



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

28 May 1991

Tuesday, 28 May 1991

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

PETITION

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

Mental Health

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

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

That under the current Mental Health Ordinance, there is insufficient provision concerning consent to undergo electric shock treatment. There is no guarantee that the recipient is honestly and adequately informed **IN WRITING** of the potential damage and risks attendant with electric shock treatment, including but not limited to brain damage caused by pin-point haemorrhaging, memory loss and confusion.

Your petitioners therefore request the Assembly to:

Amend the Mental Health Ordinance to ban electric shock treatment, therefore affording the people of the Australian Capital Territory the right to be free of inhumane treatment in the field of mental health.

By **Dr Kinloch** (from 1,755 citizens).

Petition received.

QUESTIONS WITHOUT NOTICE

Health Budget

MS FOLLETT: Mr Speaker, I direct a question to the Treasurer. Mr Kaine, can you tell the Assembly where the \$17.3m that is required to balance the health budget will come from, or do you share the sentiments expressed by your Minister, Mr Humphries, on 2CN radio on 21 May when he said, "I have no idea"?

MR KAINE: The \$17.3m which the Leader of the Opposition refers to is, of course, not yet a figure that I have agreed to. All that has happened is that, in consequence of the management deficiencies that have become obvious in the hospitals and health management system, the Government has had some reviews conducted. As a result of the Enfield report, in particular, a very comprehensive review of the financial management has taken place, and I have asked, through the Minister, that the matter of just how far out of control the health budget is be finally resolved. It is obvious that over a period of years there has been a lack of management systems and a lack of management in the hospital and health system. That has been accumulating. It has now come to a head and the matter has to be dealt with. I am not at all concerned about having to confront the issue and make whatever adjustments are needed.

The figure of \$17m-odd, as has been announced, consists of two elements. There is a figure of about \$11m which management is able to explain satisfactorily. When I say "satisfactorily", it is not that I accept that there has not been a lack of proper management there, but there have been events in the health and hospital system which can explain why the system has gone out of control to the tune of about \$11m. That adjustment can be accommodated within the Treasurer's Advance, and I am currently seeking advice from the Treasury on what course of action I should take on that.

There is approximately \$6m, however, where, in my view, there is not yet a full and satisfactory explanation, either of where the overexpenditure or the lack of revenue collection has occurred or of why those things have occurred. So I, as Treasurer, have not yet accepted that there is a need to make that extra \$6m adjustment. That is still under investigation and, as I have said repeatedly, I will require a full explanation of how it has occurred and where it has occurred before I will make any further adjustment.

So, we are talking about approximately \$11m which can be accommodated within the Treasurer's Advance and which I will, with advice from the Treasury, adjust. The remainder I have not yet acknowledged or accepted as being a matter that I should adjust. If and when that occurs, it will be further examined in the light of whether it can be adjusted from within the Treasurer's Advance and, if not, where else

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from this year's budget adjustments can be made to accommodate it. But it is too early yet to say whether it is necessary in connection with that \$6m, or where the offsetting adjustment will be required to be made.

MS FOLLETT: I have a supplementary question, Mr Speaker. I note the Treasurer's remarks about the use of the Treasurer's Advance. I would ask as a follow-up to that: Mr Kaine, do you support Mr Humphries' call for a bigger health budget in the next financial year, or do you intend to continue to use the Treasurer's Advance to prop up these budget overflows? If you do support an increase in the health budget in the next financial year, will you be doing so only because of the total failure to control this budget and, in fact, to save your Minister, not to mention yourself as Treasurer, from further embarrassment?

MR Kaine: No, I do not accept that there needs to be a bigger health budget, Mr Speaker. In fact, all of the evidence from successive Grants Commission inquiries would suggest that we are already expending more on health than any other community in Australia and that there would be just reason for adjusting downwards. That is the very reason why we are embarking on a hospitals restructuring program, amongst other things, to get our expenditure on health down to a reasonable level, while at the same time at least maintaining and hopefully enhancing the delivery of services to the community through that system.

What that means, Mr Speaker, is that there is this one-time adjustment that has to be made and - I make the point again - this is obviously the result of years of accumulated mismanagement. It did not occur just in the last year. In fact, as Mr Berry well knows, there were strong signs that the management was out of control when he was the Minister. So, it is not something that has happened just this year. It is the result of years of lack of management, lack of management systems and lack of management control within the health system. What the Government has done is move to rectify the management, to put in place proper management systems and to put in place proper management controls.

The budget base for the health system next year will not be last year's base inflated by \$11m or \$17m, or whatever the ultimate adjustment figure is. It will be last year's base. I will be looking, as any prudent Treasurer in these hard times is looking - and, if you do not believe me, go and ask the Treasurer of Victoria - not to increase the health budget - - -

Mr Connolly: The Treasurer of New South Wales might have some interesting thoughts at the moment, if he is still the Treasurer.

MR Kaine: The Treasurer of New South Wales is in pretty good shape. If, by some default, Mr Carr inherits the premiership there, he will find that he has a very solid financial base to work from. I am sure that he will be most delighted. He will be inheriting a financial management system and financial management base that leaves those in Victoria, Tasmania and Western Australia for dead. He will be a very fortunate man indeed.

I might add, Mr Speaker, that, if in February Ms Follett again becomes Chief Minister and Treasurer, she will inherit a very sound financial basis to work from - not one where the Territory has been run into a financial pit like Victoria, Tasmania and Western Australia, but one in which we have exercised prudent financial management, which we will continue to do. We will generate yet another budget that will help you out in the future. We will take decisions that you would never make in a million years, whether you were Treasurer or not; so you will inherit a very sound system.

Members interjected.

MR Kaine: These people think that the budget base for the health delivery system is a huge joke. If they ever again have to confront the issue of managing the Treasury and managing a budget for the health department, they will find that it was no better joke than it was when they had it. It is not a joke; it is a very serious matter. The people of this community take it seriously, even if you do not.

The budget base for the health system next year will be last year's budget base, probably adjusted downwards in accordance with the financially stringent times we are in. I will be asking the Minister and his senior management to exercise very rigid control over the budget next year, with a clear understanding that their budget will not be supplemented. They will be required - as managers right across the ACT Administration are required - to manage their budget, not to allow it to get out of control. They will be required to manage it, and they cannot and will not be able to expect that if they cannot manage it they can come back to the Treasurer and expect him simply to top it up out of the Treasurer's Advance, or wherever else there might be some money available because other managers have done better than they have.

That is not the basis on which I work. I require managers to accept the responsibilities for which they are paid. Unlike Labor Treasurers throughout Australia, when I get into trouble I do not consider that my only recourse is to go to the Federal Prime Minister and the Federal Treasurer with my hand out, asking for a handout to get me out of trouble. That is not the way we work - not this year and not next year.

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Economy

MR STEFANIAK: Mr Speaker, my question is to the Chief Minister. Chief Minister, how is the local economy performing during the current national recession?

MR KAINE: Mr Speaker, that is a very good follow-up question to the last one. I know that the Opposition will not want to hear this because, in fact, our economy is functioning much better than anybody else's, and it is interesting to hear some of the facts.

Members interjected.

MR KAINE: I said that they would not want to hear this. They want to talk through this and they want to obscure it; but facts are facts, Mr Speaker, and you cannot argue with facts. There is no doubt that - - -

Mr Berry: What about youth unemployment? Tell us about that.

MR SPEAKER: Order, Mr Berry!

MR KAINE: I will get to unemployment in a minute.

Mr Moore: Youth unemployment.

MR KAINE: I will get to youth unemployment too, because, unlike some other people in this Assembly, I have no reason to obscure the facts. You might like to twist them and distort them and misrepresent them, as you so often do; but I have no intention of doing that. The fact is that - and the members in opposition know this as well as everybody else does, and that is one of the reasons why they are in opposition; they could not confront the facts when they were in government - the Australian economy is depressed. It is not the ACT in isolation. We are not an island separated from the rest of Australia.

Mr Berry: I do not think that is the reason.

MR KAINE: Mr Berry does not want to hear this. To him, it is another big joke. Hospitals are a joke; the economy is a joke. The only joke in this place is Mr Berry, and he sits in opposition because he was one and he remains one.

Despite the fact that we have a national economic crisis, the ACT is doing very well. We have experienced employment growth of 5,800 jobs over the last year. In every State and in the Northern Territory, but not in the ACT, there has been a decline in the number of jobs. The unemployment rate in the ACT is 6.6 per cent, and it is still considerably lower than the national rate of 9.9 per cent.

Mr Berry wanted to know about youth unemployment. They made much of the fact that in January, which was the peak of youth unemployment because it is the period when people leave school and have not yet settled into jobs or gone back to school, it was 37 per cent. It dropped to 18 per cent in March-April, and at the moment it is 28 per cent. That demonstrates the fact that it fluctuates wildly during the course of the year. It is up one month and down the next. I am not proud of the youth unemployment rate, but you have nothing to be proud about either. What was the youth unemployment rate when you were in government? You do not even remember it, and you do not care. It is just a political point on which you think you can score.

Mr Speaker, while our unemployment rate is better than the national average and our job creation is better than the national average, there are a few other key variables that we need to have a look at. New dwellings approvals for the December quarter of 1990 were up 22.8 per cent in the ACT compared to the previous year. Australia-wide they were down by 10.3 per cent - not up; down or negative. Real retail turnover in the December quarter of 1990 was up 2.2 per cent in the ACT, but nationally it was down by 3.5 per cent. Real tourist accommodation takings in the June quarter of 1990 were up 10.2 per cent. There was an increase of only 1.2 per cent nationally. At the end of 1990 average weekly earnings in the ACT were \$544.90 - considerably higher than the national level of \$490.60.

Mr Speaker, the economic indicators speak for themselves. The local economy is doing well compared to the rest of the country and I could suggest, Mr Speaker, although these people opposite will sneer, that it just might be because here we have a government that has been prepared to take some hard decisions and create a financial and economic climate in which business can prosper, as compared to the harebrained schemes of the previous Government. They are still saying, "If we get back into government, we are going to tax the private sector". The private sector is where the jobs are; that is where the revenue growth is. But they are going to tax it out of existence. That is your approach. It is not mine. We are doing very well. I think that, when members of the Opposition try to take cheap political points off the Government on that issue, they are bound to fall on their face.

Health Budget

MR BERRY: Mr Speaker, my question is to the Chief Minister. When the Chief Minister rose to his feet on a question some time ago he said, "... there were strong signs that the management was out of control when he was the Minister". He was referring to me, and he was right.

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The contrast was that we stepped up to the breach, examined the problem and gave you the answers, but your Minister did not act on them. What I want to know is: How many more budget blow-outs will you allow before you intervene in Mr Humphries' portfolio, which is obviously beyond his management capabilities?

MR KAINÉ: Mr Speaker, first of all, Mr Berry's premise - - -

Mr Humphries: Blow-out Berry.

MR KAINÉ: Mr Berry said that he stepped into the breach and fixed the - - -

Mr Berry: On a point of order, Mr Speaker: I heard Mr Humphries interject, "Liar Berry". I require that to be withdrawn.

MR SPEAKER: Mr Humphries, what did you say?

Mr Humphries: I said, "Blow-out Berry", Mr Speaker, and I certainly will not withdraw that.

MR SPEAKER: I ask that you withdraw your objection there, Mr Berry.

MR KAINÉ: Mr Berry is obviously very sensitive on this issue. He jumps to his feet and says that he jumped into the breach and fixed the blow-out in the hospitals. But history speaks for itself. When we took government he was still dithering about what to do with the \$7m blow-out that had taken place in the first three months of his ministry.

Mr Berry: What are you going to do about your Minister? Come on, that is the question.

MR KAINÉ: Let us just look at that. It was \$7m in the first three months. If that had continued, it would have been \$28m by the time the year was finished. And you stepped into the breach! You stepped into nothing except a whole bunch of clag, and you have not got your feet out of it yet. The fact is that you did nothing, and while you were dithering about what to do about the \$7m you could not make up your mind whether to fire your advisory committee or to give its members a job. And at the same time you were talking about a hospitals redevelopment project of \$216m. You did not know where the money was coming from then; you still do not know where it was going to come from. So, do not talk about fiscal responsibility and financial management.

I will come to the second part. Since you made a statement and I have answered that, I will now deal with your question. To the contrary, the Minister has been very responsible. First of all, he did not jump to conclusions and run around kicking everybody's head like you might have done, if you had bothered to do anything, which you did

not. He took the prudent course. He discussed the matter with me; he was very prudent. As a result of those discussions we set the Enfield inquiry in place to find out just what was going on in the hospital system.

We got the answers, and the answers were that there was no management; there were no management systems; there was no management control. Having come to that conclusion, we then took further advice, and the Minister took further advice as to what he should do to rectify that. He is not a financial expert; he is not a - - -

Ms Follett: We believe that bit.

MR KAINÉ: Neither are you. I must draw attention to the fact that the former Treasurer, when confronted with a financial statement, wanted to know what the brackets around the figures were for - and she was the Treasurer. She has the effrontery to criticise Mr Humphries for not being a financial expert. There is no prescription that Ministers must ipso facto be financial experts; that is not what they are elected for and that is not what they are appointed Ministers for.

They are appointed to ministries because they have the capacity to manage something. If you want financial expertise, you hire it. If you want health expertise, if you want engineering expertise, you hire it. I do not happen to be an engineering expert either; but, if I need engineering advice, I go and hire that advice, just as you hired every element of expertise that you needed when you were a Minister because you are not an expert in anything.

You expect the Minister for Health to be an expert in finance. Of course, he is not. He takes advice. He did take advice; he has reached the proper conclusions; he is moving to rectify the situation in the health organisation. As I said before, if you have the good luck - and it will be good luck if you achieve it - to take government after the next election, just as you will inherit a very sound financial base for the next three years of government, you will inherit a very sound health system, properly managed and with proper financial controls and systems set in place. I think you should count yourselves lucky, and I think this community should count itself lucky, that we have a Minister who is prepared to face up to the issue, to face up to the issue that you would not face up to. He has done the job.

MR BERRY: I have a supplementary question. The question really is: How many budget blow-outs will the Chief Minister allow before he intervenes?

MR KAINÉ: The answer is none, Mr Berry.

Commercial Leases

MR MOORE: I am delighted that the Chief Minister has gone on about taking advice when it is needed, because my question starts with just that point. Chief Minister, what advice did you take into consideration when making a decision to renew commercial leases automatically and without charge? Can you indicate whether you took into account the recommendations of the Joint Standing Committee on the ACT in its 1988 report on the Canberra leasehold system - the one that was chaired by John Langmore? Can the Chief Minister inform the house what that committee recommended, and why he either accepted or ignored those recommendations?

MR KAINE: Mr Speaker, Mr Moore would be well aware that a Minister in any government takes advice and information from many sources. He does not accept one alone as the ultimate source. Any Minister that took advice from one person or one institution would, quite frankly, be stupid, because nobody can be the fount of all knowledge on an issue such as this. There are many facets to the problem, as with all issues connected with the planning legislation. This particular decision is incorporated as one clause in this legislation which will come before the house before this week is out. When you see it, you will find that it is very comprehensive and that it is trendsetting and landmark legislation for Australia on such a subject.

It came about as a result of three rounds of public consultation over a period of well over a year, with inputs from many organisations, many individuals and many groups - not only Mr Langmore and his particular group - community, business and other. I also took the advice of my ministry. I took the advice of specialist officers in the ACT Government Service. All in all, I think I got a great deal of advice - most of it good. As a result of that advice, which I then distilled and made into a decision, there is now a clause in a Bill. Your interpretation of it is quite wrong, to start with. When you see it, you will realise that you are wrong again. We will debate it on the floor of the house when you have the Bill before you.

MR MOORE: I have a supplementary question, Mr Speaker, because, in fact, the Chief Minister failed to answer my question about what that committee recommended and why he either accepted or ignored those recommendations. Clearly, Chief Minister, the advice provided by, not only Professor Neutze to that committee, but also that committee to the Federal Parliament, after long and detailed research specifically - - -

MR SPEAKER: Order! Mr Moore, you are debating the issue.

MR MOORE: Not at all, Mr Speaker; I am just clarifying it. I am just leading specifically to the question.

MR SPEAKER: You are, Mr Moore. Order! Mr Moore, it does not require clarification. Your question is easily understood by the members in the house.

MR MOORE: I have not quite got to the supplementary part of the question.

MR SPEAKER: Order! Please proceed to your supplementary question straightaway.

MR MOORE: The supplementary question really is: Why did the Chief Minister choose to ignore the recommendation - recommendation 3 - which suggested the opposite to what was in his speech to CARD, which I have read?

MR KAINE: I would have thought that the answer to that question was inherent in what I said, Mr Speaker. We went through three rounds of public consultation and we received literally hundreds of submissions on the matter. To argue that Professor Neutze, or even John Langmore's committee, is the sole source and the fount of knowledge on this matter is absurd. Professor Neutze happens to be a very competent academic, but he does not speak for the community. I took the advice of the community over a long period of time and over three rounds of public consultation.

Trading Hours

MRS NOLAN: Mr Speaker, my question is also to the Chief Minister. What is the Government's position toward the relaxation of trading hours in the ACT?

MR KAINE: Mr Speaker, the Government's policy generally is to relax trading hours, but only after consultation with the business community and particularly the trade unions, which, of course, have very strong views about the working conditions under which they might agree to increase their working hours. In particular, I have recently announced extended trading hours for the Queen's Birthday public holiday on 10 June, and also for the Labour Day public holiday on 7 October.

Mr Wood: Have you consulted the unions on that?

MR KAINE: In both cases that approval was given subject to the conditions that all work is on a voluntary basis; that a roster of voluntary workers be prepared at least seven days before the work day; that employees may withdraw from the roster at any time; and that appropriate overtime and award conditions apply. I would think that that would satisfy even the most fastidious trade unionist, Mr Wood.

Mr Wood: Was it in negotiation with the unions, however?

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MR KAINE: That was after negotiations with the unions. In fact, on every occasion that I have extended the trading hours since I have been Chief Minister, I have sought the agreement of the trade unions first. I am constantly saying to you - and I know that you do not like it - that I do consult with the trade unions constantly and I do have a very good working relationship with them. This is one of those examples where I do talk to them on issues that are of concern to them.

Trading hours in the ACT on those days will be similar to those applying in New South Wales. Given the widely differing attitudes to further relaxation of trading hours by various interest groups - and there are a number of interest groups in this - it was recently decided by the Government that it would commission a study on trading hours in the ACT. A report has been prepared by ACIL Australia. It is my intention that that be circulated for public comment prior to the Government making any permanent and long-term decision on the matter.

Hospital Redevelopment Project

MR WOOD: Mr Speaker, I direct a question to the Chief Minister, as Treasurer. Chief Minister, where will the extra \$35m required for your Government's hospital redevelopment plan come from?

MR KAINE: I am glad you asked that question, Mr Wood, because it gives me an opportunity, once again, to knock this Labor Party myth on the head. It is not \$35m extra at all. Mr Speaker, every time one of the members of the Opposition asks this question, they are playing this game of questioning my integrity. I have said time and time again, and I will say it again for the record since you obviously did not hear me the previous times that I have said it: The hospital reconstruction program, which was for a defined quantum of work which Mr Berry knows about because he was examining the same proposal when he was Minister, was costed in 1989 at \$154m. In 1990 dollars that translates to \$166m. That is the value of that project; and that will not be increased. I have made it clear that that base \$154m in 1989 dollars will not be added to. The project, as defined when the project began, will be completed within that amount of money.

The \$35m has nothing to do with that project at all. It is for additional projects like a hospice and a birthing centre, which the Government has introduced this year as new policy initiatives; they are totally unconnected with the hospital redevelopment project. So, let us get off this hobbyhorse that somehow the hospital reconstruction project has blown out; it has not. The Government is undertaking other projects. Are you suggesting that we should freeze all other work associated with the hospitals until the project is completed, lest it be misconstrued as an extension of the project?

What you hate is that this Government has done things that you always talked about but never did. You did not establish a birthing centre; this Government is doing it. You did not establish a hospice; this Government is doing it. If you look at all the projects that are involved in that \$35m - and I do not know whether that figure was accurate; I did see the list of projects that ostensibly were included in it - they are all new policy proposals adopted by this Government to enhance our health delivery system, not part of the hospital reconstruction program at all. They are additions to it.

So, let us get our terms right. There is a hospital redevelopment project costed at \$154m in 1989 dollars. That project will be completed within that budget. It will not expand; it will not blow out. In fact, the indications are that it will be completed well within that budget. These other things are in no way connected with it.

Motor Vehicle Insurance

MR STEVENSON: My question is to Mr DUBY, as being responsible for transport. By what reasoning, moral or otherwise, do some insurance companies void policies held by drivers who are involved in accidents while exceeding legal blood alcohol limits, thereby limiting or preventing other innocent parties from claiming against the offender's policy?

MR DUBY: I thank Mr Stevenson for the question. To put it frankly, in short, I would imagine that the circumstances that you described are part of the contract that people enter into with the insurance company when they take out that policy. However, I am not an expert in these matters. I shall seek further advice and provide Mr Stevenson with the answer when available.

MR STEVENSON: By way of a supplementary question, Mr Speaker: Would Mr DUBY state or check whether or not, when taking out vehicle registration, the insurance taken out for personal liability at that time is void under the same circumstances? If not, why is there a difference?

MR DUBY: I will take that matter on notice.

Commercial Leases

MR CONNOLLY: My question is to the Chief Minister. I refer to your claims that the dispute between you and Deputy Chief Minister Collaery over commercial lease renewals can be resolved by focusing on the financial aspects of the decision that you announced at the CARD luncheon to abolish the distinction between commercial and residential lease renewals. Can you tell the Assembly of the projected revenue to the Territory from renewals, into the next decade, assuming the current system remains? What level of land tax would need to be set to adjust and compensate for the loss of premiums?

MR KAINE: There is a cause and effect implication in that question which, of course, is entirely irrelevant. He talks about a dispute between the Deputy Chief Minister and me. This is just another area where, within the Government, there has been a difference of opinion expressed. I have consistently told you that we do not - - -

Members interjected.

MR KAINE: This is not the Communist Party, nor is it the caucus of the only Stalinist party left in the world. Do not quote me on that; somebody more authoritative than I am said that. We have a system of democratic government, and people can express differing views. As I said before, when the Bill comes before you in the next few days you will see what the one clause in the Bill that deals with this matter really says.

To move on, you asked me for the forward projection for the next decade. All I can tell you is that for the last four years the revenue from lease extensions - not lease renewals, lease extensions, and what the Bill talks about is lease renewals, so let us be clear that there are two different things here - was about \$700,000 a year. The high point was about \$1.2m four years ago, and it dropped to something of the order of \$400,000 in one year. It averages out at somewhere around \$700,000 a year.

So, if one could argue that revenue is forgone by the clause that is implicit in the Bill - and we can argue that at an appropriate time - then that is the order of magnitude that I would suggest for the next few years, just as it has been for the last four. It is still some 30 years before any significant number of commercial leases will expire and will be subject to renewal. We are still 30 years away from that occurring. If you check it, you will find that that is quite factual.

As I tried to say - and the argument has been a bit obscured - there are a number of ways in which the Government collects revenues from commercial properties on behalf of the community. The first is in terms of the premium that is paid initially for the lease. Secondly,

there is land rent, or land tax, which we levy, and which differentiates them from residential leases. Thirdly, there is the betterment tax. If and when a lease is to be used for some new purpose, we collect a very substantial betterment tax in some cases. Fourthly, of course, there is the question of what it will cost to renew a lease when it expires.

In the broad context of that debate I think it is quite spurious to focus in on only one element of that revenue collection formula and say that the Government has somehow forgone considerable revenue. It has not.

Mr Moore: It has so.

MR KAINE: It has not, and, as I have also gone to great trouble to explain, the financial ramifications of this have not yet been dealt with by the Government. In fact, my understanding is that a submission covering all of these financial aspects of the matter will be brought to the Cabinet next Monday, if all goes to plan. So, you are anticipating a debate. You are speaking from an ill-informed position on what the crux of the matter is.

Ms Follett: Better informed than you are, heavens above.

MR KAINE: Do you want to get into a debate with me, Ms Follett? I think I will beat you hands down, if that is what you want.

MR SPEAKER: Order, Chief Minister!

MR CONNOLLY: I have a supplementary question. Chief Minister, do I take it from that that not only have no projections been done on projected loss of revenue, but the figures generally had not been done on this issue before the decision was taken?

MR KAINE: No, you cannot take that at all. I told you what the projections were, based on past experience and the fact - - -

Mr Connolly: What a way to make decisions. You said that you hire experts.

MR SPEAKER: Order, Mr Connolly!

MR KAINE: Do you want to debate this, too? I will beat you hands down, too, because you obviously have no facts to speak from. As usual, you are talking off the top of your head.

MR SPEAKER: Order!

MR KAINE: I am answering a supplementary question, I thought, Mr Speaker. Does he not want to hear the answer?

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MR SPEAKER: Please proceed to the question, Chief Minister.

MR KAINE: I am trying to, but he is interjecting and he wants to debate the question.

Mr Connolly: He asked me whether I wanted a debate. I said that I do.

MR SPEAKER: I recognise the interjection. Please proceed, Chief Minister.

MR KAINE: First of all, I told you what the projections were, based on past history. Secondly, I told you - - -

Mr Connolly: This is how you work out the hospital budget too, no doubt.

MR KAINE: Do you want to get back into the debate again?

MR SPEAKER: Order!

Mr Connolly: Yes, I do.

MR SPEAKER: Order! Members, let us have questions and answers through the Chair, please.

MR KAINE: My apologies, Mr Speaker. Secondly, I told you that what we are talking about over the next 10 years is not lease renewals but lease extensions; they are two different things entirely. There is nothing to suggest that the next 10 years will see any change as compared to what has happened in the last five, because they are lease extensions, not lease renewals. The tenure of current commercial leases is such that there will be very few, if any, lease renewals of a commercial nature coming up inside about 30 years from now.

Hospital Services

MS MAHER: My question is to the Minister for Health. Given the Minister's reference to waiting lists and available hospital beds as poor indicators of the level of service, can the Minister advise as to what measures should be used?

MR HUMPHRIES: I thank Ms Maher for that question. It is a very good one because of the debate that has been generated in recent months on this question, not just in the ACT but across the country. I would like to table for the benefit of the Assembly some papers which were made available and released through the Australian Health Ministers Conference. They clearly show that there is a very strong argument about the relevance of hospital bed numbers as indicators of the efficiency level of services within hospital systems in this country at the present time.

Particularly, they show that admission rates are a rather better measure of the efficiency and productivity of our hospital system than bed numbers. The basic reason for this, of course, is that, while numbers of people who use hospital services are going up all the time, there is also a trend downwards in bed days matched by a trend upwards in admission rates. What that means, of course, is that it is possible for the same hospital bed to service more people over a period of a year or a month, whatever the period might be. That throws down the question of whether we should be looking at bed numbers as opposed to some other indicator.

I will table these indicators. I can inform the Assembly that the average admissions per month for the period from July last year to March of this year were 3,418 - an improvement of nearly 4 per cent on the monthly average between July 1989 and June 1990. Clearly, Mr Speaker, that goes some way towards easing the problem of bed shortages in various specialties at various times. I present the following papers:

Hospital admissions and bed days -

Admission rates at Royal Canberra and Calvary Hospitals.
Projected trends 1992-2001.

Commercial Rents

MRS GRASSBY: My question is to the Chief Minister. When is the Government going to act to prevent the upward spiral of commercial rents in the Territory?

MR KAINE: That implies that there is an upward spiral in commercial rents in the ACT. There is a steady increase, just as there is in the CPI and other economic indicators. Quite frankly, this is not a socialist government. I do not think that there is a place for government to intrude between two parties to a tenancy agreement, or any other kind of agreement. If people have difficulty negotiating their leases, there are all sorts of remedies available to them. I do not think that it is appropriate for government to legislate to intrude between two parties to a contract. I do not know quite what you expect the Government to do. I suppose I know what you would do.

Mr DUBY: They would do nothing.

MR KAINE: That is right; like they did before. Either that, or they would overreact and heavy hand business so that the whole economy fell apart at the seams. And if you - - -

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Mr Connolly: Maybe do what they have done in Queensland, Victoria, Western Australia.

MR KAINÉ: Western Australia, did you say? Do not quote me Western Australia. Look at the shambles they have. I think that speaks for itself.

Alliance Government

MS FOLLETT: My question is again to Mr Kaine, the Chief Minister. Mr Kaine, are your Ministers required to publicly support decisions taken by the Cabinet?

MR KAINÉ: Yes, Mr Speaker.

MS FOLLETT: I have to ask Mr Kaine, Mr Speaker, as a supplementary question: In view of Mr Collaery's recent actions and his threat to resign over a Cabinet decision to which he was a party, what will you do if Mr Collaery fails to support Cabinet's decision on lease renewals in an Assembly vote?

MR KAINÉ: I do not know about any public threat to resign, but - - -

Mr Berry: You must have been away that day.

MR KAINÉ: That was probably the day when I had a day off. But I think it is almost an improper question, because the Leader of the Opposition is asking me to express an opinion about a hypothetical event. I do not think I need grace it with an answer.

Hospice Services

MR BERRY: My question is to the Minister for Health, Education and the Arts. Minister, in your announced hospital redevelopment plan there was included an uncosted hospice. In the master development control plan - a lengthy document - there were two uncosted hospices; one at Woden and one at Calvary Hospital. How many hospices will there be, how many beds will there be in each, and how much will it cost?

MR HUMPHRIES: Mr Speaker, the Government is still establishing what kind of hospice service the ACT should be provided with. Mr Berry, of course, is embarrassed because he has realised that the dream of a hospice that many have held in the ACT for many years has finally been realised by this Government, and not by the Government that he was a member of some time ago.

Mr Doby: He had his chance.

MR HUMPHRIES: Of course, he had his chance to do that. He had his opportunity, but he failed to grasp the nettle, basically, I suppose, because he was too busy grappling with budget problems of his own at that time. Mr Speaker, I will be able to announce - - -

Members interjected.

MR HUMPHRIES: Mr Speaker, could I have some order, please?

MR SPEAKER: I would like you to have some order, Mr Humphries.

MR HUMPHRIES: I will be able to announce details of the ACT's first hospice in the coming weeks, when the details are fully settled. The ACT's facility in this regard will be very good. We have taken careful stock of all the advice available to us on the provision of hospice services, and as a result I am sure that the ACT's facility will be among the best in the whole country. I am looking forward to making that announcement. When the details are known, I am sure that Mr Berry will be one of the first to hear about it.

MR BERRY: I have a supplementary question, Mr Speaker. I must say that I am pleased, after today's questioning, that my predictions have come true. It will cost as much to close Royal Canberra Hospital North as it will to keep it open. But since you are - - -

Mr Kaine: On a point of order, Mr Speaker: I do not think he is in a position to make a statement of that kind. He is supposed to be asking a supplementary question.

MR SPEAKER: Your objection is upheld. Mr Berry, get to your point immediately, please.

MR BERRY: I just want to ask a question, not make ministerial statements. I will save them until next year. Since you are already \$17m over budget, where will the money for these hospices come from, or do you still have no idea?

MR HUMPHRIES: Mr Speaker, I think Mr Berry will have to be patient. I know that it is very hard for him to wait and see what happens in that regard, but the ACT Government has made no secret of the fact that it was budgeting quite separately for those matters. Mr Berry knows that. Mr Berry has asked questions about that in the past. Not even he would have the effrontery to rise in this place and pretend that there was ever an expectation that the \$154m to which the Chief Minister referred earlier today was somehow to pay for all these additional items, such as a hospice, a birthing centre, the QEII home's relocation, et cetera.

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That was never the case. Mr Berry has never heard any member of this Government say that it was the case. He knows that it was never the case. And he has had the decency, on this one occasion at least, not to join the public band wagon that was started by the article in last week's *Canberra Times*. The fact of life, of course, is that the ACT Government will provide funding for that outside the hospital redevelopment program.

Mr Berry forgets, of course - and, I am sure, deliberately - that in the course of rearranging the range of services available in the ACT, such as the Jindalee Nursing Home, the QEII home for mothers and babies, et cetera, there are some capital gains to be made. They themselves will generate money towards the cost of some of those facilities. I will say no more than that at this stage. Obviously we have some way to go before we are actually able to sell either of those two sites that I have just mentioned, but they will certainly contribute towards the capital cost of providing a hospice. The recurrent cost, of course, will be met by the savings made in following the Kearney report recommendations of establishing one principal hospital and closing the present Royal Canberra Hospital North - savings of \$8m a year. It will not cost anything like that to run those services.

Mr Speaker, although it embarrasses those opposite, we have to acknowledge that the ACT does stand to gain very handsomely from these arrangements. I am sure that when people see what is at stake here and when they see what advantages flow from these government plans they will be very pleased with what they have obtained.

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

Vocational Training Authority

MR Kaine: Mr Speaker, I would like to provide the answers to questions which I previously took on notice.

The first is a question from Mr Berry from 1 May, when he asked about the Vocational Training Act and the provision for the appointment of a chief executive. He asked me whether the fact that the position had not been filled indicated a lack of support for the authority, and, if that was not the case, when the position would be filled.

Mr Speaker, the Vocational Training Act provides for the appointment by the head of administration of a public servant to be the chief executive of the Vocational Training Authority. The fact that there is no current appointment of a chief executive does not indicate a lack of support for that authority. Appropriate staff support

has been made available. Over the last few months the issue of the most effective organisational structures for those staff has been reviewed, and some streamlining of arrangements has taken place.

I am advised that negotiations with the authority on these matters are continuing, and it is our intention to ensure that an appointment of a chief executive is made at an appropriate time. The question of advertising does not arise. The appointment is a statutory appointment made by the head of administration. It is the appointment of a public servant to undertake particular functions for the purposes of the Vocational Training Act. So, Mr Berry's question was predicated on a wrong assumption, as they usually are.

Energy Sources

MR KAINÉ: Mr Speaker, the second question was one from Ms Follett on 2 May, and it had to do with meeting environment targets which were set out in our environment paper of June 1990. In the Alliance Government's environment policy, released on World Environment Day in 1990, we made a number of commitments to the Canberra community to maintain and improve the ACT's high quality natural and urban environment. I am pleased to say that, nearly one year on, the Government has an environmental record which I believe that it can be proud of.

The area of energy, in particular, is one where the Government has undertaken a number of significant initiatives aimed at achieving the targets identified in the environment strategy. In that strategy the Government made a commitment to improving the energy efficiency of government buildings. As I highlighted in the environment budget last September, the Government will be spending \$1.1m in this fiscal year to improve energy efficiency in schools, ACTION depots and the Motor Vehicle Registry. Not only will the implementation of these measures result in savings of \$350,000 a year, but there will be benefits to the environment in the form of reductions of nearly 4,000 tonnes per year in the amount of carbon dioxide released into the atmosphere.

The transport sector is the largest consumer of energy in the ACT and is a priority area for energy conservation initiatives. One major way of reducing the level of consumption is to maximise the utilisation of public transport by augmenting and upgrading services. Initiatives being carried out by ACTION, including the ongoing bus replacement program and the investigation of the use of compressed natural gas powered vehicles, will allow more economic and less polluting use of fuel, again resulting in financial savings as well as a positive environmental impact.

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A consultant's study is currently being completed to assess the feasibility of introducing bus priority work in critical sections of the ACTION bus network, and to identify a program of works for implementing these measures. Some works have already been scheduled for completion in this financial year, including the duplication of Athllon Drive between Beasley Street and Mawson Drive, and additional complementary works will be undertaken in the next fiscal year. The Government's initiatives on car parking in Civic and the residential areas around Civic and Woden have been showing a gradual, but encouraging, increase in the use by commuters of multi-occupant vehicles.

Effective policies for energy conservation must also address the issue of recycling and waste minimisation. Vast amounts of energy are consumed in the conversion of raw materials into the products that we consume every day. Encouragement of recycling and the use of recycled products are a significant part of any comprehensive policy. The Alliance Government is undertaking a number of initiatives to this end. As part of a program of promoting waste motor oil recycling, discussions have been held with the Motor Traders Association and the oil companies on extending and promoting waste oil collection through selected service stations. The Alliance Government is also leading the way in creating a market for re-refined motor oil. A trial on the use of re-refined oil has been completed, and all indications are that there is no detectable difference in using re-refined oil in the motor vehicles trialled.

Another new initiative is the use by government agencies of a material known as syntal. Syntal is made of mixed plastic waste and can be used in a range of situations as a substitute for timber, steel or concrete. Typically the material is used for street furniture, playground equipment, road markers, kerbing and fencing. In the ACT the material has been used for bus and outdoor seats, and is expected to be used in a wider range of situations in the future.

Mr Speaker, many of the initiatives I have outlined above will have positive impacts, not only for energy conservation, but also for air pollution and the greenhouse effect. For instance, reducing the number of cars on the road will lead to not only a reduction in the collective fuel consumption of the ACT but also a reduction in the level of air pollutants emitted.

In spite of the significant achievements of the Alliance Government in energy conservation, we nevertheless acknowledge that there is still work to be done. The Alliance Government's environment strategy is a flexible document, designed to be reviewed and updated to keep pace with technological and social change. Through its environment strategy, this Government will continue to keep abreast of the changing environmental priorities that will necessarily arise as the ACT continues to develop and prosper.

DEATH OF MR RAJIV GANDHI

MR KAINE (Chief Minister): I move:

That the Assembly expresses its deep regret at the death of Mr Rajiv Gandhi, former Prime Minister of India, and tenders its profound sympathy to his widow and family in their bereavement.

Mr Speaker, at a time of secular turmoil, the world now also mourns the loss of India's former Prime Minister, Rajiv Gandhi, a man who, like his predecessors, was committed to the future, and the future of democracy in particular. Rajiv Gandhi, although a man born of politics, was thrust reluctantly into politics. He was a man who considered himself a politician for and of the people. Like his mother and his grandfather, he too was a champion of democracy with a deep and abiding commitment that a sound democratic system would be crucial in guiding India into the next century.

As we witness what may be the end of the Gandhi dynasty - a period in which the Government has been dealt some overwhelming challenges - India is again on the brink of a new chapter and facing perhaps its greatest challenge.

I am sure, Mr Speaker, that I speak for us all here in the Assembly today as we join the rest of the world in mourning the untimely death of a man who provided hope for so many. We now can only hope that India's future leaders continue with a similar commitment to democracy to that of Rajiv Gandhi. His death represents not only the end of a life, but the end of an era, and he will be sadly missed.

MS FOLLETT (Leader of the Opposition): The Labor members of the Assembly join in supporting this motion of condolence on the death of the former Indian Prime Minister, Mr Rajiv Gandhi. It was with a sense of shock and horror that we learnt last week of the assassination of Mr Gandhi - shock and horror not simply for the loss of an impressive leader, for the grief felt by his wife and his family, or for the appalling fact of yet another political assassination. In a very real sense we felt a sadness for India itself as it endured another tragedy in the long struggle to grapple with the many problems posed by religious differences, population and environment.

Mr Speaker, Rajiv Gandhi is an example of how some people rise to the occasion and become great leaders. Much has been made of the so-called political dynasty in India which has seen the history of independent India, the Congress Party and the Nehru family intertwined. But, while his grandfather was India's first Prime Minister and his mother led India for almost all of the period from 1966 till 1984, Rajiv Gandhi did not start with political ambitions. It is

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said that at school and at Cambridge University Mr Gandhi was unassertive and unsung. He failed his final examination in engineering at Cambridge and, in fact, went home to India without a degree. Instead, he trained as a pilot with Indian Airlines, but this career was brought to an end in 1980 when his politician brother was killed in a plane accident.

Rajiv Gandhi's involvement in politics over the next four years led to his succession to the leadership of India following the assassination of Mrs Indira Gandhi in 1984. Mr Gandhi's prime ministership can be interpreted in very many different ways. He is credited with a conciliatory approach which resolved regional discontent in some parts of India. His Government liberalised the economy and tackled longstanding problems of corruption. But Mr Gandhi's economic liberalisation has also left a legacy of foreign debt and budget problems. The tough line which he took with Sikhs during his mother's prime ministership has also been questioned.

In the broad scheme of things, I believe that Mr Gandhi will be judged favourably by history. His greatest triumph is the triumph of the Congress Party throughout its history. It is the triumph of a secular leadership and secular policies being implemented in a nation which is so very deeply divided on religious and other communal grounds. It is a triumph that India's democracy is so strong in the face of the many problems which confront the nation. Whatever one might say about the Nehru/Gandhi dynasty, the fact is that Indian democracy does work and that this family and Mr Rajiv Gandhi have contributed to its working. Both Mrs Indira Gandhi and Mr Rajiv Gandhi were voted out of office. Mrs Gandhi returned at a subsequent election and it is widely believed that Rajiv Gandhi would also have won the current election.

The Labor members of this Assembly join in condemning the act of political violence which ended Mr Gandhi's life and we are deeply saddened by the violence which has erupted since. Mr Speaker, our thoughts, and I am sure the thoughts of all in this Assembly, are with Mrs Sonia Gandhi and her children at this very difficult time.

MR COLLAERY (Deputy Chief Minister): Mr Speaker, I rise to endorse the comments by both leaders.

MR HUMPHRIES (Minister for Health, Education and the Arts): Mr Speaker, I want to make a few comments on this motion and to support it, of course. I think that to lead a country like India does require very special qualities. Whether those qualities were endowed by birth, in the sense that Mr Rajiv Gandhi inherited a certain mantle, a name from his grandfather and his mother, or whether they were otherwise gained, in a sense may be hard to judge, given that Mr Gandhi's career has been cut short by assassination.

It is very clear that during the five or so years that Mr Gandhi ruled India as Prime Minister he showed special qualities in managing the largest of the world's democracies. In that sense I think he deserves the tributes of this Assembly and those of other nations that have paid tribute to him since his assassination.

He was a great supporter of the Commonwealth of Nations, and I say that with pride. I think members of this Assembly have been enthusiastic supporters of the Commonwealth Parliamentary Association and have certainly valued the comradeship that goes with membership of an organisation such as that. Rajiv Gandhi was a major supporter of the Commonwealth of Nations and, with his departure, he will be greatly missed.

Ms Follett touched on the question of the difficulty of leading a country such as India, with so many ethnic, religious, linguistic and cultural forces at work. The special tribute I think we can pay to Rajiv Gandhi is that he acknowledged those differences in outlook by many Indians and attempted in many ways to reconcile them.

His mother's approach to the question of diversity within India was a somewhat intolerant one. She took the view that these forces need to be suppressed in order to make India work as a single unit. I think Rajiv Gandhi had a more enlightened view of that and took the view that they should be acknowledged, within limits, and even encouraged in some cases. I think Mr Gandhi's approach will be missed in that sense as well.

His death was a great shock to everybody who values democracy. It reminds us all that politicians are mortal. I do not think that Mr Gandhi would take with him to the grave any great ideological legacy or leave a great legacy, in that sense, to the people of India; but certainly he demonstrated a capacity and a talent to manage the very great difficulties confronting India which, I think, will be sadly missed by the people of India. I certainly join with my colleagues in offering condolences to his family at this time.

MR STEVENSON: Mr Speaker, I support the comments of members in condemning the assassination of Rajiv Gandhi. Such an act can never further the cause of democracy. Perhaps it may, in itself, stand as an example of the wrong action to take. There are, by far, other ways that we should use in our disagreements in society. I know that all members here offer condolences to the family of Mr Gandhi.

Question resolved in the affirmative, members standing in their places.

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DEATH OF PROFESSOR MANNING CLARK

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

That the Assembly expresses its deep regret at the death of Professor Charles Manning Hope Clark and tenders its profound sympathy to his widow and family in their bereavement.

It is a sad week when we have to move motions of condolence not only for a great foreign leader but also for one of our own great Australians, but unfortunately that is the case. Australians as a whole, and Canberrans in particular, are saddened by the death last week, at the age of 76, of Professor Charles Manning Hope Clark.

One of Australia's most eminent historians, Manning Clark made lasting and far-reaching contributions to every Australian's knowledge of our forebears, most notably in the form of his six-volume *A History of Australia*. That series, written over 25 years, from 1962 to 1987, is already firmly entrenched in our historic chronicles, and will so remain for many generations.

Often surrounded by controversy, Manning Clark was a nonconformist with a passion for life and for history, and for the true expression of both. Canberra was his home for the last 42 years. The city always won his praise and devotion, both of which are warmly reciprocated by the people of Canberra.

Manning Clark first came here when appointed professor of history at the Canberra University College, forerunner to the Australian National University, in 1949. He was made professor of history at the Australian National University on its creation in 1960, and was later made emeritus professor. His love of Canberra's living environment was well known. Manning Clark was a familiar sight to many, enjoying regular walks from his home in Forrest to experience first-hand Canberra's magnificent seasons and crisp air.

At this personal level, and on a grander scale as a board member of the National Capital Planning Authority, Professor Manning Clark displayed commitment and concern that Canberra continue as a fine environment for future generations. He was a man devoted to recording Australia's past, believing history to be "a bible of wisdom which could help dissolve society's blinkers". Manning Clark was equally devoted to the future.

His legacy for all Australians is a greater understanding of the events and people which have shaped this nation. Canberrans in particular are richer for Manning Clark's demonstrated devotion to Canberra and his actions in shaping the direction of the city. We all mourn his passing, Mr Speaker, and on behalf of all Assembly members I extend deepest sympathy to his widow Dymphna and the family.

MS FOLLETT (Leader of the Opposition): The Labor members of the Assembly join in supporting this motion of condolence on the death of Professor Manning Clark. Professor Manning Clark will be remembered, of course, as a great historian. Indeed, it was he who put Australian history on the map. He did that in more than one way. He put it on the map as an academic study. He is largely responsible for the fact that the study of Australian history is pursued within Australian universities in a serious and considered way. He also put it on the map as far as ordinary Australians are concerned. If I can speak as a person who has not made a formal study of our history, I can say that I have read the work of Professor Manning Clark. I know of many other people in ordinary walks of life who have also read his work. What he provided to people like me is a very much deeper understanding of Australia's roots and of our history and, as well as that, of course, a very much deeper sense of the worth of Australian history and of all things Australian.

Professor Manning Clark was an unconventional man. Indeed, he railed against conservatism, against stagnation and against the status quo. I think it was his unconventional attitudes that brought him into controversy in much of his history. In fact his unconventional attitude towards history was always to favour the ordinary person. His approach to writing history was to write about ordinary people and about the scene that they experienced at the time; to deal equally with the less successful people and with the great leaders at the time. I think it is that which has endeared him so much to a great many Australians.

His unconventional attitudes also extended to his own personal appearance. I do not believe that anybody who ever laid eyes on him would ever forget his imposing figure, his hat, his beard and so on. He was very much a Canberra institution, though I am sure he would hate that term. Throughout his life and his work he remained true to his Australianness. His work reflects his own dedication to Australia and his very optimistic beliefs about history and about our country.

I will just read briefly from the epilogue that he wrote to volume 6 of *A History of Australia*. Manning Clark said:

This generation has a chance to be wiser than previous generations. They can make their own history. With the end of the domination by the straiteners, the enlargers of life now have their chance. They have the chance to lavish on each other the love the previous generations had given to God, and to bestow on the here and now the hopes and dreams they had once entertained for some future human harmony. It is the task of the

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historian and the myth-maker to tell the story of how the world came to be as it is. It is the task of the prophet to tell the story of what might be. The historian presents the choice: history is a book of wisdom for those making that choice.

Indeed, Manning Clark made many choices throughout his life. I have referred already to his choice and his extraordinary generosity towards ordinary men and women of Australia.

He also, of course, made some political choices, although he was not an overtly political man. He was a supporter of many of the Labor Party's ideals, particularly during the heady and reformist days of the Whitlam era. It was a great privilege for the Labor Party locally to have Manning Clark present at the launch of our first campaign under self-government, back in 1988, I think.

Manning Clark also made a choice to live in Canberra. Indeed, he spent 42 years living and working in Canberra. He loved Canberra and he was always willing to defend it against any of its detractors. In fact, in response to a very ill-advised remark by Prince Phillip, about whether Canberra had a soul, Manning Clark said at a public meeting, "People who say Canberra has no soul are talking about themselves". If I had no other reason to love Manning Clark, that would be enough to cause me to love him, because it is an extremely true statement. It came from somebody who knows and loves Canberra.

Mr Speaker, I believe that Professor Manning Clark was the greatest Australian I have known. It was an extraordinary honour to know him. The sympathies of the Labor team in the Assembly go to his wife Dymphna and to his large family on his death.

DR KINLOCH: On behalf of the Residents Rally and also for myself, I very much endorse the remarks of both the Chief Minister and the Leader of the Opposition. I pick up, if I may, two of their comments. Mr Kaine referred to Manning as "a nonconformist with a passion for life". I have seen that at first hand. Ms Follett rightly quoted from that magnificent passage at the end of volume 6. I honour Manning as "an enlarger of life", which indeed he was. Anyone who was at that extraordinary gathering yesterday would say, "There was Canberra's soul". As one observer said, "There was also volume 12 of the *Australian Dictionary of Biography* on the pavement all around". It was just an amazing sight.

I have a particular regard for Manning, and I hope that I may be allowed to express this in this very appropriate arena. He was head of the department of history, which took me on board in September 1966 - 25 years ago. Some of you may say, "Well, that was one of the things that perhaps Manning should not have done", but I owe being here in Canberra to Manning Clark. I remember so well arriving here in Canberra. He had just been in hospital, but one of

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the first things he insisted on was that I be brought out to that marvellous house in Forrest, that Robin Boyd house, so that we could talk and get to know each other. That was one of the essences of Manning; he wanted to get to know people, not to project himself. He wanted to know other people. I thought that comment yesterday about him in the ward in St Vincent's Hospital was so true. When he was asked how he was he said, "Well, there's great drama here". He was not talking about himself; he was talking about all the other people in the ward where he was one patient.

I remember him as a man who dealt with his colleagues as friends and equals. As Don Baker said of him, he did not like to give orders. He talked to all of us as equals and gave us free rein to pursue the interests and passions which mattered to us. This was no small matter in a history department in the 1960s and the 1970s - a time of very considerable political turmoil. In that department there were all kinds of people. He assembled a department which represented a wide range of views, from a practising and active member of the Communist Party to practising and active Catholics.

Manning held an umbrella over the people he appointed. We loved him for himself. We loved our colleagues for the fact that we were, with Manning, in a common enterprise. He was, if you like - he might not like this - a bishop of the flock. He would not want to be a bishop though, would he, despite his father's Anglicanism and his brother's Anglicanism; but I do think of him as a good shepherd. He was a good shepherd not only when he was head of department but also after he retired, many years ago. He continued his interest in and, indeed, his influence upon - did he but know it - all the members of his department and their wives or husbands and their children. The telegrams would come, and the loving cards, where the handwriting was almost indecipherable; but you knew what he meant.

It was a great honour to be part of a department of which he was head. If you think about who he brought with him you will recognise the power of this group. I have written down the names of some of them: Eric Fry; Professor Ken Inglis, now at Cambridge; Professor John Molony, now in Dublin; Professor Bob Gollan, the first Manning Clark professor of history at the ANU; Professor Bill Mandle, still writing in our local journals; the late Barbara Penny; the late Geoffrey Fairbairn, an extraordinary man - I think only someone like Manning would have appointed him, and we all very much cared for Geoffrey, as did Manning; the late Professor Mick Williams; John Ritchie, editor of the *Australian Dictionary of Biography*; Dorothy Shineberg; a marvellous nun, Sister Pauline Kneipp - she and Manning were great friends; Humphrey McQueen; and, of course, Don Baker. I also recall Professor Wang Gungwu, now vice-chancellor in Hong Kong, but part of our department for a while. Let me add Bruce Kent, Bill Craven and Ian Hancock, who became heads of the history department after Manning Clark and Mick Williams.

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I want to stress, as you have heard those names, that they were not all from Melbourne, although Melbourne was very much a spiritual home for Manning, and they did not all barrack for Carlton. It was an exciting and liberating experience to be in Manning's department. What is more, we loved him and we love him still.

But there was more to it than the internal affairs of one department. Manning embraced the Soviet Union, the United States, Shakespeare, the *Book of Common Prayer*, Dostoevsky, and a range of European literature, apart of course from his magisterial command of the history of Australia. For those of us who are immigrants, and in a way can never truly be fully Australian, much as we may want to be, it is Manning who has helped us to see our new nation.

Manning also helped us to see the human condition. The last time I heard him speak was in Goulburn. He was opening an art exhibit of the works of Robin Wallace-Crabbe. Strangely, at that exhibit, he talked about Dostoevsky, and Dostoevsky's short story or novella *The Gambler*. Manning understood a great range of things about the human condition.

Today, as has already been mentioned, and I very much agree with this, I especially want to remember him as a resident of Canberra devoted to this city. This morning Ian Hirst and I were remembering his involvement with Hazel Hawke and Sir Geoffrey Yeend in a planning proposal for Civic Square. A reference to the National Capital Planning Authority has already been made. I remember him in Civic Square on 13 November 1987, standing with a large group of residents who eventually became the Residents Rally. It was not a political group at that time and he was standing there on behalf of our city. His own Robin Boyd house is itself an ornament to this city. He loved the bush and the ambience of this city; and he loved the poets of Canberra and this part of Australia, including the south coast. It was magnificent to hear Glenn Tomasetti singing that David Campbell poem yesterday. It was absolutely stunning.

To Dymphna and those six extraordinary children, who surely reflect what Manning was, we offer the very greatest sympathy, and I hope that we will all forever remember him.

MR COLLAERY (Deputy Chief Minister): Mr Speaker, I rise briefly to add to the comments made. I last spoke to Manning Clark on Thursday, 9 May, in Manuka. He was a local resident and I knew him. As Dr Kinloch has so eloquently put, he did not belong to anyone; he sought a new order through a study of the old world, or the new old world of Australia. He did have a vision for Canberra and he never let me not know that he expected that vision to be delivered. On 9 May he again sought to ensure that the Rally stuck to what it set out to achieve. That was Manning Clark. I mourn his passing and I join with other members of the house in passing condolences to his wife and children.

MR HUMPHRIES (Minister for Health, Education and the Arts): I did not know Rajiv Gandhi, but I did have the privilege of meeting Manning Clark. I was a student of Australian history at the University of New England in 1977. Of course, for any student of Australian history at that time, and probably since, *A Short History of Australia* was the bible to which we all referred. If you were really a swot you would go to the six-volume history, although I think it was four volumes at that time. I also had the privilege of attending lectures and speaking to him when I came to Canberra, and I found that a very exciting experience.

I do not want to say much, Mr Speaker. I think other speakers have indicated very clearly the contribution Manning Clark made to the study and the appreciation of Australian history. I will say that I did disagree with much that he wrote. I appreciated very much the fact that he raised the awareness of Australians' origins and their character through their pursuit of their history, but he did so by being heavily critical of Britain and Britain's legacy in Australia, and contrasting very sharply British expectations of this country and what actually was discovered when British settlers came here. He contributed very heavily, therefore, to the trend away from all things British which has been experienced and is still being experienced in this country.

He was, as I think Ms Follett said, a very political person in some of the things he said. He was a republican, which may account for his comments in respect of those that were made by the Duke of Edinburgh. He also had a very powerful religious perspective on all the things that he said, although I think it is probably better to say that he was an extremely humanist person in respect of the things that he wrote about this country and the people of this country.

He was not a purveyor of facts and dates in the way many other historians might be perceived to be. He was a person who used history to articulate a vision of life and a philosophy, particularly of Australian life, which I think will be a major legacy for all of us and for many generations to come. Despite my reservations about some of the things he had to say, I fully acknowledge the contribution he made to Australian history and to Australian life, and I am very happy today to rise and join in this condolence motion, mourning, as it does, the passing of a great Australian.

MR JENSEN: I rise briefly to support the motion of condolence on the death of Professor Manning Clark. As a student of Australian history at the Australian National University I was soon made aware of the extent of Professor Clark's influence on the teaching of the history of this great country. His edited volumes of selected documents and the six volumes of his assessment of our history, particularly the history of the people who migrated to this country and established a new nation, were, as Mr Humphries has indicated, the bibles of those studying history.

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In my case I was taken by his selected documents of Australian history where he drew together, like others have tried to do since, some important documents that spoke about the history of our nation. Those documents taught me more about history than the books and documents that I had seen as a young student as opposed to a student at the ANU. In his later years Professor Clark became even more aware of the history of the Aboriginal people and spoke strongly in support of a recognition of their place in our society. I seem to recall an occasion during a TV interview where he expressed regret that he had not included more of their history in his own works about the history of Australia.

As one who was privileged on a number of occasions to listen to the many lectures he gave to students at the ANU, I can assure you that a lecture by Manning Clark on the program ensured that one had to arrive early to get a seat. The names that my colleague Dr Kinloch read out before were well known to us, either as lecturers, in the case of Don Baker and John Molony, who was my tutor, or as the authors of many of the books that we used in our discussions and tutorials.

Mr Speaker, I would like to take this opportunity to express my sympathy to the relatives of Professor Clark in their grief during this time. I am sure that they can take much comfort from the respect which many members of our nation hold for this great scholar. His memory will live in his many published works and public statements. Manning Clark was a great Australian and a great citizen of Canberra. He will be remembered after many of us have passed on. In Canberra he will be remembered long after other controversial historians like Geoffrey Blainey, whose recent controversial comments about Canberra neglected the soul that we know Canberra to have. We all agree that Manning Clark was part of that soul. I am sure that the many books in which he wrote his lectures and speeches, which became a trademark of his presence around Canberra, will form a rich record for the next chapter of his life and history.

Question resolved in the affirmative, members standing in their places.

AUDITOR-GENERAL - REPORT NO. 4 OF 1991
Efficiency Audit - Managing Capital Works

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

Auditor-General's Report No. 4 of 1991 - Efficiency Audit - Managing Capital Works, dated 28 May 1991.

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

That the Assembly authorises the publication of the Auditor-General's Report No. 4 of 1991.

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

That the Assembly takes note of the paper.

PETROL PRICING
Ministerial Statement

MR COLLAERY (Deputy Chief Minister), by leave: Mr Speaker, to say that the price of petrol in Canberra is a matter of public concern could be regarded as the understatement of the year. In fact, high petrol prices have been a matter of concern for many years in Canberra, with a number of governments trying to take some action to redress the situation.

High ACT petrol prices are, however, but the tip of an iceberg. Not only have the States and the Northern Territory also complained of high prices, but allegations continue of wholesale marketing collusion and illegal retail price fixing as a result of the lack of competition in the petrol industry. ACT service station proprietors claim that their margins are barely adequate and should be increased. Meanwhile, ACT consumers know that they are paying higher prices than in Sydney, and with the recent price rip-off which occurred just before Easter the credibility of the petroleum industry is in doubt.

Mr Speaker, to put the issue in perspective it is necessary to look at some recent history of petrol prices in the ACT. Following consumer disquiet, the Prices Surveillance Authority conducted an inquiry into ACT petrol prices in 1987. The outcome of that inquiry, in brief, was that the ACT, without a refinery and with limited competition, would have to endure the prevailing level of prices. Some planning action was taken to make additional sites available at places such as Symonston, Fyshwick, Watson, Gold Creek and Gilmore. Industry response, however, Mr Speaker, has not been strong and it is fair to say that these planning initiatives have had no effect as yet on ACT

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retail petrol prices. Although unquestionably these planning changes are soundly based and motivated by the right consumer and industry thoughts, their failure to affect the market may point to more deeply rooted causes inside the refinery gates.

Another longstanding issue, Mr Speaker, is the mentality of people outside the ACT treating Canberra as a country town. For too long petrol companies ignored the environmental rights of ACT residents and supplied Canberra with high lead content, country grade super petrol. While the petrol industry initially offered a gradual changeover to low lead petrol on the basis of there not being an environmental problem in Canberra, our Environment Protection Service has recently produced evidence to the contrary. Readings in Canberra were found to be comparable with industrial areas of Melbourne - I believe that one was Collingwood - and without heavy industry in Canberra there is no cause to blame, apart from petrol emissions. This problem is particularly severe during our autumn when wind velocities are low.

Consequently, as I am sure members are aware, the Minister for Finance and Urban Services, Craig Duby, and I called representatives from the Australian Institute of Petroleum to Canberra to give them an ultimatum to explain within seven days fundamental inconsistencies in the industry argument. Six days later the Institute announced that only city grade petrol would be supplied to Canberra by the end of this month, and appropriate action will be taken to ensure that the changeover occurs as agreed. This will be done by periodic examination of petrol samples by our Environment Protection Service. Mr Speaker, I am sure all members will agree that this was a high profile win for self-government, and the community should acknowledge it as such.

I now return to the pricing issue. Members will recall the components of ACT petrol prices, using ordinary unleaded petrol as an example, namely: The PSA sets a maximum endorsed wholesale price to which the ACT franchise fee of 6.53c per litre and freightage of 1.8c per litre are added, and then petrol retailers add their profit margin to produce a price to consumers at the pump.

To illustrate this in money terms, on 6 May most service stations in Canberra were paying what is known as the rack price of 58.1c per litre and selling petrol to consumers at 65.9c per litre, returning a margin of 6c per litre after allowing for freightage of 1.8c per litre. The margin to Canberra service stations, which have a comparatively high-volume low-competition environment in which to trade, at 6c per litre is among the highest in Australia. It compares unfavourably with other capital cities, such as Sydney at 1.82c per litre, Melbourne at 2.88c and Adelaide at 2.94c.

Arguably then, Mr Speaker, there is room to examine the retailing side of petrol distribution in Canberra, but to prescribe either a maximum retail margin or a maximum retail price would ignore other dynamics in this industry, particularly root causes at refinery level. Nevertheless, sudden chain reaction pump price fluctuations in Canberra cast doubt upon the credence of true competition between service station proprietors.

Sudden large price increases also raise the question of social justice - an issue put to the PSA recently. The importance of petrol price falls and rises to ordinary people and ordinary business was illustrated in the March CPI figures, which showed a quarterly rise of 0.5 per cent attributable, on my advice, to falls in petrol and mortgage interest charges.

The ACT Consumer Affairs Bureau is continuing to work with the PSA and the Trade Practices Commission on the question of retail pricing arrangements. The TPC is also addressing the matter of alleged wholesale collusion in Sydney whereby anti-competitive practices are employed for commercial gain.

These alleged practices are described by industry as discounting wars but are arguably aimed at eliminating independent operators from the market. This has a nasty overflow effect on ACT consumers who miss out on the discounting benefits. The way this practice allegedly operates is that company service stations are subsidised and guaranteed a certain margin to undercut independent operators at all costs. This produces massive discounting in Sydney, but not in Canberra.

Not surprisingly, ACT consumers become annoyed at learning of petrol prices in Sydney being 10c per litre cheaper than here and allegations are voiced of ACT consumers subsidising Sydney consumers. This is true, Mr Speaker, in the sense that all companies use their assured profit base in Canberra and in other country areas as the platform for discounting in Sydney. But, Mr Speaker, while I have illustrated the wholesale problems at the Sydney end of our pipeline, so to speak, and highlighted some retailing issues for attention, the fundamental problem of the lack of genuine competitive pressures in Canberra lies in the structure of the ACT petrol retailing industry union.

Structurally, the ACT has no industrial port; it has no refinery; it does not have periodic large surpluses of petrol available for genuine discounting; and it does not have, for better or worse, the conglomeration of independently owned service stations which produce competitive pressures at the pump. As I mentioned previously, site liberalisation has not provided the answer to promote genuine competition in Canberra. Indeed, to varying degrees the need for structural reform applies across Australia.

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Soon, Mr Speaker, the Federal Government will consider the Wright caucus report into aspects of the Australian petroleum industry. Significantly, the report recommends structural reform across Australia under the Commonwealth Petroleum Retail Marketing Sites Act 1980. It is proposed to limit the number of service station sites that may be owned and operated by refiner-marketer oil companies to a percentage basis to maintain the numerical relativity between commission agent and company managed sites on the one hand and franchised and independently owned sites on the other.

The report also contains several other recommendations which directly relate to improving competition in Canberra, mainly, reducing the percentage of service stations owned and operated by oil companies; introducing a uniform licensing system for petroleum retailers to establish national standards for storage, transportation, handling and retailing; allowing franchisees to purchase petrol from other than the franchisors or brand companies; establishing a petroleum industry ombudsman; and creating a joint working party of the TPC, the PSA and Federal Consumer Affairs on the petroleum product pricing practices of the refiner-marketer oil companies.

Mr Speaker, the Alliance Government is watching with interest these moves aimed at structural reform. We recognise the desirability of solving ACT structural problems as part of a national blueprint for change. The Alliance Government will seek a permanent solution to this longstanding problem by taking appropriate action out of the Wright report and the TPC and PSA investigations. Such action, Mr Speaker, may involve an independent ACT inquiry under the Inquiries Act 1991 to examine the need for structural reform leading to more independent service station operators and other factors relating to petrol prices in Canberra, such as reforming freightage costing arrangements so that Canberra consumers no longer subsidise coastal cities through the 1.8c per litre oncost.

In conclusion, Mr Speaker, petrol pricing is an issue that the Alliance Government will not walk away from. This Government has succeeded in getting rid of high lead content petrol and will maintain the impetus under way through the range of actions I have outlined and the options listed. I invite other members of the Assembly to support the actions of the Alliance Government in addressing this important issue which affects all ACT residents. I present the following paper:

Petrol pricing - Ministerial statement, 28 May 1991.

I move:

That the Assembly takes note of the paper.

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

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS
Papers

MR COLLAERY (Deputy Chief Minister): Pursuant to section 6 of the Subordinate Laws Act 1989 I present the following subordinate legislation in accordance with the schedule of gazettal notices of determination and regulations, notices of commencement, NCDC policy variations, charges, exemptions and declarations:

City Area Leases (Amendment) Act - Notice of commencement of sections 3 to 8 (inclusive) (S34, dated 26 April 1991).

Clinical Waste Act - Notice of preparation of Clinical Waste Manual and Declaration of Disposal Sites for Clinical Waste - No. 12 of 1991.

Interim Planning Act - NCDC Policy Variations (2) (S34, dated 26 April 1991).

Nature Conservation Act - Declarations -

Bullen Range Nature Reserve (G18, dated 8 May 1991).

Gigerline Nature Reserve (G18, dated 8 May 1991).

Stony Creek Nature Reserve (G18, dated 8 May 1991).

Woodstock Nature Reserve (G18, dated 8 May 1991).

Occupational Health and Safety Act - Occupational Health and Safety Regulations - No. 10 of 1991 (S31, dated 6 May 1991).

Public Health Act - Amendment to determination of fees and charges - No. 13 of 1991 (S41, dated 22 May 1991).

Public Trustee Act - Determination of fees - No. 20 of 1991 (G20, dated 22 May 1991).

Tobacco Act -

Exemption - No. 14 of 1991 (S41, dated 22 May 1991).

Tobacco Regulations - No. 11 of 1991 (S35, dated 1 May 1991).

Tobacco (Amendment) Act - Notice of commencement of section 5 (S35, dated 1 May 1991).

Water Pollution Act - Water Pollution Regulations (Amendment) - No. 9 of 1991 (S31, dated 6 May 1991).

Water Pollution (Amendment) Act - Notice of commencement (S31, dated 6 May 1991).

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EXPLANATORY MEMORANDA Ministerial Statement and Paper

MR COLLAERY (Deputy Chief Minister), by leave: I am delighted to table a discussion paper on the issue of explanatory memoranda. As members are aware, an explanatory memorandum accompanies every Bill introduced into the Assembly. The history of the format and role of explanatory memoranda is very interesting and is touched upon in the paper.

As is often the case, it is easy to continue producing something in a particular form because it has always been done that way. I am very glad that we as an Assembly can take time out to consider this routine process of producing explanatory memoranda in a clause by clause format. It is possible to debate the usefulness of explanatory memoranda and this is the opportunity to do so. I look forward to any comments members may have on the paper.

Explanatory memoranda serve several purposes. As indicated by their very names, they explain. They explain what the legislation is intended to achieve as well as how it goes about doing it. They may be used in court proceedings where there is an ambiguity on the face of the legislation or if the ordinary meaning conveyed by the text of a provision leads to a result that is clearly absurd or unreasonable. The two real issues are that explanatory memoranda are often not accessible to those who may find them useful - for example, judges, members of the Assembly and the general public - and also their quality is variable.

The issue of the quality of explanatory memoranda has been mentioned in this chamber on occasions. However, we must keep the matter in perspective. The process of settling policy, drafting legislation and getting it enacted is very complex, even apart from the need to ensure that the community is consulted in a meaningful way and consequential and transitional provisions are carefully considered. This process and the demands of the Government's legislation program are such that the explanatory memorandum may not always get the close attention it deserves. That is why, Mr Deputy Speaker, the Alliance Government supports the reforming of explanatory memoranda.

The discussion paper proposes doing away with the current clause by clause approach and adopting a more prose style of explanation. This will enable a useful statement of intention to be included and a brief synopsis to be given of the problems to be overcome by the legislation. Also, clauses that obviously do not require explanation need not be repeated. By this I am principally referring to the formal clauses, short title, commencement and the like.

Mr Deputy Speaker, as Attorney I am proud to table this paper and to report that the Law Office is willing to reflect on current practices which have become comfortable over time. Training will be required, but lawyers are obliged to constantly update their skills and knowledge and I am sure that the Law Office will approach this with enthusiasm. In relation to the problem of accessibility, the discussion paper canvasses the option of having an annual volume of explanatory memoranda published. This volume could be available in public libraries for reference and be available for sale generally. This option obviously has many advantages and I would expect favourable comment on this proposal.

Mr Deputy Speaker, I have circulated the discussion paper to the Law Society, the Bar Association, Professor Doug Whalan, Mr Kelly, chairman of the Community Law Reform Committee, the Chief Justice and the Chief Magistrate. I will also make it available to the public and I look forward with interest to comments from members. I make a particular statement in gratitude to the staff of the Law Office who put together this paper and have shown such enthusiasm for the project. I present the following papers:

Explanatory memoranda -
Discussion paper.
Ministerial statement, 28 May 1991.

I move:

That the Assembly takes note of the papers.

MR CONNOLLY (4.11): Mr Deputy Speaker, I will make some brief remarks now rather than adjourning this matter. I say immediately that the Opposition wholeheartedly welcomes this initiative and I congratulate the Attorney on taking this step. I am sure that if his flu was not so bad his speech which conveyed enthusiasm would have conveyed it more personally. I express some sympathy for that.

Mr Deputy Speaker, the law in Australia went through a dramatic change in the early 1980s after much debate as to whether or not, in construing the words of the parliament as expressed in an Act of parliament, you could look beyond the Act to extrinsic aids; whether you could look beyond what was said in the Act to what was said in the parliament, what was said in the explanatory memorandum or what was said in reports that presaged legislation.

After much debate the law was amended to allow courts to have recourse to materials such as explanatory memoranda; but the experience of anyone who is in legal practice, either in preparing opinions or in arguing a matter before a court or tribunal, is almost uniformly that, when you go to the explanatory memoranda for background or for additional information on what a particularly ambiguous phrase means, more often than not the explanatory

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memorandum simply repeats the words that are in dispute. As the Attorney said, rather than giving guidance and background on what the words of an Act mean, so often the explanatory memoranda simply restate the words of an Act, and that is of no use to anyone giving advice on what an Act means or to a court trying to choose between two possible meanings of a provision.

The goal that has been expressed by the Attorney, of writing explanatory memoranda in a more prose style to give a simple explanation of what is intended to be achieved by legislative provision rather than a restatement of the words of the legislative provision, would be a significant step forward and it would be a model for other States and Territories. While there has been some very good work done in other jurisdictions in Australia in moving towards plainer English drafting - the Victorian Legislative Counsel's office seems to be leading the field in that area - there has not been as much attention given to this question of explanatory memoranda, and on behalf of the Opposition we certainly welcome this initiative and congratulate the Government on it.

It is an area that is perhaps of concern more to technical lawyers than the public generally; but if this leads to background explanatory memoranda that are written in simple plain English it will be of enormous benefit to the public because law which is inaccessible, law which cannot be understood by a member of the public, is bad law. If we can lead to a situation where explanatory memoranda set out in plain simple English the intention behind legislation, it will mean that the law is more accessible to the community and so closer to the community. Mr Deputy Speaker, this is a good move and one to be welcomed.

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

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE AND CONSERVATION,
HERITAGE AND ENVIRONMENT - STANDING COMMITTEES
Joint Report - Planning Legislation**

Debate resumed from 18 April 1991, on motion by **Mr Jensen**:

That the report be noted.

MRS NOLAN (4.15): Mr Deputy Speaker, I, in fact, am the only member of the joint committees which inquired into the planning legislation who to date has not had the opportunity to speak to the report. I will keep my remarks brief. Mr Deputy Speaker, when reading through the draft *Hansard* of the contributions of other members on the day the report was tabled I was a little amazed that some members hardly addressed the planning legislation. They spent much of their time on membership and participation on the committees. Seemingly, some saw that as the more important issue and any remarks relating to the legislation became secondary.

The draft legislation has, as members are aware, been available for comment for some considerable time, in either the first or second round of community consultation. I am not even sure, Mr Deputy Speaker, given the community consultation process, that it was necessary for the committees to conduct an inquiry. When I became a member of the Planning, Development and Infrastructure Committee the reference of the planning legislation was already one of those before it. While I do acknowledge that many good reports are handed down from committees of this Assembly, I am not so sure that I can consider this report to be one of them.

While there was only a short time for the committees to report once the consolidated Bill was available, it cannot be said that adequate community consultation did not take place, as I stated earlier, Mr Deputy Speaker. Many of the concerns expressed at the public hearings had already been expressed in those two previous rounds of consultations. There were some genuine concerns expressed by the community in relation to the planning legislation package, though some unfortunately clearly showed a lack of understanding. There is no doubt that this legislation is complex; but, if it is compared with what legislation will be replaced and repealed, then one or two Bills have to be a distinct advantage.

Mr Deputy Speaker, it is disappointing that this report ended up with additional comments from all members, and it is for that reason that I do not consider it to be a good one. That is not to say that there is not much in the joint report that I support. Many of the comments, I believe, have merit. I understand that the comments in the report in relation to the title of the consolidated Bill have already been addressed and the new title of the Bill, the Land (Planning and Environment) Bill 1991, does more accurately reflect the nature of the legislation. There is no doubt that the legislative package will have to be promoted to enhance the community's knowledge and understanding, and that will need to be done with simplicity and in concise terms. I believe that the report accurately covers this area.

Mr Deputy Speaker, you have already read into the record much of our additional comments listed at the back of the committees' report; so I do not propose to address these further, except to say that there are a couple of areas that I believe should be reiterated.

The membership of the Planning Advisory Committee and the current provisions that were proposed in the legislation are certainly adequate. However, in relation to the membership of the Heritage Council, I consider that it would be a distinct advantage for one member of the committee to have business economic expertise. That discipline should be added to the ones currently listed in the section relating to membership of the Heritage Council.

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There is, of course, one other aspect that does need to be further addressed, and that is lease renewal, especially commercial lease renewal. Mr Deputy Speaker, the private sector is the sector that will create jobs and I would have thought all members recognised the importance of providing employment, especially youth employment, for this city. The private sector will be the only sector to provide development for the city. Lease renewal must be the same for both residential and non-residential leases.

Unfortunately, lease renewal has received an enormous amount of media publicity over the last few weeks. That, as I have said, is unfortunate. Mr Deputy Speaker, you have already addressed your additional comments in relation to this specific area and I believe that they have been well covered. There is no doubt that non-residential leases and residential leases should be treated equally. The private sector should be encouraged. Already they make a significant contribution in economic terms through land tax, betterment charge and stamp duty, to name but a few.

Mr Deputy Speaker, there has been some uncertainty relating to land issues in the ACT. With the enactment of this legislation I am sure we will see more certainty. However, there will be some minor adjustments that will need to take place well after the legislation is enacted. I think it is also appropriate to acknowledge that this is the only State or Territory in Australia where planning legislation and the Territory Plan were worked on at the one time.

In conclusion, my thanks go to all involved with the committees' report - the committee staff and those who appeared before the committees, or contributed through written submissions. I look forward to the government response on this report.

MR DEPUTY SPEAKER: I call the Chief Minister.

MR KAINE (Chief Minister) (4.20): Mr Deputy Speaker, I move that the - - -

Mr Berry: I take a point of order.

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

MR KAINE: Mr Deputy Speaker, I move:

That the debate be now adjourned.

Mr Berry: Mr Deputy Speaker, it seems to me that the Government is operating under the misconception that opposition members are not able to speak further on this matter.

MR DEPUTY SPEAKER: Mr Berry, the Chief Minister has moved that the debate be adjourned. If anyone else wants to speak on this matter they will have ample opportunity. We have a motion that the debate be adjourned and that this matter become an order of the day for the next sitting.

Mr Moore: I raise a point of order, Mr Deputy Speaker. The precedent in this chamber on such issues is for the Government to speak and for the next speaker to come from this side. Mrs Nolan has now spoken. The call should come to this side of the house. Then, if the Chief Minister wishes to adjourn the matter, that is the appropriate time to do it.

Mr Kaine: Mr Deputy Speaker, I would like to speak to that point of order. The convention has been that the members of the committee speak and then the matter is adjourned. That has been the convention established. That is the convention which I am following. Mr Moore is quite out of order in suggesting that we do otherwise.

MR DEPUTY SPEAKER: Yes, Chief Minister. Yes, Mr Berry, you can speak to the point of order too.

Mr Berry: Mr Deputy Speaker, very clearly the motion before the house is that the report be noted. Mr Moore rightly raised the convention that when these matters are being discussed the call goes from one side of the house to the other. It seems to me that the Government is frightened to debate this matter fully at this point in time.

MR DEPUTY SPEAKER: Mr Berry, I am against you.

Question resolved in the affirmative.

LANDLORD AND TENANT (AMENDMENT) BILL 1991

[COGNATE BILL:

SMALL CLAIMS (AMENDMENT) BILL 1991]

Debate resumed from 2 May, on motion by **Mr Collaery:**

That this Bill be agreed to in principle.

Mr Collaery: Mr Deputy Speaker, I present a supplementary explanatory memorandum to this Bill. It may assist the members speaking on it if they have this before the debate continues.

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MR DEPUTY SPEAKER: Members, is it the wish of this Assembly to debate this order of the day concurrently with the Small Claims (Amendment) Bill 1991? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

MRS GRASSBY (4.24): Mr Deputy Speaker, I rise to speak on a matter which I have addressed on a number of previous occasions in this Assembly; that is, the very real need in Canberra for a rental bond board. It is part of the Labor platform and it has been in the Labor platform for many years.

The fact is that many Canberra tenants whose lease on a property has finished, and who felt that they had taken care of that property, have gone back expecting to be given back their bond and have been told that they have no right to it. A lot of fictitious reasons have been given, such as the carpet no longer being in the best repair or holes in the wall. I could in this speech relate numerous things that I have been told by tenants who have come to me with the complaint that they have not been able to get their bond back - things which existed now but which the landlord said did not exist when they took the property over. These tenants have argued and fought with the landlord but still not been able to get their bond back.

Some months ago we saw Mr Collaery's draft version of this Bill, which he made available to various groups and then eventually - some time after, I might say - to me. Let us be very clear: This consultation period was very necessary because his draft Bill was surely one of the least attractive pieces of legislation ever to be witnessed in this place. It was so weak and inefficient as to be practically useless. Mr Collaery himself is aware of this because of all the meetings he has had to go through to correct the earlier versions; and, of course, the initial Bill met criticism from many quarters in Canberra.

Many people who were involved in this, such as ACTCOSS and many other organisations, found that the Bill did not cover the things it should have covered. To be fair, Mr Collaery's consultations with various groups on this piece of legislation have been most valuable and the Bill before the Assembly is now one that is, generally speaking, on the right track. However, there are some points I should like to make about the Bill with the purpose of improving its operations. We have some amendments which we would like to put up as a result of lots of consultation that we have undertaken throughout Canberra on this Bill.

Clearly, there are some points which need to be made to provide a clear indication of the rights and duties of both landlords and tenants. As I have said, the Labor Party has had a landlord and tenant Act and a rental bond board as part of its policy for many, many years. We did bring into this house a Bill which we expected the Government to

accept. It was a tougher Bill than this one, but unfortunately the Government threw it out and we were not given the opportunity to see it implemented.

We feel that, although there may be some very good landlords in Canberra, there are also some very poor landlords who treat tenants very badly, who do not see the point of the tenant, who feel that this is an opportunity to make money out of the tenant and who do not really think about what they are doing to the very good landlords in Canberra, the ones who treat their tenants much better. I, myself, as shadow Minister for housing and urban services - - -

Mr Collaery: I thought you were going to say "as a landlord".

MRS GRASSBY: No, I am not a landlord. I, as shadow Minister for housing, have had many deputations from Canberra people who feel that they have no protection when they may pay a very large bond and be very good tenants but find that they have no right to get it back.

Of course, there are tenants who do damage to property. I am not saying that it is all one-sided. There are also tenants who leave without paying rent. Therefore, I feel that for landlords' protection also this is a very good Bill to bring into the house because they will then have somewhere to go to put their point of view and ask for their rights. So, any landlord who says that this is a bad Bill is a very foolish landlord. A good landlord has nothing to fear from this Bill because he himself will be protected and he will get his rights. A bad landlord has a lot to fear from this Bill, for this Bill will give the tenants a right to go somewhere to put their case. They will be able to point out that they have been good tenants and that they have abided by the provisions for leasing or renting the property, and they will be able to get their rights.

I myself have suffered under a very bad lease. This was a commercial lease drawn up by breweries for people who leased hotels. This lease was so terrible that it would not have mattered what you did in this hotel to improve it. At the end of your five- or 10-year lease, you may have built this hotel up to being one of the best hotels in the area; you may have painted it every year and left it in far better condition than it had ever been in before you took it over. But the breweries still had the right to go through the hotel and find every little thing that they wished to find that was different - which probably was not what you had improved - and even if you had done improvements that had made the hotel look better they could make you put it back to the way it was before. The way it was before may not have been workable and the work done may have made it a much better hotel. But you would have to do this and it would cost you many thousands of dollars, so the profit you would have made out of that hotel would be lost to you.

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This often happens with landlords who let housing properties. They find ways of making the tenant lose not only part of their bond but their whole bond. They find things wrong with the flat, unit or house that they are letting, so that the tenant finds that by the time that they have added up amounts for cleaning and everything there is nothing left - and the tenant may have left it in perfect condition. ACTCOSS told me of one tenant who had come to them with a case involving a very large mark in the bottom of an oven. Obviously it was a burn that had been there for many years. We know that this can happen if something is spilt in an oven and it is cooked with. It gets burnt into the oven by many tenants before and cannot be removed, no matter how much you scrub.

They made this tenant pay for what the tenant considered virtually a new oven, which meant that there was nothing left of the bond. This is a very serious matter because the tenant has to point out that this was all there before - and these things can easily be missed. But, unless a tenant pointed out that the mark in the bottom of the oven had to have been there long before the tenant took over and was there obviously for the tenant before, the tenant would not get their bond back because the landlord would say, "No, it was not there, and therefore you have to pay for it". With a rental bond board these matters can be disputed. We can get experts to prove that the mark in the bottom of the oven had to have been there for at least five or 10 years while the tenant had had it for only 12 months. This is the reason why we need to have something like this - to give the tenant this right.

It also gives the landlord the right to prove that the mark was not already there and that it is a new mark; or that the window has been just newly cracked or broken and, according to experts, the damage could not have been there before the tenant took over six or 12 months before. So, it is wrong for landlords to say that this is a very bad Bill or that it will do them harm. Such landlords are obviously the ones who have gained in a monetary sense from being able to keep the bond when the tenant has done the right thing.

We all know how serious this is to many tenants. Many tenants live from fortnight to fortnight for their pay and desperately need that bond back to go on to their next premises. You will find that many tenants realise this, so they are very careful; they look after the property with the idea that they will get their \$300, \$400 or \$500, or whatever, back to go on to pay the bond for the next property they rent.

These people come to collect this money and they are not able to get it. Unless they go to the Small Claims Court they have lots of problems. A person whose first language is not English or who does not have a lot of education is daunted by the prospect of having to go to court to fight

the matter and only possibly getting the bond money back. They are fearful about doing this and, therefore, do not go ahead with it. They walk away, leaving the landlord winning - with obvious glee at the fact that he has made more money on the property than he is entitled to.

We all know that rents in Canberra have become quite dear due to the current lack of rental properties. So, the landlord gains a tremendous amount of extra money to which he has no right. Under a rental bond board scheme the landlord would not get this opportunity. The tenant would not be daunted by having to go to a small claims court and would be able to face up to the fact that there is an opportunity here. So, I have no doubt that if a landlord is dishonest he will be found out. And this will be well known to people who rent properties from landlords. He will be well known each time a claim comes up as not being a very fair landlord. So this measure will make those landlords who are not scrupulously honest more honest.

Also, I think it will be a protection for real estate agents. They will be saying to landlords, "You now have to do the right thing". Many real estate agents have said to me, "We are put in a very bad position. The landlord has insisted that we keep the bond; that we get this money because he wants it. We know honestly that the landlord is wrong, but he is our client". And, as we know, many landlords in this city have many properties to let. I know one particular landlord who would have over 50 properties to let and, therefore, the real estate agent that has him as a client has no intention of bucking this landlord. He is going to go along with this.

An honest real estate agent will welcome this Rental Bond Board because the matter will be taken out of his hands. He will not have to face up to the fact of telling a tenant, "There is nothing I can do about it", or agreeing with the landlord and saying, "You have to pay it up". It will put him out of that position and he will be able to say, "It is out of my hands now. It is up to the Rental Bond Board". Also, for a landlord who has been honest and done the right thing, it will take the matter out of the real estate agent's hands. He will be able to say to the tenant who he thinks has been a bad tenant, "I am very sorry, but it is out of my hands. It will have to go to the Rental Bond Board and it will make the decision on that".

As I have said, there are parts of the Bill that we are not happy about, and we will be putting up a few changes. I hope that Mr Collaery, when he sees them, will agree to them. We have had lots of discussion out in the community, as has he, I know, because this second Bill is far better and does cover most of the points we have been concerned about. I hope that, when we come to the point of moving our amendments, the Government will agree with them.

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However, we are very happy to see this Bill come into the house, and we congratulate the Government on the fact that it has done so. We were beginning to fear that it would never see the light of day; that we would have to wait for the next Follett Labor Government in February for this Bill to be brought into the house.

Mr Humphries: February 2010, is it?

MRS GRASSBY: No, February 1992. However, it has seen the light of day, so I congratulate the Minister on this. We, as members of the Labor Party, feel that it is at least part of the policy platform that we will see brought into this house after the election in February 1992, which will return a Follett Labor Government.

MR DEPUTY SPEAKER: I call Mr Connolly.

MR CONNOLLY (4.39): I am sorry, Mr Deputy Speaker; I was waiting for a government speaker, if they wished, to take the call. As Mrs Grassby indicated, the Labor Party is pleased to see this Bill finally come on for detailed debate. It in large measure now carries within it many of the points that were put before this Assembly in the Labor Party private member's Bill introduced back in August-September of last year. That Bill forced the pace on landlord and tenant reform in relation to a rental bond board. At the time there was a fairly flimsy government proposal, but we now see a government proposal that the Labor Opposition can, by and large, live with.

Mrs Grassby did indicate that there might be a couple of points of detail on which the Opposition differed with the Government, and I propose in my remarks this afternoon to go through them and perhaps get some views from the Attorney as to his attitude.

MR DEPUTY SPEAKER: Order, members! Mr Collaery and Mrs Grassby, perhaps if you could just have your conversation - - -

MR CONNOLLY: They might be talking about what I am talking about, which is expressing what the Opposition's concerns are; and if the Attorney hears what the Opposition's concerns are he might be able to adjourn consideration of this Bill.

MR DEPUTY SPEAKER: Mr Connolly, I could ask him to come back if it would help.

MR CONNOLLY: I am directing my comments to the Attorney, who is behind the pillar there. There are a number of specific concerns that we have. The first one relates to the basic issue of the condition report. The condition reports are a very important part of this mechanism. They were provided for in the Labor Bill but not in the original Alliance proposal.

We like what we see in relation to the condition reports, but we query why the Government has seen fit to differ from the Labor model by expressly saying, "A person is not liable to be prosecuted for a contravention of this section", which requires the lodging of a condition report. I can well see why the penalty to be applied there may be lower than the fairly substantial \$5,000 penalty that is provided for in section 62AE for a failure to lodge a deposit. Failure to lodge a deposit is obviously more serious. It may involve the withholding of moneys that ought properly to be under public control. But a failure to lodge a condition report does have serious consequences because it really subverts the intention of the Act which is to require this. So, I wonder whether the Government can come up with some logical explanation as to why this has been done.

This is in no sense landmark legislation because rental bond boards, as we have regularly pointed out, exist in virtually every other State and Territory in Australia, and certainly the New South Wales model, which was one of the first, does have that criminal provision. So, I would say to the Government that we would like to know why it sees fit to insert the new subsection 62AF(6), which says that there should not be a criminal penalty for failure to lodge a condition report. Unless we can see a satisfactory answer to that, we would be inclined to move an amendment. That is the first point.

The second point, again in relation to condition reports, goes to section 62AG, which is the evidentiary provision concerning the condition of premises. It is rather ironic that this point should arise because it reflects back almost precisely on the remarks that Mr Collaery and I were making about explanatory memorandums and how they can be improved. It has been put to the Labor Opposition that there is some degree of ambiguity in the provision in this Bill about the evidentiary effect of failure to lodge a condition report. In the Labor Bill, which, as has been pointed out, closely follows the provisions in other States, clause 16(4) says quite simply and clearly:

Where a condition report has not been provided to the Board pursuant to subsection (3) the Board shall not accept any application from the lessor ... for payment of the rental bond, or part of the rental bond, to the lessor on account of any damage to the premises allegedly caused by the lessee.

So it is fairly simple. It says that where one fails to lodge a condition report no dispute about damage to the property will be entertained. And that is obviously the intention here. If you are a landlord and you do not lodge the condition report, the clear sanction in our Bill is to say, "You cannot then make a claim against the tenant for damages". I think that that is what is intended in the government Bill. But it is a fairly complex and wordy provision.

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Section 62AG basically says that, where the provisions of subsections 62AF(1) and (3) have not been complied with - that is, where you have not lodged a condition report; I will not go through the complexity - the landlord can give evidence only as to the state of repair of the premises on the day on which the lessee obtained possession of the premises. I think that is a roundabout way of trying to say the same thing. It is a roundabout way of saying that if you do not lodge a condition report you cannot make a claim about the tenant damaging the property, because it says that you can give evidence only as to the state of the property at the date on which the lessee obtained it, so there is no evidence of the prior state of the property.

I would say that that provision could be clarified. It may be possible to clarify it by amendment or it may simply be possible for the Attorney to give a clear statement in his final remarks that, yes, that is the intention; the ultimate sanction if you do not tender your condition report is that you basically cannot bring an action against the tenant on the basis that they have damaged the property because there is no possibility of getting in any evidence about the prior condition of the property.

As I say, the equivalent provision that we were proposing, which was modelled on the New South Wales provision, said that rather simply. It said that if you have not lodged the condition report the board will not accept any application from the landlord in relation to damage to the premises. Subsection 62AG(3) says that where you have not lodged a condition report you can give evidence only as to the state of the premises when you obtain the premises from the landlord, and I think that is meant to mean the same thing.

I said that it is ironic because we have been looking at the explanatory memorandum, and this is a classic case of where the explanatory memorandum says exactly what the clause says. So, if I am trying to understand what the clause says, I find no assistance from the explanatory memorandum. I am pretty sure what the intention is; it is to put an evidentiary bar to encourage people to lodge these condition reports, but I would appreciate the Attorney indicating that that is indeed the case.

So, our basic problem is, firstly: Why have we decided not to make the lodging of the condition report a criminal offence? We would have in mind an amendment to provide that you can be prosecuted for failure to lodge those reports with the director, perhaps at a lower penalty level than the penalty level under section 62AE; we would suggest perhaps \$500. We think we understand what the evidentiary provision means, but it perhaps is less clearly expressed than it could be.

We note with interest the dispute settlement procedures provided for in this Bill. Under the Labor Bill we were looking at a very simple, almost administrative, determination of disputes; but we always had in mind that the appropriate final arbiter of disputes may be the Administrative Appeals Tribunal. If the Community Law Reform Committee ends up giving a comprehensive report on residential tenancy reform in this Territory so that we end up with a code of practice on that - and that has been a longstanding part of Labor policy - we would expect that the options would be either a residential tenancies tribunal to deal with tenancy disputes or a specialised division of the Administrative Appeals Tribunal, so you would make some savings on registries and so forth.

The method that has been chosen by the Government is to refer disputes eventually to the Small Claims Court. We have some concerns about that. The Small Claims Court can be seen to be in some sense a little more formal than an Administrative Appeals Tribunal and, because it sits in the Magistrates Court and it carries with it many of the trappings of the Magistrates Court, there is perhaps a tendency for people who may have had unfortunate dealings with the Magistrates Court on some occasion to be reluctant to go there. But we will suspend judgment on that. We will not oppose it, because this whole issue will be looked at by the Law Reform Committee.

We are particularly interested in the proposal to use mediation. I am aware that there is some concern from tenant groups in this Territory that mediation may not prove effective because of the unequal bargaining position between landlord and tenant, and there is a view that it would be best to go straight to the Small Claims Court. The Labor Opposition is inclined to support the government moves on this and to, in effect, give this mediation approach a try. The concept of alternative dispute resolution is one that we support. This Bill is being introduced to fill a gap in the legislation - a gap that, of course, would not have been there had the Labor Bill been implemented last year, but a gap nonetheless. As the Law Reform Committee is going to look at this whole issue of landlord and tenant, it may be appropriate that we try this initiative of alternative dispute resolution.

We can see how it operates. If, as the Government hopes and as we would hope, it proves a speedy and economical method of resolving disputes, it is probably a method we would stick with in other areas of landlord and tenant law. If, on the other hand, the concerns of the Welfare Rights and Legal Centre are correct and mediation proves ineffective because of the disparity in bargaining power and the reluctance of tenants to perhaps have to be seen to confront the landlords in those circumstances, then we will look at the matter again. But at the moment we think that it is certainly worth a try.

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They are our concerns. We await a clear response from the Government as to why it has chosen to delete the penalty for failing to lodge a condition report, because that is a fairly central part of this legislation. In the equivalent legislation in other parts of Australia there is such a penalty; and it does seem a useful sanction.

The one other minor matter which has again been raised with us as a concern is the fact that, where penalties are provided for, there is a reasonable excuse provision. It is an offence to, without reasonable excuse, contravene a section of the Act. The Attorney may like to reassure those tenant groups who are concerned that the reasonable excuse provision may be in some way used as an administrative method to allow landlords, in effect, to get away with things that the provision is more intended as an ordinary and desirable legal provision to give a court discretion to find that a person is not to be punished if they can come up with something. I see nothing sinister in that, but concerns have been expressed to Mrs Grassby and me, by persons representing tenant interests, that the reasonable excuse provision could be abused.

MR COLLAERY (Attorney-General and Minister for Housing and Community Services) (4.52), in reply: I thank the members for their comments. I should say at the outset that I am not yet aware of the details of the amendments proposed by the Opposition, but the broad nature of them has been explained to me. If the Opposition is proposing a workable provision to ensure compliance with lodging the condition report, to make that obligatory within a time period, I do not have an in-principle objection to that. Perhaps we can deal with that over the dinner break.

If the Opposition wishes to ensure that there is some financial assistance to tenants, particularly tenants who have some disability in presenting their case, so that an adviser is paid what could be termed a sitting fee, I again need to reflect on that matter over the break to work out what precedent we are setting, because there are groups in society outside this area who might equally claim, on the basis of social justice, a right to assistance. My mind goes immediately to women in domestic violence situations; where they do not qualify for legal aid they are not, to my knowledge, given assistance, even though they may well have language problems or low literacy skills. So, we do need to think of that in terms of equity between classes of persons approaching a disputation issue.

On the "without reasonable excuse" issue, I will undertake to look at that over the break to see what the current interpretation is.

Going back to the condition report, I do not have an objection in principle to the provision of a penalty for the failure of one or other party to lodge it. Of course, as the Bill is presently drafted, if the landlord or tenant has not completed a copy of the condition report, a

completed report by the other will be taken as evidence of the state of repair. I guess it is true that one or other of the parties could, with some cupidity, ensure that lodgment was delayed or that one party was not fully conversant with the provisions and did not lodge the report, such that the report that would be relied upon in the event of a dispute would be the one done by the knowledgeable party. There may well be arguments for putting some obligation and compulsion on the issue. I will undertake to examine that over the break and see whether we can agree on that matter.

In general, I welcome the comments on the more general issues in the Bill. As I said earlier, this is a modern graft onto an anachronistic Act. I was grateful that Mr Connolly acknowledged that. There is no need to beat the drum on that. The fact is that the principal Act is under review by the Law Reform Committee. I do hope that we do see the principal legislation brought up to date, amended and expanded in due course. In the meantime, I believe that it is appropriate to put this rental bond process into the current Act.

The Government is grateful for the support for this piece of progressive legislation. I did note that Mr Connolly remarked that there were some stronger provisions in the New South Wales Act in relation to one or two matters. Again, I will comment on that in the detail stage. I think it is appropriate to adjourn the debate at this stage, unless there are other speakers, and we can approach the detail issues after the dinner break.

Question resolved in the affirmative.

Bill agreed to in principle.

Sitting suspended from 4.57 to 8.00 pm

(Quorum formed)

Detail Stage

Clause 1 agreed to.

Clauses 2 to 5, by leave, taken together, and agreed to.

Clause 6

MR COLLAERY (Attorney-General and Minister for Housing and Community Services) (8.03): Mr Speaker, I wanted to point out that this provision exempts the Director of Rental Bonds from liability under the principal Act. For example, it would allow the office to withhold a bond past the 28-day limit in paragraph 36(1)(ab) in cases where the money was frozen due to a dispute. The New South Wales Landlord and Tenant Rental Bonds Act 1977 does not provide

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a time limit for the refund of bonds. This has created problems for the New South Wales Rental Bond Board and clients over the 14 years it has been operating, and I observe that this is an improvement on the New South Wales position.

MR SPEAKER: Mr Connolly, do you wish to address this further?

Mr Collaery: I think an amendment has been foreshadowed; but, Mr Speaker, I am keen for Mr Connolly to speak to my officers in the next few minutes about it.

Clause agreed to.

Clause 7

MR COLLAERY (Attorney-General and Minister for Housing and Community Services) (8.04): Mr Speaker, this is a straightforward procedural provision that changes references to "the lessor" in the principal Act to "the Director" to reflect the fact that it is the director who will be holding bonds. It also allows a lessee to apply for a refund of excess bond moneys.

I should say that the Real Estate Institute of the ACT has suggested that this provision does not recognise the situation of a third party who pays the bond on behalf of the tenant. But my advice is that in such a case the third party would be the tenant who would be formally or informally subletting. It is appropriate that the relationship between the tenant and the subtenant in such a situation be outside the scope of legislation. In other words, if you are going to have a subletting situation, we as a legislature do not want to buy into it.

Clause agreed to.

Clause 8

MR CONNOLLY (8.06): Mr Speaker, I will propose an amendment to section 62AF to insert a new subsection (5A) after the proposed subsection (5). In fact, that is not right. My apologies, Mr Speaker, for the slight confusion. It arises because the Attorney has kindly got his advisers to do some work on the proposed amendment that we circulated, and when I looked at it I thought that we were, in fact, still leaving the error that I want to resolve. I move:

Page 6, line 12, after proposed subsection (5) insert the following subsection:

"(5A) A person who, without reasonable excuse, contravenes subsection (1) or (5) is guilty of an offence punishable, on conviction, by a fine not exceeding \$500."

The proposed subsection (5A) makes it an offence to fail to lodge the condition report. As we indicated in the earlier remarks, we think that is an important provision. Not only should it be sanctioned by an evidentiary burden on landlords who fail to provide the report, but also it should be the subject of proceedings possibly being brought against them for failure to follow the Act, just as any other failure to follow an Act normally results in the possibility of a criminal conviction.

The amendment, which caused further amendment, which I will speak to now, also on the sheet circulated under my name - which amends proposed subsection (6) to say that a person shall not be prosecuted for contravention of "subsection (3)" rather than "this section" - means that the only exemption from the possibility of a criminal conviction is that the tenant who fails to get the condition report back in time should not be prosecuted for the offence. I think that is an issue on which there would be common ground across the chamber. Like those representatives of tenants' interests who originally brought to our attention the need for a penalty to relate to a landlord who fails to send in the report, we would not want to similarly penalise a tenant who, probably through ignorance of the law, difficulty with the English language or whatever, may not get around to sending the condition report back.

If the tenant does not send the condition report back or does not avail themselves of the opportunity to comment on the condition report, then, of course, they will not be able to rely on it effectively in any later proceedings, but it would be inappropriate to penalise them by the criminal law. But we think that it is appropriate that the ACT legislation be in line with legislation in other places. Landlords who fail to follow their requirements under the Act should be liable to some prosecution, as is the ordinary course.

The penalty, as we suggested, is only \$500. This is not a major matter. It is not of the same order as failing to actually lodge the bond, which involves the possibility of doing things with someone else's money that should not be done. This is simply a housekeeping matter, but it is appropriate that there be a small penalty. I commend the amendment to the Attorney's consideration.

MRS GRASSBY (8.10): I also wish to refer to proposed section 62AG, which relates to the condition reports. I did speak to the Attorney-General about this. The report should be signed by both tenant and landlord. However, as it stands, the tenant does not have to sign it. It would be possible for a landlord to draw up a condition report and either not present it to the tenant or present it in such a way that the tenant does not feel obliged to return the signed copy to the landlord.

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This is an extremely important point that needs to be made, because this example will most likely occur, as I said before, with tenants who have English as a second language. Moreover, it will tend to affect those tenants who have low literacy skills. It is important to make this point in the International Year of Literacy. The consequence of this is that the landlord's report then constitutes evidence of the condition of the property in any dispute. I believe that the problem could be overcome by including the requirement to lodge the condition report - proposed subsection 62AF(5) - as part of the evidentiary provision and that, upon receipt of a condition report that is not signed by the tenant, a copy of the report is forwarded by the Rental Bond Board office to the tenant, giving them another opportunity to endorse or dispute the report.

This matter was brought to our attention by ACTCOSS and by the legal people who felt that this should be put in. I did speak to the Attorney-General about this before the dinner break. I think he understood the point that we were making, and, if I am not wrong, he did agree that this should be done. I will leave it to the Attorney-General to speak on this matter.

MR COLLAERY (Attorney-General and Minister for Housing and Community Services) (8.12): To handle the comments of Mrs Grassby first: Yes, the moneys held in this interest fund will be able to be applied for a variety of purposes, and that has generally been accepted in the community. One such purpose could well involve providing extra funding to, for example, the Welfare Rights and Legal Centre if there needs to be supplementation of its resources to assist it with representing tenants who have matters before the mediator and/or the Small Claims Court.

If I have interpreted Mrs Grassby correctly, I simply inform the house that, as I see it, the legislation leaves it quite open for the government of the day to apply funds to that purpose; that is, to assist the representation of tenants before any such tribunal, particularly tenants who have some disability by reason of language, literacy or the like. I think it would be entirely appropriate to apply funds in that situation. That is very much what the fund was intended to cover.

Coming to Mr Connolly's amendment, I point out to members that that impacts only landlords; it makes it an offence for landlords not to lodge the condition report. I suppose Mr Connolly's basic premise is that landlords are in the favoured position. They are in the position of strength in the relationships that go on at the time of leasing; that is, the landlord or the landlord's agent has the premises and it is the tenant who wants something and, in that unequal situation at that time, there may well be grounds - and the Government agrees - for ensuring that there is a positive obligation on landlords to lodge the report and a penalty applicable thereto.

I have been toying, I must say, with altering Mr Connolly's amendment to make it cover tenants as well. But my view is that it would be a difficult situation usually to prosecute a tenant who has, without any cupidity and perhaps through lack of foresight, lack of information and ignorance, not lodged a condition report. In most circumstances it is to the tenant's disadvantage not to lodge it; in most circumstances it is to the landlord's advantage not to lodge it. In that circumstance I think that we will be able to explain to the real estate industry why the penalty falls on the landlord rather than the tenant. So, the Government will support this amendment as put forward by Mr Connolly.

I come back to Mrs Grassby's comments. My advice is that the rental bond office procedures will include the checking of condition reports to ensure that both parties have signed. And, as Welfare Rights proposes, reports not signed by tenants can be forwarded back to them to give them another opportunity to endorse or dispute them. This will be an administrative procedure, and it does not need to be included in the legislation. That will be a strict instruction to the bond office which will actively assist tenants to get their condition reports accurately completed.

Amendment agreed to.

MR CONNOLLY (8.17): That was the first amendment on the sheet circulated by me. I will now formally move the second amendment, which is - - -

Mr Collaery: It is consequential.

MR CONNOLLY: It is consequential. We have spoken to the whole matter. Indeed, as the Attorney just said, it is to make it abundantly clear that the tenant would not be prosecuted. On behalf of the Opposition, we welcome Mr Collaery's response to Mrs Grassby's concerns about the position where a condition report is returned not signed. While Mrs Grassby had foreshadowed that there may be some possibility of an amendment, we are satisfied that, as the Attorney says, this will be dealt with administratively and there will be some clear guidelines in the office to ensure that that occurs. That is an appropriate position to leave it at at the moment. I move:

Page 6, lines 13 and 14, omit "this section", substitute "subsection (3)".

Amendment agreed to.

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill, as amended, agreed to.

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SMALL CLAIMS (AMENDMENT) BILL 1991

Debate resumed from 2 May 1991, on motion by **Mr Collaery**:

That this Bill be agreed to in principle.

MR CONNOLLY (8.19): Mr Speaker, this is a consequential amendment to the landlord and tenant package that we have just agreed to. As the Attorney indicated in his speech, this has the simple effect of allowing the court, where there has been a dispute over the bond, to in its order, in effect, direct the residential tenancy board to pay the bond over to the successful person rather than, as would ordinarily be the case, having the judgment paid into the court and then paid out again to the successful litigant.

This is merely a machinery provision which simplifies that and ensures that, when there has been an order of the Small Claims Court, the disputed bond is paid to either the tenant or the landlord or in such proportion or such quantity as is to be paid in either direction. The public servants exercising the responsibilities under the Landlord and Tenant Act can thus pay that money pursuant to a court order direct to the successful litigant rather than into the court and out again. It would seem to save paperwork and be a sensible administrative move which the Opposition has no quibble with.

MR COLLAERY (Attorney-General and Minister for Housing and Community Services) (8.21): I thank Mr Connolly for his comments and take this opportunity, now that both pieces are on the table, to make a couple of more general comments. The key issue brought up in consultations, which the Government has resolved collaboratively, relates to lodgment of condition reports. This has been fully endorsed by community groups and the Magistrates Court and it is considered an essential item to provide a proper and orderly information base for the resolution of disputes.

This brings me to the question of mediation. The Conflict Resolution Service will be the approved mediator for the office, and I am sure members will support that notion. Of course, these are early days and we will be watching carefully as to how it goes. But that opportunity for mediation will, as Mr Connolly observed earlier, be an interesting chance to start some new process of alternative dispute resolution in this community. It is a small arena to try it out in, but a useful pilot study. Of course, the Bill will preserve the option of taking matters before the due processes of the Small Claims Court.

I should add that my officials have sought assurances from the Small Claims Court that the speediness and responsiveness that we require to give effect to the spirit of this legislation will not be lost sight of, and that the Small Claims Court will do its utmost to ensure that these

matters can proceed quickly in the unfortunate event that they go through to that court. I have been given advice as to what the waiting times are there, and they certainly have improved remarkably since I last knew that place. I am pleased to see that matters are coming on within, I believe, about six weeks of notification. I hope that the court can get that right down to a much more emergent time period.

The measure that is unique in this legislation is the ability of the rental bonds office to refund that part of the bond not in dispute. I think that is a little advance on schemes elsewhere. In other words, ACT tenants and landlords will have a slightly higher service that is more convenient to them. So, they can quarantine a sum that is in issue and the rest can be released to the tenant, which is an advantage.

The surplus funds, I have indicated, are to be used for the purpose of tenant and landlord information programs, and facilitating assistance in the provision of residential accommodation. Those objectives will extend to the issue that I have just identified - that of being able to give extra assistance through the mediation and court processes if those needs are identified. One of the central objectives of the office will be to identify key areas of concern in landlord-tenant relations and to fund programs specifically directed towards resolving those needs.

I believe that the ACT Office of Rental Bonds is a prime example of bureaucracy kept to a minimum. The staffing structure has been streamlined, and the office will provide an immediate turnaround for claims on non-disputed bonds. The ACT Treasury will be investing bonds on behalf of the office, and this will guarantee a maximum return on investments for the community. I was quoted a figure of something around 11.6 per cent. I think the best rate of interest we could get if we had left the money in real estate trust accounts was around 8.5 per cent.

I believe that the passage of this Bill through the Assembly will result in significant social benefits to tenants, but also to landlords. It will benefit the community at large, and take out, I hope, one issue that tends to create a divisiveness in the community, as mediation and resolution and more accurate fixing of contractual arrangements are established. I am sure all members agree that this is a good initiative which meets the general aim of self-government to provide a better basis for the ACT community to have itself governed on and on which to conduct its relations.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

SUPPLY BILL 1991-92

Debate resumed from 2 May 1991, on motion by **Mr Duby**:

That this Bill be agreed to in principle.

MS FOLLETT (Leader of the Opposition) (8.26): Mr Speaker, the Labor Party supports the passage of the Supply Bill. In speaking about the Bill this evening, I would like to make some brief comments about the politics of supply Bills and also about the financial management of this Government, particularly as it relates to the Supply Bill that is currently before us.

The Supply Bill is a standard financial measure which provides money for government services in the period from the start of a financial year until the main Appropriation Bill, which implements the budget, is passed. Supply Bills, of course, have a vexed recent history. I think very few of us could forget the disgraceful performance by the Senate in the Federal Parliament in refusing to vote on the Whitlam Government's supply Bills in 1975. The conservative side of politics has continued to use supply as a political weapon whenever it believes that opportunism and dispensing with principle and convention may be rewarded by the seizure of power.

There have been two very recent examples of this kind of use of a supply Bill as a political weapon. The most recent, of course, are in Western Australia and in Victoria. In Western Australia last year, members of the Liberal Party conducted a great deal of sabre rattling and threats against the Government of Dr Lawrence. Their threats, of course, were not to allow supply. In the event they did not have the stomach to follow through with their threat, and they were made to look extraordinarily foolish. We have a similar situation in Victoria. In that State, of course, given that the ambition of Mr Kennett knows absolutely no bounds, it is quite impossible to tell what might happen. Mr Kennett's outrageous threat to discriminate against government members shows again that his own lust for power is unlikely to be stopped by mere principles like the passage of supply.

Mr Speaker, the Labor Party in this Assembly supports the right of a government to have supply because of the very fact that supply itself is non-controversial. Supply Bills do not carry any real policy implications. They are not an expression of the government's agenda which can be rejected or amended by a parliament. To create the confusion and the potential crisis which would result from rejecting or deferring supply is not acceptable. Playing games with the payroll for government employees is not acceptable, particularly when, in the case of our own government employees, they already have to bear the burden of serving

the Alliance Government. I think that to add to their burdens by putting their pay in doubt is really more than human nature should be asked to take.

Mr Speaker, it is not acceptable, either, to throw into jeopardy vital government services like health, education and other services to the public, because to do so is a very underhanded means to try to force an election. It is not a means that is acceptable to the Labor Party, and we will therefore not be using that weapon in the same outrageously cynical way that Liberal oppositions have used it in other States and, indeed, in Federal Parliament.

The other aspect of the Bill that I want to touch upon concerns its relevance to this Government's financial management, although I think to call it "financial management" is to be quite extraordinarily generous. Events since last year's Supply Act show how this Government has totally lost control of financial management. Our community has grown tired of opening the *Canberra Times* in the morning to read about the latest budget blow-out. Mr Kaine's blustering and his attempts to deny responsibility by blaming his public servants or other anonymous management, as he did today, lack any credibility because the problems are clear and those problems have not been tackled by this Government.

The problems became clear, at least in the health arena, as a result of a Treasury inquiry which was, in fact, commissioned by my Government in 1989. The problems are management problems as well as ones of political will. Any normal government and any responsible Minister, any halfway competent Treasurer, would have given orders long ago to deal with these problems. The fact is that this Government has lurched along, trying to avoid the issues, to cover up the problems or to blame someone else. That is its favourite tactic. And, of course, the Government has become a laughing stock as a result. The Government has not only been shown to be unable to control expenditure; it is unable to budget properly in the first place. The whole hospitals redevelopment saga proves that point. The Government has no real idea what the hospitals redevelopment will cost and it does not care, because the decision was essentially ideological in nature.

Mr Speaker, anybody who sat through question time today and heard the faltering responses of the Treasurer and the Minister for Health on the issue of what the hospitals redevelopment might cost would agree with me. They have no idea what it will cost. They would not even hazard a guess and, in fact, on the question of where they are going to find the money for their blow-out in the recurrent expenditure, Mr Humphries said, "I have no idea". It was hardly news to us that he has no idea. Under constant questioning in this house he has continually demonstrated that he has no idea, but I think even more serious is the fact that the Treasurer has no idea either.

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Mr Speaker, a further example of this inability to budget properly is shown by the fact that last year's Supply Bill was clearly inadequate. In answer to a question on notice which I asked, Mr Kaine has revealed that last November he issued millions of dollars from the Treasurer's Advance to pay for "wages, salaries, accommodation costs, maintenance and other operating costs, and Comcare premiums", and that was quite apart from the further large sums which were issued from the advance during the supply period to pay for programs or services.

So, a large part of the Treasurer's Advance was, in fact, used to pay salaries. These facts, which were revealed in a relatively innocuous answer to a question, show just how poor the Government's budgeting really is. Last year it could not even get the supply figures right. The cost of salaries, accommodation, and so on, could scarcely have been unforeseen at the time that the Supply Bill was framed. I would refer members to Mr DUBY's own statement in tabling the Supply Bill when he said:

This item -

that is, the Treasurer's Advance -

can be used to advance moneys only for expenditure which is urgently required for the efficient administration of the Territory and generally covers circumstances unforeseen at the time of preparing the Supply Bill.

Those were Mr DUBY's own words. Mr Speaker, I ask, through you: How on earth could the payment of salaries be unforeseen? What happened? You must have got it wrong in the first place. There is no doubt in my mind that, in fact, they did get it wrong.

Mr DUBY: It is not part of the budget. You know as well as I do that salary increases are not catered for in a budget allocation. They are part of the Treasurer's Advance.

MR SPEAKER: Order, Mr DUBY!

Mr DUBY: You know, it is one of those things like brackets.

MR SPEAKER: Order, Mr DUBY!

MS FOLLETT: Thank you, Mr Speaker. I am very glad indeed that Mr DUBY made such an erroneous point because, Mr DUBY - through you, Mr Speaker - the use of the Treasurer's Advance cannot be justified for wage increases after the Act was passed. Section 5 of your own Act allows for extra payments for salary increases. So, you have that wrong as well. I suggest that you go back and do some homework before you start yelling across this chamber at me.

Mr Duby: Which Act are we talking about?

MS FOLLETT: The Supply Act.

Mr Duby: Of 1990?

MR SPEAKER: Order! Mr Duby, I warn you. Please talk through the Chair.

MS FOLLETT: Mr Speaker, the Government had the opportunity to include as much money as it liked in last year's Supply Bill, and it bungled it. Mr Duby finds that enormously amusing; but he might, in fact, serve this Assembly, not to mention the ACT, a bit better if he were to read his own Act for which he is responsible.

We are left asking whether they literally blew the money by spending it faster and with less control than even they thought possible. How come they got supply so wrong that the Treasurer was forced time and time again to go to the Treasurer's Advance to pay salaries? There is no explanation for it. I believe that, whatever the reason last year, we are entitled to ask whether the Government has made adequate provision for the continuing services of government over the next five months. Perhaps the 20 per cent overall increase in this Supply Bill over the last one is designed to make sure that the Government does not run out.

I give notice to the Minister, Mr Duby, that during the detail stage we will be asking questions about the basis for the figures in his Bill. For example, why is there a 25 per cent increase in this Supply Bill for hospital services? And why is there a 30 per cent cut in the provision for public and community health services? I suggest that Mr Duby address some of these questions in a serious way, and attempt to give some answers in the chamber during the course of debate on this Bill. As I have said, the Labor Party will support the passage of the Bill as a matter of principle, as I believe that it is the only responsible thing to do. But we will not be party to rubber-stamping an important piece of legislation when this Government demonstrated only last year that it cannot get it right.

MR STEFANIAK (8.37): I am glad that the Opposition is, in fact, going to support this Bill. I noted with interest the comments that the Leader of the Opposition made, firstly in relation to what conservative governments have done with supply Bills in the past. I think there is really only one example where anything was done, and that was in relation to the Whitlam Government in 1975.

Mr Wood: In New South Wales in 1931 - Philip Game.

MR STEFANIAK: There might have been some threats, Mr Wood, and I think I can recall some threats made by Labor parties in opposition in relation to supply Bills. I cannot recall

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those threats being carried out, but I can certainly recall some threats being made. So, I think that is a bit of a holier-than-thou attitude there. Who knows what this Opposition would do if, in fact, it had the numbers. This Bill, the Supply Bill of 1991-92, is, in fact, an interim Bill. It is a matter - -
-

Mr Wood: It is hardly applicable in a single chamber house.

MR STEFANIAK: Indeed, it is a single chamber house, Mr Wood. You do not have the numbers, so we really will not know. It is all hypothetical. This Bill is a matter of routine. It is in the nature of a housekeeping task. It is necessary because the annual appropriation system focuses around the annual budget presentation in August this year, well after the commencement of the financial year on 1 July. This Bill provides for the funds to be issued to meet expenditure arising in the first five months of the new financial year. As a general rule, the proposed expenditure represents about five-twelfths of the current forward estimates for 1991-92. That is adjusted for one-off payments falling due in the supply period.

This year's budget, the 1991-92 budget, will be presented to the Assembly in August, and will include the presentation of the Appropriation Bill 1991-92, this being the legislative mechanism for giving effect to the expenditure policies of the Government. Time to debate the Bill and have the Estimates Committee examine the proposals is required, of course. It is therefore expected that the Appropriation Bill will not be passed until October or, indeed, November. The Supply Bill will then, of course, lapse.

No new initiatives have been presumed in the estimates contained in this Supply Bill before the house. These, of course, will be addressed in the formulation of the 1991-92 budget, and will be presented to the Assembly in that context. Any unforeseen matters arising during the supply period can be accounted for by the use of the Treasurer's Advance. An amount of \$12m has been provided for that advance, which includes an amount of \$2m for redundancy packages which will be carried over from 1990-91. The Audit Act prescribes the conditions for the use of this advance.

It always amazes me, Mr Speaker, to hear people in the Labor Party, and perhaps Ms Follett in particular, talk about what is wrong with this Government - where we have gone off the rails financially. I think the facts are abundantly clear in relation to financial mismanagement by governments, Mr Speaker. One only has to look at South Australia, Victoria and Western Australia to see what Labor governments have done to those States. And despite the election - - -

Mr Kaine: You missed Tasmania.

MR STEFANIAK: I missed Tasmania as well. They have not been in very long down there, Chief Minister, but they are probably stuffing that up too.

Mr Kaine: Long enough to stuff it up.

MR STEFANIAK: Yes. One only needs, perhaps, to look at New South Wales. I recall that, in question time earlier today, the Chief Minister, I think quite properly, pointed out that if Mr Goss gets in in New South Wales, and that does not look - - -

Mrs Grassby: He is already in, in Queensland.

MR STEFANIAK: What is his name? Carr, that is right, Mr Carr; I am sorry, Bob Carr.

Mr Kaine: The absolutely unforgettable Mr What's-his-name.

MR STEFANIAK: The absolutely unforgettable Mr Carr. If he happens to get in in New South Wales, which is looking increasingly remote, he will inherit a State that has been brought back from the brink of bankruptcy by a very sensible conservative government. Another name was bandied about here earlier today, and that was the great Gough Whitlam. What a magnificent financial stuff-up he made of this country. So, really, I do not think you - - -

MR SPEAKER: Order!

Ms Follett: Mr Speaker, I raise a point of order. Might I ask: Would you consider that term parliamentary?

MR SPEAKER: I really believe that that is a bit over the top, for a Deputy Speaker, in particular.

MR STEFANIAK: Mr Speaker, if you do not like it, then I will withdraw it. I will withdraw the term "stuff-up" and say "financial bungle and mismanagement" - something along those lines, if that is more appropriate.

Ms Follett: You know a lot about that; that is more your scene, you have to admit.

MR STEFANIAK: I do not think so. Ms Follett, I think you will find out what this Alliance Government has, in fact, done to this Territory if you happen to take over in February 1992, and that is a long way off. You think the Greiner Government was complacent. I think you people are very complacent if you think it is just going to fall into your lap. Anything is possible here - anything, from the foregone conclusion. On the off-chance that you do take over in February 1992, you will find a Territory that has actually been very well managed financially by this Alliance Government.

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Finally, I think that absolute classic we heard today, about your great financial knowledge in relation to, "What are the brackets for?", really does not give anyone much confidence in terms of what you people would do.

Let me get back to the Supply Bill. I am glad that it seems reasonably non-controversial, despite the remarks being made. It is, of course, the necessary vehicle for the continuation of government from 1 July 1991 until the budget is passed by the Assembly. Regardless of what anyone says here tonight, it is obviously a Bill that is going to be passed.

MR BERRY (8.43): Thank you, Mr Speaker, for the opportunity to speak this evening on the Supply Bill. Of course, as has already been said, Labor will not be opposing the Supply Bill, nor will we be threatening members of the bureaucracy or the Government opposite about their pension rights, or any of those sorts of things that they might accrue during the course of this term that they have in government.

What I want to talk about in the context of this Bill is the very serious actions which have been taken by this Government against our health and community services systems. It will not be news to Mr Humphries that there are problems in his hospital system, and I am happy to say that at least he has recognised that there are difficulties. The one thing that I do find impossible to accept is that he will not accept responsibility for them.

We started out with this Government with a \$154m plan to - as they put it - restructure our hospital system. It soon became evident that that budget was blowing out at the rate of about \$1m a month and, of course, it very soon grew to \$166m.

Mr Kaine: On a point of order, Mr Speaker: As a matter of principle and a matter of debate, I do not mind the Opposition having a bash at us for things that are true; but to deliberately assert, as Mr Berry just did, that the budget is blowing out is simply unacceptable. I am simply talking about the common decencies and the courtesy of debate, Mr Speaker. I am not drawing on any particular point of order. All I am asking is that Mr Berry be called upon to be truthful in what he says.

MR SPEAKER: Order, Chief Minister! I believe that that is not a point of order, but I uphold your objection inasmuch as you made a general statement. I believe that it is more appropriate to seek leave to address the Assembly rather than make a point of order such as that. Please proceed, Mr Berry.

MR BERRY: Indeed, it is more appropriate to seek leave; but I think what the Chief Minister might like to do is speak to the motion later on, instead of rudely interrupting like he has done. That was no more than a

frivolous point of order from a person in a very frivolous mood who has no respect for this Assembly, nor has he any respect for the people of the ACT, because of the atrocious actions that have been taken against the hospital system in our Territory. This Chief Minister over here - - -

Ms Follett: On a point of order, Mr Speaker: I cannot hear what Mr Berry is saying because of the constant interjections of Mr Duby and Mr Kaine, who also kept up a running barrage of interjections while I was speaking. I must insist that you control them.

Mr Duby: Yes, when you told untruths as well.

Mr Connolly: I raise a point of order.

MR SPEAKER: Order! One point of order at a time.

Ms Follett: He has been warned once. Mr Speaker, on the second point of order, Mr Duby just commented that I had told untruths. I ask that he withdraw that.

MR SPEAKER: I would uphold your latter objection, Ms Follett. Mr Duby, I would ask you to withdraw that comment.

Mr Duby: Mr Speaker, if saying that Ms Follett asserts that advances relating to pay increases are not part of a supply Bill advance is unacceptable, I withdraw it.

Ms Follett: On a point of order, Mr Speaker: That is clearly a qualified withdrawal. It bore no relation to the comment - - -

Mr Kaine: If you are going to misquote because you do not understand the system, you can expect to be taken to account for it.

MR SPEAKER: Order, Chief Minister!

Ms Follett: Mr Speaker, that was a qualified withdrawal from Mr Duby. He must be asked to make an unqualified withdrawal.

MR SPEAKER: Yes, I uphold your objection. Would you just give an unqualified withdrawal, please, Mr Duby?

Mr Duby: I unqualifiedly withdraw.

MR BERRY: About time too. One of the most interesting performances that we have seen in this sitting, of course, has just come from the Chief Minister. He is needled by the truth, and I will lay it on him again. It is a fraudulent \$154m hospital plan where the Government has set out to wreck our hospital system and withdraw public hospital services from the people of the ACT, which it has done. The plan was shown up very early in the piece as being inadequate. It has been repeatedly demonstrated by

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the Labor Opposition that this Government has failed in the delivery of hospital services in the Territory. We have very clearly shown the people of the ACT the inadequacy of the Government and, indeed, the dishonesty of the Government in demonstrating its so-called - I suppose "so-called" is the best word - commitment to health in the Territory.

All it is committed to, Mr Speaker, is switching over public hospital beds into the private sector, into an area where there is no demand, because the Minister is yet to prove that. He has not proven that there is any demand for private hospital services in the Territory. The Minister, of course, has boasted about his cheap plan and he has tried to hide the costs.

Mr Duby: What a joke, Rosemary.

MR BERRY: Mr Speaker, it is about time that you - - -

Mr Duby: What a joke.

MR SPEAKER: Order, Mr Duby!

MR BERRY: Mr Speaker, I move that this member be named, pursuant to standing order 202(e).

Mr Duby: Dear, oh dear; try again!

MR SPEAKER: Order!

MR BERRY: He is persistently and wilfully disregarding the authority of the Chair.

MR SPEAKER: Order, Mr Duby! You have been warned. Please note that the warning was necessary from where I see it. Please desist from making interjections in the manner you have been. Mr Berry, please proceed.

MR BERRY: It seems to me, Mr Speaker, that there has been some - - -

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

MR BERRY: Thank you, Mr Speaker. It seems to me that some substance has been partaken of that has given rise to this frivolity. It strikes me as outrageous that these people cannot just stand and take their medicine.

The Government is now involved in what boils down to be the wrecking of the hospital system. It will cost more than \$200m for the hospital system to be wound down by this Government. Indeed, it will cost more to close Royal Canberra Hospital than it would have to keep it open under Labor's plan, and there will be no savings. Two years of savings have been thrown away by this Minister's inadequacies; two years of the savings that were - - -

Mr DUBY: So, we acknowledge savings.

MR SPEAKER: Mr DUBY!

MR BERRY: That is about the third time. I am getting a little bit tired of this and I think it is about time, Mr Speaker, that you pulled him into gear, or asked him to go upstairs and have a little rest. He does not seem to be able to cope with the tension here.

What it boils down to, Mr Speaker, is that the Government has inadequately looked after our hospital system, and it will pay the price. It is going to pay the price. It does not like it very much, and it does not like having it pushed down its throat; but the fact of the matter is that it will be. The community will not forget what it has done to our hospital system. Those 1,500 people who are waiting for hospital beds in our hospital system know who is responsible - Chief Minister Trevor Kaine and Health Minister Humphries.

Mr Kaine: The same 1,500 who were waiting when you were the Minister.

MR BERRY: Chief Minister Kaine says that it is the same 1,500 who were waiting for a bed while the Labor Government was in office. He has it wrong again, because there were about 900 waiting in those days, Mr Kaine. There has been a 60 per cent blow-out since you set Gary Humphries onto our hospital system. It has got worse and it is getting worse. Labor's record is clean. What Labor set out to do was to put in place a hospital system to suit the needs of the people, not to suit any privatisation ideology. It was about a hospital system to suit the needs of the people and that was affordable and accessible; not a hospital system where budgets were out of control, where a Minister did not know what was going on within his system, where there was a Minister who would not listen to the people who were advising him on the problems in his hospital system.

A good way to measure the adequacy of the hospital system, Mr Speaker, is by the waiting list. That is why this Government does not want to hear about waiting lists any more, and that is why it wants to talk about other things. The waiting list is a good way to measure how your hospital system is performing. In 1989 there were about 900 people; on today's lists there are about 60 per cent more. That is how the Government is performing. It is not performing at all. It does not like the truth. That is why it gets edgy.

The figures that I have demonstrated here this evening are an indictment on this Government's performance in hospital services. It cannot keep up with demand and the Minister has now conceded this. Of course, he has conceded because he has not enough money to run his hospital system. His budget has blown out and he still cannot provide services.

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The Minister has conceded that. He has thrown away, this year alone, two years of the proposed savings that he said he would get from his redeveloped hospital system.

Mr Kaine: That is because of what you left behind when you went, mate.

MR BERRY: And Mr Kaine says that it is because of what I left behind. What I left behind for the Minister was good advice, but he did not take it. If he had taken that advice and got off his butt and had a bit of a look at what was going on in the hospital system, we would not have had the difficulties that we have today.

The inaction of the Minister is what has caused the massive blow-out in our hospitals budget. That is why our hospital system is in crisis. It is because of this Minister and because of the Chief Minister's inability to intervene and do something about the way the Minister is performing. He is a bad performer. He did badly in education and he is doing even worse in health. He is managing a hospital system that turns away the sick. That is what this Minister is managing, and the Chief Minister, of course, sits back there with a smug look on his face, because he is not prepared to do anything about it.

Mr Kaine: It is because you are wrong about everything, as usual.

MR BERRY: Mr Speaker, the Chief Minister interjects again because he is touchy on this issue. He is touchy on this issue because he knows that from day one he has taken little interest in the hospital system. He has let Mr Humphries play with it as if it were a child's play toy, and what we have ended up with is massive destruction. And the people who are paying for this in the end are the people of the Australian Capital Territory, while the Ministers and government members opposite sit there smugly and pretend that nothing is wrong. Something is wrong and it is about time you woke up to it, because Labor is not going to let you forget it.

I have to say, Mr Speaker, that that is not the only area in health that has suffered from this Government's inaction. Ambulance services are another area. It is ironic that it was Mr Humphries who, when he was an opposition member, rightly raised concerns about the Ambulance Service in the Australian Capital Territory. But, from that point when Mr Humphries took office, he did nothing. And pretty soon we had an ambulance service that was very deep in crisis and was not delivering services. I have no doubt that people have suffered at the hand of this Minister because of his inability to deal with the Ambulance Service. It was a simple job, with not many people involved and not a big budget. It was a fairly simple job, but far too complex for this Minister. It was

a disgraceful performance, and it was not helped any by the Minister's attempts to cover up the real problems in our ambulance system. These cover-ups, Mr Speaker, were absolutely - - -

Mr Humphries: On a point of order, Mr Speaker: I think that to allege that a Minister has been involved in a cover-up is quite unparliamentary, and I ask Mr Berry to withdraw that allegation.

MR SPEAKER: I uphold that objection. Mr Berry, I ask you to withdraw that.

MR BERRY: I withdraw that. Mr Speaker, what the Minister did was to deliberately concoct arguments which were constructed to mislead the community. The fact - - -

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

MR SPEAKER: Again, Mr Berry, I would - - -

MR BERRY: Mr Speaker, I am finding it very difficult to say good things about this Government, and it seems to me that it is raised as a point of order if one says anything that is critical.

Mr Humphries: Yes, I know; but do not say things that are not true. Come on, take your medicine, Wayne.

MR SPEAKER: Order! Mr Berry, I ask you to withdraw that comment about concocting misleading evidence. The words that you used inferred that the Minister had purposely misled the public.

MR BERRY: No, Mr Speaker, I do not - - -

Mr DUBY: Mr Speaker!

MR SPEAKER: Just a minute, Mr DUBY.

MR BERRY: Mr DUBY has not taken the point of order. Just sit down, Craig, and mind your own business.

MR SPEAKER: Mr Berry, I just ask you to withdraw that so that you can get on with your speech.

MR BERRY: I withdraw that.

MR SPEAKER: Thank you.

MR BERRY: Mr Speaker, this Minister provided inaccurate, deliberately misleading information to the people of the ACT. It was misleading, and I will explain why it was misleading. This Minister said that there was nothing wrong with the Ambulance Service. He pleaded to the people of the ACT that there was nothing wrong with the Ambulance Service, that it was performing the functions that were necessary.

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MR Kaine (Chief Minister) (8.58): I had not really intended to speak in this debate because it is merely to do with the tabling of the Supply Bill, and I would not have thought that anybody would have found too much to complain about in that. But, once again, the debate has been marked by two characteristics from the Opposition.

First of all, Mr Berry cranks up speech No. 1. It is the same old speech; it does not matter what the topic is, out comes the same old speech. If we have heard it once, we have heard it 50 times in the last six months because it is the only speech he has. I used to call it speech No. 362, but he has only one. He brings out speech No. 1, dresses it up a bit, changes the date and regurgitates it again. So, as usual, Mr Speaker, Mr Berry has contributed absolutely nothing to this debate. When the historians come to look at this Assembly in the future, one of the marks of it will be the absolute inability of Mr Berry to contribute anything to the debate on any subject at any time. That is the first characteristic of the debate tonight.

The second characteristic is that the former Treasurer has once again demonstrated that she knows absolutely nothing about public accounting or any aspect of it. I notice that she went very quiet during question time when I referred to the brackets around the numbers, which she did not understand. She obviously does not understand even the beginning of what the Treasurer's Advance is about either, because she quoted at length from an answer to a question that I gave to the Assembly, quite recently, where I explained the transactions on the Treasurer's Advance during the course of this year.

If she had bothered to read it, or if she had really understood what she read, she would have noted the explanation. I gave a comprehensive answer to the question. (*Quorum formed*) Had Ms Follett read it, or if she read it, had she even a beginning of an understanding about the information that I gave her, she would have noted that the information was there in the answer; those were, in most cases, merely advances from the Treasurer's account, all of which were to be adjusted before the fiscal year was over. In other words, they were transfer entries where payments needed to be made immediately and they were made out of the Treasurer's Advance by way of advance; they were to be subsequently adjusted in the books and the money was to be repaid to the Treasurer's Advance account.

There was only a very small net figure out of all those transactions which was, in fact, payments which would not be refunded. That was all in the answer to the question. In fact, it is all in *Hansard*. But, of course, if Ms Follett had read it, she simply would not have understood that. It is quite obvious that she has no understanding whatsoever of the nature of the Treasurer's Advance and the transactions that can be made into it and out of it during the course of a year.

So, Mr Speaker, as I said, there are two characteristics of the debate. The first is the absolute lack of any contribution of a practical or rational kind from Mr Berry, and the other is that once again this former Treasurer, who will pretend to be a Treasurer again at some future time, has demonstrated absolutely and irrevocably that she has not a smidgin of an idea about public accounting or what the accounts mean. And that is on the record, too.

MR WOOD (9.02): Mr Speaker, I am not sure that the Chief Minister understands the traditional concept of the supply debate. In any parliament in Australia the supply debate provides an opportunity for members to debate in very general terms almost any matters - because most of the matters that we discuss have reference to money - and to discuss them also in very specific terms.

Mr Kaine: That is fine, as long as it is the truth and we understand what we are saying.

MR WOOD: I was intrigued to hear you say that you had not intended to enter the debate. It was Mr DUBY who tabled the Bill. As you are the Treasurer, I am surprised at that approach. I think you should have been a little more aware of the way that the supply debate is undertaken in other parliaments in this country.

I want to make reference to two matters affecting education. I will say at this stage that I will make that reference and I will join the debate again in the detail stage, as I am sure we all will, to query the Government's policies on matters affecting money. It is also traditional at this time for opposition and government backbenchers to be able to ask questions of the Government, of the Treasurer, or, in this case as well, the Finance Minister or specific Ministers, and to get answers from them on the questions that we raise. I trust that that fine Australian tradition will be continued today.

I was concerned to see in the paper yesterday a statement by the chief education officer, if that is still the title - or, if that title does not exist any more, the secretary to the ministry - who was complaining that the actions of protesters about school closures - the parents in the various communities - had helped to blow out the budget. It seemed to me a strange statement for a departmental officer to be making. It seemed more the province of a Minister if, indeed, any such statement was justified.

During the early stages of the debate on school closures, on this side of the house we said that the Minister was going to spend more than he was going to save. And that was certainly the case in the first year of his program. It seems passing strange that the secretary of the department should blame the communities for defending their schools. But it is a point I want to take on and ask the

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Minister for education, health and other matters whether he will, in the course of this debate, detail the extent to which that budget has blown out. At various times during the year we came up with figures of the costs, and we are still seeking the full range of the costs. I thank Minister Duby for providing me with some information - some interim information, I would think - on the cost of repainting roads and changed traffic arrangements, and there is a whole host of other costs.

I should think that the very poor decision that was made to vacate the former South Curtin school is going to add an enormous cost to that whole process. If ever there was a poor decision made it was that one, because that ex-school was occupied by a very considerable range of activities, some of them performing quite specialist programs, and to relocate them all has set in train a domino effect that has added tens of thousands or hundreds of thousands of dollars to the costs of the school closures. I do not think we are yet close to understanding the full cost of that. It was a very foolish decision.

The decision was made without any clear appreciation of what was involved in all that. And there is still one that continues. The behavioural disturbance unit, formerly at South Curtin school, was suddenly shoved to the former Holder Primary School because there was nowhere else for it. It is now threatened, I think more from the department's point of view than from the Minister's actions, with closure.

Mr Humphries: That is not true.

MR WOOD: I understand that it is certainly going to stay in operation.

Mr Humphries: Yes, it is, and in the same place.

MR WOOD: And in the same place. And it will stay there indefinitely, I understand.

Mr Humphries: No, until it moves to Dairy Flat.

MR WOOD: I see. Through you, Mr Speaker: I ask the Minister: If it does move to Dairy Flat, will it, in fact, be the same program or a very similar program, and will it be for the same number of students?

Mr Humphries: No, it is a better one, probably with more students.

MR SPEAKER: Mr Humphries, would you like to take the floor and help?

MR WOOD: Probably more. That is quite interesting.

MR SPEAKER: Please get on with your speech, Mr Wood.

MR WOOD: I suspect that the Minister is fudging over the issue, and, in fact, what may be happening is that one program will be closed and a totally different program will be instituted in its place. I might say, Minister Humphries, that I am not convinced by this brief interchange that we have had. I know that there were proposals for a quite different program at Dairy Flat, and I wonder whether that is the program that you are talking about and the particular program at Holder, formerly at South Curtin school, will no longer operate. I remain very concerned about it.

Mr Humphries: You are opposed to improvements, are you?

MR WOOD: No, certainly not. That is a fair point for the Minister to make. I am not opposed to improvements and I would never argue that an existing program should go without review, and perhaps without the change that follows that review. Therefore, at some stage the Minister might tell me what review of the program at Holder was carried out. That would be valuable to have. But enough of that; that will be part of a continuing debate.

Another matter where the Chief Minister may be able to provide this Assembly, and, through the Assembly, the community, with an answer is the level of funding for TAFE in the ACT. A little time ago the Chief Minister carried out a public relations stunt. We had the announcement that there had been a contract between TAFE and the Government. Of course, the term "contract" suggests very strongly that here we had an agreement. I have to admit that I do not know the background of it at all. It may be that there was harmonious, happy agreement between TAFE and the Government on this contract. It may be that TAFE had no choice but to bow to the political masters and accept a contract that was thrust upon it. I do not know; I can only wonder.

The effect of the contract is to cut TAFE funding by 6 per cent over each of three years - a very substantial cut. The contract claimed that that 6 per cent would be taken up by funding from private sources. TAFE would go out to the private market, to the businesses, to the enterprises of this town and recover that 6 per cent each year to carry on the level of services. That, in fact, is an impossible task. The Chief Minister must have known that there was no way that TAFE could accomplish that. Despite good management, despite the best efforts of TAFE, that is not an achievable target.

Certainly, if one looks back at the growth of private sponsorship and of private support to TAFE over recent years, there is no evidence that it could increase by that level in such a short time. It may be a desirable goal, but I claim that it is not an achievable one. The result has been that TAFE is now increasingly squeezed; it cannot provide the courses, it cannot provide the services to the

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ACT community that we need. This vital area of education, providing technical and other services with an increased range of competence to the ACT community, is being choked because of the mean-minded attitude of this Government.

I would like the Chief Minister, in this debate, to respond and tell us how it is that TAFE is meeting its target of a 6 per cent cut year after year. How is it going; how is the flow of private funds coming? In other parliaments I could ask that question and it would be answered within this debate. Let us hope that we can have the same response here.

A further matter I would ask the Chief Minister about relates to the provision of a hospice in the ACT. That is a matter for Mr Humphries, but I raise it since the Chief Minister has issued a blueprint, or a follow-up on the blueprint for the aged in the ACT. So, maybe the Chief Minister or maybe the Minister for Health should be the one to respond. We all agree that a hospice is needed. I thought, some considerable time ago now, that we were not far from having the benefit of a hospice. The Social Policy Committee recommended it, and it was no great feat on our part because it was pretty obvious that it was urgently needed. It did not really need a recommendation to that effect.

In his response to the Social Policy Committee's report the Chief Minister said, "Yes, we are going to provide it". I will freely acknowledge that steps were taken by the Government to do so. As part of that process, Minister Humphries or his department consulted with the ACT Hospice Society - from memory, I believe that that is its title. It is a body that is representative of a great variety of interests for the aged and health in the ACT. It is a highly reputable body and one which gave excellent advice. But, for some reason, the process got fouled up. I do not know what happened, but the Minister then went and said, "Let us go somewhere else and get some consultants to advise on this".

Mr Humphries: Yes, recommended by the Hospice Society.

MR WOOD: I believe not. You had better check that because I am not making these statements off the top of my head. I am making them after I have been briefed by the Hospice Society. And what happened, of course, was that they went to a consultant who has taken an added period of time

- - -

Mr Humphries: A professor of palliative care.

MR WOOD: Yes, an expert; but he is coming up with, or is likely to come up with, a philosophically different proposal. One must wonder whether this is some part of the process; perhaps the early recommendations were not those that were really desired by bureaucrats or Ministers or somewhere in that process.

Mr Humphries: We want the best for the ACT; so, we are taking the time to do it properly. We are not going to rush in.

MR WOOD: I know that you had all the information that you needed; you had high quality advice and you have simply delayed the process. You seem to talk endlessly and take so long to take action that it makes one wonder about the seriousness of your intention on this, as on so many matters.

Finally, Mr Speaker, I have raised three matters tonight. I would anticipate that in the process of this debate I will have an answer on each of those.

MR HUMPHRIES (Minister for Health, Education and the Arts) (9.17): Mr Speaker - - -

Mr Duby: Start from the back and work backwards.

MR HUMPHRIES: I am inclined to. Mr Speaker, I am inclined to say something about the hospice. I think it is grossly unfair of Mr Wood to pour cold water on the hospice proposal.

Mr Berry: On a point of order, Mr Speaker: This chamber has had just about all it can bear from Mr Duby. I think it is about time that he was named.

Mr Duby: Sit down; sit down.

MR SPEAKER: Mr Duby, please! Mr Berry, the comments across the floor had decreased considerably until Ms Follett came back in. You are now raising them as an issue. I have warned Mr Duby not to interject, and he has not interjected until this minute.

Ms Follett: On a point of order, Mr Speaker: You just named me in connection with interjections. I have not said a word. What is the relevance of that remark?

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

MR HUMPHRIES: Mr Speaker, it is quite churlish and quite disreputable to pour cold water on the Government's intentions about a hospice. We have said that we will provide a hospice; we are well advanced in that process. We have already spent quite a lot of money getting the best possible advice on how a hospice should be structured in the ACT, and at the end of the day I, as Minister for Health, will be opening that hospice. I wonder where Mr Berry and Mr Wood will be on that day when that happens. Where will they be then, I wonder; what will they be saying on that day? I think they will be very embarrassed.

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Mr Speaker, I want to go to the things that were said by Mr Berry and Ms Follett in the course of the debate on the health budget. I think that the Chief Minister put his finger on the quality of Mr Berry's contribution when he said that in the course of the debate - and this could apply equally well to any of the contributions that Mr Berry has made on the health issue in the last 18 months - he did not contribute to it. He did not actually raise any matters of substance other than party ideological rhetoric.

Mr Connolly: You wish.

MR HUMPHRIES: No, he has not. You can dress it up any way you want, but he has not said anything of substance. Mr Berry's hypothesis is that, if there is a budget blow-out, it must be the Government's fault. The Government is to blame; the Minister should resign. That is Mr Berry's whole line. It is his whole hypothesis. That is all he has said in this debate and that is all he has maintained up until now.

Of course, a very important question arises out of that very hypothesis. If a Minister is to blame for a budget blow-out, why did you sit in the office of Minister for Health after your budget blew out in 1989? Clearly, Mr Speaker, there is a difference somehow. A Labor budget blowing out is excusable; a non-Labor budget blowing out is not excusable. There is some distinction there. There is some reason why they are not the same. The reason, of course, put up time and again by those opposite, is, "We as the Labor Government in 1989 discovered to our horror that the budget had blown out. So, we ran away and we got Treasury advice. We also, of course, tried to sack our own board of health at the same time and blame them for the problem, but that is to one side. We wanted to get Treasury advice. And, of course, those dastardly types on the other side of the chamber, who then got that advice because we were thrown out of government, did not act on it".

That is the assumption on which the Labor budget blow-out can be excused and the one on this side of the house cannot be excused. But, of course, it is struck by a basic flaw, and that flaw is the fact that this Government did act. It did act on the Treasury report delivered in December 1989, and I will repeat the things that I said in the chamber on 30 April. That report made a whole series of recommendations.

The first was that nursing shifts overlap at Royal Canberra Hospital and coordination of accrued days off should occur. Those changes were indeed made. The second recommendation was that identification of additional savings measures should be carried out to eliminate budget shortfalls, and those were tabled on that occasion in a detailed fashion. The third recommendation was that we transfer \$1.5m from capital plant and equipment to the recurrent budget. We did that. The fourth recommendation was that we should

supplement the hospital base funding by \$2.6m from the Treasurer's Advance. We did that. By the way, supplementing from the Treasurer's Advance was a recommendation from your own Treasury report in 1989. Yet, when we do it on this side of the chamber in 1990-91 you say that it is reprehensible. What is the difference, Mr Berry? You explain that, Mr - - -

Mr Duby: No, it is called accounting. He does not understand it.

MR HUMPHRIES: That is right; he does not understand it. What is sauce for the goose is not sauce for the gander in this place, quite obviously. I will not go through the rest of those, Mr Speaker; they are in *Hansard*. They were all acted upon, and that is the problem.

Mr Berry: No, they were not.

MR HUMPHRIES: That is the problem. Mr Berry can get up in this place and say what was not acted upon. The fact is that they were, and I will give you proof of the fact that they were. What questions has the Opposition asked, since it lost government in December 1989, about the implementation of that Treasury report? I cannot recall a single one.

Ms Follett: You are wrong.

MR HUMPHRIES: Quote it. I asked you on a previous occasion to cite me a question that you had asked about the implementation of the Treasury report and you have not done so - not in that debate or since then. You go and do so. I cannot recall any occasion where anything at all was asked. You obviously were not concerned. You could not have cared less. You did not understand or you did not care. You just did not know.

Mr Speaker, the Opposition is working on that flawed assumption, that if there is a budget blow-out it must be the Government's fault and therefore the Government should wear the blame for it. It says, "Why will not Mr Humphries wear the blame for this matter?". Again, I have to ask what blame Mr Berry wore for his own budget mismanagement in 1989.

It has been suggested that this Government has blown the money, that we have spent it hand over fist, that we have been wasting the money left, right and centre; but, of course, in the context of that debate, there has not been a single attempt to explain how that has occurred or why it has occurred. In making this case, not one example has been put forward by the Opposition to show that there has been mismanagement, or to show precisely where the Government has made a mistake. Where has it made the mistake? That has not been put forward. It has not been explained. No example has been given.

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Mr Speaker, we know that at the same time that those opposite claim that we are blowing money, that we are spending money hand over fist, Mr Berry, for most of the last 18 months, has also claimed that we are winding back hospital services. How can we be winding back hospital services and yet spending more providing hospital services? It is not possible.

The fact of life is that we are not winding back hospital services. We are ploughing money into hospital services. We are spending \$166m on hospital services, to provide a higher quality of hospital service in the ACT. We are improving hospital services. That is what we are doing in the ACT. We are spending money on health, because it needs to be spent in that area. Yet we get the spurious claim coming from those opposite that we are, in fact, somehow winding back hospital services. What a joke!

Mr Speaker, the Opposition is clearly desperate to drag the hospital redevelopment process into all of this. It is desperate to make sure, in some way, that the process of hospital redevelopment is somehow dragged into the mud; that it is somehow shown to be falling short. To do that, they have resorted to a particularly low tactic in the last few weeks, and that tactic has been to try to compare the \$154m plus add-ons that this Government is spending in the health area with the \$210m that the Opposition promised to spend to refurbish the hospital system when it was in government.

Of course, that comparison is utterly false. It is utterly unsustainable and utterly false, because what they are comparing is the cost of refurbishment of the hospital system as we are putting it forward, plus the add-ons that we are adding onto that process - the add-ons like a hospice, which was not part of Labor's proposal, plus a birthing centre, which was not part of Labor's proposal, plus a convalescent unit, which was not part of Labor's proposal, plus child-care centres, which were not part of Labor's proposal.

All those things have been added on by this Government. Yet you are comparing our refurbishment program, plus our add-ons, with your basic hospital program. That is a false comparison, because if it costs us, for argument's sake, let us say, \$35m, to provide those things to the people of Canberra - a hospice, a birthing centre, child-care centres, a convalescent unit, a relocated and more appropriate QEII home for mothers and babies, et cetera - then it would have cost you \$35m as well. Therefore, your \$210m would have become something like \$245m. That is the fact. Mr Berry is quietly shuffling his papers with his head down. He knows that this is true, but he does not have the guts to admit it. He would not have the guts to stand up here and admit it.

The fact is, Mr Speaker, that those opposite have not laid a finger on our hospital redevelopment project, and they will not. It is being competently managed. It is being well managed by experts in the field. The firm of Richard Glenn and Associates, which is handling this process, is an excellent example of management of hospital projects in this country. I have every faith in their capacity to deliver this project on budget and on time. I am sure that that will be the case. If Mr Berry happens to be in government when that occurs, then he will be congratulating Richard Glenn and Associates, even though now, in this place, he does not hesitate to denigrate the work that they are doing.

Mr Speaker, another little furphy that Mr Berry raises is hospital waiting lists. He says that they are getting worse. In fact, that is not so. In the last two months they have, in fact, decreased by 300, and that seems to be a pretty reasonable trend, if you ask me. I think that is a pretty reasonable trend. I do not think that that can be described in any way, shape or form as "getting worse".

Mr Speaker, I will conclude by saying that those opposite are setting impossibly high standards for themselves. They are setting those standards because they expected and they wished to stay in government, no matter what the cost, and they wish to get back into government, no matter what the cost. What we have seen here is the Opposition's claim that budgets should never blow out. Clearly, that is a ridiculous claim to make, given its members' own experiences in government. They claim that no ambulances should ever experience problems. They claim that there should be no toleration of any cuts in services at any stage in the hospital or health services and, in particular, they claim that there should be no expansion or no increase in the waiting lists.

Mr Speaker, I think that those words will come back to haunt the Labor Party in the future. I think its members are setting standards that they cannot possibly comply with; that, in fact, no government, particularly no Labor government around this country, is complying with. I think we will see the most acute embarrassment to the Labor Government, if it ever returns to the ACT, if it attempts to uphold those standards as the standards by which governments should be judged, because it will be judged very poorly by them.

The experience elsewhere in this country is that these problems are becoming very difficult. They are national problems, not just the problems of the ACT, and the sooner those opposite realise it and make constructive comments about fixing health problems, nationally speaking, the sooner we will all be better off.

Debate interrupted.

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ADJOURNMENT

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

That the Assembly do now adjourn.

Question resolved in the affirmative.

Mr Moore: On a point of order, Mr Speaker: It seems to me that at the time that you put the question Mr Connolly was already on his feet to speak in the adjournment debate.

MR SPEAKER: Order! The Assembly stands adjourned until Wednesday, 29 May 1991, at 10.30 am.

Assembly adjourned at 9.30 pm

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ANSWERS TO QUESTIONS
MINISTER FOR HEALTH, EDUCATION AND THE ARTS
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NUMBER 339

Consultants -
Health, Education and the Arts

MS FOLLETT - asked the Minister for Health, Education and the Arts upon notice on 12 February 1991:

- (1) In the period from 6 August 1990 to 11 February 1991, what consultants were employed by (a) the Ministers Office; and (b) each agency. in the Ministers portfolio
- (2) For each consultant employed, what was (a) the purpose; (b) the duration; and (c) the cost of the consultancy.

MR HUMPHRIES - the answer to Ms Folletts question is:

- (1) (a) Nil
- (b) See Attachment
- (2) See Attachment

2097

ACT Ministry of Health, Education and the Arts

CONSULTANT PURPOSE DURATION COST

Consultancy Bureau Review of School Specific Task 25 700.00

Transport

Mark Eisner and Inspect Hearing Specific Task 1 000.00

Associates Impaired Units at

Hawker and Weetangera

Primary Schools and

acoustic tests at

schools.

Australian Building costs 100 hours 6 000.00

Construction Services associated with school

centres

Burson-Marsteller -Preschool Task Force Specific Task 3 742.80

Publications Strategy

Burson-Marsteller Publicity Strategies 3 weeks 1 1 927.75

Burson-Marsteller Publication strategy Specific task 4 800.00

Burson-Marsteller Public Relations Specific Task 1 454.70

Counselling

Burson-Marsteller Communications 3 Weeks 675.20

Counselling and advice

Burson-Marsteller Communications 3 Weeks 780.00

Counselling and advice

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Dr H R Hudson School Closures 30 days 18 000.00
Gerald Fanning Implementation of Specific Task 3 500.00
Consultancy Government strategies
Services
Price Waterhouse Review of Staffing 7 days 8 500.00
points generation
NUT International Cost Control Program 5 years 12 000.00
Pty Ltd Energy and
Telecommunications

ACT Board of Health

CONSULTANT PURPOSE DURATION COST
Deloitte Ross Tommatsu Nightshift Roster August 15 000.00
KGMP-Peat Marwick Calvary Budget Aug/90-MAr/91 57 000.00
KGMP-Peat Marwick Output Based Budget Aug/90-Mar/91 15 000.00
Allan Foskett Professional 13/8-30/10 3 750.00
Registration Review
Ian Maddock Palliative Care two days 2 000.00
Services

Ruth Redpath Palliative Care two days 2 000.00

Services

ANU Administrative Law one day 1 100.00

Change Agency In-house training 26/7-2/11 10 299.88

Change Agency Management and People Aug-Dec 15 307.04

Skills

Jane Murray Management and People Aug-Dec 3 120.00

Skills

ACT Institute of Management and People Aug-Dec 1 750.00

TAFE Skills

University of In-house training Aug 3 700.00

Wollongong

John Peck and In-house training Aug-Oct 7 600.00

Associates

Perry Darcy and In-house training Aug 3 027.04

Associates

Anne Walls and In-house training Aug 1 665.00

Associates

Shoshana Faire In-house training Sept-Oct 7 926.00

Christine Collins In-house training Sept-Oct 4 840.00

Integra Group In-house training Nov 1 585.00

Bob Dick In-house training Oct 3 300:00

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Lucite Worth In-house training Sept 2 000.00
Communication Concepts In-house training Nov 1 700.00

McCoy In-house training Specific Task 1 000.00
John Milano In-house training Aug 4 500.00
(Linda Jakob In-house training Specific Task 2 314.00

Australian Bureau Nurses Career Structure Aug 5 852.00
of Statistics Review
Fitness Industry Take Away Food Project April-Sept 4 000.00
Development Corp

Keydata Modify Forms Special Task 1 418.96 i
Child Accident Data Analysis Specific Task 1 894.83
Prevention
Imageword Enterprises Develop Computer Program Jul-Sept 4 611.00
Ian Bidmeade Board of Health Nov-Dec 3 540.00
Legislation
Hyde & Associates Career Transition Nov 11 000.00
Counselling

Life & Careers options staff Counselling Dec-Jan 2 850.00
Helen Saunders Review of Registered Specific Task 3 396.80
Nurses Role

Ian Bidmeade ACT Health Regulations Nov-Dec 3 600.00

R. Alasdair Analysis of Health Feb 1 530.00
and Environmental data
Laco Career Planning Nov-Dec 10 000.00
D Hanlon Literature Review Feb 1 550.00
Dr F H Webb Lidia Perry Day Jan 1 845.66
Hospital and Opnthamol
B Tyreman Fiscal System Review Sent 8 999.50
Health Computing New Pay System Aug-Nov 13 064.03
Services Implementation
Government Computer Linc Operating System Aug 10 833.50
Service
Prime People Stocktaking Procedures Sent 4 980.00
Management and Strategic Planning Aug-Nov 15 636.50
Technology
Bass Pty Ltd Review of Existing Sept 1 500.00
Computing Systems
ACT Public Works Feasibility Study Sept 6 305.00
Accommodation Bldg 6
Allan Foskett Translation of Nurses Nov-Dec 1 295.00
to Level 2
Dr G Phillips Emergency Services Nov-Dec 4 700.00

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Life and Career Redundancy Food Services Nov-Jan 1 800.00
Options

Perry DArcy Redundancy Cleaning Nov-Dec 7 042.92
& Associates Staff

Austin Hospital Food Service Sept 2 414.70

Consultancy

Other Various under \$1 000 -- 7 626.02

.Notes Consultancies conducted under the Hospital Redevelopment Project have not been included

ACT LEGISLATIVE ASSEMBLY QUESTION ON NOTICE

Question Number 346

Ministerial Staff - Deputy Chief Minister

MS FOLLETT: To ask the Deputy Chief Minister-what are the numbers and classification levels of the Ministers personal staff, including consultants employed in the Ministers office.

MR COLLAERY - The answer to the Members Question is as follows:

CLASSIFICATION NUMBER

Senior Officer Grade B 1
Administrative Service Officer Class 6 1
Administrative Service Officer Class 5 1
Part-Time
Administrative Service Officer Class 2 1
Part-Time
Administrative Service Officer Class 1 1
TOTAL 5

In addition three officers of the Department of Justice and Community Services are attached to the Ministers Office. Their classifications are as follows:

Legal 1 1

Administrative Service Officer Class 6 1
Administrative Service Officer Class 4 1
TOTAL 3

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MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 356

Capital Bible Church School

MS FOLLETT - asked the Minister for Health, Education and the Arts on notice on 12 March 1991:

- (1) Is the Minister aware of the Capital Bible Church School at Hawker, and when was he first informed of its operation.
- (2) How long has the school been operating.
- (3) From what premises does the school operate.
- (4) Do these premises meet the guidelines for the registration of schools.
- (5) How many children currently attend the school.
- (6) Is it true that the school is not registered under the Education Act 1937.
- (7) Has the school applied for registration under the Act.
- (8) Is it true that the courses taught at the school are not accredited courses, with the result that children leaving the school will (a) receive no publicly recognised school qualification; (b) be unable to gain recognition at ACT secondary colleges for courses undertaken at the school; and (c) be unable to gain direct admission to ACT tertiary institutions.
- (9) If the answer to (6) above is yes, does this mean that (a) the proprietor or principal teacher at the school is liable to a penalty under the Act; and (b) parents or guardians of children attending the school are liable to a penalty under the Act.
- (10) What action has the Ministers Department taken to protect the interests of children attending the school.
- (11) What action will the Minister take to (a) protect the right of the children attending the school to receive an education which gives them the same opportunities for further education and employment as other ACT children; and (b) ensure that the provisions of the Education Act 1937 re enforced.

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MR HUMPHRIES - the answer to Ms Folletts question is

- (1) Yes. In December 1989.
- (2) Since 1980.
- (3) From a building in the grounds of the Capital Bible Church at 84 Murrarji Street, Hawker.
- (4) In general terms, yes.
- (5) At December 1989, enrolment was 30
- (6) Yes.
- (7) No.
- (8) The school follows the Accelerated Christian Education (ACE) Program and students who successfully complete Year 12 at the school are awarded a certificate from ACE Australia (who run the program at a small number of schools in Australia). It is known that at least three former students have gained entry to courses at the ACT Institute of TAFE.
- (9) It appears that, if prosecutions were to be made, the proprietor/principal teacher and the parents/guardians may be liable to penalties under the Act.
- (10) Since the school commenced in 1980, the departments of the various Ministers responsible have discussed the registration requirement with the schools proponents and parents and have taken legal advice from appropriate government legal officers on the possibility of prosecution. This legal advice highlighted the difficulties associated with gaining a successful prosecution. In early 1990, the then Executive Deputy met representatives of the schools community who explained their unwillingness to be registered formally because of their view that the state should not interfere with a religious group in its observances. Following discussions, it was agreed that this group would seek the help of a private member in an attempt to have the Act amended to allow them to avoid the need for registration.
- (11) (a) Refer to Answer No. 8
- (b) The situation is being monitored by my Ministry. -

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MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

Question No 358

Teacher Resignations

MR WOOD - asked the Minister for Health, Education and the Arts on 12 March 1991:

In each of the years 1987 to 1990, how many teachers resigned and what were the most significant reasons given?

MR HUMPHRIES - the answer to Mr Woods question is:

Figures are not available for 1987 or 1988, In 1989 statistics were not collected for resignations alone, however 157 officers either resigned or retired in that year. Reasons for the 1989 resignations are not known.

In 1990, 127 teachers resigned, 38 percent of whom responded to a separation survey.

The survey sought reasons for resignations. The most frequently stated reason for resigning was to pursue career options. Taking up alternative employment was prompted by enhanced career prospects, salary considerations and the desire to have a different experience.-

Other reasons for resignation in descending order of frequency given involved questions of salary, status, recognition, moving from the ACT, work demands in the teaching profession, a change to partners employment, and health reasons.

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MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 387

Hospitals - Waiting Lists

MR BERRY Asked the Minister for Health, Education and the Arts on notice on 17 April 1991:

- (1) What are the current numbers on waiting lists (by specialty) for people waiting for surgery in ACT hospitals for the months of January and February 1991.
- (2) Will the Minister provide the information requested as a matter of urgency in order that the people of the ACT can be informed of the state of hospital services.

MR HUMPHRIES The answers to Mr. Berrys questions are:

- (1) Assuming the question refers to booking lists (which do not have a direct relationship to length of time waiting or clinical need) the February figures are as follows:

BOOKING LISTS FOR ELECTIVE SURGERY

ROYAL CANBERRA AND CALVARY HOSPITALS

February 1991

Orthopaedic 317
Ear, Nose and Throat 156
Gynaecology 266
Urology 90
Plastic Surgery 230
Paediatric Surgery 82
Ophthalmology 97
Neurosurgery 103
General Surgery 268
Thoracic/Vascular -
Thoracic 3
Vascular 40
Oral/Dental
Dental 79
Facio-Maxillary 25
Sub Total 1756

January lists are not available routinely and are not useful because of the Christmas closures.

- (2) Booking lists are widely accepted as an extremely poor indicator of the "state" of hospital services which are nowadays measured by procedures and their complexity rather than appointment times. The numbers on the lists are more useful for scaremongering than a rational evaluation of performance.

28 May 1991

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION ON NOTICE NO. 389

Schools - Transport Service Contract

Mr Wood - asked the Minister for Health, Education and the Arts:

- (1) Could you please advise the purpose of the contract listed in the ACT Gazette dated 20 March 1991 (G11) on page 307 regarding a contract to Irwin and Hartshorn concerning the provision of a transport service costing \$106,310. (ACTSA171).
- (2) From which Departments budget will it be funded.

Mr Humphries - the answer to Mr Woods question is:

- (1) The purpose of the contract listed in the ACT Gazette dated 20 March 1991 (G11) awarded to Irwin and Hartshorn is for the provision of a transport service for the delivery of supplies including equipment and furniture between the Ministry for Health, Education and the Arts warehouse, schools and various administrative locations.

The formation of the contract was submitted to me on

19 February 1991 and approved as required by the provisions of Section 35 of the Schools Authority Act 1976. The contract is for the two year period 1 March 1991 to 28 February 1993 at a total estimated cost of \$106,310 f\$53,155 per annum).

- (2) The amount will be funded from the Government Schooling component of the Ministry for Health, Education and the Arts Budget.

2109

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 391

**Canberra Grammar School -
Higher School Certificate Students**

MR WOOD: asked the Minister for Health, Education and the Arts on notice on 16 April 1991:

In relation to students of the Canberra Grammar School sitting the NBC, how is the per capita expense of the ACT Year 12 Certificate calculated and therefore how is the figure of \$150.00 established per HST student at Canberra Grammar School.

MR HUMPHRIES - the answer to Mr Woods question is:

The figure of \$150 per HST student at Canberra Grammar School was established on the basis of the per capita cost of the ACT Year 12 Certificate, which is derived from the following data:

Number of Certificates issued per year: approximately 4000

S

Salaries 249000

Salary on costs

125000

Accreditation Panels 40000

Certification, Australian Scholastic

Aptitude Tests & Administrative Costs 200000

Total 614000

Cost per student (approximately) 150

The amount of \$150 per student is the per capita charge levied on external users of the ACT Year 12 Certificate e.g. the Port Moresby International High School.

2110

28 May 1991

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 397

Weston Creek Health Centre

MR BERRY - asked the Minister for Health, Education and the Arts on notice on 17 April 1991:

- (1) Which are the services moved from Weston Creek Health Centre that you said on ABC Radio on 2 April 1991 were "Territory wide" services.
- (2) In the twelve months prior to the closing of the Health Centre what were the number of contact visits, by service, from residents of Weston Creek and also from non residents of Weston Creek.

MR HUMPHRIES - the answer to Mr Berrys question is:

The "Territory wide" services were psychiatry and social work. "Territory wide" services mean services delivered to a catchment area encompassing all of the ACT, as differentiated from services delivered to a local community.

The contact visits for the twelve month period prior to the closing of the Health Centre are:

Psychiatrist 1116
Psychologist 62
Dietitian 163
Podiatrist 582
Social Worker 45
Physiotherapist 3611
Immunisation 2064
Baby Health 561

The statistics do not differentiate between residents of Weston Creek and non residents.

2111

ATTORNEY-GENERAL

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 402

Illegal Immigrants

Mr Berry - To ask the Attorney-General:

How many illegal immigrants were held in the ACT in the last year; how long were they held; where were they held and what financial agreements are in place between the ACT and Federal Governments for holding these-people.

Mr Collaery - The answer to the Members question is:

Forty-five illegal entrants were held by the ACT at the Belconnen Remand Centre for a total of three hundred and fifty-seven days during the year 1 May 1990 to 30 April 1991.

In addition, thirty illegal entrants and deportees were held in Australian Federal Police custody for a total of ninety days in the City Watches during the period 1 May 1990. to 30 April 1991.

The ACT currently charges the, Commonwealth for detention of illegal entrants at Belconnen Remand Centre a fee based on the number of days of detention of illegal entrants multiplied by the average daily cost of detention per detainee during the period.

2112

28 May 1991

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 403

Domestic Water Rates

Mrs Grassby - asked the Minister for Finance and Urban Services -

- (1) In regard to recent publicity about the need to conserve water and the cut-back in domestic water allowance, do you envisage the possibility of providing a rebate for people who install dual flushing toilet systems in their homes.

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

- (1) ACT Electricity and Water (ACTEW) has no specific intentions of so doing at this stage, recognising that the dual flush mechanism can provide savings to some households in its own right.
- (2) The average cost to replace an existing unit, including installation, is estimated to be of the order of \$200 with a calculated saving to the average household of the order of \$20/annum in water saved, plus the positive knowledge of assisting the conservation of water.
- (3) ACTEW regards water as a precious resource and will continue to develop strategies via which the best usage of water can be maximised. Encouraging the installation of dual flush toilets will be one of many component areas that will be explored in the development of this strategy.

2113

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 411

Road Resealing - Musgrave Street, Yarralumla

Mrs Grassby - asked the minister for Finance and Urban Services:

- (1) Why has Musgrave Street in Yarralumla recently been resealed.
- (2) How much did this cost the ACT taxpayer.
- (3) Can you explain this expenditure during this period of budgetary restraint.

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

- (1) Streets in Yarralumla, including Musgrave Street, have recently been resealed as part of a program to maintain and extend the life of the ACT's road assets. Resealing minimises surface deterioration which leads to costly reconstruction work. Bitumen road surfaces deteriorate due to environmental factors such as sunlight, temperature and weather variations and also from the action of buses and heavy vehicles.

Once aged road surfaces have deteriorated due to the oxidisation of the bitumen, a loss in flexibility and resultant cracking occurs thus allowing water penetration of the pavement. Generally, bitumen in lightly trafficked streets oxidises more rapidly than busier streets. Entry of water into the pavement leads to pavement failure necessitating reconstruction.

- (2) The cost of resealing Musgrave Street was \$12,574.00. Due to the deterioration in the pavement, extensive patching works were required prior to the reseal. The total cost of patching works and resealing was \$28,324.00.
- (3) Records indicate that there has been no resealing done in Yarralumla since 1979 and the surface of Musgrave Street is at least 15 years old.

To extend pavement life and minimise the frequency of major expensive reconstruction work it is standard practice throughout Australia and overseas to reseal roads at intervals of up to 12 years. If resealing works are not carried out within a reasonable period, ACT road assets will deteriorate to a point where more costly works will need to be undertaken. The amount of patching works required in Musgrave Street indicates the advantages in reducing the current backlog in preventative maintenance.

2114

28 May 1991

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 416

Hospitals - Waiting Lists

MR BERRY Asked the Minister for Health, Education and the Arts on notice on 18 April 1991:

- (1) What are the current numbers on waiting lists (by specialty) for people waiting for surgery in ACT hospitals for the month of March 1991.
- (2) Will the Minister provide the information requested as a matter of urgency in order that the people of the ACT can be informed of the state of hospital services.

MR HUMPHRIES The answers to Mr Berrys questions are:

- (1) Assuming the question refers to booking lists (which do not have a direct relationship to length of time waiting or clinical need) the March figures are as follows:

BOOKING LISTS FOR ELECTIVE SURGERY

ROYAL CANBERRA AND CALVARY HOSPITALS

March 1991

Orthopaedic 321
Ear, Nose and Throat 158
Gynaecology 270
Urology 95
Plastic Surgery 231
Paediatric Surgery 72
Ophthalmology 114
Neurosurgery 92
General Surgery 216
Thoracic/Vascular -
Thoracic -
Vascular 61
Oral/Dental -
Dental 89
Facio-Maxillary 83
Sub Total 1802

- (2) Booking lists are widely accepted as an extremely poor indicator of the "state" of hospital services which are nowadays measured by procedures and their complexity rather than appointment times. The numbers on the lists are more useful for scaremongering than a rational evaluation of performance.

**MINISTER FOR FINANCE AND URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION NO. 417**

Tuggeranong Health Centre - Building Alterations

Mr Berry - asked the Minister for Health, Education and the Arts on 30 April 1991 -.

- (1) When were the faults in the stairs at the Tuggeranong Health Centre first discovered.
- (2) What provisions of the building manual or other relevant code were not complied with as far as the alleged faults were concerned..
- (3) Have the alleged faults with the staircase beneath subject of a report by an engineer and if so, will the report be tabled. .
- (4) When was the contract for alterations to the staircase let; and when did work start and finish.
- (5) How much did the alterations cost.

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

It is appropriate that I respond to this question as the subject properly belongs to my portfolio rather than that of the Minister for Health, Education and the Arts: .

- (1) 26 July 1990.
- (2) Building Manual part 24.27, Clause (5a) (a) which relates to the space between horizontal handrails..
- (3) There has been no need to have a report prepared as the noncompliance was in fact identified by ACT Public Works prior to the building being completed. The modified design was prepared by the consulting architects and the builder made the necessary arrangements.
- (4) The contract for the alterations was included in a package of additional work requested by the Ministry for Health, Education and the Arts. The contract was let on 15 March 1991 with the work commencing in late March ,and being completed on 17 April 1991.
- (5) The cost of the alterations was \$13,750 and the issue of liability for this sum will be pursued with the design consultant involved.

2116

28 May 1991

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION TAKEN ON NOTICE ON 14 FEBRUARY 1991

**Royal Canberra Hospital -
Public Relations Campaign**

MR CONNOLLY - asked the Minister for Health, Education and the Arts:

What will be the cost to the Canberra taxpayer of your proposed public relation campaign at the Canberra show and shopping centres, designed to con the people of Canberra into believing that your decision to close the Royal Canberra Hospital was justified?

MR HUMPHRIES - the answer to Mr Connollys question is:

The former ACT Department of Health and the ACT Health Authority have mounted displays at previous Royal Canberra Shows as part of ongoing public information programs.

These displays have focused on informing Canberrans of the health services available in the ACT and to promote topics such as lifestyle and social health concerns, health education and public health.

As in previous years, the ACT Board of Health staged an exhibit in this years Royal Canberra Show.

The display highlighted the following services:

childrens health health education lifestyle and social health concerns dental services ambulance community nursing public and environmental health health centres, and _ the hospital redevelopment project.

The Royal Canberra Show is a prime opportunity for the ACT Board of Health to provide residents of the ACT and surrounding area with health information, with between 10 000 and 15 000 people going through the display over a three day period.

No special funding has been provided. The cost of this years display is estimated at \$20 000 of the normal public relations operating budget. Elements of the display will be used throughout the year in ongoing public information programs which will be used in shopping centres, hospitals, health centres and schools.

The investment is well-placed as we must reach out and inform people of the role they can play in maintaining good health.

2117

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION TAKEN ON NOTICE ON 21 MARCH 1991

Anti-inflammatory Drugs

Mr Stevenson - asked the Minister for Health, Education and the Arts:

Is Mr Humphries aware that the anti-inflammatory drugs, NASAs, basically used for arthritic patients, supposedly have no benefit for rheumatoid arthritis sufferers? That they can apparently cause ulcers in some 20 to 30 per cent of patients, and bleeding and tearing of the stomach lining; and that 10 per cent of people admitted to hospital, after complications from taking the drug, die, this being 500 to 1000 people a year. My question is, is the drug being prescribed in Canberra, and, secondly, have doctors in Canberra been explaining these possible side effects to patients, particularly the elderly, who are the most common users?

Mr Humphries - the answers to Mr Stevensons questions are:

The non-steroidal anti-inflammatory drugs (NASAs) are a heterogeneous group of compounds, often chemically unrelated, which nevertheless share certain therapeutic actions and side effects. I have been advised by the Chief Health Officer that ISAIAS have been with us throughout this century, for example, aspirin, and they remain effective in the treatment of rheumatoid arthritis.

The recent editorial of the November 28, 1990, issue of the Journal of the American Medical Association states that NASAs "exhibit very real analgesic and antipyretic actions as well as being anti-inflammatory....are surely our major pharmacological tools in the treatment of rheumatic and arthritic

disorders The NASAs do, however, share certain therapeutic

side effects as well as benefits."

The commonest recognised side effects occurring during therapy. with NASAs are generally gastrointestinal disturbances; these are usually mild and reversible but in some patients it is true that gastric ulcer and severe gastrointestinal bleeding have been reported.

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28 May 1991

Yes, these drugs are being prescribed in Canberra. The indications for which these drugs may be marketed are those which have been approved by the Australian Drug Evaluation Committee. Before a drug is registered, the product information document for that drug must be approved by the Commonwealths Therapeutic Goods Administration. These documents are widely distributed in annual compendia, and are consulted frequently by doctors.

If new risks are recognised after a drug is registered, amendment of the product information document will be required. For example, the approved product information document for a well known UNSAID lists gastrointestinal haemorrhage and ulcer as possible adverse effects of the drug, and includes a warning that the drug should be used with extreme caution in patients with a history of gastrointestinal haemorrhage or ulcer. In addition, it advises the exercise of particular caution in elderly patients who are generally more prone to side effects, and recommends that the lowest effective dosage be used in these patients.

It is the professional duty and responsibility of medical practitioners to balance the risks against the expected benefits of any proposed treatment, particularly in the elderly; to advise their patients on possible adverse reactions to drugs they prescribe; to exercise extreme care in selecting drugs and dosages to treat old people; and to monitor carefully long-term therapy. To assist medical practitioners in the discharge of these responsibilities, the Commonwealth has in place several mechanisms to encourage reporting of suspected adverse reactions to all drugs and regularly publishes the Australian Adverse Drug Reactions Bulletin which recently reported details of side effects of a particular UNSAID.

The Commonwealth Governments on-going commitment to informing medical practitioners of the clinical applications and side effects of products available for prescribing is highlighted by its quarterly publication of the Australian Prescriber. This independent review has on a number of occasions reported on NASAs, both as a group and as individual drugs. The Bulletin and the Australian Prescriber are distributed free of charge to all medical practitioners.

The National Health and Medical Research Council recently reviewed individual NASAs and the restrictions on their sale in the ACT are those of Council. Similar controls exist in each State and Territory in Australia.

2119

MINISTER FOR HEALTH, EDUCATION AND T8\$ ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION TAKEN ON NOTICE ON 16 APRIL 1991

Hospitals - Waiting Lists

MS FOLLETT - asked the minister for Health, Education and the Arts

What will the Government do to prevent a massive blow-out in waiting time, which will result from your proposed reduction in orthopaedic surgery beds, from 36 to 21 beds, given that the waiting list for orthopaedic surgery are already long?

MR HUMPHRIES - the answer to Ms Folletts question is:

At the commencement of the hospitals redevelopment program, there were 15 orthopaedic beds at Royal Canberra Hospital South and 36 beds at Royal Canberra Hospital North, ie a total of 51 beds.

The transfer of services program envisaged that the 15 beds at Royal Canberra Hospital South would move to Calvary Hospital and a further 15 elective orthopaedic surgery beds would move from Royal Canberra Hospital North to Calvary Hospital. Following discussions with the orthopaedic surgeons and after the resolution of role delineation for Calvary Hospital, this program was modified slightly.

The 15 orthopaedic beds from Royal Canberra Hospital South were transferred to Calvary Hospital in October 1990 and 6 of the 27 operating sessions per month at Royal Canberra Hospital North were transferred to Calvary Hospital in December 1990/January 1991.

The Medical Services Working Group agreed that there would be no further transfer of orthopaedic beds from Royal Canberra Hospital North as the current volume of elective beds is required to support the continued service in emergency orthopaedics.

The remaining 36 beds at Royal Canberra North will be transferred

Royal Canberra Hospital South with the transfer of trauma related services in September 1991. This revised program makes it unnecessary for orthopaedic surgery at Royal Canberra Hospital_ North to move to Calvary Hospital and then to Royal Canberra Hospital South.

The total number of orthopaedic beds in the public hospital system before the redevelopment program was 51 and it has not fallen below this number at any stage during the redevelopment or transfer of services.

With regard to the orthopaedic waiting lists, when orthopaedic sessions transferred from Royal Canberra Hospital South to Calvary Hospital in October 1990, the corresponding waiting list was also transferred. Orthopaedic waiting list numbers at Royal Canberra Hospital North have been dropping steadily since June 1990 from 265 to 99.

2120

28 May 1991

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION TAKEN ON NOTICE ON 18 APRIL 1991

Dental Services

MR STEVENSON - asked the Minister for Health, Education and the Arts:

My question ... concerns what would appear to be a severe lack of dentists available to the people of Canberra who are on social security pensions. Is the waiting lists for an appointment to see a dentists some 14 months in the Health Authority building in Civic?

This dental service is available of course to people who have a health care card, a health benefits card or pensioner card, all issued from the Department of Social Security.

Is it also correct that the other two dental clinics in the ACT dealing with pensioners, Woden and Belconnen, have a waiting list of about 12 months?

While I realise that in emergency cases patients are dealt with quickly, does the Minister agree that there are exceedingly long delays otherwise and is there something being done about that to increase the number of dentist available?

MR HUMPHRIES - the answer to Mr Stevensons question is:

Difficulties in recruiting to vacancies has resulted in a severe shortage of dentists in ACT Dental Services; currently there are seven vacancies. Waiting times at Civic, Belconnen and Phillip are as follows:

1. Emergency appointments are made on a daily basis.
2. Appointments for General examinations are 12 to 14 months.
3. Prosthetics - Elderly patients/denture wearers with problems are given appointments as soon as possible. Dentures are usually completed within 3 to 4 months.

2121

28 May 1991

Application has been made to the Industrial Relations Commission, under Structural Efficiency guidelines, to increase the rate of remuneration for dental professionals, to bring them into line with the other States. I have been advised we can expect a decision on this matter within the next few weeks.

A review of ACT Dental Services started on 6 May 1991. It will investigate such concerns as the long waiting times and the difficulties the Service has had attracting and retaining staff.

The review will be finalised within the next 4 months. Recommendations will be put forward to Government on strategies to enable ACT Dental Services to provide a more efficient and cost effective service for its clients.

2122

28 May 1991

MINISTER FOR HEALTH, EDUCATION AND THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION TAKEN ON NOTICE, 1 MAY 1991

Health Management

MR MOORE -asked the Minister for Health, Education and the Arts:

What was the cost of the report - by John Enfield and the consultants that he used - into the health system.

MR HUMPHRIES - the answer to Mr Moores question is:

The cost of the Enfield Inquiry was approximately \$46 900:

Consulting fee for Mr Enfield 12 500
Service fee for Price Waterhouse 29 200
Cost of secretariat assistant to
Mr John Enfield (approx) 3.500
Cost of research assistant to
Mr John Enfield (approx) 1 700

Total (approx) 46 900

The figures provided for the Price Waterhouse service fee relates to work undertaken in directly assisting Mr Enfield. A further account, representing additional expenses incurred together with provision of detailed advice to the Board of Health on the reports findings, is anticipated. It is expected that this account will be in the order of \$10 000 to \$14 000.

2123