: If, as the Assembly, you wish to change that, that is your prerogative. Instead, what the committee decided, and quite appropriately, I think, is that it would expose the Canberra people to a range of options and ideas that it was considering. We have not drawn any conclusions. If Mr Jensen and the Chief Minister had read that in detail they would realise that, as I am sure Mr Collaery did, because he has always taken a particular interest in the issue - a positive interest, I might say to him. We have always had positive responses and assistance from him and from his department in dealing with those issues.

So, what the committee decided to do was to expose some of those issues so that we could ensure that the debate was widespread in the community, so that we could understand what the community was thinking, and so that we could deal with those issues and ensure that the report that we bring down is a bipartisan report and a report that will be acceptable, if possible, to either the current Alliance Government, should it be in power when the report comes down - I must say, Mr Speaker, for the record, that that was said tongue-in-cheek - or for the Labor Government when it takes over.

School Closures

MR WOOD: He goes on nearly as long as Mr Collaery, does he not? Mr Speaker, I have a question for the Minister for Education. I refer to Dr Kinloch's claims which were established in a letter he directed to Mr Hudson that he read this morning. As I recall, he said that the joint party room was presented with loaded information for its consideration, and that this was due to the deliberate misleading of members or to incompetence. As you are the responsible Minister - - -

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Dr Kinloch: That is not what I said, Gary.

MR WOOD: I will check that through; but as you are the responsible Minister and this is further evidence - I say "further" - of your ministerial failure, should you consider your position as Minister in view of the very many implied criticisms?

MR HUMPHRIES: The short answer is no. The question assumes, Mr Speaker, that what Mr Wood has said Dr Kinloch said this morning is true, or an accurate representation of what Dr Kinloch said. Neither is the case. Dr Kinloch did not say that the provision of false information was due to incompetence or misleading information. He said that he did not know the reason for such information being provided in that fashion.

Mrs Grassby: He said "loaded information".

Mr Connolly: That is right, and it was either incompetence - - -

MR HUMPHRIES: He did not say that at all. You are putting words into his mouth. I suggest that you go back and read *Hansard* very carefully, and you will find out what the facts are.

Mr Speaker, the information provided to the joint party room was extremely voluminous. In my view it presented a case which I, as Minister, was bringing to the joint party room. I believe that it did not omit information which was relevant to the debate before the joint party room, and I stand by that view.

Auction of Number Plates and Taxi Plates

MR STEFANIAK: My question is to the Minister for Finance and Urban Services.

Ms Follett: Maybe we should stay sitting down.

MR STEFANIAK: I have got up a few times, Rosemary; do not worry about it.

Mr Duby, was the taxi licence and numeric plate auction, which I understand was held at the Albert Hall last Thursday, successful?

MR DUBY: I thank Mr Stefaniak for the question.

Ms Follett: It is in the paper.

Mr Connolly: It is in the paper. Read the *Canberra Times*.

MR DUBY: All right, smarties; how many plates were not sold? Come on.

Members interjected.

MR DUBY: If you know all the answers, tell us how much money was raised.

MR SPEAKER: Order!

MR DUBY: Mr Speaker, as the people opposite obviously know, the ACT Motor Registry stopped issuing numeric number plates in 1986, but plates like this are very popular; so the ACT Government made a commitment to meet public demand by releasing 200-odd plates for auction. That auction was recently held at the Albert Hall. We auctioned off numeric plates and taxi plates, and it was very successful. There was an excellent response to the taxi licences and bidding reached a peak of \$135,000 - that was the most expensive plate. All nine taxi plates offered for sale were sold, and all were bid well above the reserve price of \$100,000 that the Government put on.

There was a capacity crowd at the Albert Hall. I think that actually we could have sold tickets. They bid enthusiastically for the numeric plates. The highest bids were \$4,900 for a three-digit plate, \$1,250 for a four-digit plate and \$900 for a five-digit plate. The amount raised for taxis amounted to \$1.195m, and the numeric plates that were auctioned off raised a total of \$124,690, making a total addition of almost \$1.32m to the Government's revenues. Of the plates that were auctioned off, 200 plates were offered and actually fewer than 20 plates, I believe, were returned unsold. So, there is no doubt that members of the community out there were very keen to get their hands on those plates and were prepared to pay good prices for them. The Government is only too pleased to meet that demand.

Social Policy Committee - Fluoride Inquiry

MR STEVENSON: My question is to Mr Wood as the chairman of the Social Policy Committee. It concerns the current reporting date of 29 November for the fluoride inquiry. In 1977, as a result of data showing more cancer deaths in fluoridated areas of America than in unfluoridated areas, the US Congress caused the National Cancer Institute to conduct an animal study into the possibility of fluoride being a carcinogen. The result of that study, which took 13 years to complete - - -

MR SPEAKER: Order! Is this a question or a statement, Mr Stevenson?

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MR STEVENSON: It is a question with a very short background, which I have nearly finished, Mr Speaker. The study took 13 years to complete and was reported on earlier this year. The result showed equivocal evidence of carcinogenic activity. The statement caused the US public health service to appoint immediately two committees to evaluate the study results. They were due to report in June but have not reported yet. I have another sentence.

MR SPEAKER: Mr Stevenson, resume your seat. I believe that the question is out of order. You are asking a chairman about a reporting date. I do not think it is a proper question at all. I disallow the question.

Corporate Regulatory Revenue

MS FOLLETT: Mr Speaker, my question is addressed to Mr Kaine as Treasurer. Mr Kaine, in view of Mr Collaery's failure to obtain for the ACT equal status with the other States in sharing revenue from corporate regulatory activities, what actions have you taken or will you take to protect the financial interests of the ACT in this matter?

MR KAINE: Mr Speaker, I am not sure that I should venture an opinion on something that is clearly a matter of the portfolio responsibility of another Minister. As I understand it, he has taken all the action required, despite Ms Follett's assertions to the *Canberra Times* as reported today. There is clearly a misrepresentation in that and I believe it is quite deliberate. I think that if she really wants an answer to her question she should ask the responsible Minister.

Mr Collaery: Devious bloody woman.

MS FOLLETT: I have a supplementary question, Mr Speaker - supplementary to a total non-answer. Will the Grants Commission compensate the ACT and will that compensation be based on a per capita average of State revenue from corporate activities, or will it actually reflect the level of corporate activity in the ACT?

MR KAINE: I have no idea what the Grants Commission will do, Mr Speaker. I cannot speak for it. I am sure that it will come out with its deliberations and its results in March next year when it is due to report. Until such time I have no intention of trying to anticipate what the Grants Commission might do.

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

Mr Berry: On a point of order, Mr Speaker: I just heard Mr Collaery say, in respect of Ms Follett, "devious bloody woman". I call on you to require him to withdraw those words.

Mr Collaery: Mr Speaker, I withdraw those words. I do not remember saying "bloody", but certainly I withdraw the word.

ACT ELECTRICITY AND WATER AUTHORITY

MR COLLAERY (Attorney-General) (3.03): Mr Speaker, pursuant to section 93(3) of the Audit Act 1989, I table the following paper for the information of members:

Audit Act - ACT Electricity and Water Authority - Report and financial statements, including the Auditor-General's report for 1989-90.

HEALTH SYSTEM

Discussion of Matter of Public Importance

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

The failure of the Alliance Government to administer the ACT health system effectively.

MR BERRY (3.04): Mr Speaker, this is a serious matter for the ACT community, and it will be a serious matter for the Alliance Government and all its factions. Labor's plan included a strong and viable public health system, which would be accessible to all, but the Liberals' plan has a private hospital focus which forces people into private health insurance, or into over-the-counter high costs for hospital services.

Mr Speaker, there is no need for extra private hospital beds in the ACT. I must go back to something that the Liberal Minister, Mr Humphries, said in relation to this. In responding to a question on the issue he said that the Federal Government had increased by threefold the number of private hospital beds. What Mr Humphries did not say - and I have to say that I think this was put in a way calculated to mislead - was how many of those beds were ultimately occupied. I can say that it is a matter of fact that many of those beds were never opened. There was no demand for those additional private hospital beds in the Australian Capital Territory. There was no demand for them, and the Minister cannot deny that.

The demand, of course, is in the public sector, where, under the Minister's stewardship, there has been an explosion in waiting lists for beds in our hospital system. There has been an explosion. He referred to a press release from a member of the Australian Association of Surgeons, which, of course, said that there would be no

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extra cost to the community. That is untrue, because the community will be forced to pay more for hospital accommodation in a private hospital system.

Mr Humphries: Not if they do not want to go there.

MR BERRY: Mr Humphries says, "Not if they do not want to go there". What a joke. If they do not want to go there, they will have to go on the waiting lists that he creates in the public hospital system. Some are twelve months.

Mr Humphries: Not for emergency surgery.

MR BERRY: He says, "No, not for emergency surgery". Does that mean that the private hospital will have an accident and emergency service? I doubt it. This Minister has indicated that he does not know much about the delivery of hospital services for the community. All he knows about is the delivery of hospital services on philosophical lines. It is an ideology that is empty of any social conscience. It is well known that John James Memorial Hospital has not opened its full quota of approved private beds, and neither has Calvary Hospital. Much has been said about the demand for those beds, but there is no demand. Those beds would be open if that were the case. Instead, the Government winds back public hospital services to create an environment which will suit the establishment of a private hospital in the Territory.

I want to go to the Residents Rally plan on health in the ACT. First of all it said, when it misled the people of the ACT, that it would improve and build on Royal Canberra Hospital. That pretty soon fell by the wayside once its members decided to join the Liberals with whom they felt comfortable. And, of course, we ended up with a situation where, instead of pouring money into Royal Canberra Hospital, they joined with the Liberals to close it and fast track its closure in order to secure the goal which had been set by the conservative health Minister, that is, to reduce access to public beds in the ACT. Of course, the No Self Government Party's plan is difficult to uncover.

There have been bed cuts, and staff morale is down because of this Government's management of our hospital system. It is true that the Government is having difficulty in recruiting staff. No wonder. Who would want to work with this Government? The future is unclear. In the Estimates Committee proceedings we were told that, of a staff of approximately 4,000, Mr Humphries' department needs to advertise about 3,000 positions a year. I would suggest that that is pretty remarkable in anybody's book. No wonder morale is low. But then all you have to do is go and tell everybody that you are going to close the hospital. They run away in droves.

The greatest fib of all time was the national advertisement which told nurses who might seek employment in the ACT that they had a career in this wonderful Royal Canberra

Hospital - which was going to be closed a year later. I might add that in the advertisement the hospital was much closer to Civic than it really is. The advertisement said that it was only a five-minute walk. I do not think you could ride the distance that quickly on a pushbike, let alone walk it.

The fact of the matter is that there is mismanagement throughout the hospital system, and that is why it is in trouble. It is no surprise that morale is low. This Government is demolishing the health system and workers who want a career are finding it difficult to stay in those jobs. This Minister has to concede that he cannot fully staff our ACT hospitals and he cannot recruit enough nurses. It is not only because of a shortage of nurses throughout Australia; it is also because of this Government's management of hospital services in this Territory. That is what it is about.

Mr Humphries: Prove it.

MR BERRY: If you want any proof of that, have a look at the long line-up of people who are trying to get jobs here, if it is a good place to work. They are leaving in droves.

One of the best performance indicators of a hospital system is the waiting lists. The waiting lists have exploded under this Minister. Since this time last year the waiting lists have grown by about 500. That is 500 more people who are in many cases waiting for pain relieving surgery in our hospital system. This Minister does not seem to care. The best he can come up with is a smokescreen - "Minister establishes hospital list monitoring committee". What a joke. I have read through this press release. There is no mention at all of increasing activity in the hospital system, no mention at all of providing extra beds. There is not one mention of it. He is establishing a hospital list monitoring committee. I suppose we will be able to get access to the figures more regularly, because they have been pretty difficult to get from the Minister. But I am not sure - - -

Mr Humphries: You got the ones that you released in the media release. Where did you get them from then?

MR BERRY: You could not provide them in the Estimates Committee, Minister, and it took weeks to get them from your office. Perhaps we will get them more freely now. At least the people of the ACT will know how bad it is more quickly. That is about all they can hope to achieve from the hospital list monitoring committee. As I said, there are 1,400 people on the waiting list, and those are the people who suffer at the hands of this Government. The Government is not doing anything to shorten this list. The hospital list monitoring committee will not help much.

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As I said, all that will help is more beds and an increase in activity, yet this Government claims that the quality of services will not fall. I say that they have misled the public. The quality of services has fallen already, despite their claims. They have turned around on their claims already. The fact of the matter is that the quality of services has fallen. Access to our public hospital system is limited. Things are getting worse instead of better under this Minister, and I have to say that it looks as though nothing will improve until this Government is thrown out. Things will get better under a Labor Government, and the people of the ACT can now see that because they have had the experience of Labor in office and they remember the lowest waiting lists for five years in our hospital system under Labor.

I have to say that the person behind the press release that Mr Humphries quoted from in question time was the person who was at the head of the doctors in their strike against the public hospital system, when the hospital waiting lists were at their peak. Mr Deputy Speaker - oh, it is the real one. It is difficult to say, because the Chief Minister was a bit equivocal when it came to his support for you, Mr Speaker.

The major costs that will affect our hospital system are those which are being imposed on the community by this Government as it reduces our hospital services. Costs are blowing out at the rate of a million dollars a month and, of course, we can add to that many millions of dollars which will result from the fast tracking of our hospital system. These costs will be taken off the overall plan. The people of the ACT will be hit even harder. They will be forced to take out expensive insurance, as I have said, or pay over the counter for private hospital beds. The private medicine focus has nothing to do with providing access to quality and affordable hospital beds to the ordinary person in the street. It is about providing services for the rich and the well off. That is who these people support. They will have to do that to satisfy their own constituency. The people who will be left out are the ordinary residents of Canberra.

The Minister says that it is all right by him to allow the project to bring in people from overseas, because it will be at no cost to the people of the ACT. It will be a great cost to the people of the ACT because the patronage of overseas patients will form part of a hospital which depends on the patronage of the Government to ensure a market. This Government has to ensure a market for that hospital to survive. The only way that it can ensure a market is to decrease public hospital services and to hold in place long waiting lists to discourage people from using the public hospital system and to encourage them to seek expensive hospital insurance. Who will benefit? The rich and the well off are the ones who will benefit. The public hospital system is being allowed to decay because of the activities of this Government.

The developers are talking about major surgery such as major heart surgery and complex obstetrics procedures. More services will be cut from the public hospital system. Therefore there will be less access for the ordinary person in the street. Again, the rich will do well. What this Government is doing is setting about creating a demand for private beds, and it is doing it in a cruel and calculating way as it forces people on to these extended waiting lists. They will be even longer, irrespective of the efforts of the hospital list monitoring committee, because there is nothing at all in there that would suggest that there will be any changes to the delivery of services.

There will be fewer services. Already the community, the staff and the medical profession have questioned the Government's plans and raised serious issues of concern. They have identified major flaws in the plans, and it is about time that the Government listened and reviewed this disastrous plan before it destroys the public hospital system, at least before it destroys access to it by the ordinary Canberran. The rich and the well off will do well with this Government.

Then we go to the disastrous state of our ambulance services. All of the statements that have been made by this Minister have not helped. He based his latest achievements on recruiting seven extra staff to the Ambulance Service, and things would be right after that. We know now that, even with those seven extra staff on duty, if the ambulance officers do not work overtime there will still be one less station every shift from now until the 26th of this month. So, who does this Minister think he is kidding? He is not kidding the community of Canberra. The fact of the matter is that ambulance services are in disarray because of this Minister.

Community health centres are under attack by this Minister. They are under threat because of this Minister's indicated rationalisation of community health centres. My colleague Mrs Grassby will deal with community health centres, but clearly this is a serious matter, a matter of great public importance, and this Government must turn around, because if it does not our services will suffer more. It is the efforts of the Australian Labor Party in opposition that will force this Government to turn around, as we focus attention on its disastrous management of our hospital system and the cruel and calculating way in which it is attacking the people of the ACT and the services that they deserve.

MR HUMPHRIES (Minister for Health, Education and the Arts) (3.19): Mr Berry has quite a nerve in rolling in here and touting his own expertise in the matters of hospital management and delivery of health services, given his own sorry record in this area - - -

Mr Doby: Shoddy.

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MR HUMPHRIES: Shoddy indeed, but I will come back to that in a moment. He trots out these sleazy arguments that are based more on his own ideological starting point than on the facts as they actually appear.

Mr Duby: "Trots" is the appropriate word.

MR HUMPHRIES: Do you mean that he has the trots, or that he started with a trots perspective?

Mr Duby: No, I think it is the trots perspective.

MR HUMPHRIES: All right, I will take Mr Duby's word for that.

Mr Connolly: Just keep chatting amongst yourselves over there.

MR HUMPHRIES: As you are over there, no doubt. The fact of life is that Mr Berry started with a certain mind-set. He said to himself that this is a Liberal Government. This is what he seems to think: "This is a Liberal Government. How is it going to approach the issue of health care? Of course, it is going to privatise. It is going to destroy public facilities". It is going to do all those things that, in Mr Berry's fantasy world, conservative governments always do. Where is the evidence of this? Mr Berry has been running around town touting the fact that this Government is privatising services. Can he name, or can anybody else in this room name, a single service this Government has privatised? Silence. Silence from that side of the chamber. Silence across the chamber. They cannot name a single service this Government has privatised, because there are not any such services. You come with a preconception that it is going to happen, and you are disappointed and bewildered when it does not actually happen.

The fact of life is that this Government is acting in a responsible manner to deal with the long-term problems facing our public hospital system. Mr Berry, above anybody else in this chamber apart from me, ought to be aware of the enormous nature of those problems, because Mr Berry sat in the chair of the Minister for Health for seven months. He saw those problems and he twiddled his thumbs while he was there. He could not make a decision.

Let us take a trip down memory lane. These are some of the headlines from the days when Mr Berry was Minister for Health: "Government acts to shore up Berry"; "Mr Berry's crumbling administration of the public hospital system" - giving rise, I think, on that particular occasion to the \$7m cost blow-out in the public hospital system; and "Hospital board faces dismissal". Mr Berry's own hospital board administering his public hospital system did not have the faith in him to stick around, and he had to get around

to the business of actually pretending to sack them or threatening to sack them. This Government has established a stronger board as a result of its coming into office.

On another day, Thursday, 9 November, the *Canberra Times* said, "Berry on hospitals: diagnosis aboulia". It said:

The ACT Minister for Health, Wayne Berry, is showing every sign that he lacks the experience and the guts to handle the crisis in the ACT health system. He simply will not make the hard decisions. And when the unpalatable options are put before him, he runs away from them, thinking that the crisis will go away.

Contrast that editorial with the one in today's *Canberra Times*. Have a good look at that. I am not going to quote that, but have a good look at that editorial and see what it says about the need to improve the quality of health services in the ACT. I concur with the view of the *Canberra Times* when it says, in terms of acting on the crisis facing the hospital system:

If he has not got the guts to put a higher interest - the people of Canberra - before them -

that is his industrial trade union masters -

he should resign, and he should do it quickly before the damage that his irresolution is causing becomes too great.

He did not have to resign; the Assembly of this Territory sacked him, and thank goodness it did.

Mr Berry: That was when the waiting lists were low. Have a look at the waiting lists now. You cannot get services in the hospitals under Humphries.

MR HUMPHRIES: I know that you are embarrassed, Mr Berry. I know that you are embarrassed by these revelations and I know that you are finding this all very awkward because you had all those problems and you were not able to face up to them as this Government is facing up to them. The steps taken by this Government to improve the public hospital system are necessary, in fact, urgently necessary, to achieve a higher quality of health care for the people of Canberra.

The Kearney report - the report on which Mr Berry himself supposedly based his decisions about changes in the public hospital system - said that the only way to enhance the quality of health care in Canberra was to establish a principal hospital. Mr Berry accepted that much. But it also said that to do that you need to concentrate facilities and resources on the principal hospital site. Mr Berry could not go that far. He could not cut the strings with a full Royal Canberra Hospital; he could not

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do that. And because of his ineptitude and his lack of resolution he had to say, "I will have to give that away, I cannot go the whole hog with that. I will have to spend an extra \$50m" - \$50m that this Territory does not have - "to retain a public hospital facility with beds surplus to the requirements of the public hospital system". That is what Mr Berry had to do because he could not do otherwise. He could not make up his mind otherwise.

I think that in the circumstances this Government deserves commendation for its handling of the public hospital system in the ACT. We have achieved a great deal in the last few months. We have set a number of important goals for that public hospital system and we are beginning to achieve those goals. In the next few weeks, work will begin on the new obstetrics block at the principal hospital at Royal Canberra Hospital South.

Mr Connolly: We will see what the doctors say about that.

MR HUMPHRIES: For your information, Mr Connolly, the doctors have, for the most part, agreed with the features of those systems. Obviously there are going to be some dissenting voices, but most of the people agree with most of the features of that new obstetrics block. I think it is a very positive development for achieving better services in the area of obstetrics. As part of that obstetrics service this Government will be establishing a birthing centre for the first time in the ACT. This Government will also be establishing a public hospice for the first time, a hospice available to treat the dying. That is a facility which previous governments, including Mr Berry's, have not been able to get around to providing, but this Government can.

Mr Berry complains about the private hospital going in at Lake Ginninderra. Mr Berry, again, has selective amnesia about these things. Mr Berry has pretended that the trebling of private hospital beds under the Federal Labor Government in 1986 is some kind of aberration which can be explained away. Mr Berry, it cannot. It cannot be explained away.

Mr Berry: How many of them were used?

MR HUMPHRIES: Mr Berry falls back on another observation, that, notwithstanding the authorisation of the creation of certain beds, naturally some of those beds will not actually be required or possibly might not be required - - -

Mr Berry: There is no demand. People do not want them.

MR HUMPHRIES: Why does he imagine that the situation is any different under this Government? Why does he imagine that the approval for 150 beds means that someone necessarily has to operate every single one of those 150 beds? The fact of life is that there is no such

requirement, there is no need for each of those private hospital beds to be occupied and, as a result, there is every expectation that, with the achievement of those additional private hospital beds, if there is some shortfall in demand the beds will stay empty. That is the risk that anybody who establishes such things takes. Let us face it. It has been a feature of the public and private hospital systems in this town for some time. In the Calvary Hospital a number of beds and bed spaces have been completely empty for quite some time. Why should it be any different now?

Mr Temporary Deputy Speaker, Mr Berry made a number of accusations, a number of assertions, which are totally untrue. Mr Berry is very fond of that in this area. No doubt Mr Berry is desperate to establish an atmosphere of crisis and decay which would somehow obliterate the memory of his own time as Minister for Health.

Let us look at the facts. Mr Berry says that the costs on the public hospital redevelopment program are blowing out by \$1m a month. Garbage! Utter garbage! The hospital budget has not blown out by one single cent and it will not under this Government. It will not.

Mr Berry: It is \$1m a month.

MR HUMPHRIES: That is garbage. Let us see Mr Berry prove it. Apparently, in an earlier statement he was relying on the fact that inflation has been taken into account to translate the \$154m figure for the redevelopment last year to \$166m this year. Apparently Mr Berry is claiming, "There is the increase - 12 months, \$12m". That must be the figure he is referring to. What a dishonest trick. What a dishonest tactic on his part, pretending that inflation is a blow-out in the hospital budget. What a dishonest - - -

Mr Berry: On a point of order, Mr Temporary Deputy Speaker: The Minister accused me of dishonesty. I think he ought to withdraw that.

MR HUMPHRIES: He is pretty dishonest, if you ask me.

MR TEMPORARY DEPUTY SPEAKER (Mr Wood): Mr Humphries, would you - - -

MR HUMPHRIES: It is dishonest, would you not say, Mr Temporary Deputy Speaker?

MR TEMPORARY DEPUTY SPEAKER: It is not acceptable, Mr Humphries.

MR HUMPHRIES: It is not acceptable. I withdraw the term "dishonest", and say that it is a pretty shonky use of figures to suggest - - -

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MR TEMPORARY DEPUTY SPEAKER: Qualified withdrawals are not normally acceptable, Mr Humphries.

MR HUMPHRIES: Mr Temporary Deputy Speaker, I withdraw any suggestion coming out of the use of those words and say, quite simply, that Mr Berry's use of the word "blow-out" is totally inaccurate and not borne out by the facts. I challenge him to come into this place and prove that a single cent has blown out in the hospital redevelopment budget.

Mr Berry: It has.

MR HUMPHRIES: Mr Berry makes that assertion but cannot prove it, as usual. What is the Government doing about waiting lists? The Government is concerned about waiting lists. Mr Berry says in his press release - again another untruth - that there has been an explosion of waiting time. In the last 12 months there has not been any increase at all in waiting time in our hospitals. It stands at two to four months. It has stood at two to four months for quite some time and it has not changed. Mr Berry confuses length of waiting lists with waiting time on that waiting list, and it is quite untrue to say that is the case.

Mr Berry also seems to put out the impression, quite freely taken up, that all the people on these waiting lists are people in pain and in need of immediate surgery. That is also untrue. The fact of life is that our waiting lists consist of some people who have already had their surgery elsewhere but have not been removed from the list; people who are not fit for surgery for various reasons; people who have moved away from the ACT and do not require that surgery any longer or do not require it from this ACT public hospital system; or people who are not in present need of the service, for example, people who have booked themselves in for surgery in two months time, during the Christmas holidays. Mr Temporary Deputy Speaker, I have had interjections throughout my remarks and I urge your protection.

MR TEMPORARY DEPUTY SPEAKER: Order, please! Let us hear the Minister.

MR HUMPHRIES: Such people are notionally on the waiting list, but the activities of a hospital booking service liaison committee would certainly allow the hospital system to have a better understanding of the nature of that waiting list and to get a better idea of how get that waiting list shortened and provide people with more ready access to surgery time.

This Government is taking other steps on that problem: there will be a 10 per cent increase in operating theatre time over this coming Christmas period - a 10 per cent increase on the last Christmas period. That will have a significant impact on what is always a difficult time of the year. This Government has had success in recent months

in recruiting additional staff to the ACT public hospital system. That will have a very important impact because obviously Mr Berry has failed to realise that the availability of staff to deal with these important problems is crucial to overcoming the waiting list problem.

There is a problem with recruiting qualified nurses across this country; Mr Berry does not seem to be aware of that. It is complicated by changes in the arrangements in this country for training nurses and doctors. This will have a very serious impact on all public hospital systems in this country. However, we are having some success, generated, no doubt, by the fact that we are evincing an intention to update and improve the general environment of our public hospital system in the ACT. Two anaesthetists have been recruited in the last two months; three more are shortly to be recruited. That represents a 40 per cent increase in anaesthetists in our public hospital system; it makes a big dent in our capacity to deal with waiting times.

There has also been a substantial improvement in medical management, with appointments to a number of positions in the last few months. All those things add up to a record of action and dedication in the area of public hospital services in the ACT which Mr Berry - the critic of the Government in this matter - simply cannot match. His record in this area simply does not stand up to the record of achievement of this Government, and I would urge people to understand that his attempts to generate panic and fear about the public hospital system in the ACT are nothing more than political point scoring.

MRS GRASSBY (3.34): First of all, I would like to congratulate the Chief Minister on choosing Mr Humphries as his Minister for Health. He is not only slick with his feet but also slick with his mouth and he has been very slick to say that - - -

Mr Kaine: He is a good Minister too.

MRS GRASSBY: Yes, of course. The way we are going, it is not going to be cents over budget, it is going to be millions over budget, and the people of Canberra are going to suffer. We are changing Canberra, which is a thing that people do not want. We have a crisis all right, a crisis in the health system. We did not have that under Mr Berry. We did not have waiting lists as long as this.

Not only are they attacking our public hospital system, they are also undermining the backbone of our community health systems - the most important part - by closing down community health centres all over Canberra. In a community which is ageing - and I look at the Chief Minister over there, ageing fast - we will need community health facilities to help our aged. I think you should realise, Chief Minister, that this is the man who is putting you in that category where you may not have any health centres. I hope that you have very good private insurance. Do not

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depend on Mr Humphries to help you, because I can tell you that he is young and frivolous and slick of mouth and slick of feet; he does not have to worry about it at all.

We will need more, not fewer, community health centres in this city; yet every day Mr Humphries is closing them down. The range of services that a person could get in this city, this wonderful city that we all love to live in, has been changed day after day either by closing down schools or by closing down hospitals. We are worried not only about the ageing but also about the young people.

Community health centres are important to young families. It is the only way they can be independent and can be well looked after. They virtually keep people out of hospitals; they save the Government money; and what they do best of all is keep people in their communities as community schools did. But they are all just being shut down; we do not need them. This is the way they are supposed to be saving money. Just as they have failed to understand the role of the neighbourhood school system, they have also failed to understand the role of the community health centres.

Mr Duby: What health centres are being closed down, Ellnor?

MRS GRASSBY: Kambah, for one. There are health centres that are being threatened to be closed down.

Mr Collaery: Getting a better service.

MRS GRASSBY: Oh, better service! Closing down schools and a hospital gives you a better service? The provision of services of professionals, such as dietitians, physiotherapists, psychologists and community nurses in a central community location is important to the continuation of the ACT community's good health.

I enjoyed the Pru Goward show. When Dr Tony Clarke was asked why you were closing down Royal Canberra Hospital so quickly, he said, "It had to be done quickly before the politicians changed their minds".

Mr Humphries: Including you.

MRS GRASSBY: No, we would not have changed our mind. We never intended to close it down. I understood that that was what the Residents Rally rode into power on - that they would never close down Royal Canberra Hospital. I can remember them standing out the front there making speeches; oh, no, they were not going to close down Royal Canberra. They made a 90-degree turn. But then, that is usual; they just roll over every time, just like they rolled over for the schools. Never mind, it is more important to stay in government. I understand that you have to hand it to Mr Duby, as Mr Duby was the one who held you all together. He

was the peacemaker and kept you together so that you closed down only four schools. One hospital does not really matter.

Good health needs promotion to ensure that all members of the community enjoy a better, fuller life through using our community health centres. We are going to lose those. Removing those services will mean that the long-term focus will be on the cure, not the prevention of illnesses, yet it is more important to prevent the illnesses before we end up in hospital. This, along with the long waiting list for public hospital beds, will mean that people in Canberra will have to suffer unnecessarily because of the Government's policies. The doctors in Canberra have only just woken up to what is happening to them. We tried to tell them. Of course, they were all out working for the Liberal Party on election day and now when they talk to me - - -

Mr Humphries: They will be next time, too.

MRS GRASSBY: When they talk to me now about the hospital crisis, I say, "It serves you right. You backed the wrong horse this time, you really did. It ran last, and that is you". Yes, when they find out that their bread and butter in the public wards is not going to be available because of the long, long waiting lists, because they will all be in private hospitals, then I will say to them, "It serves you right. You backed the wrong horse". Backing Mr Humphries is definitely backing the wrong horse. Unfortunately, who is going to suffer from this? The people in Canberra will suffer.

As for building private hospitals, they could not fill the beds in the private hospital of Calvary. Nor could they do it at John James Hospital. So, why we are building more, I will never know. There were beds closed down at Calvary; there were wards closed down at Calvary. Private wards were closed down, right? In that case, why are we building more private hospitals?

We are demolishing a wonderful health system. We are changing Canberra, and the people do not like it. They did not vote us in here to change Canberra, and you are changing Canberra. The Minister with the slick mouth and the slick feet thinks that he can get away with it. I can tell you, Mr Humphries: you might have the numbers in the Liberal Party to get back here; but, believe you me, you will be on the opposition benches. You will not be in the Government. I suggest that you get used to that one.

Not only have we problems with our health centres but our ambulance services are in a dangerous state. We heard Mr Berry give us figures on the fact that we had ambulance rosters which show that there will be one station closed at least until 26 November. It took the Minister months to get an extra crew to get trained. The fact is that, if you have a road accident anywhere in Canberra, God help you if

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you need an ambulance. It may not be there in time. Of course, Mr Humphries will not feel bad about that. I suggest, Mr Humphries, that you drive very carefully so that do you not need an ambulance, because chickens may come home to roost, Mr Humphries, and you might be at the end of that.

Mr Temporary Deputy Speaker, I feel very sad to live in a city that I think was one of the best cities and had some of the best services of any city. Unfortunately, slowly they are being demolished, one by one, from schools to hospitals to health centres. People used to say how lucky we were to live in Canberra because we had all these wonderful facilities. I wonder what they will say at the end of the term of this Government. All I say to Mr Humphries is: get used to being in opposition. I am quite sure that you will be back here after the next election because you will have the numbers in the Liberal Party, and I am quite sure that the Chief Minister will be back here; but I can tell you that nobody else over there is going to be back here. I hope that the Chief Minister is used to sitting there and Mr Humphries is used to sitting there, because you are going to be there for a long, long time.

MR KAINE (Chief Minister) (3.42): Mr Temporary Deputy Speaker, I sometimes wonder how many times the Opposition can repeat the same old misrepresentations and distortions before even they begin to suspect that they do not ring true and there is something slightly hollow about them. I have listened patiently now while Mr Berry went through his usual routine. It is like a gramophone - you turn it on, crank it up and away it goes. You get all the words about the rich versus the poor, the cruel, calculating Government - it just goes on and on. Even the press gallery do not want to listen to it any more. I must say that I was disappointed that Mrs Grassby repeated the same error and made statements that she knows not to be true. She seems to believe that if you say these things often enough somebody might begin to believe them. In fact, nobody will.

I do not think anybody could argue with the fact that this year and next year and perhaps for a couple of years thereafter the ACT will be facing a very significant financial challenge. There is going to be a downward adjustment of the money that comes to us from the Commonwealth, and we had better be ready for that. For the Opposition to close its eyes to that and say that it is never going to happen, that we can go blithely along on the basis that that is never going to happen and then suddenly fall off the financial cliff on 30 June 1991, is absolutely crazy. And yet, all we get from the Opposition is: there is no problem; we do not need to make any adjustments; you do not need to put taxes up; you do not need to make cuts in your expenditure; and you can borrow as much as you like. That seems to be the general thesis. I know that that is not true, and I suspect that most people out there in the community know that that is not true, because they

have to live within their own budgets and they know what budgeting is about. I sometimes wonder whether the people in the Opposition live in cloud-cuckoo-land and do not know what private budgeting is about, because they seem to ignore the realities of the world that we live in.

At the first national comparison of hospitals in 1988, the ACT hospitals were identified as the most expensive to operate in Australia, and I do not think that much has changed since then. The Grants Commission recognised that running three major public hospitals contributed to this inefficiency; we did not really need three major hospitals. And yet, after all these months, and after one of their members was the Minister for Health for seven months, we still have the members of the Opposition saying that we can maintain all of those hospitals, we do not need to do any scaling down, and we can carry on as before. They are closing their eyes and their minds to the reality of the thing. They keep talking about the costs of restructuring the public hospitals and that in so doing we are destroying the public hospital system and we are incurring an enormous amount of expenditure. The truth is that it is costing us \$154m in 1989 dollars to restructure the hospitals. The truth also is that that is more than \$50m less than the previous Government proposed to spend on restructuring the hospitals when it was in government.

Interestingly enough, Mr Berry, who seems so critical today, could never tell us last year where the money was going to come from, and he still cannot tell us today where it was going to come from. The simple fact is that he had no idea then and he has no idea now. This Government does know, it has done its sums, and it has calculated the cost of restructuring in the hospital system over the next three to five years. We have done our homework. We know what it is going to cost, we know that we can come out of this process with a better public health system and a better hospital system at a cost that we can afford, we know that the annual costs of getting there are at a level that we can fund without excessive borrowing, and we know that it is a manageable program both in human terms and in budgetary terms.

I have not yet heard Mr Berry or Mrs Grassby tell us where we are failing. They can openly mouth the same old platitudes - "You are destroying the hospital system, you are destroying the public health system" - but they have not yet put their finger on a single matter in connection with the restructuring of the hospitals and the restructuring of the health delivery system which they can identify as a failure. They keep making it up as they go along, but they know, as we know, that this program is going to be a successful one and we will have a better system at a cost that we can afford when we get to the end of it.

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I would like to see Mr Berry's costings, which he would never produce then and which he cannot produce now, as to how he was going to produce the extra \$50m to \$60m that he would have needed to keep the Royal Canberra Hospital in place. I would like to see where he was going to get the extra operating money from every year to keep three hospitals operating. He could not do it; he cannot do it. Mr Berry's approach in connection with the public sector seems to be that you just whack a few beds in here and there, and it does not matter whether you really need to know how many you need as long as there is always enough. It does not matter if there are too many; it does not matter at all. That seemed to be the approach that he took when he was Minister. There was not any precision about what he did. He demonstrated that the whole system was totally out of control under his stewardship. He obviously had no idea how to control either the operation of the hospitals or the management of their budget, and yet he pretends to tell us now that he could do it better. He could not do it then; he could not do it now.

He keeps talking about a blow-out in the budget. The budget has not moved. Mr Humphries is quite right; you can say one cent, \$1 or \$100. I do not care what terms you use. At this stage there is no change in the budget that has been allocated for the hospital restructuring, and there will be no change.

I have made it quite clear that I am not prepared to see any add-ons to the program, and I am not prepared to see any blow-out in the program. The program can be managed; it is being managed; it will be managed within the amount of money that has been made available for it and within the timescale that has been set for it. Despite the wishful thinking on the part of members of the Opposition that it will blow out so that they can say, "I told you so", it will not happen.

I believe that the undertaking that this Government has given demonstrates its absolute commitment to the development of a strong, viable and accessible public health system, and by "accessible" we mean that when people need medical care it will be available to them. There is no diminution in the service now while this process is taking place; there will be no diminution of it once the process is complete and we are operating on a two-public hospital system. Of course, there will be supplementation in private hospitals. There is in every State in Australia. The ACT is unique in the low percentage of private sector beds that are provided as part of the hospital system. That means that the ACT taxpayers are paying more per capita for their hospital treatment and their health treatment than any other citizen pays anywhere else in Australia.

The Opposition seems to think that this is an acceptable position. Members of the Opposition seem to believe that there is something ideologically wrong with trying to

rectify that balance, trying to reduce the cost to the individual taxpayer, and saying to those that can afford it, "There is a private hospital bed if you want to use it, and it does not cost anything to the public purse". I wish they would get off their ideological hobbyhorse and start talking reality.

Mrs Grassby says, "Every day Mr Humphries is closing community health centres down" and "They are all being shut down". I would suggest to Mrs Grassby that if she can show me one community health operation that Mr Humphries has closed down she is on a winner. She cannot. They are additional statements that these people insist on making. They know that there is no truth to them. It is a deliberate distortion, a deliberate misrepresentation and, again, they seem to hope that if they say it often enough somebody will believe it. All they are doing is destroying their own credibility because the public and the community out there know that these things are not true. Not a single community health centre has been closed. There is no diminution in the delivery of services from our hospital system. We are building a better system. The people out there who use the system know that. They are not the slightest bit impressed by the posturing of these people opposite, and particularly the posturing, the misrepresentation and the distortion of the former Minister. He could not control it then, and he has not the faintest idea of what is going on now.

MR CONNOLLY (3.53): Mr Temporary Deputy Speaker, if an election were held tomorrow and a party went to the people of this Territory and said, "We are going to shut down the Royal Canberra Hospital", and its members were returned to office, then they would have a mandate to carry out a policy of closing the principal public hospital in this Territory. Any government so elected, having gone to the people on such a platform, would be entitled to proceed to wind down that public hospital and to demolish that public asset.

Mr Temporary Deputy Speaker, this Alliance Government has no mandate to so deal with the Royal Canberra Hospital. Those members of the principal partner of the Liberal Party who were elected to this place stood on a platform which clearly said:

The Royal Canberra Hospital will be retained under a Residents Rally administration. The funding of the ACT will take into account the years of neglect and failure to refurbish the hospital as required. The advantages of the siting of the RCH in terms of rehabilitation and convalescence must not be lost in the narrow financial discussion.

The Residents Rally members were prominent in the debates in this town at the time of the last election. They were prominent in their support for retaining Royal Canberra Hospital; yet they jumped into government with the Liberal

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Party. Mr Collaery was on television the other night saying, "We will not lose office over this single issue", yet again they were prepared to put office before principle, and expediency before genuinely sticking to an election platform.

Throughout this afternoon's debate we have heard the continual rhetoric from the Liberal Party, the small shopkeeper mentality, the idea, "We have to save our pennies on the hospital system, we are prudent managers and what the people in Canberra want is less taxes. They are subsidising the public sector and everyone would much prefer private hospitals". That shows a fundamental lack of understanding of how public facilities are to be provided. It is the old complaint and criticism of Australia in the 1950s - private affluence and public squalor. That is the situation we are likely to return to.

It is clear that there is not a demand from the population of Canberra for more private hospitals. Mr Humphries' claims that more private hospitals are needed were effectively refuted in a recent article in the *Canberra Times*, where the administrators of the existing hospitals in Canberra which provide private beds indicated that there is a significant oversupply. The demand for existing private hospital facilities is not taking up the existing beds. The people of Canberra do not want more private beds. They want the retention of the existing public hospital system.

Mr Humphries has also maintained throughout this debate and particularly at the Estimates Committee hearings that the medical profession in this town is in favour of the fast tracking of the Royal Canberra Hospital closure and the shutdown of the hospital.

Mr Berry: Most of them.

MR CONNOLLY: Mr Berry reminds me that it is "most of them". I think Mr Humphries' precise words to the Estimates Committee were, "There are a few malcontents, a few discontents, but most of the doctors are in favour of it". Since he uttered those statements, I see repeated reports in the *Canberra Times* of doctors opposing the proposal. It is not just your GP down the street that is coming forward and opposing this; doctors that I have seen reported in the *Canberra Times* are the heads of the units in Royal Canberra Hospital. These are the people who are coming out now and attacking this health Minister with his manic determination to fast track the shutting down of Royal Canberra Hospital.

He says that we cannot point to failures in his administration. You virtually only have to look at the *Canberra Times* any day of the week to see yet another story of a disaster in the health administration. Recently I saw that an elderly woman was sent home from the hospital in her slippers at 3 o'clock in the morning because there were no beds available because they are shutting wards down at

Royal Canberra Hospital. They will be forcing people into demountable accommodation at the Woden Valley site. What was a viable public asset, a viable public hospital system, when this Government seized the reins of power, is being vandalised. There is no other word for it.

They are proceeding at a pace to shut down, tear out, close down Royal Canberra Hospital, so that when the inevitable day of reckoning with the Canberra community comes the incoming Labor Government will not have a hospital left on the Acton Peninsula site to reopen. That is their goal - to take us so far down the track with such disruptive and destructive policies that there is no way back.

Again, the rhetoric from this Government is the rhetoric of good housekeeping, the rhetoric of saving the pennies. I must say that, until I entered this place and had occasion to start looking more carefully at issues of health administration, that was a very palatable line. It seems to make sense to the ordinary person. They think a lot of people in the community probably were concerned about whether we could afford to keep Royal Canberra Hospital. The assumption is that what this Alliance Government is doing is somehow saving money, but the problem is that when you look at the budget papers you see that what they are doing is pouring money into this policy of fast tracking the shutting down of the hospital. What they are doing is not saving money. We would still oppose it, if it were. It is like the schools argument. Clearly, they may save some cents or save some dollars by closing down schools, but we still say that it is wrong. We would still say that it was wrong if they could point to monetary savings by closing down Royal Canberra Hospital, because we think it is an important public facility.

We point to the fact that some of them were elected on a platform of retention of that hospital on that site. We would still say that it was wrong. But the point is, and this is gradually becoming clear to the Canberra community, that this Government is throwing money down the drain in terms of tens of millions of dollars to shut down the Royal Canberra Hospital. We are going to be paying more for less.

Mr Humphries hopefully points to projected annual savings of some \$8m in five or seven years when this program is completed. Of course, he knows that when that day of reckoning comes around he certainly will not be a Minister with any responsibility in this area; it will be left to an incoming Labor administration in 1992 to clean it up. But, as I said earlier this morning, spending vast capital sums of money for comparatively minor ongoing savings just does not make sense. They have just not thought the issue through.

The Government says that the expenditure is \$154m. Mr Berry, who has looked very carefully at this issue, advises me that \$178m is probably the closer figure now. Every

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time Mr Berry and Mr Humphries lock horns on afternoon radio on this issue, we get concessions from the Government that more dollars are being consumed by this project. I am happy to back Mr Berry's assessment on this issue any day; but, even taking the Government's \$154m figure, you would think that we would be saying, "Hang on, let us have a careful look at this. Let us have a careful look at whether this is a justifiable expenditure, at whether the massive disruption to the community that closing Royal Canberra Hospital will cause and is causing is worth the effort". But no, on the contrary, rather than adopting a cautious approach, there is this manic determination to fast track, to drag people in their beds out of the Royal Canberra Hospital and shove them into demountable buildings somewhere in the car park down at Woden Valley Hospital. There seems to be neither rhyme nor reason to this process. We keep hearing horror stories of how people will be in this inappropriate accommodation.

We in the Opposition and the community are just not satisfied that the process is being adequately planned and thought through. We maintain our argument that there is a political imperative here for the Minister for Health, an ideological imperative, and the people who are losing out, the people whose interests are not being protected, are the ordinary Canberra citizens who confidently expected, when they saw the numbers after the first election to self-government, that because there were a majority of members elected on a pledge to keep the Royal Canberra Hospital open it would remain open.

Unfortunately, one party in this Assembly does not stick to its election pledges and is prepared to ignore the wishes of its party members at the time, their promises to the electorate and the resolutions of their executive committee just this week, and go ahead with this pointless and foolish decision to close Royal Canberra Hospital.

MR DUBY (Minister for Finance and Urban Services) (4.02): Mr Speaker, I think it should be pointed out from the beginning that I think this whole matter of public importance is a bit of a furphy. As a matter of fact, I am looking forward to the day when the Opposition does raise matters of public importance to the people of the ACT. Off the top of my head I can think of one matter which would be a good matter of public importance, namely, the failure of the opposition parties to provide an alternative government to this one.

The Alliance Government is intent on providing the highest quality health care system for the people of Canberra. There is no doubt that the community must have access to a comprehensive range of high standard health services to meet all of its reasonable expectations and needs. Mr Speaker, I am sure you are intent on listening to this. There is no question also that a strong and accessible public hospital service is an essential part of this system.

This Government is committed to maintaining and expanding a strong, viable and accessible public hospital system. Its commitment to fund a program - a very expensive program - from an extremely tight ACT budget is evidence of this commitment. The fact of the matter is that this Government will expand public beds from the present level of 880 to 1,000 over the next decade. That hardly seems to me to be a diminution of the public sector portion of the health system.

MR SPEAKER: Order, Mr DUBY! The time for this debate has expired.

PERSONAL EXPLANATION

MR MOORE: On a point of order, Mr Speaker: under standing order 46 I wish to make a personal explanation.

MR SPEAKER: Do you claim to have been misrepresented?

MR MOORE: Yes, I do.

MR SPEAKER: Please proceed.

MR MOORE: Mr Speaker, we now have available to us the draft *Hansard* from last night and I would like to refer to a situation last night where the Chief Minister drew attention to - - -

Mr Jensen: What page?

MR MOORE: It is on page 96. The Chief Minister drew attention to the various travel arrangements of committees and, in fact, he then tabled that document so that it became a public document, which was, of course, quite appropriate. However, at the time, Mr Speaker, the Chief Minister repeated three times that in my particular case the moneys that were spent on travel were not on government business. He said, "Not on government business, on private travel purely for self-gratification". It is repeated again later. It seems to me, Mr Speaker, that not only was Mr Kaine misrepresenting me, but much more importantly he was dragging the committee system - the area in this Assembly that is recognised as the area that is working best of all - into disrepute.

MR SPEAKER: Order, Mr Moore! I am under the impression, from memory - I have not got the copy in front of me - that you made a personal explanation to this effect last night.

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MR MOORE: Mr Speaker, the matter was not quite clear because I referred to the situation then in broad terms, but I wanted to make it very clear now that we have the words in front of us. I think it is appropriate, Mr Speaker, that the Chief Minister be asked to withdraw that notion of self-gratification so that it can be made quite clear that travel undertaken by members of any committee follows a set pattern of approval and is above board.

LIQUOR (AMENDMENT) BILL 1990

MR COLLAERY (Attorney-General) (4.07): Mr Speaker, I present the Liquor (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

The Liquor Act 1975 has been long overdue for a review of its provisions and workings. This Bill represents a significant milestone in ensuring that the Liquor Act is updated to reflect present community standards and expectations. It does not incorporate amendments to give effect to the Government's decision to abolish the ACT Gaming and Liquor Authority and return the Authority's regulatory functions to the mainstream of government. These amendments have been drafted separately and will be introduced later in these sittings.

The amendments proposed here are significant and include provision for: greater emphasis to be placed on liquor licensees to ensure that the people they serve are over the age of 18; more stringent criteria to judge whether a person is suitable to obtain or retain a liquor licence; the licensing authority to be given wider powers to issue directions, or suspend or cancel liquor licences - at present these powers are not available to the Authority in the appropriate circumstances; updating the present cumbersome licence fee assessment and payment procedures; a new licence category to be introduced to meet special industry requirements, for example, tourism; a review of penalties under the Act; and a number of other amendments aimed at improving the administration and working of the liquor industry in the ACT.

I should add that the Government intends to introduce in the new year a further Bill amending the Liquor Act to introduce other possible schemes of arrangements.

The amendments I propose in this Bill and those outlined above for future Bills will help to ensure that the ACT liquor industry is appropriately regulated and efficiently administered in order to retain its viability through the 1990s and beyond. Mr Speaker, I commend this Bill to the Assembly, and I present the explanatory memorandum.

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

APPROPRIATION BILL 1990-91

[COGNATE PAPER:

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE -
REPORT ON NEW CAPITAL WORKS PROGRAM 1990-91]
Detail Stage**

Debate resumed from 18 September 1990.

MR SPEAKER: I understand it is the wish of the Assembly to debate this order of the day concurrently with Assembly business order of the day No. 1, the report on the new capital works program for 1990-91. Is that correct? There being no objection, that course will be followed and I remind members that in debating Executive business order of the day No. 1 they may also address their remarks to Assembly business order of the day No. 1.

Standing order 180 sets down the order in which the Appropriation Bill will be considered; that is, in the detail stage, the schedule must be considered before the clauses and, unless the Assembly otherwise orders, the schedule will be considered by proposed expenditure in the order shown.

Schedule - Part II

ACT Legislative Assembly

Proposed expenditure - Division 10 - Support to the Legislative Assembly, \$4,366,300 - agreed to.

Chief Minister's Department

Proposed expenditure - Division 20 - ACT Corporate Management, \$18,264,800

MS FOLLETT (Leader of the Opposition) (4.11): Within this division of the Appropriation Bill a couple of issues have been raised which I do not believe the Government has adequately addressed and which I think need to be raised again at this detail stage of the Appropriation Bill. The first of these issues, of course, was raised by the Estimates Committee in the course of its deliberations on this division. It concerns the Chief Minister's failure to take responsibility for travel within program 2 - that is, the ministerial travel - for which he quite clearly must take responsibility. He has not addressed that matter; he did not address it in the debate yesterday. Perhaps he might address the matter in his comments on this part of the Appropriation Bill, because it cannot go unremarked by any government that has accountability in mind that the Estimates Committee has made, I believe, some very strong statements about this matter.

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The committee, in fact, expressed its concern that the Chief Minister did not consider himself accountable for ministerial travel, although it fell within program 2 which is indeed part of the Chief Minister's portfolio. To the Estimates Committee, the Chief Minister stated that each Minister was responsible for their own travel that they undertake. Of course, as we saw, within that program, that failure to take responsibility, that lack of accountability, had led to an enormous increase in the cost of ministerial travel to the point of, I think, nearly 500 per cent on what had been spent under my own Government. I think that is a matter that the Chief Minister does need to address this Assembly on, even if it is only to say that, yes, he does take responsibility and will be accountable for that part of his portfolio. If he does not, who does? I think that is the question, Mr Speaker.

There is also a further question. We are looking at the whole of division 20, I take it, in this part of the debate. There is also the question, therefore, of technical and further education. In his supplementary remarks to the Estimates Committee report, Mr Moore has pointed out that the area of technical and further education is, in fact, the area where the largest cut has been made in this Government's budget. Again, that matter was not really addressed in the farcical debate yesterday on the Estimates Committee's report. I believe it is a very serious matter. There is no doubt in my mind that technical and further education provides an essential service to the community, and it is a service that is provided very often - - -

MR SPEAKER: Order! Ms Follett, I think you are into division 50.

MS FOLLETT: No, division 20, technical and further education. I am sorry. Yes, I beg your pardon. I will save my remarks on that then. The only other matter that I wanted to refer to in the ACT corporate management area concerns the compiling of information in a way that is suitable for consideration by people who are interested. That, again, is a matter that the Chief Minister should take careful note of, and I have now had an opportunity to read his response to the Estimates Committee's remarks on that. I do not believe that the response that we have so far is adequate.

I think that it has now been two years in a row that the estimates committees have asked for that kind of information to be consolidated and for that to be done at a particular level, and the undertaking that the Chief Minister has given is really no undertaking at all. If he is to take responsibility for corporate management - and I believe that he is willing to do that - then he has to grasp these issues quite firmly and give very firm directions to the bureaucracies involved. And that relates not just to the matter of provision of information but also to the discretionary expenditure of ministerial travel money.

I will be interested to hear whether the Chief Minister is, in fact, now prepared to respond to those remarks - remarks which were essentially made by the Estimates Committee. I, for one, believe that it is essential that he take that responsibility and exercise that level of accountability which he has been called upon to do. I am very sorry that so far he has not addressed himself to either of those areas.

MR KAINE (Chief Minister and Treasurer) (4.16): Mr Speaker, I am quite happy to respond, particularly to the comments by the Leader of the Opposition on travel. Quite clearly, the appropriation for travel for the Executive is part of my portfolio responsibility, and in its totality I accept responsibility for it. It did this year, and it will in future years, have the same scrutiny, in terms of the amount of money allocated to it in the preliminary budgetary discussions, as all other travel votes. In the broad, I will ensure that the total travel vote is not exceeded, and that control is exercised to that extent. But I repeat that Ministers of this Government ought to, properly, make decisions about what travel they undertake on Government business. As I said in the Estimates Committee, they are not office boys. They do not have to run to me every time they want to exercise their right as a Minister and make a decision about what they will do in performing their ministerial role.

So I think that the Leader of the Opposition is somehow expecting a greater degree of control by the program manager - to wit, the Treasurer - in connection with Ministers' travel than she expects other agency managers and other program managers to exercise, because it would be absurd to suggest that the agency head of, for example, health or education would personally authorise every travel warrant and personally keep a detailed account of all of the travel done by the officers in that department. It is an absurdity to suggest it.

But, in the sense of the gross management responsibility and the control over the budget, yes, I accept that responsibility. I think that we are talking about two different things, and I think we were talking about two different things in the Estimates Committee process. What the members of the committee were trying to get me to acknowledge was that I was going to personally tell each Minister when they could travel, how much they could spend on each trip and, indeed, how it would all be acquitted. I hope that clarifies the issue.

In terms of the gratuitous comment from the Leader of the Opposition about the 500 per cent increase in the travel vote for Ministers, a number of statements have been made already which, I think, are self-explanatory, but I think they bear repeating. First of all, she cannot deny that during a good deal of her time as Chief Minister there was an airlines strike, and that even if her Ministers had

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wanted to travel very often it was impossible to do so. There were a lot of ministerial and other meetings to which her Ministers would normally have gone that were rescheduled because of that.

There was no opportunity for her Ministers to attend some of the things that they would otherwise have attended. To suggest, as appears to be being suggested by the Opposition, that a Minister of this Government should abstain from going to ministerial council meetings when all other Ministers from the Commonwealth, the States and the other Territory attend, that we should abdicate our responsibility to represent the interests of this community at such meetings, and that we should not go through those things which are necessary parts of government, is an absurdity.

I am quite sure that if and when the Opposition ever gets into government its members will travel to the same kind of ministerial council meetings that we do, as they should, and they will not be criticised by the opposition of the day because they would be properly carrying out the responsibilities of their ministerial office. I find it petty and, in fact, cheap point scoring to suggest that somehow, because a Minister goes to a ministerial council meeting, he is wasting public money when, on the contrary, the Minister is there representing the interests of this community. That is quite unacceptable.

MS FOLLETT (Leader of the Opposition) (4.21): Mr Speaker, I would just like it noted that the Chief Minister has still not taken responsibility for that part of his program. He has made it quite clear that he will not exercise control over ministerial travel.

Mr Kaine: I think you should go and read the *Hansard* when it is published.

MS FOLLETT: I will, indeed, Mr Speaker, but I distinctly heard Mr Kaine say that he would not exercise that control over ministerial travel. My question remains, Mr Speaker: If he will not, who will? It is quite clearly a program for which he is accountable.

MR KAINE (Chief Minister and Treasurer) (4.22): I have answered the point. It is on the record, Mr Speaker.

Proposed expenditure agreed to.

Proposed expenditure - Division 30 - Economic Development, \$6,546,700

MR MOORE (4.22): Mr Speaker, I believe it is appropriate to raise here for consideration an issue that came out through the Estimates Committee hearings; that is, the issue of rental being appropriately attributed to each program and, in particular, the cost of rental for what was the Office of Industry and Development which moved to the Canberra Centre.

Once sections of the budget find that they have to account for rent in their own expenditure there will be a far better accountability system and money will be spent much more carefully. We will be able to see exactly who is responsible for rental and to what extent it forms part and parcel of a budget and how we can make comparisons. As I recall, at the Estimates Committee hearing, this particular group talked about rather high square metreage for its rental and also raised the issue of plants which, of course, I do not wish to pursue.

MR DUBY (Minister for Finance and Urban Services) (4.23): Mr Speaker, once again, the Government can only say that the members on that side of the house simply did not listen to the evidence that was presented to them in the Estimates Committee. It was clearly stated to the Estimates Committee that, whether or not the issue had been raised by Mr Moore or anyone else at all for that matter, this Government has in process plans to apportion rent to agencies and to various areas of the government services so that those rental portions of their budget will be included in their figures for the coming financial year. That was in hand, and that is going to be in place for next year's Estimates Committee to have it there in black and white.

Mr Moore also raised the issue of an area of OID shifting to a central location in the heart of the city. Again, that matter was completely dealt with and it was explained, I believe, that it was an amalgamation of a number of sites throughout the city into one central area, which is clearly of benefit for the efficient management of that area. In addition, the rents being paid at that location are quite consistent with the normal commercial rents for that area of the city and for an organisation of that quality.

MR MOORE (4.24): It is worthwhile to make the point at this stage that the Estimates Committee last year recommended - and my understanding was that there was a response to say that this would be the case - that rent be attributed by this budget. I quite accept what Mr Duby has now pointed out, and he did say at the Estimates Committee. He did assure the Estimates Committee that that would actually be completed in time for next budget and I should be looking forward to that.

MR DUBY (Minister for Finance and Urban Services) (4.25): It should be pointed out that that commitment was made by the previous Government and was about as good as all the rest.

Proposed expenditure agreed to.

Proposed expenditure - Division 40 - Audit Services, \$1,591,000 - agreed to.

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Proposed expenditure - Division 50 - Technical and Further Education, \$43,300,300

MS FOLLETT (Leader of the Opposition) (4.26): Mr Speaker, I apologise for starting this point out of order earlier on. I think it is worth noting at this stage in the debate on the Appropriation Bill that it is the area of technical and further education which has, in effect, suffered the largest cut of any area in Mr Kaine's budget. I think that is particularly regrettable, for a number of reasons.

First of all, it is the area of technical and further education that offers an educational, training or retraining opportunity to many of the most disadvantaged people in our community. Those people, of course, include people who, for one reason or another, were not able to finish schooling or, for one reason or another, are not particularly adept in the English language or who may have been tied up at home with child care responsibilities and so on. They are people who need a special help in their education and their training, or retraining, and it is TAFE which very often offers that kind of help. It is also relevant to note that it is the International Year of Literacy and that many of the initiatives associated with that international year are programs undertaken through the TAFE system. So I think it is, again, very inappropriate that this is the area in which this Liberal Government has chosen to make the most severe cuts.

I think that there is a lot to be said for the consolidation of the TAFE campus. There is a lot to be said for making efficiencies where they can be made. But to actually reduce the expenditure in this area by the greatest amount across all areas of government expenditure is, I think, quite unfair and does not acknowledge the essential nature of the services offered by TAFE.

In the ACT in particular, TAFE is a multi-disciplinary service, and it offers vocational training as well, most notably in the hospitality area. The hospitality area is one where I believe the ACT has a great future. It is essential to our tourism industry that our training and our state of knowledge in hospitality be maintained right at the forefront.

Much of that activity takes place through the TAFE system and, again, I think that is an opportunity for people who may not have had other educational opportunities to get some training in a very worthwhile industry, and to be able to go on and have rewarding careers in that industry. So I find it extremely regrettable, as I have said before, that this is the area of the budget that has been subject to the most savage cuts.

MR KAINE (Chief Minister and Treasurer) (4.29): Mr Speaker, sometimes the piety of the people opposite takes my breath away. All that has happened is that a program set in place three years ago by a Federal Labor government, and pursued by the Follett Labor Government last year, has simply been furthered this year.

There is not a thing that the Leader of the Opposition said about the importance of the TAFE system that anybody in this room would argue about. It goes without saying that we acknowledge the importance of TAFE in the system, and the kinds of things that it does and the kinds of courses that it delivers. But the fact is that TAFE was identified as being one of those areas which were overfunded, and the Federal Labor Government and the Follett Labor Government both took steps to reduce the expenditure in that area - and we have taken it one stage further. One of the things that we have done is to put TAFE onto triennial funding, under an agreement with it under which it increases its funding from sources other than the Government. In exchange we guarantee, over a three-year period, a level of funding.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

APPROPRIATION BILL 1990-91

[**COGNATE PAPER:**

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE - REPORT ON NEW CAPITAL WORKS PROGRAM 1990-91] Detail Stage

Debate resumed.

MR KAINE: The Government is well aware of the fact that expenditures from the public purse in the TAFE system have to be reduced. I do not think that anybody could tell me that the excellence of the service delivered by TAFE is being diminished in any way. They are getting their operation under a high degree of management control. They are seeking funding from sources other than the Government.

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They are continuing to deliver the same level of service that they ever did. It is becoming a very efficient operation. It is scaling down its use of resources, reducing the number of campuses, and delivering the same level of services that the community expects.

So I accept the general proposition that it is an excellent system, and I do not think the Leader of the Opposition said anything to contradict that. I believe that the direction in which we are moving, however - to put it onto a far more self-sustaining basis, and to get it out there marketing its product and getting revenues from other sources to take the burden off the taxpayer - is the right way to go, and it is being done very effectively.

MR JENSEN (4.32): Mr Speaker, I would like to take this opportunity to make some comments on one aspect of the TAFE operations which I think is very important. Recently, members of the Assembly were invited to attend an open day and birthday celebrations at the Narrabundah TAFE Outreach Centre in the Narrabundah area, and I noticed that some of the members from here, in fact, attended that. It was a very impressive function, from my point of view, certainly. My colleagues of the Rally joined me, and I know that I saw Mr Wood there as well.

Mr Humphries: And Robyn.

MR JENSEN: Mrs Nolan was there as well.

Mrs Nolan: Thank you.

MR JENSEN: I am sorry, Mrs Nolan; I was trying to think. I think this outreach group, which is ably led by Betty Dawson, also operates a similar, slightly smaller operation at the Richardson Community House. This provides a service for the community in need, at the coalface so to speak, and it provides a major opportunity for those less disadvantaged groups to develop self-esteem and self-worth. In fact, some of them, I understand, have gone on to develop their self-worth and self-esteem to such an extent that they have been able to obtain a degree from one of our tertiary institutions. I think that is a very important aspect.

Another important matter that I noted was the commencement of an Aboriginal education program, which I think is very important because it proposes to teach not only young urban Aboriginals but also other Australians about the nature of Aboriginal lifestyles. I think that is a very important aspect and I would seek to encourage the continuation of this operation to ensure that this much needed facility continues to be provided for that part of our community.

Proposed expenditure agreed to.

ACT Treasury

Proposed expenditure - Division 60 - ACT Financial Management, \$85,528,000

MR MOORE (4.34): Mr Speaker, I think this is probably an appropriate time to comment on the preparation of the budget documents and the documents that we had before the Estimates Committee, and on the assistance that we were given by Treasury in the Estimates Committee, which was always forthright and was greatly appreciated. I certainly perceive - and I think many members of the Estimates Committee would agree - that in lots of ways there were improvements in the budget documentation from last year.

We accepted that the budget documentation is going through a transition phase as we become established. I think it is an appropriate time to state that, in spite of what some people may have perceived as hard questioning or constant questioning to ensure that we understood what was going on - and we are all going through quite a learning process with the budget process and, in fact, with the whole self-government issue - we have appreciated that.

MR JENSEN (4.35): Mr Speaker, as chairman of the Estimates Committee, very briefly I would like to endorse the comments made by Mr Moore in relation to the support provided to us by Treasury officials.

Proposed expenditure agreed to.

Department of the Environment, Land and Planning

Proposed expenditure - Division 70 - Territory planning, \$4,603,500

MR CONNOLLY (4.36): Mr Speaker, I was not a member of this place at this time last year; but I have gone back to *Hansard*, and the thing that is very striking, looking at *Hansard* of this time last year, is the number of times we see the now Deputy Chief Minister, Mr Collaery, thundering about the alleged failure of the Follett Government to have in place the full planning legislation package in its six months of government starting from scratch. Indeed, this dreadful failure of the Follett Government to have the planning legislation in place after six months in government starting from scratch was one of the reasons cited, just under 12 months ago, for bringing that Government down.

It is fascinating to learn, through the Estimates Committee this year, that that planning legislation is still slowly grinding its way through the system and that, from evidence given to the Estimates Committee, we will be lucky to see it in place by the middle of next year. Certainly no money has been allocated in the current budget - this budget taking us to 30 June 1991 - for any increased Administrative Appeals Tribunal work arising from the

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introduction of the planning and land management legislation and the appeals legislation. Given that that is one of the striking features of the legislation, which of course we support, it does indicate that no-one is expecting that this legislation will be in place by 30 June 1991.

So, how ironic it is that the onerous failure of the Follett Government to have the legislation in place after six months, starting from scratch, has now become a prudent and careful approach by the Alliance Government in waiting some 18 months from the flying start it got from the Follett Government's work. The Alliance Government took over the package at exposure draft stage and discussion paper stage and drafting instructions stage, and it would appear, from all the evidence to the Estimates Committee, that 18 months after the taking of the reins of government - that is, by the end of June next year - we will be lucky if the legislation has passed this place.

MR KAINÉ (Chief Minister and Treasurer) (4.38): That was a very interesting and constructive observation, of course, on the part of Mr Connolly; but I think that if he goes back and has another look at the *Hansard* he will see that what the Opposition was then saying was not that the legislation was not in place but that it was not available. Indeed, when we took the government on 5 December last year the only thing that was available still was a discussion paper. Seven months on from when we took the government there was indeed a full package of five pieces of legislation out there for public comment, and some of it had been out four months before - as opposed to the seven months when you were there and you did nothing except produce a discussion paper.

Mr Berry: You have been there almost a year.

Ms Follett: Where is the legislation?

MR KAINÉ: I acknowledge that Mr Connolly was not here last year, so I excuse his brashness; but when Mr Berry and Ms Follett start to make clucking noises I must point out that seven months after they came to office they had produced a discussion paper; seven months after we came to office we had a complete set of five pieces of draft legislation out there for public discussion. We received a very large number of public responses to that. It has been revised.

Mr Berry: Where is the legislation?

MR SPEAKER: Order, Mr Berry! We heard you the first time.

Mr Berry: He did not.

MR KAINÉ: I heard you, and I am sick and tired of your carping criticism, because at least there are five pieces of draft legislation out there that the public has had ample opportunity to comment on - and so have you, if you had bothered, but you did not.

Mr Berry: No legislation.

MR Kaine: The legislation will come to the Assembly when it has been subjected to a further round of public consultation. You talk about public consultation! When we engage in it, all you do is bitch. You can never be satisfied. If we do not indulge in it, we are not indulging in community consultation. When we do indulge in it, it is taking too long. You cannot have it both ways, Mr Berry. When the legislation comes before this Assembly, as it will soon, it will be good legislation; it will incorporate the comments of the entire community; it will be amended to reflect their views. It will not be amended to reflect yours because you have not bothered to comment on it. That shows how much you are interested in this legislation. I doubt whether you have even read it. So do not get holier than thou with me.

When it comes forward, it will be good legislation, and Mr Connolly himself publicly stated that it was better to get it right than to get it in haste. Those were Mr Connolly's words and he cannot deny it. I hesitate to use the word "hypocrite" in connection with Mr Connolly because he is a nice guy; but, when members of the Opposition say "Where is the legislation? We are still waiting for your legislation", I do not know quite where it stops, Mr Speaker.

MR MOORE (4.41): I thought I would take the opportunity to speak on this particular topic as well because I know at least three members of this Assembly that have been working on that planning legislation since before the time that John Mant was brought in to start putting it together back in, I suppose, 1987 or perhaps 1988. I think that what we have is an appropriate process and I must say that I am delighted with the way that it is going.

We all would have liked to have seen that legislation in place a lot earlier, but I think that, in fact, the process is appropriate. The consultation process is extensive, and so it should be.

Perhaps Mr Connolly's comments were not directed so much at the legislation as Mr Collaery's reaction to it at this time last year, which I think is an entirely different thing - one that the Chief Minister did not really deal with.

Proposed expenditure agreed to.

Proposed expenditure - Division 80 - Land, \$16,836,100 - agreed to.

Proposed expenditure - Division 90 - Agency Planning and Resource Management for the Department of the Environment, Land and Planning, \$2,323,000 - agreed to.

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Government Law Office

Proposed expenditure - Division 100 - Legal Services to Government, \$11,399,400

MR CONNOLLY (4.43): Mr Speaker, I rise only briefly on this matter; really just to put the Opposition's position on record. We would not expect Mr Collaery to come before this place again next year and double the budget for legal services to Government. This is one of the areas of dramatic expenditure increase from last year; but, of course, this is explained by the dramatic increase of responsibility that the Territory has assumed, and that obviously has the support of the Opposition.

Proposed expenditure agreed to.

Proposed expenditure - Division 110 - Community Legal Services, \$7,071,100 - agreed to.

Proposed expenditure - Division 120 - Administration of Justice, \$5,081,000 - agreed to.

Proposed expenditure - Division 130 - Maintenance of Law and Order, \$54,680,500

MR MOORE (4.44): Mr Speaker, I raised some concerns in this house and in the Estimates Committee about this sum of money, and, whilst I realise that it is being accounted for by an equal grant from the Commonwealth in this particular year, there is great concern about how we are going to be able to maintain this level of funding for the police force over the next few years.

I am aware of our application to the Grants Commission and some of the issues were certainly sounded out during the Estimates Committee; nevertheless a situation where we are approaching \$55m for our police force is a great worry. It is of great concern to me that, when I moved for a committee to look into possible ways of ensuring that the money that we do have available is appropriately spent, the Alliance Government chose not to take up my motion but rather, as with many other things, to defer it until another time.

It is important for us to look very carefully at that funding because at some stage in the next few years, as we become responsible for the funding of our police, the community needs to feel confident that our excellent police force - and let me emphasise that again: our excellent police force - is in a position to be able to continue without having to suffer the problems of low morale that will come with massive cuts, if it comes to that. Personally I cannot see any way that it will not.

MR STEFANIAK (4.46): I would actually reiterate a couple of points Mr Moore made in relation to Commonwealth grants. It is important for the Commonwealth to take into account the importance of this expenditure in its grants to the Territory. It is a fair amount of money, and certainly it is something that the Government has to look at, but I think that having a police force for a State or Territory is an insurance policy. If you do not have it, you do not really have a State or Territory. It is absolutely essential to have an effective police force. We are lucky in that we do, but unfortunately police forces cost money. That is one area of government where sometimes you simply have to spend money because if you do not you do not have adequate protection and the whole system breaks down.

Mr Moore: If you spend more money on education you need less money for police.

MR STEFANIAK: Not necessarily, Mr Moore. I think you can have a highly educated society and still have considerable problems. It is certainly an area which, unfortunately, costs a lot of money, but that is just one of the key areas which government has to ensure works well. I am very happy to support division 130, Mr Speaker.

MR CONNOLLY (4.47): Mr Speaker, Mr Stefaniak is certainly correct in saying that money spent on police is important. I guess, in a sense, policing is one of the basic functions of government at a State level. Maintenance of law and order is a fundamental, but Mr Moore's comments remain of great importance. Around \$54,500,000 is a massive proportion of the Territory budget.

Historically, the ACT has been provided with a police force which has cost more per capita than police forces in other places of Australia, and it is important for this Assembly, this Government and future governments over the coming years to look very carefully to make sure that we are getting the best value for our dollar. It is common ground in the Assembly that the Australian Federal Police provides a high quality service, but it must be remembered that you cannot just keep throwing money at the crime problem. There is a point at which additional expenditure on policing will not give better results, and there is always scope for efficiencies and reforms within police administration and practices to save money.

This substantial division of expenditure of \$54,500,000 is a matter of some concern to this side of the house because the Territory has not had a direct input into the financing of this area. We received, effectively, a bill from the Commonwealth of \$54,500,000 for the services provided under contract, and the Opposition supported that contract arrangement. But it is incumbent upon us over the next 12 months, as we move to a period when we will be assuming full financial control, to look at this matter very carefully and make sure that we are getting the best value for our dollars.

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MR COLLAERY (Attorney-General) (4.49): I think all members here accept the enjoiner that the Chief Minister has given previously on the topic of the arrangement with the Federal Government, and that is that the reviews set forth in the arrangement - the written and signed arrangement - take place. The first review is in December. In other words, there will be ongoing oversight of the fiscal and other aspects of the police arrangement, assisted by the respective treasuries. So certainly the concerns that Mr Moore has stated are included in the arrangement and will be taken up progressively as the arrangement goes into effect.

MR MOORE (4.50): Some of my concerns, to a certain extent, are somewhat allayed by that, because I have some faith in the officials who are doing that; but all the negotiations that have taken place on this police force have yet to come to light. They have all taken place behind closed doors. The whole thing has been a secretive process that we know very, very little about. The real question about the police is: When is this going to become an open process, when are members of the Assembly from this side of the house going to have the opportunity to be involved and when are members of the public going to have a chance to have an input? Certainly the select committee that I proposed recently was one method, and only one method, of going about that. Mr Collaery, while I note and welcome the idea that the review is taking place - and I was aware of it - I do strongly urge you to make it a much more open process and to, at the very, very least, keep us informed. Better still, have members from this side involved and, better still, make it an open process available to the public.

MR COLLAERY (Attorney-General) (4.52): Mr Speaker, firstly, I totally reject the notion that this deal has been worked out behind closed doors. The document itself, which is the one and only principal document that relates to the whole matter, is a public document. The arrangement is a public document, and the arrangement shows that no deal has been made. The arrangement is that both parties spend the year working out just how much it costs to run a police force, what the elements of it are and how the assets division can take place.

Mr Moore wanted to have an early select committee to pre-empt that discovery process and, as I pointed out in this house, that could create disadvantages for the Territory in that we would be publicly nailing our colours to the mast while the Commonwealth sat back and sucked in all of our views, approaches and concerns and got itself into a better position at the negotiating table.

We on this side of the house know about negotiation. Certainly I indicated to the house at the time Mr Moore floated that proposal that we would consider the idea of a select committee when the information was to hand and when, in consultation with the other side of the house, it would

be an appropriate time, hopefully on a bipartisan basis, to launch that public process which would show up our negotiating stand to the Commonwealth.

Usually, as everyone knows, we do not go through a public breast beating exercise by virtue of some select committee before we put our cases to the Grants Commission and other financial negotiating tables. Why should we in this case when there is so much at stake - more than \$50m? Clearly, Mr Moore, in his usual impetuous manner, the sort of manner we saw yesterday, wants us to indulge in another little grandstanding effort, no doubt so that he can travel around the country again on another select committee's inquiry. Mr Moore was churlish enough to criticise our travel. He clearly did not know that some of that travel was to Brisbane to give a national speech on behalf of the ACT on community policing as we see it in the ACT.

Ms Follett: Can we have a copy of it?

MR COLLAERY: That speech is available; but, since Mr Moore resents travel by anyone but himself, I suggest that he either go up to Brisbane when he goes to a brothel there next on his exercise - - -

MR SPEAKER: Order, Mr Collaery, please!

MR COLLAERY: Certainly he is visiting brothels in Brisbane. He has a *Courier-Mail* article, Mr Speaker, on one of his recent visits to Fortitude Valley or somewhere. He certainly has. He has incurred \$23,000 in expenditure for the Territory through his committee. So, nonsense words were put forward.

Mr Berry: On a point of order, Mr Speaker: It does not do this place any good to have that sort of drivel going on. I think he ought to withdraw that allegation.

MR COLLAERY: He has visited brothels in the course of the committee.

MR SPEAKER: Order! Mr Collaery actually added the additional words to make it clear. It was after it was said, I admit. But the explanation covered the use of the verbiage.

MS FOLLETT (Leader of the Opposition) (4.55): Mr Speaker, I would just like to comment on Mr Collaery's response to the very reasoned remarks made by Mr Moore on the question of the provision of law and order services in the ACT. I think Mr Collaery is trying to skate over the fact that there have been at least two attempts in this Assembly - one by Mr Wood and one by Mr Moore - to throw some light on the expenditure of this \$54m-odd on policing services in the ACT.

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On every occasion when there has been an attempt to involve the community and this Assembly in a debate on what kind of policing we see as appropriate, it has been Mr Collaery who has led the charge to slam the door in our faces. There is absolutely no doubt in my mind that this entire process has taken place behind closed doors. No amount of frothing at the mouth by Mr Collaery can get over that fact. He has denied this Assembly the opportunity to scrutinise the arrangement. He has denied the community an appropriate opportunity to have its say on how it wants that \$54m spent.

It is an enormous amount of money. I do not know whether it is the right amount of money or not. How would you know? We have absolutely no information on it or on what we are getting for that money. Mr Collaery says that there is a review of some type going on that will be done in December. That is the first I have heard of it. May I make a submission to that review? May my party make a submission to that review? May any of the community groups that I associate with make a submission to that review? I do not believe that they are even aware that it is going on; nor do I believe in any way that that review will be an open process - any more than any of the previous debate on this matter has been. It has been a debate conducted entirely behind closed doors.

It is a very major item of expenditure for the ACT and Mr Collaery has made much of his negotiating position with the Commonwealth. What negotiating position? They sent you the bill.

Mr Kaine: They gave us the money, too.

MS FOLLETT: I am totally unaware that there has been debate on whether that level of money is appropriate. Mr Kaine has commented that they also gave us the money. They did this time. For how much longer? You know as well as I do that they gave us that money this year because we did not even put up a fight on the quantum. I do not know what you said to them about the amount of money. They have given us the money, but there is absolutely no guarantee that we will get that same amount of money in future years. That is why members such as the Labor members and Mr Moore would like to have some sort of input into the negotiation, as Mr Collaery calls it - quite wrongly, in my view - that is taking place on the matter of law and order.

A further matter that concerns me relates to the effectiveness under the key performance indicators that are listed in the budget papers for law and order. It concerns me greatly that there is very little reference in those key performance indicators to the actual community which the law and order service is supposed to be serving. There is a passing reference in one of the key performance indicators, but surely the whole point of spending this \$54m is to have a safe and pleasant community. We find that the performance indicators refer to the role of the

officer, the organisational framework, the management administration and operation of services, and, very late in the piece, improved community liaison and driver attitude education. But nowhere in there is there an actual indication of the result that we expect to get for the community for that \$54m. I believe that the community does deserve an opportunity to have a say about some of those things. It is their \$54m, after all, and Mr Collaery cannot avoid taking responsibility for the fact that no such opportunity has been given.

MR KAINE (Chief Minister and Treasurer) (4.59): Mr Speaker, I think that there is need for some clarification on the basis of what the Leader of the Opposition has said about this money. In this first transition year of the transfer of responsibility for policing to the ACT, the Commonwealth determined what, in its view, was a reasonable sum to continue to provide the same level of services it had provided in the past, and that figure is the \$54m that appears there. For the Leader of the Opposition to argue that the community should be consulted on what that money should be spent on is, of course, quite absurd, because it was provided on the basis that there would be a level of service provided during this current year.

As to future years, that will depend absolutely on the outcome of the inquiry by the Grants Commission, which will make a determination in March as to the quantum of service provided by police. It will make some judgment about the \$54m - whether it is enough, too much, not enough or exactly right - and out of that will emerge a figure that will be added to our budget base by the Commonwealth in future years. I think that it is a bit much for the Leader of the Opposition to expect that we can predict for future years what the Commonwealth Grants Commission might or might not decide.

Either the Leader of the Opposition does not want to know the basis on which the \$54m was transferred and what will happen in future years or she chooses to misrepresent it, and I wish she would make up her mind quite what she wants. Does she want to have a bipartisan approach for the delivery of police services in the ACT, or does she want to sit on the fence and do nothing but criticise? I suspect that she wants to sit on the fence and criticise, Mr Speaker.

MR CONNOLLY (5.01): Mr Speaker, the Chief Minister seems to misunderstand fundamentally the criticism that is being made from this side of the house. It is not a question of how much money the Commonwealth should give us, has given us this year or will give us next year for the police service. It is not how much we will get when we go cap in hand to the Grants Commission. The question is: How much should this community be spending on police? What level of resources does this community want allocated to provide an adequate and appropriate level of policing?

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It is abundantly clear what happened this year with the Alliance Government - eventually. I say "eventually" because when I first came into this place in May one of my early questions to Mr Collaery was: How often had he met with Senator Tate on negotiating this instrument? A number of times Mr Collaery referred us to the negotiations. Well, in May he had not met with Senator Tate. The preliminary work on this police contract had been done under the Follett Government.

What happened was that the Commonwealth agreed to provide the police and pay for it this year. The question that we need to address is, for future years, when we will have to fund it ourselves with the ordinary State or Territory level of supplementation through the Grants Commission: How much money do we want to spend on a service for this community? What does the community want to spend, and what service does the community want to receive in return?

While we have confidence in the competence of the Treasury officers who will be undertaking the officer level review with their Federal counterparts, that is really not adequate to address that question, and it is that question that the Labor Opposition and Mr Moore have sought to have brought before a committee of this house. We are not dealing with a simple bookkeeping exercise of how much is being spent and how much the Commonwealth should pay, but with the more fundamental question of what level of services we want, or demand, as a community from our police, and what level of resources we are prepared to give to the police to provide that level of service in return.

It is a fundamental question, it is most appropriate that it be asked, and it is most appropriate that it be asked and debated in the full glare of publicity. It is not a question concerning the Grants Commission or of compromising our position in negotiations with the Commonwealth; it is a question of what level of services we as a community want from our police and what level of resources we as a community are prepared to put into that policing. I hope the Government will allow that full and open debate on the issue in the next year.

MR SPEAKER: Mr Collaery, you will need to seek leave to speak a third time. The Minister in charge of this Bill is the Treasurer.

Mr Collaery: I seek leave to speak.

Leave granted.

MR COLLAERY (Attorney-General) (5.04): Mr Speaker, Ms Follett said that the Opposition had not had "the opportunity to scrutinise the arrangement". Although she was not present at the Estimates Committee hearing on 9 October 1990, her representative, Mr Connolly, was, as was Mr Moore. There are 29 pages of transcript of questioning here. There was very detailed and lengthy questioning of

both the assistant commissioner and indeed, Mr Morgan, the Treasury official who has been part of the Treasury working party. Clearly, the assertion by the Leader of the Opposition, that it has not had the opportunity to scrutinise it, is an empty one.

What on earth is the Estimates Committee process for? It is for that scrutiny. If she did not attend and took no interest in the proceedings, then that is her problem. Mr Connolly said, "We know what the cost is this year. We do not know what it is going to be next year", and he makes a number of simplistic assertions. It was pointed out to the Estimates Committee, in the presence of Mr Connolly, by the Chief Law Officer on 9 October that the arrangement with the Commonwealth includes this provision:

That special transitional problems encountered in the provision of policing will be taken into account in determining general transitional arrangements for 91-92, 92-93, and the levels for any special revenue assistance.

There is an answer to the question that Mr Connolly has put to us this evening. Certainly the main questions posed about what the cost is, and what the community perception is, can be better answered when we ourselves know what exactly is in the current policing arrangement - what the costs are, where the police assets are, where all the equipment is properly located. This is a major issue we are taking over and, unlike with many of the other issues that were forced on us with self-government - and forced on us during seven months of very, very low-key Labor administration when it did not take the battle up to the Commonwealth - we are, just for once, in the strong position of being able to say to the Commonwealth, "Well, hold on there. We are going to look and see what you are going to drop on us before we take it over".

That is the fundamental difference about this arrangement: we are going to see what is going to be put on to us before we take it over. We have the competent assistance of the Treasury, and we have thrown this process open in the Estimates Committee - 29 pages of transcript. The Leader of the Opposition's statements, once again, are just claptrap.

Proposed expenditure agreed to.

Department of Justice and Community Services

Proposed expenditure - Division 140 - Housing, \$28,079,500

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

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ADJOURNMENT

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

That the Assembly do now adjourn.

Committee System

MR MOORE (5.08): Mr Speaker, I would just like to say very briefly that it disturbs me greatly that, for the advantage of a personal attack, certain members of the Government are in the process of bringing the committee system into disrepute.

Personal Attacks

MR DUBY (Minister for Finance and Urban Services) (5.08): Mr Speaker, it disturbs me greatly that personal attacks are made by the member opposite continually.

Question resolved in the affirmative.

Assembly adjourned at 5.08 pm