DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

8 August 1991

Thursday, 8 August 1991

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

LEGAL PRACTITIONERS (AMENDMENT) BILL 1991 [NO. 2]

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.31): Mr Speaker, I present the Legal Practitioners (Amendment) Bill 1991 [No. 2]. I move:

> That this Bill be agreed to in principle.

Mr Speaker, this Bill was introduced into the Legislative Assembly by the previous Government but was not passed prior to the change in government. The Legal Practitioners Act 1970 deals with matters relating to legal practitioners. Eligibility to apply to the Supreme Court for admission to practise in the Territory currently depends on completion of a law course at an Australian university or at an educational institution specified in the Act, or admission in a State, another territory, New Zealand, England, Scotland or Northern Ireland. In order that the Supreme Court is better able to evaluate the qualifications of applicants for admission, the Bill will amend the provisions relating to applicants to provide that eligibility will depend on completion of a law course at an Australian educational institution prescribed in the Supreme Court Rules or an admission elsewhere in Australia or in New Zealand.

Admission procedures currently require that an applicant appear at a sitting of the Supreme Court. The Bill will provide that an application to the court for enrolment as a barrister and solicitor of the ACT Supreme Court from a person who is already admitted as a legal practitioner in another Australian jurisdiction may be made to the court in writing and that no personal appearance will be necessary. This will result in saving of court time and facilities and also expense to interstate practitioners who must make a special trip to Canberra to attend an admission ceremony.

These two amendments will rationalise procedures relating to the admission and enrolment of practitioners and bring the ACT into the forefront of admission procedures operating in Australia.

Provisions in the Bill will further the process of the globalisation of legal services, a topic currently under consideration by the Standing Committee of Attorneys-General. The administrative admission procedure will streamline the enrolment in the Territory of legal practitioners from another Australian jurisdiction. The removal of admission as of right for a practitioner from the United Kingdom will assist in achieving a more uniform Australian approach to overseas admissions.

Currently there is no provision which gives the client of a solicitor the right to receive an itemised statement of costs and disbursements from the solicitor. The Bill will provide such a right. This will obviously benefit consumers of legal services in the ACT.

A practitioner appointed as queen's counsel for the ACT is presently required to pay a fee which is specified in the Act. The Bill will provide that such a fee may be set by determination. This will bring the Act into line with current Territory drafting practice. I present the explanatory memorandum for the Bill.

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

> That the debate be now adjourned.

Mr Collaery: This is outrageous, Mr Speaker.

MR SPEAKER: Order, Mr Collaery! I request withdrawal of that, Mr Collaery. Mr Stefaniak was on his feet.

Mr Collaery: I certainly withdraw it, Mr Speaker, and I will speak to you later. There are conventions that are observed in the other house.

Mr Moore: That is not a withdrawal.

Mr Collaery: Mr Speaker, I withdraw that, and add the comment that I would ask you to observe the conventions observed in the other house for Bills introduced by a previous government. Normally the call is given to the Minister who introduced the Bill previously.

MR SPEAKER: I take note of that position. I am not sure that that is the case.

Question resolved in the affirmative.

MAGISTRATES AND CORONER'S COURTS (REGISTRAR) BILL 1991 [NO. 2]

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.34): Mr Speaker, I present the Magistrates and Coroner's Courts (Registrar) Bill 1991 [No. 2]. I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill will amend certain legislation to change the titles of Clerk and Deputy Clerk of the magistrates and coroner's courts to those of Registrar and Deputy Registrar of those courts respectively. Members will recall that this Bill was first introduced by Mr Collaery in May of this year.

The change in name was recommended by a Commonwealth working party which carried out a comprehensive review of the operations and directions of the Magistrates Court prior to the transfer of responsibility for the Magistrates Court to the Territory. I might add that on that committee were representatives of the courts, the Law Society and the Australian Government Lawyers Association. However, the legislation necessary to effect the change in title was not developed by the Commonwealth before the transfer of the court.

The change in the title of these officers is in response to the recommendation of that working party. All the jurisdictions in Australia are moving toward the title of registrar and it is intended that, in due course, the title of these officers will be common throughout Australia. Registrar is becoming the accepted term for the office and carries connotations more appropriate to the office than that of Clerk - with apologies to the Clerk of this place.

I present the explanatory memorandum for this Bill.

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

EVIDENCE (CLOSED-CIRCUIT TELEVISION) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.37): Mr Speaker, I present the Evidence (Closed-Circuit Television) Bill 1991. I move:

That this Bill be agreed to in principle.

This Bill re-enacts Commonwealth legislation which enables the ACT Magistrates Court, in appropriate cases, to order that evidence given by a child shall be given by way of a closed-circuit television link from a place other than the courtroom. This action is endorsed by the Chief Magistrate

and by the Criminal Law Consultative Committee. This legislation was developed under the previous Government and has been reviewed and endorsed by the present Labor Government.

The television evidence system was set up in response to community concern that children who are the victims of sexual abuse are often subject to emotional trauma when they have to give evidence in open court, often in the presence of the accused person. Such children have already suffered physically and emotionally, and it would be an uncaring society which did not do all that was possible to protect the victims of such abuse from a further unnecessary emotional ordeal in the courtroom.

A second reason for the television evidence system is to enable the court to better determine the facts of the case. It is unfortunately true that most children who are sexually abused are abused by older family members or friends of the family. These persons are often authority figures and, if they are present when evidence is given in open court, the child may understandably be reluctant to fully disclose the facts of what happened. By removing the child from the presence of the accused person in court, the child is shielded from some of the trauma of reliving the experience of abuse and is able to give evidence in a far less threatening environment more conducive to establishing the facts of the case.

The television evidence system was introduced into the ACT Magistrates Court in 1989 by a Commonwealth ordinance, as a trial project monitored by the Australian Law Reform Commission. The commission is now preparing its report on the project and there is considerable interest from other jurisdictions in the success of that project. The ordinance, by operation of a sunset clause, expired on 23 July this year. The immediate need is thus for legislation to be enacted to enable the Magistrates Court to continue using the closed-circuit television evidence system during the time it will take for the evaluation report by the Australian Law Reform Commission to be finalised and considered by this Government.

This Bill is significantly different from the Commonwealth ordinance in only one regard: It extends to the Supreme Court as well as to the Magistrates Court. This provides that court with the legislative capacity to introduce, in the future, a television evidence system similar to that in the Magistrates Court. Otherwise, this Bill is essentially the same as the original Commonwealth ordinance, except for some minor differences in drafting style, extension of the sunset clause to 31 December 1992, and extension of the system to evidence given by children in applications for keep-the-peace orders under the Magistrates Court Act. The latter provision was introduced after the Video Link Evidence Ordinance was enacted. The Chief Magistrate has

recommended that, at the same time as the new Territory legislation is enacted, it would be sensible to make this extension. I am pleased to accept that advice and recommendation from Mr Cahill.

I anticipate that the Law Reform Commission will be generally supportive of the closed-circuit television evidence system and will recommend that it be made a permanent feature of the operation of courts in this Territory, perhaps with some finetuning of operational procedures. Once this present legislation is in place it will be a simple matter at a later date to amend it to remove the sunset clause to make it permanent in its operation, as well as to make any minor amendments which may be necessary or desirable following consideration of the Law Reform Commission's report. Mr Speaker, I present the explanatory memorandum for the Bill.

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

GAMING MACHINE (AMENDMENT) BILL 1991

MS FOLLETT (Chief Minister and Treasurer) (10.40): Mr Speaker, I present the Gaming Machine (Amendment) Bill 1991. I move:

> That this Bill be agreed to in principle.

Mr Speaker, the Gaming Machine Act provides for the taxing and regulation of gaming machine operations in the Australian Capital Territory. Under the existing legislation the Minister responsible is required to determine the percentage payout which all gaming machines must return to the players. This return percentage is presently set at 87 per cent. Legislation was developed under the previous Government to give effect to an announcement that it made in April. My Government has examined the proposal and believes it appropriate that the legislation proceed, given the close consultation that has taken place with the industry.

The amendments contained in this Bill will allow individual licensees to choose the percentage payout rate applicable to their gaming machine operations. However, this discretion of licensees to set the return rate will be tempered by certain limitations designed to protect the rights of gaming machine players in the ACT. These conditions will require that the percentage payout rate be not less than the statutory minimum rate of 85 per cent, with no upper restriction. Further, all gaming machines of the same denomination and class operated by any one licensee will be required to be set at the same percentage payout rate within a tolerance of plus or minus one percentage point.

The amendments will ensure that gaming machine players are assured of at least a reasonable percentage return, whilst allowing entrepreneurial licensees to set a payout rate that will be more attractive to existing and potential patrons. This will improve the competitiveness of ACT clubs when compared with nearby New South Wales clubs, which already have flexibility to set variable player return rates. It is expected that the amendments will result in benefits to the industry and patrons alike; with the percentage return rate of many machines likely to increase to a rate above the present 87 per cent, thus allowing patrons greater playing time for a given stake. The requirement that the percentage payout be displayed on each machine will be retained, so that ACT club patrons will have an advantage over their New South Wales counterparts in knowing a little more about their chances of winning.

The Bill has been developed after comprehensive consultation with the gaming machine industry, particularly the Licensed Clubs Association which represents the majority of gaming machine operators in the Territory. Members of the Assembly should note that the industry fully agrees with the proposal. I present the explanatory memorandum for the Bill.

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

CO-OPERATIVE SOCIETIES (AMENDMENT) BILL 1991

MS FOLLETT (Chief Minister and Treasurer) (10.44): Mr Speaker, I present the Co-operative Societies (Amendment) Bill 1991. I move:

> That this Bill be agreed to in principle.

Mr Speaker, the Bill amends the principal Act, by requiring cooperative societies to prepare their financial statements in accordance with prescribed requirements. The prescribed requirements will be determined by the Executive, by regulation. These reporting requirements will apply to building societies, credit unions, trading cooperatives and housing societies registered in the ACT.

The Act presently contains no obligations to provide a particular level of disclosure in annual returns. This failing has encouraged some societies to provide an inadequate level of information regarding their financial position and performance. The lack of information has been of concern to the Registrar of Cooperative Societies and a cause of dissatisfaction to society members at annual general meetings. The Bill provides that the reporting requirements will substantially be the same as for companies under the corporations regulations of the Commonwealth. Societies will also be required to apply Australian accounting standards approved by the Australian

Accounting Standards Board, modified to apply to cooperative societies. The cooperatives will be required to incorporate subsidiary company accounts in their annual accounts, report on payment of fees to directors, and bring their accounts up to a standard that is accepted nationally.

This amendment will introduce reporting requirements which ensure that adequate information is available to the Registrar of Cooperative Societies, members of societies and the public. Particularly, it will allow the Executive to adopt reporting requirements that are consistent with the reporting requirements in other States.

Whilst this legislation was prepared during the term of the previous Government, the Labor Government has closely examined it and, on the basis of this review, is bringing it forward for the Assembly's consideration. Mr Speaker, I present the explanatory memorandum for the Bill.

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

COMMERCIAL ARBITRATION (AMENDMENT) BILL 1991 [NO. 2]

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.46): Mr Speaker, I present the Commercial Arbitration (Amendment) Bill 1991 [No. 2]. I move:

> That this Bill be agreed to in principle.

Mr Speaker, this Bill was introduced into the Assembly by the previous Government and has been considered by this Labor Government, which has agreed to present the Bill again. The Bill will amend the Commercial Arbitration Act 1986 to bring the ACT into line with a national uniform approach to the regulation of commercial arbitration procedures.

The Commercial Arbitration Act deals with provisions in commercial agreements which provide that, in the event of a dispute arising between the parties to such an agreement, the matter is to be referred to arbitration. The Act contains a set of provisions governing the mechanics of the arbitration process where the parties do not specifically address the detailed operation of the arbitration process in their own agreement or contract. The arbitration is generally conducted by an independent arbiter, or panel of arbiters, at the expense of the parties.

Proposals for national uniform commercial arbitration legislation have been the subject of discussion at the Standing Committee of Attorneys-General in recent years. This committee meets regularly to develop and consider proposals for national uniform laws on a variety of extremely important topics. At the end of last year,

agreement was reached on a text suitable for adoption in all Australian State and Territory jurisdictions in relation to commercial arbitration. The Commercial Arbitration (Amendment) Bill 1991 will amend the Commercial Arbitration Act so that it will mirror the agreed model. In this way, the ACT will be brought into the national scheme.

As the existing ACT legislation is already very close to the agreed model, only minor amendments are required. Most of the changes involve drafting style and simply convert existing provisions into the agreed form. The amendments do include changes to the law, but these are of a minor nature. They include provisions to widen the power to consolidate disputes, including disputes not all of which are being heard by the same arbitrator, and provisions to extend the circumstances in which a party may be represented by someone else in the hearing of a dispute. They also expand current provisions for settlement of disputes by means other than arbitration. Mediation and conciliation are dealt with specifically. In line with recognition that disputes may be settled without arbitration, the Bill allows for interest to be awarded on settlement payments made before a formal award arising from an arbitration hearing.

This legislation will give greater certainty to commercial relationships which often run across State and Territory borders. The move to uniform commercial arbitration laws is part of a more general trend towards the use of alternative dispute resolution rather than the adversarial approach of litigation in the courts. And, of course, there is a substantial difference in the financial cost, in that commercial disputes resolved in the Supreme Court are, in effect, paid for or subsidised by the taxpayer whereas with commercial arbitration the parties bear the entire cost. There are no financial considerations involved in this proposed amendment. I now present the explanatory memorandum for the Bill.

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

CEMETERIES (AMENDMENT) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.50): Mr Speaker, I present the Cemeteries (Amendment) Bill 1991. I move:

> That this Bill be agreed to in principle.

This Bill seeks to allow the Canberra Public Cemeteries Trust to invest moneys received by it, for example, from the sale of grave sites. The effect of the amendment is to change the status of the Cemeteries Trust under the Audit Act 1989 from an authority "not required to keep accounts in accordance with commercial practice" to an authority "required to keep accounts in accordance with commercial practice".

At present, the trust maintains its accounts in accordance with commercial practice, but the current legislation prevents it from investing funds. This limits the extent to which the trust can retain and earn income from funds it receives from the sale of grave sites and the provision of its services. The effect of this is to limit the ability of the trust to meet the cost of providing future services to the public. The trust must therefore rely substantially on the Territory budget to meet these costs as they arise. Under the proposed new legislation, the trust will be empowered to invest its funds. This will enable it to conduct its operations in a more businesslike manner and reduce its reliance on the Territory budget.

This Bill was developed under the previous Government but has been reviewed and endorsed by the present Labor Government for introduction. I believe that the Bill is a significant piece of legislation which will reduce the level of subsidisation of the trust's activities and the burden on the ACT taxpayer. It will also result in the provision of improved services for the Canberra public. I present the explanatory memorandum for the Bill.

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

MOTOR TRAFFIC (AMENDMENT) BILL 1991

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.52): Mr Speaker, I present the Motor Traffic (Amendment) Bill 1991. I move:

> That this Bill be agreed to in principle.

The Motor Traffic Act, dating as it does from 1936, is in some respects out of date. One of the areas in which the Motor Traffic Act is lacking is the consistent treatment of administrative decisions, including the exercise of discretions. Some decisions which have been included in the Act in more recent times already provide for appeals to the ACT Administrative Appeals Tribunal. However, many decisions remain subject to appeal to the Magistrates Court or the Supreme Court, and there are many decisions which are not subject to any kind of review. Most of the decisions which are not currently subject to review should be made subject to review on their merits, because they do affect people's interests. Some decisions particularly have a very significant implication as they can affect a person's ability to earn income.

Clearly, it is not appropriate that the Motor Traffic Act remain an anomaly when all of our more recent legislation is diligent in providing persons who may be adversely affected by the exercise of administrative discretions with an appropriate avenue of appeal to the Administrative

Appeals Tribunal. The Motor Traffic (Amendment) Bill 1991 rectifies the anomalies in the review of decisions under the Motor Traffic Act by providing for review by the ACT Administrative Appeals Tribunal of administrative decisions of the Registrar and the Minister under that Act. The tribunal, of course, is a less formal forum for appeals against administrative decisions than the courts, and is more accessible to the community because it involves considerably lower costs. For this reason, those decisions which are currently appealable to the Magistrates Court and Supreme Court are to become reviewable by the Administrative Appeals Tribunal.

The Bill also repeals existing provisions in the Act which confer rights of appeal to the tribunal. Those existing rights of appeal and many new rights of appeal are consolidated as a new schedule 7 to the Motor Traffic Act. The tribunal is given jurisdiction to hear appeals against any of the decisions listed in the new schedule. When a decision of the type referred to in the new schedule 7 is made, a notice will be given to an affected person stating that an application may be made for a review of the decision to which the notice relates and also stating that the affected person may request a statement of reasons for the decision.

This Bill was developed under the previous Government but has been reviewed and endorsed by the Labor Government. The Bill is a very important one in removing inconsistencies in the Motor Traffic Act and providing basic rights of appeal against decisions of the bureaucracy, in line, perhaps, with the general trend in Australia in the last decade or so to provide more extensive appeal rights. I present the explanatory memorandum for the Motor Traffic (Amendment) Bill 1991.

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

SPECIAL PREMIERS CONFERENCE
Ministerial Statement and Papers

Debate resumed from 6 August 1991, on motion by **Ms Follett**:

That the Assembly takes note of the papers.

MR KAINE (Leader of the Opposition) (10.55): Mr Speaker, this series of Special Premiers Conferences - the first of which was held in October last year and the second of which was held only on 30 July, that being the most recent one which, of course, was attended by our Chief Minister - probably represents one of the most important things happening in Australia today. It does not get a great deal of publicity. It gets a bit of publicity around about the time that the Premiers meet for a couple of days and then it fades. But these Special Premiers Conferences, as the title implies, are special. Until October of last year the

Premiers met once a year, essentially to talk about finance and budgetary matters. They met for a day or a day and a half and then they went about their business. But during last year a couple of things occurred which I think are quite significant for Australia today and in the future.

The first was that the Premiers and the Chief Ministers who attended the normal Premiers Conference in May of last year rebelled against the Commonwealth and the procedures that it had used up until that time for negotiating with the States on financial matters. That process up until then simply consisted of the Chief Ministers and Premiers arriving in Canberra and on the morning of the Premiers Conference somebody thrusting under their door an envelope that said, "This is the offer that the Commonwealth is going to make and we will discuss it at 10 o'clock". The debate, of course, was pretty thin and the arguments put forward by the Commonwealth were virtually non-existent. They just said, "This is the case; take it or leave it".

In May last year, May 1990, it was quite revolutionary because the Premiers and the Chief Ministers said, "We no longer are willing to operate under these terms and conditions. This is essentially our money that is being returned to us and we do not like the way the Commonwealth is treating us in this matter. We want some negotiation; we want some information; we want time to consider it before we sit around the table and discuss it". Around about the same time the Prime Minister enunciated his policy of the new federalism. To give him his due, I think that that enunciation of the new federalism is a forward looking concept that was deserving of consideration. Out of those two things grew the first Special Premiers Conference and, of course, we now have seen the second. The third Special Premiers Conference is scheduled for November.

The Special Premiers Conference considers two things. It is considering the way in which the financial relationship between the Commonwealth and the States shall change, such that it becomes a more participatory, consultative process, and so that the States themselves can have much more control over the taxation power, the money that is raised, how it is spent and what it is spent for. To put it in jargon terms, the intention is to remove the financial or fiscal vertical imbalance; in other words, to give back to the States much more of the power that used to reside with them decades ago to decide for themselves what revenues they will raise and how they will spend them. That is the first thing that is happening.

The second is that for the first time at the premier and prime ministerial and chief ministerial level they are looking at the national economy as an entity and saying, "How can we make the national economy better; how can we create a better infrastructure that will produce greater efficiencies, all of which will translate into a better lifestyle for all Australians?". As part of that agenda

the Special Premiers Conference is looking at things like elimination of the duplication of delivery of services. Where the Commonwealth and the States, or even local government, in some cases, are all and severally involved in the delivery of services, how can we eliminate that duplication, eliminate the excessive use of resources and put the resources to much more efficient use?

This is a very serious matter and some specific issues have been identified, such as the home and community care program, TAFE and training programs, disability services and the like. They are specific examples of where two or more levels of government are involved in these processes and that has to be lacking in efficiency and, in the end, not as economic as it might be.

Then, again using the jargon of the trade, there are areas of micro-economic reform. Look at the way activities in Australia are regulated - food standards, for example. Why do we have different standards for food quality from State to State? If it is good enough for somebody in Perth to eat food to a standard, why is it not equally as good for somebody in Sydney or Brisbane or Melbourne to eat food to the same standard? There is an inconsistency and it is largely irrelevant. There is a cost involved in administering six, seven or eight different standards in terms of what is delivered to the consumer.

In the case of regulation of heavy vehicle transportation throughout Australia, again we have different regulations for each State. For example, people often register their vehicles in a State in which they are not resident because the costs there are less than they are elsewhere in Australia; yet the damage that they do to our roads and the costs that they impose on society at large do not change simply because they register their vehicle in other places. So, there is a need for a national look at this road transportation problem, and there are many, many aspects to it.

For nearly 100 years now, under federation, we have had a series of different rail systems, all of them totally inefficient, all of them totally degraded over the years as insufficient money was spent on their maintenance. There is an enormous capital investment in them, yet they are simply not competitive and they simply cannot deliver the service that they were designed and built originally to deliver, except at great cost to the taxpayer. So, it has been agreed that there will be established a national rail corporation that will turn the railway systems in Australia into a single system, and it will be run on a commercial basis. That is an eminently sensible objective and one which I note that the Territory, through its Chief Minister, has contributed to, although the Territory is not a signatory to that agreement as we do not have any rail system; but what is good for the nation in such a matter as this has, in the end, to be good for the Territory as well.

A matter of great concern to us is this question of the generation, transmission and distribution of electrical energy. At the moment we have a favourable position, a preferred position, under the agreement with the Snowy Mountains Hydro-electric Authority. That is under threat, and if we lose our preferred position it is going to cost the consumer in this Territory a good deal of money. That has been discussed elsewhere; it has been quantified; and we know the result. But that is only one part of the problem.

The other part is that there is a reticulation system and there are a number of generators of electrical energy along the eastern seaboard of Australia. If we have a common reticulation system and that is managed as simply a transportation system for electrical energy, and if we are a part of the management committee of that organisation, and we are - the Chief Minister has advised us that we will sit on the council of the management organisation for that national group - that gives us the flexibility to buy our electrical energy wherever it is cheapest and to have it transported to Canberra over the grid, which we partly own and partly control.

What happens if we lose our preferred position in the Snowy Mountains Hydro-electric Authority scheme? We have been excluded from the negotiating process on that matter. I tried to gain access to the consultation processes, and I know that the present Chief Minister has tried also, without success. We gradually broke it down. The Prime Minister finally agreed that we should participate. The Premier of New South Wales finally agreed that we should participate. The only person at the moment preventing our inclusion in those negotiations is the Premier of Victoria. I am afraid that she has never explained to me what her objections were, and in fairness I suspect that she probably has not explained them to the present Chief Minister. But the fact is that we have been excluded.

Even if we are ultimately excluded from those negotiations and if we lose our preferred position, the establishment of this national grid, with the ACT sitting on the management council, perhaps gives us the opportunity to compensate for that loss in some way by being able to buy our electrical energy wherever it is cheapest and simply use the national grid for its transportation into the ACT. So, there is great merit in this proposal and there is great value for us in being involved in the management of it.

There is a move to reform government trading enterprises at all levels, to set up a national monitoring system for the performance of these authorities. We are talking about such authorities, essentially Commonwealth authorities, as Telecom, Australia Post, the Australian National Line, the Federal Airports Corporation and the Pipeline Authority, which, of course, is of great interest to us also because we are a user of that pipeline authority. All of these things are of very much value, both directly and

indirectly, to the people of the ACT; and, of course, all of them are of great value in making our national infrastructure stronger and more efficient; in delivering an end product from all of these enterprises at a lesser cost and putting our total economy on a much sounder basis for the future.

I think that anybody who has not read the communique put out from the Special Premiers Conference should do so because the matters are of such enormous importance to us, as they are to all Australians. The Chief Minister made a statement on Tuesday, which this Assembly properly endorsed, in terms of the Government's approach to these matters. I think it needs to be clear that the Liberals in opposition are very much in tune with what the Special Premiers Conference is aiming to achieve in terms of the national economy and our place in that, and certainly the essential matter to be discussed later in the year, in November, at the next Special Premiers Conference meeting - the removal or correction of this fiscal vertical imbalance so that we have greater control over the raising and distribution of our own revenues. I believe that these matters are of great significance to us.

In October, at the first of these meetings, I put the ACT's position strongly. I know that the Chief Minister and Treasurer did so again, although I do not agree with some of the things that she said. I know that she has a different view about tied grants than I do. But the point is that we are represented at this very highest level in the decision making and the negotiating process in Australia. We have a voice and we put our case forcibly.

As I say, I think that everybody in this house, at least, and people in the community ought to be aware of the things that the Special Premiers Conference addresses; why they are being addressed; what the outcomes are expected to be; and how those outcomes are good for Australia as a nation, essentially, and, in the final analysis, are good for the residents and taxpayers of Australia. I think it is a very important matter, Mr Speaker. I think it does need to be publicised more widely than it sometimes is. It needs to be publicised on a continuing basis rather than just once or twice for two days a year. They are great objectives; they are very significant in terms of the future of this nation and this Territory. I would like to see them aired much more commonly and widely than they have been in the past.

MR COLLAERY (11.09): Mr Speaker, there is much in what Ms Follett said and Mr Kaine said that the community would agree with. There were some aspirations by the original conferences prior to Federation, and particularly the 1897 conference, which spoke about the need to ensure that we developed as a nation. They were then concerned with railways and, in effect, the micro-issues that now seem to us great in the macro environment of transport challenges, and a whole range of other issues. There is much in the

communique issued on 30 July that one can agree with, but there are some bite-the-bullet issues coming up in November that our Government must be fully aware of - for example, the disability services agreement, the in-principle signing of which took place at the conference.

The real crunch for that issue, of course, is the financial division in November and the advice to the community as to what the accountability and enforcement procedures will be - I use the word "enforcement" in a non-police sense - in relation to Commonwealth supervision of the expenditure of funds by the States on welfare. One might have thought that 90-odd years into federation we would have some commonality of approach on welfare issues, but we are not going to go that way, we are going to try another experiment and there is going to be a divesting by the Commonwealth of its heavy involvement in welfare since the 1960s.

That came about around the time of the great referendum to give the indigenous population of Australia the vote, and to attend to our moral conscience in that area. The Commonwealth began to become far more involved in the welfare issues that struck every corner of our nation. What is happening now is that - as the Commonwealth Auditor-General reported in his report on the 1989-90 year - the Commonwealth Auditor-General was unable to find how more than $6 billion given by the Federal Government to the States and Territories was spent. There were no adequate certification processes and it was not clear how that was spent.

Let me give an example. Shortly after the Goss Government was elected I had a meeting with the Deputy Premier of Queensland, Tom Burns, and one of his first comments was that he could not find the public housing. He could not find where it had all gone under Joh Bjelke-Petersen. He was looking for it, and he did find some. There had been a model settlement built in Kingaroy, and other places.

There, starkly, is the sort of challenge facing us. We, as a community, want to deliver, at a community base, welfare, accessible housing and social justice, and yet we can have governments which act improperly, which divert those funds to other purposes. I remind members again that the Auditor-General, in his report for 1989-90, was unable to adequately account for $6 billion in so-called tied grants. So, I agree with Jack Waterford when he says that the accountability regime of the Commonwealth on tied grants has been pathetic. It has been, and we know it.

It has been pretty good in the ACT because we are close to the seat of government and are an informed, articulate, small, homogeneous population. You cannot get away with much in government. I think we even know that at our level. Therefore, with ACTCOSS and the community service agencies chasing us, we largely have given good stewardship. But in the backblocks of Queensland and in

the northern reaches of Western Australia, what prospect is there in this area? I wonder. I could not help being struck when we made Australian history and I sat on six or seven ministerial councils every few weeks or month or so and got the flavour of the States. I found Western Australia to be conservative and reactionary on issues relating to social justice. I saw traces of a bit of old-world judgmental conservatism in Queensland, under the Goss Government, and I certainly felt uneasy about the competitiveness and the prejudice against South Australia - which has been a great innovative State in the delivery of programs - from other States.

I disagree fundamentally with untying the welfare grants, if you can use the word "welfare" loosely. I do not disagree with our aspirations in transport. I do not disagree with the great urban initiatives that Brian Howe particularly sees us taking, to deliver affordable, accessible housing, and better cities - I have things to say about that, and I am sure my colleague Mr Jensen will in due course - roads and so on. But I think Mr Kaine did not make that clear declension - we were not able to get that in the Alliance Government - between what is achievable through the goodwill of the people of this nation in transport issues and where there is a straight stewardship involved, where responsibility lies on a very few people in the community to deliver a lot of megabucks for welfare and welfare related services.

Mr Speaker, I turn to another area, the resource security legislation that the Commonwealth seeks. I have just been up in Japan. That country is covered in vast forests. Probably 80 per cent of the country, I was advised by my contacts in Tokyo, is covered in forests. Yet they are woodchipping ours. As you go to remote places in Japan you see great big silos. They are not all holding grain; some are. Some of them are holding woodchips, and they are Australian woodchips. When you are down in the port area you smell that indefinable presence of Australia in those remote northernmost latitudes - eucalyptus. It is a sad sort of aroma. Additionally, you see in Tokyo itself vast areas of the bay set aside for floating tropical logs. There is a sea of logs there today.

When we talk about getting proper catchment areas to retain heritage values under the resource security legislation, why do we make the initial premise that woodchipping should continue and that it should continue down in the Eden area particularly? I am totally opposed to woodchipping. It denies our heritage. None of it should exist. Since Canberra is now the centre of a region, we now have a legitimate role as an Assembly to take that issue on. I give notice that we will be taking that issue on shortly. There should be no woodchipping in our region. We still do not have, despite urgings, a proper embargo on the use of tropical rainforest timbers by the Territory in all of its contracts. I know that Mr Duby was working on that. It is a very complex area, but it is sort of brushed over in the

communique. Through you, Mr Speaker, I would ask Ms Follett to put more attention into those environmental issues as this great communique is worked through in detail.

Mr Speaker, I want to come back to the question of enforcement post-November of the financial arrangements so that the money is spent on the people who most deserve it. We all know, as politicians, how hard it is to tell an entrenched church-related welfare group that they cannot have money. It is very difficult. I share fears held by others that in some States, given the black-and-white-ball set that runs them, the money will go to well-meaning, disconnected charitable groups. Some of them have left the footpath and have been off the footpath for many years. I will not go into names. They are not on the footpath and I fear that the money, under this untied arrangement, will not get through to the footpath. I do ask the Chief Minister to maintain a vigilant approach to those issues.

Mr Speaker, the enforcement side is not a matter of legal enforcement. I know that the Chief Minister will probably sign enforceable agreements on disability services in November; but you know as well as I know, members, that they are enforceable politically, not legally. The fact is that when you are about to prosecute a State or an instrumentality, if you can, under some complex constitutional issues that Mr Connolly knows well about, you get the situation that we need a favour from a State; the Commonwealth needs a favour or another State needs a favour. So, Mrs Kirner might trade off her relentless disagreement with us on electricity for our not joining a vote to condemn them for something. That is how it all works. I fear for the disadvantaged under the untying of grants. *(Extension of time granted)*

I thank members. Mr Speaker, I sound that warning. I want to sound it from a non-ideological point of view and I want to support the Chief Minister in her very cautious approach to the untying of grants. Mr Speaker, the issue is alive in this city. It is going to come up around November and it would be good if it could not be a divisive issue at the election period. It is a time when once again the nation will be looking at our antics. The nation may well see us at issue with the Commonwealth and it may well result in renewed criticism from all those States who, for their own States rightist reasons, want to say that we do not know what we are talking about; we are juniors in the league and we have got it all wrong under untied grants. I can just see that prejudice coming out again.

Mr Speaker, not all of us in the Territory are alone. I went to a social welfare Ministers meeting in Adelaide in March and clearly there was an unstated discomfort among welfare Ministers, of whatever political persuasion, about the untying circuit. That discomfort surfaced in public statements by Senator Richardson and resulted in an extraordinary letter to the Prime Minister by Mr Bannon. I

will not breach confidence and table the letter. I have that extraordinary letter. I want to make special mention of South Australia. I am surprised at Mr Bannon. I guess he had to do it from his position in the ALP. He took Senator Richardson to task, circulated that letter one night throughout the nation and king-hit him just when he was starting to get a roll on over this untying business. It is in the interests of the debate that parties that might be able to use that correspondence not use it. I give full credit to Mr Kaine for not alluding to those issues at this stage.

Mr Speaker, in South Australia they carried the conscience on welfare related issues for years and years. We have had the benefit of good exchange of ideas and processes from that State. Other States will not listen to them and want to go their own way and reinvent the wheel, particularly some of the more conservative and reactionary States.

I do not support the untying notion in the communique that says that the Commonwealth in some areas will look after, for example, employment and training and the States will simply pick up the good works. It does not work that way, in my view. I believe that the States, if the Commonwealth does not wish to take the lead, should set upon a States agreed standard, a uniform standard of service in a particular service area. The States together, collaboratively, should find the best model around the nation and we should agree to adopt it, whether it is in Western Australia, South Australia or whatever. We should put away all this States rights nonsense. I believe that in significant areas there are matters to adopt from South Australia and I regret the very pushy role that the Premier there is following at the moment in that area.

Mr Speaker, turning to the planning of cities and Mr Brian Howe's initiatives in that area, I had the honour to represent the Territory at a planning Ministers conference this year at Parliament House. Clearly, the Commonwealth is anxious to get some model developments going in some of the States so that we can look at urban consolidation from a point of view of accessible access to housing. At the same time, Simon Crean is pressing modular construction issues and award restructuring concepts to interrelate all those issues to housing and housing accessibility.

There is not enough in the communique relating to joint effort on industrial relations issues, award restructuring, and concrete and desperate measures for research funds to be spent on better forms of building construction. People are saying that no grants were given. The States sat around at that meeting waiting to see how much money Brian Howe would give, so that we could get positive research going with the union movement on better building style. The money has not come forward. It is just an expression of intent at this stage. I believe that more action is necessary and I hope that the Chief Minister will press that. *(Extension of time granted)*

Thank you, Mr Speaker, and members. Urban issues are important to the ACT. Mr Jensen and I solely represented this august Assembly at the Housing Industry Association briefing night the other night, attended by some 200 lean and hungry looking people, mostly estate agents.

Mr Jensen: Dennis was there.

MR COLLAERY: I am sorry; Mr Stevenson was present. He was not present when I was there.

There was criticism of the Federal Government's initiatives on housing by the national director of the Housing Industry Association. He expressed some cynicism about urban consolidation. He took the view that it is not necessarily cheaper to go up two or three storeys on the same sites in the city; that infrastructure research required further work, and he queried this whole emphasis. So, it is clear that out there there is still a broad-acre push. Broad-acres deliver a certain market to a certain interested building community.

Some of the comments by Mr Silberberg merit further review and I trust that the Chief Minister will get the relevant areas of the Government to speak to the HIA to see what substance there is in a suggestion that it is not necessarily cheaper to move into urban consolidation. There are very informed research papers, particularly by consultants to the New South Wales Government, that show that urban consolidation, properly managed, is the only way to go to rein in the destruction of our agricultural areas close to major cities.

Mr Speaker, the States and Territories manifestly will be advantaged from the communique. I conclude my comments by saying that in the $480m home and community care area, in the supported accommodation area and in some of the disability and rehabilitation areas, the bell is tolling. Serious damage could be done that will retard development of proper uniform services in the country for the most disadvantaged.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.26): Mr Speaker, it is heartening to hear the unanimity that is being displayed by the Premiers and the Prime Minister at the Special Premiers Conference, and the bipartisanship is echoed in this Assembly. There really does seem to be a unique window of opportunity in the next few years to make real progress on issues of federalism that have been bedevilling this country since Federation in 1901.

It is extraordinary that as we are starting to celebrate the centenary of the process of federation, the centenary of that series of popular conventions that led to the idea of federated Australia, some of the benefits that were

perceived from federalism are only just starting to be developed. Concepts like uniformity in transport, like getting a single rail gauge across Australia, a single rail network, like more logical interstate cooperation, are always perceived as benefits of federation, but for years have been bedevilled by petty, absurdly partisan rivalry between the State and Federal governments.

It has not been a question of Labor-Liberal. It seems to matter not whether you have a Labor Federal government and Liberal State governments or a Liberal Federal government and Labor States. There has been an instinctive reaction at the two levels of government to oppose one another's moves and to see always that a Federal government initiative is in some way directed against States rights. The cry of State's rights that for 90 years has prevented progress being made is fortunately no longer heard. Gough Whitlam once said that there is no such thing as States rights. People have rights; States and Federal governments do not. Their job is to just get on with the job of delivering services to people, and, if it can be done in a cooperative manner, so much the better.

The really pleasing thing is that the lead that has been given by the Prime Minister, the Premiers and the Chief Ministers at the Special Premiers Conference forum is carrying through to all the other forums at which Ministers cooperate. Projects that have been kicking around for decades in some cases are suddenly moving to a bit more progress. That spirit of cooperation that has been forged at the Special Premiers Conferences over the last 12 months is starting to lead to some real benefits.

I would like to just touch on three areas - disabilities, transport and housing. Mr Collaery, in his remarks, made some criticisms of the movement towards the disability services agreement. The disability services agreement, as I mentioned yesterday, was signed by the Chief Minister at the Special Premiers Conference in Sydney and the full details of that will be sorted out in November. The broad thrust of that disability services agreement is to provide some logic to the way disability services are delivered and to clearly delineate functional areas of Commonwealth responsibility; and functional areas of State responsibility; that is, the Commonwealth will concentrate on employment and training and the States and Territories will look after the rest.

That does involve an element of untying of tied funding. Mr Collaery was critical of untied funding. It should be recorded that the ACT branch of the Australian Labor Party did, at its recent annual conference, pass unanimously resolutions which echoed that criticism and caution at the concept of untied funding. There is always the risk of going back to the bad old days of the 1960s when social services were delivered in some States but in the far north, in particular, were regarded as a mere frippery that did not require the attention of the Government and

Commonwealth money that was being sent down to the States was not being spent adequately. There is no doubt that the increasing reliance on section 96 tied grants through the 1970s was basically directed at pulling some States, particularly Queensland, to heel on delivering services that were being delivered by other State governments. Indeed, State Labor and Liberal governments seemed to have no difficulty doing that. It was the extraordinary behaviour of the Queensland National Party that seemed to cause the problems.

So, there are some reservations that if we move away from tied grants we may have States going their own way and not providing a common level of services, although it is questionable whether in Australia in the 1990s a State government could get away with the low level of services that were provided in Australia in the 1950s and 1960s. We are a much more single economic entity. We look at the same media. We read the same newspapers and magazines. It is almost inconceivable that States could so markedly differ in the level of their welfare services from one part of the country to the other.

Yesterday during question time Ms Maher asked a question which really brought home starkly some of the problems of inflexible Federal welfare policies, and that was the issue of Sharing Places. That is a program to provide daytime activities for disabled persons who may live in hostel accommodation, in institutional accommodation or, in more enlightened parts of Australia and more enlightened times, may be moving out into shared group houses; but originally it was really looking at people who are in an institutional hostel-like setting.

There are some very strict guidelines for that Federal program. They were decided at a national level, to have national uniformity. The program started off being directed at people who were institutionalised, who lived in an institutional setting. There was a high level of concern that the daytime activities not take on that institutional aura. Most of the time people are not at Sharing Places at the Pearce school; they are out in activities in the community.

One of the guidelines that were introduced at the national level to avoid an institutional setting related to the contact meeting place where people will come from their residential accommodation to go off to activities. You cannot actually congregate in the building because that would make it look institutional; you have to transfer out in the car parks. That sounds absurd, but that is a guideline. That may be satisfactory in some parts of Australia, but it does not really take into account Canberra mornings when it is foggy and minus-three degrees, and people have to sit out in the car park at Pearce in the mini-buses that come, say, from one of the hostels and wait

to be transferred in the car park to a mini-bus to go off on an activity. We cannot bring them into the centre because that breaches a Federal guideline. That is absurd - clearly absurd.

I must say that if I had the responsibility as a public servant administering that program I would be sorely tempted to say, "Up your guidelines; bring people inside where it is warm". I suspect that some of that probably goes on, and good luck to those people. This demonstrates that while the intention of national standards is a good one and was clearly directed at abuses of the past, of the 1950s and 1960s, sometimes it can be just too inflexible. We had the problem of a direction that it be reduced from 28 to 24 places, which means that four families are adversely affected. There are silly things like directions, because of a desire to be non-institutional, that you do not want people inside.

There are clear advantages for the States and Territories in having this degree of devolution, which will occur for the Sharing Places project after January next year, so that we can tailor programs to meet local needs. I suspect that that will be a lot easier for the ACT than other States because we are a city-state; we are in much closer touch with our community. While I note Mr Collaery's suggestion that we may look with some profit at what has happened in the South Australian welfare area in recent years - I would agree with him that that has been very innovative over virtually 15 years of enlightened Labor administration in that State; it has probably become one of the more progressive areas - still, in Canberra we should take advantage of these changes to tailor programs to meet the real demand of the community.

The other area that is worth noting in a debate on the Special Premiers Conference is the remarkable progress that is being made in housing and building. Again, as a result of the initiatives by the Prime Minister, Chief Ministers and Premiers, there is remarkable action occurring at the housing level. The Deputy Prime Minister is certainly making a dramatic impetus on moves to a national housing strategy.

One issue that has been lying around for decades and that everyone has said is absurd is the multiplicity of building codes in Australia. We have now actually, in 12 months, got very, very close to agreement on a uniform building code. At a building and construction Ministers meeting which was held here in Canberra a couple of weeks ago there was agreement around the table that we move to a national uniform building code. That will save millions upon millions of dollars. We in the ACT say that it is absurd that if you build a house at Oaks Estate you are building it under a different regime than if you build it in Queanbeyan. We see it as a State-Territory border issue. But within the States this varies not just from State to State but within local government regions within the

States. Within New South Wales there are 130-odd different building codes applying. It is simply absurd, and a wasteful duplication of resources. As a direct result of the Premiers Conference initiative, building and housing Ministers are knocking their heads together and reaching agreement.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (11.37): Mr Speaker, the outcomes of the July Special Premiers Conference have national significance as well as being of particular relevance for the ACT. As mentioned by the Chief Minister in her ministerial statement on the topic, the Labor Government, in its first term of office, made a commitment to promoting intergovernmental cooperation, especially with our neighbour New South Wales. That was a policy that was well carried on by Mr Kaine and the Alliance Government. A process was commenced with the Commonwealth, New South Wales and local governments in the areas surrounding the ACT which recognised that all three levels of government need to work closely together to coordinate the delivery of government services in the region and to promote regional economic development.

In many senses the Special Premiers Conference process reflects that cooperation and is clear evidence that this is needed nationally. For cooperation on this scale to work, not only regional differences but also political differences need to be set aside. It is comforting to see the extent to which the July conference saw a bipartisan approach and, as Mr Connolly pointed out, that bipartisan approach was more States and Federal rather than party political; for without that approach the major achievements of the conference could not have been realised.

With this in mind, I find it reassuring that within this Assembly we are developing an essentially bipartisan approach to many of these issues. During Mr Kaine's term as Chief Minister that regional approach to economic development continued, as I mentioned. In addition, the Assembly has now agreed to a motion which consents to the Commonwealth using its legislative powers in the Territory to create the legal framework for the national heavy vehicles scheme. That was well endorsed the other day - or it will be, I expect. Our bipartisan approach to this issue also signals a growing maturity as the newest member of the community of Australian States and Territories. It demonstrates that in this Assembly, too, we are able to put aside political differences in the pursuit of a better life, not just for our own citizens but for the nation as a whole.

I believe that this is nowhere more evident than in the efforts we must make in environmental protection; to look after the environment of the ACT, of the surrounding region and of Australia. In the spirit of harmony I would note that the Alliance Government brought out some sound documents concerning the environment. One of the features

that make the Special Premiers Conference so important is that the Federal Constitution carried no reference to the environment. People in those days simply did not have a thought that action would be needed in the future for its protection. It is something that those people who think our Constitution should never change should think about.

The Special Premiers Conference, at its first meeting, set up a working group on environmental policy, and how sound a decision that was. It was one of the first actions that the conference took, and it demonstrates, I think, the concern that we all have in that area. The ACT is represented in the group that was established and that group is now developing proposals for further consideration.

I might add that the Australian and New Zealand Environment Council - a very important body of State Ministers and the Federal Minister - is very active in that area. It is an area to which I give high priority. I might say to the Assembly that the ACT now has a very significant role in this respect because the ACT provides the chair of ANZEC, the Australian and New Zealand Environment Council.

Mr Jensen: Congratulations, Bill. Well done.

MR WOOD: Thank you, Mr Jensen. I am now the chair of that very important conference.

Mr Kaine: Are you still going to the middle of the Nullarbor, Bill?

MR WOOD: No, we are not. I was moved to that position at a recent meeting at Kakadu, which was a long way to go and that was a source of worry for me. I must confess, also, that I was not elected to that position by virtue of my outstanding ability; it was more a matter of rotation. But I am delighted to have that position because matters affecting the environment are of great interest to me. I will make a report on that conference to the Assembly. I am sure you will be interested in hearing that.

The benefit of the Special Premiers Conference, and of ANZEC and all these intergovernmental bodies that we are now associated with, is that it brings a cooperative approach to what happens around Australia. Remember the past; the disputes, for example, in environmental matters, on the Franklin dam. For that to be settled, it required the Commonwealth to step in and use some sort of rather strange powers under foreign affairs matters.

Mr Collaery: We are going to stop woodchipping in our region, Bill.

MR WOOD: I will support you on that. The Commonwealth has the foreign affairs powers. It had to fall back on them to save the Franklin, and that is not really the best way to proceed.

Mr Stevenson: There was not even any power there.

MR WOOD: I think events demonstrated that there was power there. Events protected the Franklin. In the past the States have had a responsibility for environmental matters, as well they should. They have been concerned with local issues, some of a lower key nature. Some, of course, are very significant. All States have developed, in varying degrees, measures for pollution control, protection of the environment and so on. But circumstances change and we need now an Australia-wide view, indeed, a worldwide view. When we consider the enormous potential impact of greenhouse, of depletion of the ozone layer, we can no longer isolate environmental matters simply to States. It has to be a national effort. The Special Premiers Conference and ANZEC are bodies that will appropriately deal with these.

A further example, of course, is the considerable attention these days to ESD, ecologically sustainable development. I note that there was a document released, I think, only yesterday out of the national process to encourage debate on this issue. A further important document released yesterday was one that my colleague in the Federal Cabinet, Ros Kelly, released concerning the need or otherwise perhaps for a national environmental protection agency. There is no such body at the moment. States have agencies under different names. It may be that we need such an agency at a Federal level.

Part of the discussion in that paper will be to see whether we are simply adding more and more layers of control to do essentially the same thing. Perhaps different agencies do not need to be employed to attend to the particular problems that arise around the environment. That paper will suggest that we need agreement on these matters. We need to look at what is the best value for money. Of course, the overriding issue is the protection of the environment; indeed, from the way Australia has developed in the last 200 years, not just the protection of the environment but the enhancement of it, the restoration of the environment.

We now look forward to the November meeting of the Special Premiers Conference. Clearly, that meeting, with its focus on the reform of the delivery of services, taxation arrangements and the future of special purpose payments as a means of financing programs, will be a significant test of the goodwill and cooperation that seems to have dominated the October 1990 and July 1991 conferences. I have no doubt that Rosemary Follett, as our leader then, as our Chief Minister, will make a creative and constructive contribution to that conference.

MR JENSEN (11.47): Mr Speaker, I want to make a couple of brief comments in relation to some of the matters raised by Mr Wood and Mr Connolly. I noticed that Mr Connolly referred in his speech to the establishment of the standard building code for Australia and the way that that is going to operate. There are a couple of aspects that I think Mr Connolly may wish to push a bit further in relation to that particular code.

I speak specifically about the requirement for the inclusion of mandatory insulation in new residential homes and extensions in the ACT. You will note, Mr Connolly - through you, Mr Speaker - that recently the Victorian Government introduced legislation to require mandatory insulation in homes. It would appear that that, in fact, is going to save new home buyers in Victoria approximately $300 per annum. That is not just one-off; that is per year. So, every year if your home is insulated, both ceilings and walls, you will have a continual reduction in your total energy cost.

While it is accepted that slightly more money may be required to be spent from a capital point of view at the early stage in the development of your home, particularly in Canberra where we require, because of our climate, slightly thicker insulation - a greater standard, a greater R rating - I would suggest that that would be more than compensated for by the overall saving that people are going to get. You must remember that the ACTEW figures, for example, have indicated that 60 per cent of the electricity that we use in the ACT goes towards space heating. When you add to that the increasing amount of energy that is being used from natural gas for space heating, it is appropriate, I suggest, that we should be moving along that path, particularly in a climate like that in the ACT where we have considerable extremes of temperature.

The important thing is: Why do it now rather than later? The clear point is this: If you insulate the walls of a standard three-bedroom home at the time of building the cost is approximately $400. If you insulate that home after the event the cost can range between $1,000 and $1,200 and, of course, the job is never as good as if it had been done in the first place. That is an important aspect that Mr Connolly may wish to take up with his colleagues in the States. He may seek to have that put on the agenda, following the efforts of the Victorian Government.

In fact, there was a building regulations review task force which produced a report that I have here dated May 1991. It prepared a business plan for the development of model codes for energy efficient buildings. There are a couple of aspects to that. There are energy efficient buildings for residential areas and, of course, energy efficient buildings for commercial areas. The document came out with the fact that there should be almost right now the development of an energy efficient code for residential

buildings. The commercial one was a little more difficult and there was not the same support within the marketplace for that; but it was something that professional organisations, like architects, who I know support this concept, and organisations like the Housing Industry Association should be encouraging. I think that is a very important document not only for the ACT community but for Australia. I would hope that both Mr Connolly and Mr Wood, who I suppose have some dual responsibilities in this area, would take up that area within those forums and press them very highly.

Mr Wood: Water tanks too.

MR JENSEN: Yes, water tanks, Mr Wood. That is another one. I am quite happy to provide you with some information on water tanks. I have already done some research on them. However, Mr Connolly - through you, Mr Speaker - I think your department has to do something about the charges that are required for such small minor changes.

Mr Connolly: Watch that space.

MR JENSEN: I seem to recall writing to you on that. I am not sure whether I have a reply yet; I do not think so. I believe that it is on its way. I would encourage you to look at that as well.

Let me now talk about another model code that has been produced in its second version. It is the Australian Model Code for Residential Development, Edition 2, prepared by the Model Code Task Force of the Green Street Joint Venture. Those of you who have done any reading on planning will know that the concept behind Green Street was started here in the ACT by our National Capital Development Commission. It was taken up, in some respects, by organisations in Victoria and has spread around Australia.

This particular document, Mr Speaker, divides the development control system into 12 sections. It talks about lot size and orientation, building siting and design, private open space, vehicle parking, streetscape, and transport networks, particularly for areas like Bateman Street and Learmonth Drive. It probably would have solved some of the problems that we are having out there at the moment. It goes on to talk about street design, street construction, pedestrian and cyclist facilities, utilities provision and location, public open space and the drainage network.

That, Mr Speaker, is a very important document. I think it is appropriate, as we move into further development in Gungahlin and the rest of Canberra, that the ACT take the bit between its teeth and use this document. For the record, it is the Australian Model Code for Residential Development, Edition 2, dated November 1990. I would encourage Mr Wood and Mr Connolly, in the forums that relate to that, to seek to have those documents

incorporated in Australia, particularly as we talk about cities and the need for sustainable cities, if you like, as we have already seen here in Canberra. So, there are two points, Mr Speaker.

In closing, I had the fortunate experience of attending, with my colleague Mr Duby, an ANZEC conference in Sydney some two years ago. It is a good forum and I think it is an appropriate forum in a society that is now more aware of environmental issues. It is a forum in which the Government of the ACT should fully participate. I am very pleased to see that Mr Wood, as the newly appointed Minister for that role, has taken on that task. I am sure that he will take it on with alacrity and do us proud.

MR STEVENSON (11.55): I felt that I should rise to comment on some of the matters that have been brought up. First of all, I refer to ceiling insulation and whether or not it should be compulsory. In Victoria the major change is that now it is compulsory to install ceiling insulation. Prior to that it was a universal practice to install insulation in the ceiling if it was not going to be easy to do it later on. The penetration of insulation in ceilings in Victoria is well over 90 per cent. In other words, the people of Victoria will look after ceiling insulation, but they do it at a time when they feel they can afford it. I do not feel that in that particular case government intervention was required. The people were doing the job nicely and when they felt they could afford it.

Mr Jensen: What about raked ceilings, Dennis?

MR STEVENSON: I will say it again for Mr Jensen's benefit. In Victoria, when you are unable to easily have insulation installed after the house is built - there is practically no home in which you cannot install ceiling insulation afterwards - - -

Mr Jensen: I can take you to many homes where that cannot be done. My place is one.

MR STEVENSON: I realise that it may be difficult. The point is that those homes were already insulated. The homes where insulation was easily added later on were left to the members of the household, when they felt it should be done and could best be afforded.

Mr Collaery: But they are too cold to think.

MR STEVENSON: I agree that Canberra is not the only cold place in Australia. That decision worked very well indeed. The point I make is that the people in Melbourne, thanks to a large degree to the advertising of ceiling insulation throughout Victoria for many years, got their homes insulated. There is a penetration of well over 90 per cent in houses in Victoria. There are many places where government interferes when there is absolutely no necessity whatsoever. The decision should be made by the people spending the money.

Mr Wood mentioned the Franklin dam case. I think it worthwhile to mention that the decision by the Federal Government to use the so-called external affairs power to govern the internal affairs of a State in Australia was an appalling violation of constitutional law and intention.

Mr Connolly: That is not what the High Court said.

MR STEVENSON: The fact that it got through the High Court on challenge by one vote changes the matter not one iota.

MS FOLLETT (Chief Minister and Treasurer) (11.58), in reply: Very briefly, I would like to thank members for their comments on my statement, Mr Speaker. There is no doubt that members do have an appreciation of the significance of the issues that are being dealt with by the Special Premiers Conference process and an appreciation of the impact of those issues on the ACT. It was particularly interesting to hear from Mr Kaine, who has been a participant in that process. I would like to say that I share Mr Kaine's view that the Special Premiers Conference really should receive wider publicity. People need to understand the extent of the reforms that are going on and the impact that they will have on the lives of all Australians, not the least being us in the ACT.

Mr Speaker, let me just look forward for a moment. The next Special Premiers Conference, in November of this year, I think will face challenges at least as large as and possibly larger than the one held in July. We will be dealing there with the issue of reforming intergovernmental financial relations, including issues relating to taxation powers and the extent of tied grants. I think those issues, dealing as they will with the funding arrangements for the States, will be at least as controversial and at least as difficult to resolve as the issues that have been agreed upon so far.

I can only express the hope that at that time in November there will still prevail amongst the Premiers and Chief Ministers the kind of bipartisan goodwill towards reform that has been evident so far. I think that, if the attitude of this Assembly is anything to go by, the November Special Premiers Conference should again exhibit that kind of goodwill. I hope that it does, because I think there are reforms that very much need to be made, and I think that the Commonwealth Government does generally have the goodwill of the rest of the governments of Australia in pursuing those reforms.

Question resolved in the affirmative.

WAGES POLICY - GOVERNMENT SERVICE
Ministerial Statement

Debate resumed from 6 August 1991, on motion by **Mr Berry**:

That the Assembly takes note of the paper.

MR COLLAERY (12.01): Mr Speaker, I was interested in this timely statement from Mr Berry, the responsible Minister. It is good for the record to hear the Government put its policy approach forward. I realise that it is early days, and I am not going to go into detailed criticisms, point by point, of some of the issues, because I know how hard it is, when you go into government, to really get control of the public service, to get your reports in and to know exactly what is going on.

Mr Speaker, by way of introduction, it never ceases to amaze me how we in government could never find out how many people we actually and really employed. We were given various figures over a period - sometimes it was X and Y - and they related to whether they were permanent, part-time and casual. The figure went around the place and I think we all felt a bit frustrated.

One of the first and fundamental questions for any government is to find out how many people it employs. The yardstick is how many pays. The computer is geared to tell us only how many pays there are; we do not know how many people there are. I believe that that is still the case. I am not going to take any cheap points off Mr Berry and I am not going to ever ask him how many public servants there are in the Australian Capital Territory.

Mr Kaine: Go on; I would like to know the answer.

MR COLLAERY: I am sure Mr Kaine still wants to know. We never found out and I am going to leave that one to Mr Kaine. He can press Mr Berry to see whether Mr Berry can get what we could never get. I wish him luck.

I have some more broad comments to make. Mr Berry is talking about the structural efficiency principles, productivity and other issues. He is acknowledging that for the foreseeable future a good part of our public service will be Australian public servants. That is a reality. Mr Berry's statement does not spell out whether we are looking for any special relationships through the Minister for Industrial Relations, Senator Peter Cook, given what is going to be a long-term relationship of we being the surrogate employers of Commonwealth public servants.

A couple of incidents during the Alliance Government, one whilst the Chief Minister was abroad, come to mind. I remember that the Commonwealth was making a submission in Melbourne on a wage issue where the ACT had a different opinion. The fact was that we were reasonably powerless.

The issue concerned equal opportunity, from memory. It concerned an attempt by the Commonwealth not to pay an equal wage to librarians and some people employed in the social welfare area. Senator Peter Cook's area of government took the view that there should not be equal opportunity, the reason being that the study and university work required for engineers - I am sure Mr Kaine is listening carefully - was far more demanding and produced a product that should be paid more than the product of the diploma of librarianship and the degrees that went with it.

The case concerned a small number of employees in the Australian Public Service - maybe a few thousand - with only a handful affected in the Territory. But the principle was wrong. The principle seemed wrong to me. Given the fact that the Chief Minister was out of the Territory, I was able to ask that our industrial relations people take a different point of view. But really, we did not have a lot of say because they were Australian public servants, not Territory public servants.

I would be interested in due course to hear from Mr Berry, given that Senator Peter Cook is a Labor colleague, whether we are going to get any special relationship. Firstly, are we going to have rights of intervention down at the commission and can we work out proper intervener arrangements? Is there going to be adequate consultation with the Territory on all the award restructuring and other issues that affect essentially our payroll and the rights and conditions of Australian public servants employed by the last government off the ranks, the more recently enlightened government in the country, hopefully?

Mr Berry went on to speak about productivity. That may be all very well in a factory, in a workplace of that nature; but how do we measure productivity in the public service? In the classical sense - I have been doing a little bit of research - productivity at company level is defined as the output per unit of input. Labour productivity, usually - I think there is unanimity in the country on that - is output per employee in a given time period. I do not know what given time periods there are in the public service for doing anything.

Mr Kaine: Infinity.

MR COLLAERY: Infinity, Mr Kaine says. Certainly, some work at different paces and there are different time regimes. If you are in a government engineering workshop, clearly you have to get something back on the road. If you are in the fire service you have to attend a fire - usually you do - and there is a measurable concept of performance. But in the white collar areas, how do you measure output and input and get some sort of common concept? Some people say that the equilibrium of a wage rate is what you pay to get some marginal productivity from your labour, from your staff in an office, related to what you, yourself, can earn.

I understand structural efficiency principles to be based on a recognition that you start with that equilibrium, that is, knowing what your productivity level is, and look for what more you can get within the wage confines or within an agreed shared enrichment arrangement where the workers get extra pay. But if you do not know, basically, what your productivity level is, how can you talk, as Mr Berry does, of recognisable gains in productivity in the Australian Public Service? That comment is made in Mr Berry's speech. I am being just somewhat cynical, and I would have been interested to hear more evidence of the Australian Public Service's claim to have markedly increased productivity in a number of areas.

Mr Speaker, I am not troubled by enterprise bargaining in the public service, but it does require another culture. I note, with agreement, that the ACT Government has problems with the Industrial Relations Commission's rejection of enterprise bargaining in its present stage in Australia. I guess, by inference, that the ACT Government is saying that it supports a level of enterprise bargaining. I believe that that is probably an inappropriate word within a public service concept, excluding our statutory bodies and our government business operations.

There is clearly a cultural change required from our 18,000 to 21,000 employees in returning to us a recognition that the belt tightening is all over the place. The adjustment of social advantage and disadvantage requires the public sector unions, particularly, to recognise that they compose about our greatest bill, our greatest recurrent expenditure. If there is to be more money shared out in the community in meeting community desired goals, we really need the public service unions themselves to accept, firstly, that we have a grossly enlarged public service for what we get in the Territory and, secondly, that those people who might be displaced by natural attrition or actual restructuring would find comparable roles, particularly in our community service areas and local private sector, without significant disadvantage, given the high levels of award and conditions that apply in the private sector these days.

Mr Speaker, there should have been more in Mr Berry's speech about where we are going to do this structural reform. I know that the Government announced some weeks ago that there will be a minor cut in the public service of 250 or so; but, clearly, the biggest issue facing the Territory at the moment is our wages bill and productivity. Whether we can do more with fewer public servants is a simplistic way of looking at it and can result in stress and overwork for sectors of our excellent public service.

There is a concept still in the public service that it is safer to be employed by the public sector; that a move to the private sector has too many attendant risks and the rest. That sort of hangover from the Depression needs to

be tackled on a cultural basis. There needs to be a greater recognition that it is appropriate to move at a stage of a career into the private sector, and this Government needs to adopt certain buffer zones so that people are guaranteed of coming back into the public sector at a certain age.

I watched that work in France, where I lived for a number of years. People came into government but left after about 10 years, knowing that they could come back. They had a guaranteed place, all other things considered, 10 years hence. That was actively encouraged in the French government service. They had a long process of decentralising public servants in and out of areas and the rest. It was elitist and there were many quite unacceptable aspects of their government service, but that was an aspect that I thought was good.

I believe that many people would find a natural home in the private sector. This antipathy that exists constantly in the marketplace between the private sector and the public sector, with the private sector saying that the bureaucrats do not understand reality and have never been exposed to the cold harsh light of reality, would be found to be the nonsense it is. I have worked in both sectors and I think you can meet competent, able, dedicated, informed people in both areas. You can meet gross inefficiency and laziness in the private sector as much as you can meet it in the government sector.

I believe that it would be good to hear from Mr Berry, given his background in industrial relations, just exactly where we are going to see the Labor Government bite the bullet, given their relationship with the trade union movement, and get all the groups together to see what we can do about the biggest drain on our resources at the moment - high wage costs and indeterminate productivity in significant areas of the ACT Government Service. There is great dedication. It could be the way they are led; it could be the way they are structured; it may have nothing to do with individual performance; but I believe that we need to see a more comprehensive statement in due course, as soon as this Government, if it can, gets control of the reins of government.

MR STEFANIAK (12.14): I listened with interest to what I regarded as a very good speech by Mr Collaery, who went through a lot of very relevant points which are very pertinent as the ACT and Australia head towards the year 2000. It was a shame that the arbitration commission did not find in favour of enterprise bargaining. I was delighted in reading through the speech by Mr Berry in relation to the wages policy to apply to the ACT Government Service, to note that there are a lot of points there on which the Liberal Party agrees with him. I think that, in relation to enterprise bargaining and the need for it, we as a party have seen that for many years.

Mr Collaery, in his speech, spoke a lot about productivity and was pleased to see that word crop up so often in the ministerial statement. I think great improvements have been made in the Commonwealth Public Service, and indeed in the local public service which stems from the Commonwealth Public Service, since I had anything to do with it and any experiences in it.

From time to time from about 1970 onwards, I served in the Commonwealth Public Service, initially with university holiday jobs and then in other varying capacities and in various departments. I would think that the old image of a public servant, colloquially and rather rudely called a shiny arse, has gone out the window a lot more than was the case 10 or 15 years ago. Instances of a lot of public servants in various departments not having very much to do have largely gone out the window.

I know many public servants. Indeed, in recent years I have seen in our own public service in the ACT very many public servants who work long, hard hours - a lot longer than the statutory hours which they are meant to work. The vast majority of our public servants are very dedicated people and some of them work incredibly long hours. I have known of public servants who have been overloaded and who have suffered some health problems as a result.

I think it is very important, when talking about a wages policy and when talking about our ACT Government Service, to ensure that there are relevant reviews to see that, firstly, the public service is productive and, secondly, that the workload is properly shared throughout the public service. The public service also, of course, has to be more efficient. As Mr Collaery quite correctly states, the biggest cost to the Territory is the wages bill.

That is very true, I think, of Australia as a whole. That is perhaps why, because of our still restricted work practices throughout the country - it probably does go back to the fears of the Depression; perhaps some of our work practices are indeed quite outmoded - we are slowly slipping behind some of the more advanced countries in our region, especially when one talks about the Asian-Pacific rim. We are unfortunately being seen as a rather poor relation in not being as able to compete as perhaps we were 10 years ago when some of the other countries had not caught up or, indeed, had surpassed us in terms of their productivity.

Of course, they have a different culture and part of that culture perhaps is a different attitude to work. That is something, I think, that we as a country have to address, not only for us to be the clever country but also to successfully compete into the twenty-first century. Of course, a lot of that does stem from our wage structure and our attitude to work.

I was very pleased to see in the speech by Mr Berry that the Labor Government appreciates that half of our public servants are governed by the Federal award and the other half are not, and that it is appropriate that there be compatibility and appropriate that accord mark VI should apply to all of our public servants.

When the Alliance Government was in power the then Chief Minister floated for discussion the idea of an ACT public service. I think that is something, just like an ACT police force, that must eventually be faced in the Territory. At some stage in the future we will have, just like the Northern Territory, our own public service and our own police force. That is in the future, but I think it is very appropriate that the mechanisms be looked at now.

The accord mark VI agreement - I think it is relevant to state it again - provides for $12 payable from 16 May in return for a commitment to continue the process of award restructuring, and three wage increases, in September 1991, March 1992 and September 1992. I am pleased to see that those increases will be strictly conditional on demonstrated productivity achievements and that the amount of the increases will have regard to a market rates survey. Further, there is a no extra claims provision for the life of the agreement. That is essential, because excessive wage increases like we saw during the Whitlam period, and they were in the public sector, wrecked this country. We are still recovering from the adverse effects of that.

The Fraser Government did little to stop it. We still have had huge problems as a result of the great increase and the inflationary increase in public sector wages during the time of the Whitlam Government. Australia has to tighten its belt, the ACT has to tighten its belt and, of course, the public sector has to tighten its belt. Accordingly, it is essential that any wage increases be tied to demonstrated productivity achievements.

Mr Collaery again, I think, was quite accurate in how he looked at productivity. How do you assess it? In some areas it is quite easy to assess it. As he stated, it is quite easy to assess it in a government workshop perhaps by ascertaining how many vehicles are repaired. In areas such as the police force, the shopfront of the government legal profession, some of the other government services, people on counter duty in various ACT Government offices, it is easy to see the work they do. In the policy areas and in some of the administrative areas it is often a little bit more difficult. If cuts are to be made and rationalisations are to occur, it is those areas that should be looked at, because those are certainly, in terms of productivity, the more nebulous areas.

Productivity is difficult perhaps, when looking at the public service, to fully define; but, using a bit of commonsense, it is not too difficult and we should be able to see whether there are productivity improvements within

certain areas of the public service. That should not be all that difficult to assess. It is quite crucial that the Government does assess that.

I am interested in page 3 of Mr Berry's speech. In the second paragraph he states:

> As regards the ACT Government's business enterprises, the Government would expect that separate workplace agreements would be developed that would reflect their commercial identities and maximise the opportunities to improve their effectiveness and competitiveness.

I suppose that harks back to enterprise bargaining, and that is fine; but the Government, I think, has not started off on a terribly good footing there when it put on hold, and probably on terminal hold, the corporatisation of ACTEW and the Mitchell health facility.

The Alliance Government was looking to bringing into the Territory's coffers approximately, so the former Chief Minister told me, $12m this financial year, with greater improvement in the following financial year, from the corporatisation of ACTEW. I cannot really see how Mr Berry and his Government expect to bring any money into the Territory. In fact, not corporatising ACTEW, I think, will cost the Territory money. So, I think the corporatisation program of ACTEW and the Mitchell health facility is an appropriate one that would reflect those enterprises' commercial identities and maximise the opportunities to improve their effectiveness and competitiveness. Putting that on hold, I think, is a very retrograde step and belies the Government's own rhetoric - what it states it intends to do.

Generally though, Mr Speaker, I think Mr Berry's statement is a moderate statement. It displays perhaps a surprising degree of commonsense for a Labor government; but there are certain areas where I will be interested to see whether the Government can match its rhetoric. Somehow I very much doubt it.

MR KAINE (Leader of the Opposition) (12.22): Mr Speaker, I just want to speak briefly on the subject. Of course, it is a good thing that the Government makes a statement about its wages policy as long as they do not believe that making a statement about wages policy is all there is to their relationship with their employees. Wages, of course, are only one element in the terms and conditions of service of our employees, and in many cases not even the most important one. As has been alluded to earlier, a lot of public servants work long hours, and the work that they do has no relationship to the money that they are paid because they do the job that they like doing and they are doing it in the public interest. There is a certain avocation in that. It is not just a job, so the wages are not necessarily the major aspect at all.

Mr Collaery: That applies to us too, Mr Kaine.

MR KAINE: That is true. There has been some reference to the changing conditions of employment in the public service and the fact that we are moving more towards private enterprise conditions of service. The specifications for a good bureaucracy go back a long way before the Depression. There was a great deal of work done 100 years ago by a lot of learned people about what constituted a good public service. That was a reaction against the corrupt public services that existed at that time, when the way you got a job in the public service was to buy it. They were purchased because there were perks to be had from having jobs in the public service. That is why there was an almost rigid specification of what was required to be a public servant, how you got to be one, and what your obligations were when you did.

One of the early people, of course, was Weber. I am sure that everybody who studied Management 1 knows about Weber and his specification. Of course, the French picked that up and made an art form out of it. France probably is the only country in the world that has an administrative college that people are required to attend before they can become public servants. I think some of us could learn something from that. Perhaps we should have something similar. We have it at an advanced level, in the Administrative Staff College and the like. But people coming out of school into the bottom of the public service are expected to know exactly the way the system works, what they are supposed to do and how they are supposed to act in that big organisation; and it does not work that way. So, for almost a century we have had some fairly rigid specifications about public servants, and one of those was security of tenure.

In the last 10 to 15 years we in Australia have thrown a lot of that out the window. There are some good things about that, but there are some bad things about it too. An employee of the ACT Government has to be aware of both the good and the bad in all of that.

There are difficulties associated with the fact that our public service continues to be merely an extension of the Australian Public Service. The Australian Public Service was created to serve the Commonwealth. We are now a sovereign territory. We have our own objectives, our own aims, our own imperatives; and, like every other State and Territory in Australia, we should have a public service that responds to that.

That is why I floated for public debate the concept of perhaps breaking ourselves away from the Australian Public Service; so that we ourselves can determine what we want our public servants to do, how we want them to do it, how many we want, and our own organisational structure, not based and founded in Commonwealth practice going back

nearly 100 years now. I believe that that is inappropriate for us. We should have a different approach, and we can do that only when we create our own public service independently of the Australian Public Service.

On the question of productivity, I am sure a point of debate for a long time yet will be how you determine whether a public servant is being productive. If you look at our budget papers, there has been an attempt over several years now to define objectives of the organisational elements of our public service, and to state what those objectives are. As far as I am concerned, even now, after some years of it, we still have not quantified, we still have not stated, those organisational objectives in measurable terms, so that at the end of a year we can look back at some performance criteria and say, "Did we achieve those objectives or did we not?".

If we are not yet capable of doing it at the organisational level, how can we do it at the individual level? I submit that we have to start from the top and work down. It is a matter of some concern that we do define our organisational objectives and define our budgets, everything that we do, in measurable terms so that the people out there who are putting the money up can see what they are getting for their money. It is not an academic exercise; it is a practical one that we, as a government, have to see into effect; but I agree that it will probably take some years to achieve. So, we have a long way to go yet.

Of course, it is a good thing that the Government has specified a wages policy. We have somewhere between 18,000 and 21,000 public servants, Mr Collaery says, and I agree with him that we could never find out how many there are. It varied from day to day, week to week, month to month. All I know is that the number seemed to continually go up. I hope that the Labor Government has better luck than we did in getting it to go down. But it is a slippery thing, and we do not know what they all do, yet. I am sure we will find out in time.

There is a certain amount of bureaucratic resistance to telling the Government what they are doing, and that is healthy. I mean, there is an element of competition there between the Government and the public service and that is a bit of creative tension, I think. But it is up to government to impose its will on the bureaucracy. That takes time and it takes stable government.

That is one of the reasons why the instability in government over the last two years has been, in my view, to the detriment of good government. You hardly get to know your senior public servants and begin to establish a working relationship with them and, zap, you are down onto the first floor. I can speak from experience. So, we have a long way to go yet; but I think that this statement is one in a mosaic of things that government has to do. We have a long way to go yet; but at least it is a step, as

long as we do not fool ourselves that putting out a statement about wages is going to resolve all of our problems for the next 12 months and we can forget about that and get on with something else. If we do that, it will be totally wrong; it will be totally unproductive.

MR BERRY (Minister for Health and Minister for Sport) (12.29), in reply: This debate has largely turned into a debate about industrial relations, management and a whole lot of other things which, of course, form a very important part of a wages strategy; but the statement, of course, was very clearly defined to the strategy of the Follett Labor Government in respect of wages. It was also about our Government's clear intention to endorse accord mark VI because, as a strategy for the Australian work force, it has worked well for Australians.

It is the sixth of some historic agreements in Australia which have impacted on the country's economy since the Hawke Government first took office. I think that we have to keep faith with the trade union movement in respect of wages. We have to recognise that the trade union movement is making a commitment to the restructuring of industry and the public sector and it is very important for governments to declare their position as soon as possible.

Having declared our position, I think there should be no concern amongst ACT public sector employees about the future of the wages system. An important issue for workers is job security, as is job satisfaction. There are other issues such as empowerment - having a bit of a say in what goes on in the workplace, a bit of industrial democracy - but, most importantly, workers have to be able to see that they are receiving acceptable and fair rates of pay. I think that the accord has delivered fair rates of pay in the Australian context and workers should be able to expect that that process will continue.

I will not touch on all of the issues that were raised by speakers on this matter, because I think they go to a wider industrial relations debate. One issue I would like to touch on before I close is the issue of enterprise bargaining. There should be no confusion amongst members on the issue of enterprise bargaining. It should not be confused with enterprise unionism and enterprise unions. There is nothing similar about them. Enterprise bargaining is an issue that is new to the industrial scene and it is being supported in the trade union movement. It is about workers in various enterprises being able to negotiate deals with their employers; but, in the general sense, they would still be protected by a national wages system, which, of course, is appropriate.

That is in stark contrast to what is being proposed by the conservatives federally, with Mr Howard adopting a mirror image of what he and Mr John Stone adopted in about 1982 or 1983 in respect of wages and trade unionism in Australia.

They wanted a system of enterprise bargaining and enterprise unionism which resulted, at the end of the day, in average wages for Australians being lower and the trade union movement being significantly weaker. That, I suppose, is an expected argument from the conservative side of politics wishing to diminish the effect of the trade union movement in Australian politics, but it is not the best outcome for Australian workers.

I think the accord agreements which have been struck between the Australian Labor Government and the trade union movement have really set the pace and will deliver to the Australian economy generally more than any other plan could have in recent times. It is important that governments keep faith with workers in relation to wages and I think the statement that I have issued on wages policy to apply to the ACT Government Service keeps faith with our employees.

Question resolved in the affirmative.

Sitting suspended from 12.35 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Homeless Youth Program

MR KAINE: I direct a question to the Minister for Housing and Community Services. There is a Housing Trust house in Waramanga where homeless youth are taken care of by a lady named Monica Hamers, who has been doing this work unassisted for some years. She was put into that house about two years ago. According to local media reports, she is being removed from the house and moved into a smaller house in Duffy, I think, which means that she will not be able to take care of as many homeless youth as she has done in the past. She has apparently been told that her own children cannot stay in the family home, which that house is and which the new house will remain. Can you confirm these facts and, if so, can you tell me why Mrs Hamers is being moved and why she is being told that her own children cannot stay in what to her is her family home?

MR CONNOLLY: This issue was agitated yesterday afternoon on the Elaine Harris program. Had Mr Kaine listened to the Elaine Harris program this afternoon at 1 o'clock, he would have heard both me and the president of the Canberra City Lions Club explaining the situation.

The situation is that Mrs Hamers had for some years been informally operating a sort of drop-in refuge from a bedsitter she had rented from the Housing Trust. During the period in which my colleague Mrs Grassby was Minister for Housing and Urban Services, a very innovative program was initiated by which Housing Trust properties were made available to community groups and the community group could then bring somebody in to run a program.

In 1989 the house at Waramanga was made available to the Canberra City Lions Club - they are the lessee - and they were able to appoint a supervisor. They appointed Mrs Hamers as the supervisor. It appears that Mrs Hamers also moved her three adult children into that house and that they have been living in that house, in effect rent free, for the last two-and-a-half years. The Housing Trust was not aware that Mrs Hamers' adult children were there. Contrary to the report in the newspaper yesterday, the house was never Mrs Hamers' or the Hamers' family house. The house was always made available to the Canberra City Lions Club, which was financially supporting the drop-in centre, or the refuge, and was indeed supporting Mrs Hamers as supervisor.

Problems have arisen over the last 18 months or so. On various occasions there have been up to 17 people in residence. This house, it should be remembered, is an ordinary house in an ordinary residential area. There have been consistent complaints from the neighbours about the lack of adequate supervision and the large number of persons present in an ordinary suburban house in an ordinary suburban neighbourhood. As a result, there were discussions between the Canberra City Lions Club, who were the lessees and who were running the program, and the Housing Trust.

A new house in a different area has been identified. The conditions under which the Duffy house will operate will be somewhat stricter. In particular, there will be only five persons resident at any one time, apart from Mrs Hamers as supervisor. That does mean that Mrs Hamers' adult children - I understand that the youngest is 22 - will no longer have accommodation provided free of charge by the ACT taxpayer, but I am sure that that is a situation which Mr Kaine would acknowledge is hardly unreasonable.

The excellent concept of making available Housing Trust houses to community groups to provide facilities for homeless young people will continue. The supervision will be much easier with a smaller house and with tighter conditions on the number of persons there, and that is a situation which is satisfactory to both the Lions Club and the Housing Trust.

In my view, there has been no harshness here, no lack of social conscience. What has happened is that a project had got too big to be continued in an ordinary residential house in an ordinary residential suburb. To the extent that the Hamers family will no longer be able to reside there, that simply means that they will have to make arrangements, like anyone else, to find their own accommodation. It was never intended that the provision of a house to the Lions Club and the engagement of a supervisor would mean rent-free accommodation for the adult children of that supervisor.

ABC Television News

MR MOORE: My question is to the Chief Minister. I refer to a front page article in the *Canberra Times* today headed "ABC to axe ACT TV news". What action is your Government proposing to take to influence the board of the ABC to the view that ABC television news is a vital part of a healthy Canberra?

MS FOLLETT: I thank Mr Moore for the question because I think it is an important matter for our local community in making sure that they are fully informed on issues that affect them. Mr Moore has asked what action I will take in attempting to influence the ABC board. The answer is that that is not the appropriate way for me as a head of government to take up this issue. Whilst I would be very disappointed indeed at any decision to axe the ABC's ACT television news or their radio news service, I think the appropriate method is for me to take up that issue with the Federal Minister responsible, and I am only too happy to do that.

I did take the opportunity whilst I was in Hobart to speak informally with Mr Beazley - informally, but fairly forcefully - on the value of the ABC service to our local region. I am happy to write to him now to reiterate the points I made at that time. The issue remains the responsibility of the Commonwealth and I am reluctant to cut across that responsibility. I am, however, quite happy to take it up with the Commonwealth Government.

Member's Travel Costs

MR COLLAERY: Mr Speaker, my question is to the Treasurer and Chief Minister. To your knowledge, have any government funds been applied towards the travel costs of any member of this Assembly as distinct from a member of the Executive?

MS FOLLETT: I presume that Mr Collaery is following up on a question he asked of you yesterday, Mr Speaker, in relation to Mr Moore's return to Canberra to take part in the sitting of the Assembly on 21 June. Mr Collaery nods. The answer to Mr Collaery's question is yes, and I will explain the circumstances to the Assembly. The special adjournment motion that was passed by the Assembly on 6 June of this year provided for the Assembly to adjourn until a date and hour to be fixed by the Speaker, either at the request of the Chief Minister or on receipt of a request from an absolute majority of members. So, there were two situations envisaged there.

The recall of the Assembly for 21 June - and I am sure members will be aware of this - was initiated by me as Chief Minister. Arrangements were made for the cost of Mr Moore's economy class air fare to be met from the Executive budget. The cost of that air fare was $1,380; no other costs were covered. So, the only costs covered in relation to Mr Moore's recall were those directly related to his return for that day of sitting.

Mr Speaker, I think you would agree that there has not been a clear policy governing the return of members who are absent on leave when a recall is made. Indeed, I think this is the first occasion on which it has occurred. I made a decision at the time to cover the costs of Mr Moore's air fares to return from leave as the recall was initiated by the Executive. It was made at my instigation. If the recall was initiated by an absolute majority of members, in other words, by the Assembly itself, I would expect the costs to be covered from the Assembly budget.

MR COLLAERY: I ask a supplementary question, Mr Speaker. Is it not a fact, Chief Minister, that the Speaker had already foreshadowed by letters to party leaders that the house would be recalled to attend to the rates Bill on, at that time, 13 or 14 June? Was not Mr Moore aware that he would not be returning for that debate when he sought leave of this Assembly on the 6th? Did not Mr Moore's recall to this chamber by you follow a conversation between Mr Berry and Mr Moore in which membership of committees was discussed?

MR SPEAKER: Mr Collaery, I believe that it is drawing a long bow to ask the Chief Minister questions relating to Mr Moore's thoughts.

Ms Follett: What was in his mind.

MR COLLAERY: Not what was in Mr Moore's mind; what the Chief Minister knew of what was going on.

MR SPEAKER: Please proceed, Chief Minister.

MS FOLLETT: I will answer to the best of my ability. It is my recollection that what indications there had been of an extra sitting day were initiated by the previous Government. So, at the time of the change of government there was not a clear understanding of whether an additional sitting would be required and there was certainly no understanding of on what date it would be required. I think that is the fact of the matter.

Mr Collaery has also asked me whether Mr Moore was aware of the requirement for an extra sitting day. I am afraid he will have to ask Mr Moore that. I assume that Mr Moore would have been generally aware, as were most of us, that under Mr Kaine's Government there was a proposal around for an extra day's sitting.

Mr Collaery: There was a date set - the 13th or the 14th - that Mr Moore knew.

MS FOLLETT: Mr Collaery says that there was a date set - the 13th or the 14th. I think that was an option on dates. In the event, no sitting took place on either of those dates. Mr Collaery has also asked me about the subject of a conversation between Mr Moore and Mr Berry. I have no information on any such conversation and he would have to address that question to either Mr Moore or Mr Berry or both.

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

MR SPEAKER: Do you claim to have been misrepresented?

Mr Moore: I certainly do, Mr Speaker.

MR SPEAKER: Please proceed.

Mr Humphries: At the end of question time.

Mr Moore: I am quite happy to do it at the end of question time, Mr Speaker.

Board of Health Member

MR HUMPHRIES: My question is to the Chief Minister. Is it the Chief Minister's policy that when she and her Ministers come into contact with Liberal Party candidates for the forthcoming ACT election, in circumstances totally unrelated to party politics, they are treated in exactly the same way as every other citizen of this Territory?

MS FOLLETT: It is difficult for me to relate that question to any part of my portfolio.

Mr Humphries: It is the policy of your Government.

MS FOLLETT: My Government has no policy on such a matter. We generally attempt to treat people equally.

MR HUMPHRIES: I ask a supplementary question, Mr Speaker. What does Ms Follett say about the incident where Mr Berry refused to be introduced to a meeting of people concerned with the Triple T anti-drug program by a member of the Board of Health, Kate Carnell, also a Liberal candidate for the forthcoming election? Does she consider that the pressure placed on Ms Carnell not to attend that function breaches the spirit in which members of her Government ought to approach dealings with other citizens of this Territory, albeit members of the Liberal Party and endorsed candidates for the forthcoming election?

MS FOLLETT: I have no knowledge whatsoever of the alleged incident to which Mr Humphries refers. If it is the wish of the Assembly, I could defer to Mr Berry on this matter.

MR BERRY: Ms Carnell, in her role as a Board of Health member, was despatched to do a Board of Health job, I suspect before government came into our hands. It is very interesting that the former Leader of the Opposition has risen to the defence of a Liberal candidate who I think is further up the ticket than he is. Perhaps there might be some changes, but that is another issue. My position on these issues is that nobody is entitled to use their position in government bodies for political advantage.

Mr Humphries: She was not doing that. She was doing her job as a member of the Board of Health.

MR BERRY: Hang on a minute. You chopped me off there, Gary. Give me a go; be patient. Nobody is entitled to do that, and in my view it was important to ensure that Ms Carnell was not in any way embarrassed.

Mr Humphries: She was embarrassed, all right, by your activity.

MR BERRY: That might have been. I do not know why she would have been embarrassed, because my view was that she ought not to be put in an embarrassing situation where she, as a candidate, would be introducing a person whom she would be opposing and commenting on, I suspect, in the next election. So, I chose the safe path and suggested - I cannot recall whether it was to the acting chief executive or the chairman of the Board of Health - that she should not be there, that it would make a lot of sense if she were not there. She apparently acquiesced in that view.

Planning Legislation and Territory Plan

MR JENSEN: My question is directed to the Minister for the Environment, Land and Planning. I remind him of calls by his colleagues Mr Connolly and Ms Follett, when they were in opposition, for the Alliance Government to present the planning legislation. The Government has had some two months to consider the legislation and the draft Territory Plan, which I understand was almost ready for presentation to the community. In fact, the legislation was due to be presented the week of the motion of no confidence. I wonder whether the Minister could advise the Assembly and the Canberra community, firstly, when we can expect to see the planning legislation package; and, secondly, when the community can expect to see the draft Territory Plan.

Mr Kaine: In about another 15 months, I would say.

MR WOOD: No, not at all. I am sure there is unanimous agreement in this Assembly that the planning legislation should be introduced as soon as possible. I can tell Mr Jensen that it is just about ready to come forward. There is one impediment that you will understand also, and that is getting it into Cabinet. The budget processes and budget Cabinet weigh very heavily on the attention of the Government at this stage and it is just a matter of rostering it onto the Cabinet agenda. It will be discussed, and then as soon as practicable after that I will be very happy to - - -

Mr Jensen: How about next week?

MR WOOD: Next week and the week after we have pretty heavy budget matters coming to us, so I cannot promise you that it will be as early as that. As you note, it has a high priority with us, as it does with you, and I will be proceeding as rapidly as possible.

The same can be said for the Territory Plan. It is not strictly my responsibility to deal with the Territory Plan. You know that the Acting Chief Planner is a statutory officer and he will have carriage of that, I expect; but as a matter of courtesy the Government has been apprised of it. We have had briefings such as you had, and we will be indicating to the Acting Chief Planner the timetable for the release of that just as soon as we can.

MR JENSEN: I have a supplementary question, Mr Speaker, based on the answer the Minister has just given. Would it be appropriate for the Territory Plan to be brought forward at exactly the same time as the legislation?

Mr Duby: That is a separate question.

MR JENSEN: No, it is a supplementary question. It is leading on from an answer he gave, because he did not clarify it.

MR WOOD: I do not know whether Mr Duby means that the plan is a separate question from the legislation or not; but there is an expectation, I understand, that the two documents will be brought down at about the same time. That is not a strict requirement, but I know what the community's view of it is. That may happen; it may not happen. I do not think they have to be brought down at exactly the precise hour. Again, it is a matter the Government will give some thought to.

Lower Molonglo Water Treatment Works

MR DUBY: My question is also directed to Mr Wood in his capacity of Minister responsible for environmental matters in the ACT. I refer him to recent public statements by a local New South Wales Parliament member, Mr Alby Schultz, about the quality of discharge from the Lower Molonglo water treatment works into the Molonglo and hence into the Murrumbidgee. Does Mr Wood also have concerns about the quality of the discharge from those works into the Murrumbidgee system and, if so, what action does he propose to take?

MR WOOD: We do have a concern, and I share Mr Schultz's concern, which I wish was rather wider. I wish that he was concerned about the water not only as it leaves the ACT but also as it the enters the ACT. I think he should take note of that, and so should the New South Wales environment Minister. Not only should they care for that, but they should also note what happens to the water at all the townships down the Murrumbidgee and Murray rivers. The treatment works we have here, on all the information I have, is superior to the works that treat sewage in New South Wales.

We have an excellent sewage treatment works. It was very expensive to set up, and it operates well. I make a qualification to that: It operates very well in dry weather. Like treatment works elsewhere, it does not operate as well in wet weather. There are a number of reasons for that, one of which is water seepage into the sewage mains. It is thought also that there are a number of illegal connections into the system. The ability of the treatment works to process a heavy flow is also a factor.

There are three stages of treatment, and there have been occasions when the tertiary stage, the third stage, has been bypassed, and even occasions when the secondary stage has been bypassed, though not very frequently. I believe that it is proper for the pollution control authority to monitor the outflow, as they do; but they are also under my instructions to carry out an audit, an examination of the efficiency of the system, to assure us, and maybe people in New South Wales, that the system is working as well as it possibly can, not just in dry weather but also in wet weather. I will report back to the Assembly later on about that audit.

Gungahlin Homesteads

MR STEFANIAK: My question - I am sorry, Mr Wood - is to the Minister for the Environment, Land and Planning.

Mr Berry: Why are you apologising?

MR STEFANIAK: He has had about four in a row. In the area currently being developed as Gungahlin there are several homesteads, some of which date back about 150 years. I understand that long-term residents of those homesteads wish to be given the same privileges as long-term tenants of suburban government houses and have made offers to the department to purchase those homes and have them incorporated into suburban development. Bearing in mind the ACT's difficult financial situation and the relative lack of historical buildings in the Territory, have these offers of contribution to ACT revenue been accepted and will the still structurally sound homesteads be preserved?

MR WOOD: We are not in the business of knocking down sound and historically valuable homesteads, so in general terms I can say that those homesteads and those people will be protected. You may have in mind the Gungahlin homestead, which is not an historic homestead in some respects. It is a comparatively recent building. Certainly, we will have the care of those older structures well in mind. I do not know whether there is some other agenda, whether the proponents want some special consideration or not; but initially you will get a sympathetic hearing from me.

It is my understanding that some of these matters are also under inquiry by the Conservation, Heritage and Environment Committee, which is, perhaps, properly where these things ought to stay at the moment. I will be happy to make my contribution when I have the committee's report in front of me.

X-Rated Video Industry

MR STEVENSON: My question is to the Chief Minister. Has the Chief Minister read the statements I made in this Assembly on 16 and 30 April 1991 and the documents I tabled on organised crime involvement in the X-rated video industry? If so, perhaps I can then ask a supplementary question about that evidence.

MS FOLLETT: I am a little nervous in answering, for fear of what sort of detail Mr Stevenson might wish to go into. I recall reading in general terms his statements of 16 and 30 April 1991, as indeed, I guess, have all members of the Assembly. At the time and since then I thought that they were extraordinarily thin documents. I thought that, in his usual fashion, Mr Stevenson had sought, by slur and innuendo, to make links between organised crime and various groups in the community. Those slurs and innuendos have consistently failed to be supported by any real evidence.

MR STEVENSON: I ask a supplementary question. I am not quite sure what "recall reading in general terms" means. However, did the evidence I presented demonstrate that US Mafia figures, identified by the FBI as controlling a $4 billion pornography industry in America, visited Australia and helped, firstly, to establish and then have a long-term, ongoing involvement in a major X-rated video network in Australia?

MS FOLLETT: I think the answer is, quite simply, no. I am also aware that the slurs and innuendos Mr Stevenson made at that time were taken up by the then Attorney-General, Mr Collaery, and were investigated by the Australian Federal Police. It is my understanding, although I am not the Attorney-General and perhaps I should defer to him, that there was found to be no real basis for Mr Stevenson's repeated assertions and that that remains the case.

Equestrian Facilities

MRS NOLAN: My question is again to the Minister for the Environment, Land and Planning. As more and more rural leases and agistment land in and around the city are being resumed for residential development, what steps is the Minister taking to ensure that horse and pony owners in the ACT are being provided with alternative agistment facilities for their animals so that the level of equestrian activity enjoyed in the ACT can be sustained? In particular, I refer the Minister to the problems being experienced at Hall.

MR WOOD: This Government, as former governments have, recognises the interest in matters equestrian. There are many people in the community who derive considerable pleasure from looking after their horses, and I believe that we all do what we can to accommodate those recreational and other interests. They do suffer a little as leases change, although I am not aware of any particular changes in recent times, certainly not in the last few months.

Let us go back to Hall. I looked at that problem. I had a thorough briefing about it and I know the area quite well. The lessee out there, who had then sublet or allowed horses onto his property, had clearly neglected the property. There is no question about that. Then we see media coverage to the effect that this or that tree has been covered. That is a terrific idea, but I wish we had more than one tree covered - and that on the day a photograph was taken.

While I have some responsibility in relation to land care of those leasehold areas - and this is not the only one - I will instruct the department that they should take a line that protects the environment. I am the Minister for the Environment and I will take that line. I think the

department was absolutely justified in the steps it took. Subsequently we have acted to settle the issue and to provide some proposals so that people with ponies at Hall have access to riding and agistment.

I have spent some time out at Hall with people in the community, planting trees as part of their Greening Australia project. Perhaps some others of you have done that too. I well know what their views are about protection of the local environment. They are on my side in this. Over and above that, let me say that the equestrian people have a continuing right to have access to land and I am sure that they also will be interested in that land being well looked after.

MRS NOLAN: I have a supplementary question, Mr Speaker. Can Mr Wood undertake to have a look at the problems that are currently being experienced in the equestrian arena and in relation to the necessary land available for agistment?

MR WOOD: Yes, I will do that. If you give me some further information to go on and either talk to me or write to me, I will certainly look at that.

Member's Travel Costs

MR COLLAERY: Mr Speaker, my question is directed to you. Were you at any time approached by the Chief Minister or any of her nominees or Mr Moore to pay an air fare for Mr Moore?

MR SPEAKER: No, I was not.

MR COLLAERY: I ask a supplementary question, Mr Speaker. Will you investigate whether, having regard to section 14 of the self-government Act, Mr Moore has taken an allowance or a reward or some payment, directly or indirectly, in relation to services outside the determinations made by the Remuneration Tribunal under section 73 of the Act?

MR SPEAKER: Mr Collaery, I believe that it is improper for you to ask me to obtain a legal opinion. Under the circumstances, I will seek advice on that matter.

Kambah Health Centre

MRS GRASSBY: I ask a question of the Minister for Health. Will he inform the house of what he has done about the possums and the possum excreta - in other words, possum poo - at the Kambah Health Centre?

MR BERRY: I must admit that I heard on the media that I was going to be vigorously pursued on this matter, so I made sure that I had a brief prepared on a possible question. Mrs Grassby, strangely enough, has asked the very question this possible Assembly question answers. This is really part of the mess we have been left to clean up after the former Government, and Mrs Grassby rightly raises the question with me. The interesting part about it is that, while Mr Humphries was out there in the media, kicking it along, Mrs Grassby was busily working away and getting it fixed through the relevant department.

The possum excreta problem is history now; but, having been asked the question, I have to use this brief because there has been a bit of work done in putting it together. The problem of possums in the ceiling of the Kambah Health Centre has, unfortunately, been a long-term one. So, it really was the Government before us. You handed this over to us. How dare you complain, Gary Humphries!

Mr Duby: We set it up.

MR BERRY: It probably was one of those traps - a booby trap. The health centre staff, and they are the ones we ought to be concerned about, are currently exploring with the parks and conservation branch possible avenues to deal with the problem. The advice is that exclusion from the roof ceiling space is the only effective way of dealing with possums. You have to get them out, Gary. You should have gone out there and dealt with this. A number of measures have been adopted, including contractors who have been employed to set traps so that the possums can be held while the holes in the roof are plugged. I assume that that means they will be let go later. Also, work has been done on damage to the ceiling. That was probably in relation to what the possums left behind.

Possums are a permanent feature of suburban ACT, and they were a permanent feature when your Government was in. The previous policy of trapping and releasing possums in another territory has proved ineffective, as other possums move in - listen to this - to gain access to roofs previously occupied. So, you must plug the holes. The Board of Health appointed by the former Government is in the process of reassigning the Kambah Health Centre to Urban Services - so it soon will not be my responsibility; you will have to complain to somebody else - since Community Health Services is being relocated to Tuggeranong. Of course, the building is still occupied by private health care tenants. I am confident that the problem can be solved with the help of experts.

Very Fast Train

MR KAINE: I do not think my question will be as good as the previous one and the answer will not be half as entertaining. I address to the Chief Minister a question in connection with the very fast train project. Has the Chief Minister used her close and fruitful relationship with the Commonwealth Treasurer to persuade him of the benefits of the very fast train and, in particular, the benefits of private sector investment in such a project rather than the alternative public sector investment that seems now to be on the books? There must be benefit for the public purse in private sector investment in such a project. I wonder whether the Commonwealth, in apparently rejecting at this stage the very fast train project, have considered the merits of private sector versus public sector investment.

MS FOLLETT: I have not taken up this issue with the Federal Treasurer; to this point I have not really had reason to do so. Members might recall that the first time Labor was in government we expressed support in principle for the very fast train project. We actually appointed a working group at that time to look at the issues involved for the ACT. The report of that working group was very favourable.

I am sure most members in this Assembly would agree that the very fast train has the potential to be of enormous benefit to the ACT, particularly in terms of economic benefit and the creation of jobs. I am very disappointed that it appears that the VFT project is uncertain of proceeding and that there is also a proposal for BHP to close the VFT office in Canberra. I will certainly be having further discussions with the members of the consortium to establish what their intentions are.

I should let the Assembly know that an intergovernmental working group on the tax implications for infrastructure development was formed at the recent Special Premiers Conference. I think that is an important initiative in looking at the kinds of projects the VFT represents and at the intergovernmental tax implications that need to be worked out to allow such projects to proceed. I will certainly be looking for a positive outcome from that working group at the Special Premiers Conference in November because I think that private investment in large scale infrastructure projects such as the VFT that would enhance our regional competitiveness is very important indeed.

I appreciate Mr Kaine's question. If there is a particular issue on which he feels it might be useful for me to speak to or write to the Federal Treasurer, I am happy to take that up. On the general question, I think that to let that intergovernmental committee run its course might be the most appropriate approach at the moment.

Convalescent Facility

MR HUMPHRIES: My question is to the Minister for Health. Can the Minister give the Assembly an unequivocal assurance that he will proceed with the Alliance Government's plans for a slow-stream convalescent facility on the Acton Peninsula, as recommended in the Kearney report?

MR BERRY: That gives me an opportunity to give an unequivocal assurance to the people of the ACT that we will not be bustled by Mr Humphries. We had a year-and-a-half of the Alliance Government and we saw the confidence in our public hospital system undermined because of the mismanagement, firstly, of the recurrent budget in our hospital system, with very serious blowouts in recurrent funding. We also had a redevelopment plan which did not have the confidence of the entire community. It did not have the confidence of the workers in the hospital system, nor did it have the confidence of people who might use the public hospital system.

The unequivocal commitment I will give to this Assembly and to Mr Humphries is that we will not be giving an answer on the hospital system until we are ready, and that will be next week. I will give another unequivocal commitment to this Assembly and to Mr Humphries: It will be better when we are finished with it.

Ms Follett: I ask that further questions be placed on the notice paper, Mr Speaker.

MR SPEAKER: Order! I draw members' attention to *House of Representatives Practice* with respect to questions without notice that are similar to questions on the notice paper. It is the general practice of that House that questions without notice which are substantially the same as questions already on the notice paper are not permissible. I intend to follow that practice. I ask you all to adhere to that ruling.

Medicare Bulk Billing

MR BERRY: Mr Speaker, I seek leave to respond to a question which was asked of me yesterday by Mr Humphries and which I said I would answer as soon as possible.

Leave granted.

MR BERRY: Mr Humphries asked me a question about the effect of the introduction of the proposed $3.50 Medicare fee in relation to ACT residents. My understanding of it, having had a look at the newspaper, is that it is an alleged leak about what might happen. You say that it is going to happen?

Mr Humphries: Yes.

MR BERRY: Mr Humphries has got his crystal ball out. He says that it is going to happen.

Mr Humphries: I think you know that it is going to happen, too.

MR BERRY: If it does happen - - -

Mr Duby: What will be the result?

MR BERRY: Are we allowed to hypothesise?

MR SPEAKER: It is your answer; you are going on the record.

MR BERRY: The proposal, or the leak, is that, for those patients whose doctors bulk bill, an up-front consultation fee of about $3.50 will be applied. That is according to the leak, and we will just have to wait and see what happens. Also, patients going to doctors who do not bulk bill would have their refunds from Medicare reduced by the same amount, so the leak says. I do not know why we answer questions on leaks.

Patients on social security benefits would be exempt and there would be safety net provisions for the chronically ill. The ACT has a low percentage of doctors who bulk bill, compared to other States, so the impact here would be expected to be less.

In general, however, I am concerned about the effect - that is, if the leak proves to be true - particularly for the more disadvantaged. The evidence that an up-front payment does prevent overservicing is still uncertain. The proposal would have more impact on those on lower incomes than on others. The health strategy review also indicates that up-front payments reduce both necessary and unnecessary consultations equally. So, I would be worried that it presents either a real or a perceived barrier to care for those in need.

Essentially, what we have to say is that it is only a leak at this stage. It is a little silly to be asking questions on leaks, and it is a waste of time for government Ministers to be called on to answer them. I am required to answer them, if one is to be professional about this; but it is a bit of a waste of time.

PERSONAL EXPLANATION

MR MOORE: Mr Speaker, I seek to make a personal explanation under standing order 46.

MR SPEAKER: Do you claim to have been misrepresented?

MR MOORE: I certainly do, Mr Speaker.

MR SPEAKER: Please proceed.

MR MOORE: I think it is important for me to clarify a situation, Mr Speaker. There was an imputation by Mr Jensen and Mr Collaery in particular that somehow or other I knew that the house was going to be recalled - - -

Mr Jensen: Likely to be recalled.

MR MOORE: Or even likely to be recalled while I was away, to deal with the matter of rates. That certainly was the case under a Liberal-No Self Government Alliance-type government. I was certainly aware of that, and in fact I looked at the dates after getting the letter from you, Mr Speaker, and presumed that I would actually be in Mount Isa at that time. I had priced air fares for me to return from Mount Isa and I had checked to see whether that would be the case.

I had a discussion with the then Leader of the Opposition, Ms Follett, to ask her whether she thought, if she were in government, they would be recalling the house. Her reply at that time was that she thought it would not be necessary. As I understand it, circumstances changed. Had the only issue being discussed at that sitting of the Assembly been the rates, it was highly unlikely that I would have returned. In fact, of course, a whole series of other issues were put on the notice paper for that day.

With reference to a telephone call between Mr Berry and me, there were several telephone calls. In fact, I think Mr Berry accepted reverse charges calls from me, from Mataranka and Katherine, as I recall it, to discuss Assembly matters. It was certainly no wish of mine to break a holiday with my family, the first holiday I had had since entering politics. It was no wish of mine to put my wife in a situation where she had to drive from Katherine to Darwin by herself, with three children in the car - quite a difficult task in the middle of a holiday. I made the decision to return because I thought it was in the best interests of Canberra.

I am delighted, Mr Speaker, that you will have the opportunity to obtain a legal opinion on section 14 of the Act. I believe that I have acted in the best interests of the people of Canberra and that everything I have done was completely above board. I shall continue to act in what I consider to be the best interests of the people of Canberra.

ORGANISED CRIME AND X-RATED VIDEO INDUSTRY ALLEGATIONS
Statement by Member

MR STEVENSON: Mr Speaker, I seek leave to make a short statement concerning the matter I raised yesterday. I believe that I will gain acceptance of that.

MR SPEAKER: Do you claim to have been misrepresented or is it a personal explanation?

MR STEVENSON: It is part of both, Mr Speaker. You can call it a personal explanation if you wish.

MR SPEAKER: I will put it to the house.

Leave granted.

MR STEVENSON: As members are fully aware, I have made a number of statements in this house concerning organised crime involvement in the X-rated video industry. I sought to have agreement to have the X-rated video Bill brought on yesterday specifically for this reason. I was not able to gain that agreement, basically from the Liberal Party. They effectively have control of the Administration and Procedures Committee. There was a story put out that - - -

Mr Connolly: Are you going to apologise to the police or are you going to cop a censure motion? I thought you were going to apologise to the police.

MR STEVENSON: I am going to make a statement on it and I will certainly indicate that my intention was - - -

MR SPEAKER: Again, Mr Stevenson, I seek withdrawal of your imputation that the Administration and Procedures Committee is controlled by the Liberal Party. I, as the Speaker, represent you to the best of my ability on that committee. I represent the minor parties, not the Liberal Party, on that committee. I would ask you to withdraw that imputation.

MR STEVENSON: Mr Speaker, there are two members of the Liberal Party on the committee. As the Labor member on it - and there are only four members - does not vote on private members' business, is that not effective control?

MR SPEAKER: That is not true. Mr Stevenson, I ask you to withdraw, unless we are going to push this beyond the limits. I represent you.

MR STEVENSON: Indeed, if that is not the case, I withdraw. I did not know that.

Mr Moore: Come on, Dennis! He has been doing that for the last two years. He might not have done well in other areas, but he has done that very well.

MR STEVENSON: It is like asking whose fault it is that the Rally is not on it.

I will mention the AFP, but there is a brief background that I need to put to make the point correctly; otherwise I will need to get up on my feet at some other time. There was a false report put out that I had not done something in time to get the matter brought on. That is totally false. The matter was simply put in a different sequence. The matter was listed on the paper. I did everything I could to get the matter on. All members were well aware that the matter would be coming on. On top of that, there was a disinformation program suggesting that the evidence I presented on organised crime involvement was not valid. That is totally false, and a reading of the evidence will show that.

I was not able yesterday to speak on the X-rated video debate as fully as I would have wished to; but, under the circumstances, I was allowed the brief time of 15 minutes to make a statement. In that statement I used the following words:

> Mr Speaker, there is someone involved in the police force in the ACT who presented to the media information that was absolutely misleading in this matter. I believe that material was presented in an attempt to play down the involvement of organised crime in the X-rated video industry in Canberra.

Mr Speaker, this matter is extremely sensitive. I was not able to name, and I have been asked by a State police force internal investigations branch not to name, that police officer.

Later in the day I made another statement because it was absolutely not my intention to suggest that all members or any number of members of the Australian Federal Police were involved. I specifically indicated that it was one member and I did so because I support the police.

Mr Connolly: Are you still saying that it is a member of the Australian Federal Police?

MR STEVENSON: What I said was that I had no intention whatsoever of suggesting that it was anything to do with the Australian Federal Police, be it one member or any number of members. As I said, the reason is that I support the police. I have been a long-term, long-serving police officer. Where there are things that need to be handled, I will certainly bring them up to support those police, the vast majority of whom, as I have said again and again in this Assembly, do a wonderful job, particularly in the ACT, as I have said again and again.

Later on in the afternoon, to make sure that there was no misunderstanding, I said:

> I wish to make clear a matter that I believe has been misrepresented. When I gave information about a certain police officer I did not say that it was a member of the Australian Federal Police Force. I wish to advise that the appropriate letter of information has been drawn and is in transit to the appropriate internal investigations department of the State police force from which the officer mentioned today is on attachment.

I mentioned that yesterday. After that, it was unfortunate that media statements went out without giving that information. I continued:

> I advise that the officer is not an Australian Federal Police officer and at no time did I say in the Assembly that he was.

Mr Connolly: You said "someone involved in the police force in the ACT".

MR STEVENSON: Yes, indeed. Had I been allowed to fully explain the statement that I wanted to make in this house, I would have had more time to do that. As I have said and I say again, I had no intention whatsoever to suggest that any member of the ACT Australian Federal Police force was involved; it was a policeman from another State.

MEMBERS' PAY RISE
Discussion of Matter of Public Importance

MR SPEAKER: I have received letters from Mr Stevenson, Mr Jensen, Mr Collaery and Dr Kinloch, all proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Mr Stevenson be submitted to the Assembly, namely:

> That Members of the Legislative Assembly should refuse the recently awarded pay rise for the following reasons:
>
> (1) 93% of Canberrans polled said that MLAs should not accept the increase;
>
> (2) the Chief Minister has stated in her current Budget Strategy Statement that the ACT Government should chart a course that will allow us to live within our means;
>
> (3) the Chief Minister has acknowledged the recession, further reductions in Commonwealth funding and has asserted that all future community needs cannot be met;
>
> (4) the Chief Minister has said we must attain a fairer society. This can only be attained by representing the community, not by disregarding their will.

MR STEVENSON (3.25): The ACT faces serious economic hardships. I introduced this matter of public importance on behalf of the large majority of people in Canberra who are unable to speak in this Assembly and to represent their wishes. Our polls have shown that 93 per cent of people in the ACT believe that members of the Legislative Assembly should not accept the pay increase which was granted by the Remuneration Tribunal and which came through in the last pay packet, which was last week.

The particular survey asked: Should members of the ACT Legislative Assembly accept the recent pay rise? I asked 200 people in two different locations - in the Garema shopping area and at Woden - and various people were approached to get a cross-section. If anybody doubts that that is the percentage, or wonders what it is, by all means, I and, I am sure, the other citizens of Canberra would invite them to do their own polls. A number of people who were spoken to expressed the feeling that, if the members were producing what the people of Canberra want produced, they may take a different viewpoint; but, whereas they felt that there might be a lot of activity, they did not feel that there was a lot of production.

It is very important that everybody is rewarded for production. I think most people would readily agree that if we could balance the budget, if we could supply the various benefits that people in Canberra want, members of this Assembly should be very well paid. However, the people of Canberra feel that that is not the case. I speak, as I said, on their behalf. I think it is very important that we in this Assembly lead by example. I feel that accepting this pay rise, in spite of the will of the people, does not show that responsible example.

The Chief Minister, Rosemary Follett, has stated in her current budget strategy statement that the ACT Government should chart a course that will allow us to live within our means. Indeed, it could, and it should; but we all need to do that together. The Chief Minister, in that same budget strategy statement, has acknowledged the recession that we are having, has said that further reductions in Commonwealth funding will occur, and has asserted that all future community needs cannot be met. I do not know whether everybody in Canberra understands that the Chief Minister has stated that the future community needs of Canberrans cannot be met.

The Chief Minister said also that we must attain a fairer society; she spoke of social justice. I believe that a fairer society can be attained in the ACT only by representing the community, not by disregarding their will. I know that members feel strongly about this matter, and I do not doubt that some will try to attack me personally; but it is also something about which I feel strongly, and I, like everybody else, have a right to speak on the matter. In this case I speak for the vast majority of

Canberrans who cannot speak in this Assembly. I do not know whether that will be addressed by anybody who takes the opportunity to speak on this matter, when they come back.

The situation is that it is a quite large increase that we are getting - 16 per cent odd. There are other benefits coming through as well. They are not the sorts of increase and benefits that most Canberrans can expect. So, I make the point in all sincerity that, in this issue, we should do what the people of Canberra want us to do. There has been a great deal of talk about representing people in Canberra, listening to the community, giving the people an opportunity to answer questions, and so on. But, if we only say the words without taking the actions, how on earth can people in Canberra believe that we are genuine in what we say?

I will make the point clear, as I know someone will certainly bring up the matter of whether I will accept the pay rise. With the last pay increase, I said that I would not personally use any of it, and I will not. I believe that in the last year I spent in excess of $10,000 doing what I felt was the best job I could in representing the people of Canberra, by putting regular ads in the newspaper, paying for postage - we all have that problem, I am well aware - putting on public meetings and various other things to try to keep people in this community informed when there is a problem and doing so particularly for certain points of view, such as the opposition to fluoride, the opposition to X-rated videos, the representation of people in the community and other specific matters. It is very hard to get the full facts known and across to the people in Canberra, but I have certainly done what I can.

With the current pay increase, the money has gone into a separate account, and once again it will be used on behalf of the people of Canberra in the best way I can possibly think of using it.

Mr Kaine: To get Dennis Stevenson re-elected.

MR STEVENSON: No, it is not at all to get Dennis Stevenson re-elected, Mr Kaine. Perhaps I should have made the statement that the then Leader of the Opposition - obviously I have to specify which one it was; it was Gary Humphries - said that it is a bad time to take a pay increase, and he suggested that the Liberal Party would not do it. However, he was also reported, although not as well, as saying that if the Labor Party - the Government, as he calls it - took it the Liberal Party would, too. I think many people would feel that it is a bit of a cop-out. I think they would feel that, if the members of this Assembly want to take the pay rise, they should do so, which is why I brought the matter up. If people want to take it, by all means let them have the opportunity to present the debate to the people of Canberra and say why they are taking it.

I totally agree that every member of this Assembly has bills to pay, some of which are certainly incurred because they are members of parliament. Some of them have economic problems, shall we say. However, there are many more with those problems in the general community. I do not think it is fair to say that the general community has to live within its means but we do not.

Mr Kaine said that I was doing it to be re-elected. If that was the case, why did I do the same thing in 1989, two years ago?

Mr Kaine: Why did you?

MR STEVENSON: Are you suggesting that it is long-term planning, Mr Kaine?

Mr Kaine: You are darned right.

MR STEVENSON: If it was long-term planning, why did the Liberal Party not, as they did recently, stand up and say that it was not a good time to take it when they went for a pay increase of between 40 and 140 per cent? I was the only member who campaigned against accepting that suggested huge pay rise which was asked for a very short time after we were elected.

Mr Moore: What are you talking about, Dennis? It is the same as everything else; you are misrepresenting and misconstruing in everything you do, Dennis. You are a fool.

MR STEVENSON: The requests that were made by the parties were all for amounts around that area.

Mr Kaine: And you are taking advantage of it now, are you not?

MR STEVENSON: Once again, it depends on what you mean by "advantage". The point is: Is it correct?

MR DEPUTY SPEAKER: Order, Mr Kaine, Mr Stevenson and Mr Moore! Mr Stevenson, would you address your remarks through the Chair, and would everyone else as well.

MR STEVENSON: The point is, Mr Deputy Speaker: Is it correct? The members will have an opportunity to say whether or not they went for that very large increase a short time after the Assembly was formed. If they suggest that they did not, I will certainly be happy to bring the records down and make the point at a later time.

I did not want to get into a slanging match here, but there have certainly been a lot of objections. The point that I make is that the ACT people have concerns about this; they do not want us to accept the pay rise, and under the circumstances, particularly when Rosemary Follett says that

we should live within our means, that we should have a fairer society and that she is concerned about social justice, I think we should not accept it. I call on other members to do the same.

MR DUBY (3.37): My speech is going to be very short and sweet. We have heard this claptrap from Mr Stevenson before. It is claptrap, Mr Stevenson. There was no pay rise. There was a determination of salary in the first place, and this was a final determination of salary for members of this Assembly. A preliminary assessment of some value was made in 1989; a further assessment was made later; and now we have the final determination of the salary levels that are appropriate for members of the Assembly of the ACT.

Mr Moore: And an interim allowance.

MR DUBY: And an interim allowance that has been supposedly backdated. I have heard enough of this claptrap about Mr Stevenson not taking the money, that he has not taken it since 1989 and that, instead, he spends it on postage. It is just utter rubbish.

Dennis, if you do not want to take it, you tell me what charity you are giving it to. If you are that adamant that it should not go to you, that it should not be used for political purposes, that it should be used for the good of the community, you tell me what charity you are going to give this excess money to - St Vinnie's, the Smith Family or whatever. The day you come to me and say, "There is the excess money that they paid me, over and above the money I originally got, and I have given it to charity", is the day that I might take you seriously. This is an absolute joke.

DR KINLOCH (3.38): I am not doubting your good intentions, Mr Stevenson; but I want you not to doubt our good intentions. I believe that we have just as much right to say that we also speak on behalf of the people of Canberra, and I believe that we speak on behalf of their long-term interests. That is, it is in their long-term interests to have the very best possible Legislative Assembly and the very best, most competent range of people.

There are a number of points. I take exception to the term "pay rise" in your statement. The Remuneration Tribunal has considered a number of factors and has determined what it regards as an appropriate level of remuneration, as Mr Duby has already said. Compared with other comparable legislatures, the amount awarded might just as easily be described not as a pay rise but as a pay fall. The amount awarded falls very far short of what most of us hoped it could and should have been if we looked at other legislatures throughout Australia. It is not a pay rise; it is a pay fall. So, the premise of Mr Stevenson's statement is incorrect.

I question the fullness of your poll; we will not go into the details of that. Let us say, for the sake of argument, that you had a useful little poll - we all do these kinds of polls - and you have come up with certain results; but I would want to know a great deal about that. In any case, it would not surprise me that in a small selective poll a group of Australian respondents, many of them on smaller incomes than ours, would begrudge politicians a reasonable income. We all recognise that overall it could be said, as a generality, that politicians are not popular. Who knows, there may be some peculiar value in that. But I wonder whether Mr Stevenson gave the people who were involved in his poll access to a booklet describing the range of parliamentary salaries in Australia and the degree of our pay fall.

I accept the truisms in points (2), (3) and (4) of Mr Stevenson's MPI, but they are irrelevant to the subject of parliamentary salaries. Here, briefly, is the case for giving parliamentarians adequate remuneration - indeed, a better remuneration than has been determined for us. Potential parliamentarians have to be attracted to the task that we have all undertaken. Obviously, that is not the prime reason for those of us who are here taking on our present roles. This is a unique situation in this Assembly.

For some of us, there were certain causes to which we were committed; for others, it was loyalty and commitment to their parties and their parties' overall place in governments around Australia; for others, it was the excitement and fascination of being involved with a brand new parliamentary assembly. I ask us to remember that when we all stood for election we did not know what our parliamentary remuneration would be. So, it was not for that reason that we stood, and I do not think we should measure our being here in that way. For none of us was the reason the income. But the income is not irrelevant, because some people have to be able to afford it.

However, we are not in those glorious opening days; we are in the second generation of this Assembly. We have to go to the community and say to potential parliamentarians, "Please join us". I would imagine that every group here can say, "Look, we would have liked so and so, but frankly they could not really give up all that they already had to join us". Some people have made a sacrifice to do so.

Think about public servants in the Senior Executive Service: Are they going to give that up in order to try to join us? Perhaps we would not even want them to do that. What about senior academics, private enterprise businessmen, lawyers and so forth? I want to emphasise that the people of a calibre that we wish to attract are usually already in positions with security, tenure and adequate superannuation. That is often the reason we

cannot attract them. They might like to join us; they might like to go into politics. They watch, though, what happens to us in public - the demeaning of us, I have to say, often by the media, and perhaps sometimes the demeaning of ourselves.

Are we going to get people who are in secure positions to make that particular sacrifice? It becomes a sacrifice for many of them, especially men and women with families, even to consider becoming parliamentarians. I do not wish to make a special case for men and women with families, but those who do not have families - God bless them - are in a position to make a decision for themselves, whereas people with families are not in that luxurious position.

We are fortunate that there are those present who were prepared to make such sacrifices, but it is not a desirable circumstance to have a legislature composed mainly of individuals who may be in a state of life in which there are no financial circumstances akin to those of most Australian families. What would be very desirable - I think that in a way we have this - is to have some kind of spectrum of single people, people with young families, people with older families, and a range of ages, and that needs to be maintained.

May I remind members that there was once a time in the history of the Westminster system in which there was no payment, no salary, for members. That was justified on the grounds that people should not be paid for doing what was their duty. That was so in the eighteenth century. It was a time of very high corruption. This situation effectively excluded at least 93 per cent, to use your figure - I would say more like 98 to 99 per cent - of the population.

Certainly, no labourers or daily wage workers then had any opportunity to be in the House of Commons. It was only in the nineteenth century - I think we in New Zealand, Australia and some States of the Unites States were in the forefront of this - that there began to be adequate remuneration for people who were going into public life and who were doing so on behalf of groups that had never been represented before.

So, full social justice of political representation depended on salaries for members, and this was not achieved until the nineteenth century. We have to continue to represent that. Funnily enough, it is almost the reverse now. Given the nature of the parties and the ways in which people can join parties, people can now, through their party structures, become selected for election. But there are many people whose financial circumstances now make that difficult.

So in this age of experts and specialists we need to be able to attract such people as medical graduates, accountants, economists, lawyers, journalists, teachers, academics, unionists and public servants to run for the

Assembly. I think it would be fair to say - I speak on behalf, I am sure, of almost everyone here - that many people here made a financial sacrifice in order to be here. That should not be necessary. One basic thing that we can do is to ensure an adequate level of remuneration and expenses.

I want to dwell on one point. One basic requirement in this day and age is not only adequate - adequate, not princely - levels of remuneration but also a bedrock level of superannuation. This is now a necessary part of a parliamentary remuneration. I very much regret that the Remuneration Tribunal has not seen fit to insist on a basic superannuation plan for parliamentarians. They deserve it; it is their right. It is now an Australian norm, which is very much upheld by the Labor Party, to have superannuation for all workers. The Labor Party, in particular, has a commitment to every worker to ensure that he or she is covered by superannuation.

We in this Assembly are a special kind of worker. I am happy to know that the 17 of us who, as MLAs, are workers in this place can expect our Labor Government to introduce that safety net in the very near future. I would like to see it next week. May we hope that it will be on our agenda in this chamber within a few days. I ask them to take this matter very much to heart. It is part of the case I am making if we wish to go out to the community and say, "I know that it is difficult to be in politics, but at the very least you have some kind of bedrock financial support".

So, Mr Stevenson, I have to repudiate what I have to see as a short-sighted view, as represented by your MPI today. I see the popularity of it, and I can see that lots of people would say, "We do not want those people to be paid". I believe that we have a task to help those people to see that for their long-range benefit we need very high levels of financial security for the people who join us here. I plead for the healthy future of this Assembly to which no-one is deterred from seeking to be elected merely by a low level of remuneration.

Most people are not living such an austere life as you. I commend that; I think that is your legitimate choice. We recognise your commitment to fitness, austerity and so forth; that is your choice. I stand here rather obviously not part of that. Many of us have families; some of us have large to largish families which consist of dependent students. I am very aware of it this week. For one of a total of four courses one student who is well known to me has to pay $150 for the textbooks. *(Extension of time granted)*

I have to tell Mr Stevenson that a first-class economist, accountant or lawyer with two, three or four dependent students can be in or remain in this Assembly only if the family, not the individual, accepts a sacrifice. So, please, Mr Stevenson, give up this crusade which hampers

the possibility of wide recruitment of highly competent people. We also need levels of remuneration which put beyond likelihood the possibility of members having to seek extra remuneration from second jobs and professions.

MR KAINE (Leader of the Opposition) (3.50): I feel that it is hardly necessary for me to speak. I think Dr Kinloch has put it better than any of the rest of us could have done. I just want to say one thing: A workman is worthy of his hire. I do not care whether that workman is in this Assembly or anywhere else. We did not determine the level of our remuneration. An independent arbitrator made a determination. That arbitrator has available all of the necessary knowledge to make comparisons between what we and other people do. Since I have been a member of this Assembly, from the days when we did not even know that we were going to get any remuneration, I have consistently said that I would accept the decision of the arbitrator, and I do not think you can do better than that.

If we were sitting here making our own determinations, it could legitimately be said that we were feathering our nests. That is not the case. If Mr Stevenson or anybody else argues that the Remuneration Tribunal is incapable of making a proper judgment or that somehow or other it has made a mistake or that we should set aside the judgment of that body once it has made it, I think they are living in cloud cuckoo land, and we cannot be too persuaded by that kind of argument. I think Dr Kinloch put the argument very well and, as I said, I do not believe that there is very much one can add to that. Mr Deputy Speaker, I merely reiterate my longstanding view that we accept the decision of the arbitrator and get on with it.

MR MOORE (3.51): Mr Deputy Speaker, Mr Stevenson bases a lot of his arguments in this Assembly on representing the people and doing so by conducting polls. I believe that the poll that he should next put to people should be to this effect: Do you think a person who was elected to abolish self-government should resign from the Assembly?

Mr Stevenson: I have already asked whether people want me to continue to try to abolish it, and indeed they do. I have asked, and it was 63 per cent. Mr Moore can ask it any time he wishes.

MR DEPUTY SPEAKER: Order! Are you finished, Mr Moore? I am sorry; the Clerk was asking me a question.

MR MOORE: There was an interjection from Mr Stevenson, which avoided the question that I asked him, in the standard way that Mr Stevenson manages time and time again to twist the truth, to do things by innuendo, by allegation, to try to put his arguments which are not based on the original premise and which are therefore invalid. The question for Mr Stevenson, again, was not whether you think you should try to abolish it; it was: Do you think a person who was elected to abolish self-government should now resign from the Assembly?

MS FOLLETT (Chief Minister and Treasurer) (3.52): Mr Deputy Speaker, for the record I think it is worth putting a couple of issues into very plain English on this matter of public importance raised by Mr Stevenson. The first of those is that Mr Stevenson, who has raised the question of a pay rise, is taking the money. I think we have to be very clear about that. Mr Stevenson, who has exhorted us not to take the money, is doing so himself, although there is no obligation on him to do that.

Mr Stevenson: One has to understand that I am perfectly prepared to reject it if you vote with me. If you do not, I will use it on behalf of the people.

MS FOLLETT: So, Mr Stevenson must be seen on this issue, as on so many others, as being involved merely in grandstanding. He has no intention, and never had any intention, of forgoing any of the rewards of office in this Assembly.

Mr Stevenson: Put it to a vote. Let us see who is telling the truth.

MS FOLLETT: Mr Deputy Speaker, through you, I would say to Mr Stevenson that when he puts up a matter of public importance for discussion in this Assembly he at least ought to do other members the courtesy of listening to what they have to say on his topic, instead of continually interrupting. Mr Stevenson is grandstanding on this issue. He has raised it in the hope of attracting some sort of cheap, populist headline. The fact is that he has taken the money and continues to do so.

The other thing that I think ought to be put on the record is the way in which the pay rise was arrived at. Members generally would know that remuneration for members of this Assembly is set under section 73(2) of the Australian Capital Territory (Self-Government) Act, under which remuneration can be set in two ways, and two ways only. The first of those is in accordance with the determination of the Commonwealth Remuneration Tribunal. If no such determination is in force, then remuneration is as specified by or under an enactment. So, it is not as if we can just decide for ourselves how much money we think we are worth and pay it to ourselves. We cannot; we never could; and we have not on this occasion.

Under the self-government Act successive ACT governments have used the Remuneration Tribunal. There are very good reasons for the tribunal having been used: Firstly, it is an expert body; secondly, it is an independent body; and, finally, it is the body that sets the remuneration for other similar assemblies, other parliaments, and therefore is in a position to make a comparison of the job worth of Assembly members. That is why the Remuneration Tribunal

continues to be used. That is in keeping with the general industrial scene in Australia where people's wages and salaries are set by an independent other party; there is nothing unusual about that.

The determinations of the tribunal are reported to the ACT Executive and to the Commonwealth Minister responsible for the tribunal. As with determinations for Commonwealth matters, determinations for Assembly members are tabled in the Australian Parliament, which has the power to pass a resolution disapproving that determination. So, only the Commonwealth could take action to disallow the Remuneration Tribunal's determinations for the Assembly; it is not within the power of this Assembly.

But, once that determination has been made by the Remuneration Tribunal, the ACT is obliged to pay the remuneration as set out in the determination. However - this may come as news to Mr Stevenson - individual MLAs do not have to accept that remuneration. It is perfectly open for an individual MLA to return money by way of a donation to the public purse. It is perfectly open for individual MLAs to donate money to a charity of their choice, if they wish to do so. I repeat that Mr Stevenson has taken that money.

Mr Duby: As was announced by a former Leader of the Opposition, I believe.

MS FOLLETT: Indeed, amongst the range of leaders of the opposition. Mr Stevenson is aware of that process and that it has been followed throughout the life of this Assembly. Mr Stevenson has had ample opportunity to take part in that process, as have all members.

Several submissions have been made to the Remuneration Tribunal. I made one when we were first in government; I know that Mr Kaine made one on 27 June 1990; and I know that on 15 February 1991 he made a further submission. I am not sure whether, in making that submission, he was putting it forward on behalf of the then Government or his party. A range of submissions has been put forward, of which Mr Stevenson is only too aware. The Remuneration Tribunal subsequently visited the Assembly and spoke to a number of members. Mr Stevenson had the opportunity at that point to put his view to the tribunal.

Mr Stevenson: And would have loved to, but unfortunately was not available.

MS FOLLETT: Mr Stevenson, I gather, was out of the ACT pursuing a political career elsewhere. Many members of the Assembly did meet with the Remuneration Tribunal. The aspect of remuneration put to the tribunal by the Labor members was one, and one only, and that is that the work of a member of the Legislative Assembly is a full-time job.

Until that point, in February this year, I do not believe that the Remuneration Tribunal had accepted that this is a full-time job. I regard it as a significant breakthrough that that point was made forcefully to it and appears to have been accepted by it.

As a result of submissions and discussions, the Remuneration Tribunal made a determination on 10 May, which was not conveyed to me until quite late in June, which provided for the increases that are now the subject of Mr Stevenson's debate. In making that determination, the tribunal noted that the increases had taken into account a review of the workload and responsibilities of members and a general raising of the artificially depressed remuneration of members of parliament throughout Australia. They are the factors that they took into account in arriving at this determination. I think it would be appropriate for members, and anyone else who is interested, to read the full determination, because it really is an excellent case to support what the Remuneration Tribunal has done on this occasion.

To summarise, I believe that it is appropriate that our remuneration should be set by an independent and expert body, which has been the case. I repeat that this Assembly or the Government does not have the power to disallow the determination; that is a fact. I believe that it has been a very long and detailed process carried on over some two-and-a-half years to get to the level of remuneration that we have arrived at now, and I believe that the level we have arrived at now can in no way be regarded as excessive.

Members of the Assembly have all had the chance to put their views. They are all aware of the processes which have taken place and which continue to take place to set the levels of remuneration for Assembly members. Mr Stevenson has apparently not taken advantage of those processes, although he knew that they were being undertaken. He has been accepting the salary and the increased levels of salary, and I say again that he is under no obligation to do so. I believe that he is grandstanding on this issue. I think the amount of interest in it as an issue is amply demonstrated by the state of the visitors gallery. I think that yet again Mr Stevenson is desperately casting about for a populist issue on which he can make some sort of headway with the ACT community. Well, this is not it.

MRS GRASSBY (4.02): Mr Deputy Speaker, I agree with my leader that Mr Stevenson is grandstanding. He is a fraud. He says that he does not believe in this place; but, if that is so, why is he here?

Mr Stevenson: On a point of order, Mr Deputy Speaker: Is that acceptable parliamentary language?

MR DEPUTY SPEAKER: It probably is not, Mr Stevenson. I would ask Mrs Grassby to withdraw the word "fraud".

MRS GRASSBY: I will withdraw that and call him a charlatan, then, Mr Deputy Speaker.

MR DEPUTY SPEAKER: Yes, I think that is probably more acceptable.

Mr Stevenson: I am sorry; I did not hear that.

MRS GRASSBY: Charlatan. He came to this place saying that he did not believe in it and now he says that he is going to stay here.

Mr Stevenson: On a point of order, Mr Deputy Speaker: Is "charlatan" acceptable terminology? We can go through the dictionary, Mr Deputy Speaker.

MR DEPUTY SPEAKER: We might have to, Mr Stevenson.

Mr Kaine: What about "grandstander"? Is that all right?

MR DEPUTY SPEAKER: That is certainly all right. A charlatan is "one who pretends to more knowledge or skill than he possesses; a quack". I think I will allow that. Remember that, members; you can use the word "charlatan".

Mr Stevenson: Good. We can use that one any time we like.

MR DEPUTY SPEAKER: You certainly can, Mr Stevenson. Carry on, Mrs Grassby.

MRS GRASSBY: He came into this house when he did not have to. A member from Northern Ireland was elected to the British Parliament, and he said that he did not believe in it, so he never sat there. Mr Stevenson does not have to sit here. It is absolutely nonsense that he does. If he does not believe in it, he should not be here. He goes for only things that are going to get him publicity. If it has anything to do with sex, pornography or drunkenness, or anything like that, which the papers will love, he goes on about it. I never hear him talking about the poor, the unemployed or human rights. I have never heard of him doing anything about these people, and he has never done anything about them.

All he is interested in is sensationalist headlines, because he really should be on the stage; he is a ham of an actor, and that is where he belongs. He certainly does not belong in this place. He uses excuse after excuse. He is the biggest excuse I have ever met. He is here only to get publicity, not like the rest of us, who believe in why we are here, because we believe that we can help the people outside, that we can do something for them. He is here to get headlines, every day of the week if he can, but never headlines on things that are serious - - -

Mr Stevenson: From someone who pays for ads out of community money.

MRS GRASSBY: Because they do not write up the poor or the unemployed.

Ms Follett: Mr Deputy Speaker, on a point of order: Could I ask you to control Mr Stevenson. He just cannot continue to interrupt, no matter who is speaking.

MR DEPUTY SPEAKER: I will do two things: Firstly, Mr Stevenson, you are interrupting, so I would ask you to desist from that; and secondly, Mrs Grassby, you are probably straying from the point, which is in relation to members' salaries. Perhaps you could get on with that.

Mr Duby: I disagree there; I think the second ruling was clearly incorrect.

MR DEPUTY SPEAKER: You might disagree, Mr Duby, but do not worry about that. Carry on, Mrs Grassby.

MRS GRASSBY: His comment to my leader was, "I will give up if you do". I find that very interesting. I always remember somebody who wanted to give their money to the poor and who said that they would do it when everybody else did, which means that it is never going to be done. That is a very good excuse - "I will do it if you do it". If he believes in not taking this money, if he believes that he should not be here, he should not take the money and he should not be here. But he should not stand up and use a barefaced lie in saying that he does not believe in it when he takes it - - -

Mr Stevenson: On a point of order, Mr Deputy Speaker: I do not think "BFL" is acceptable here.

MR DEPUTY SPEAKER: Yes, Mrs Grassby, withdraw the word "lie". I think you are accusing him of lying, so withdraw that.

MRS GRASSBY: Untruth, Mr Deputy Speaker. I withdraw it and say "untruth".

MR DEPUTY SPEAKER: There being no further speakers, the discussion on this matter is concluded.

SUSPENSION OF STANDING AND TEMPORARY ORDERS

MR STEVENSON (4.07): Mr Deputy Speaker, I move:

> That so much of the standing and temporary orders be suspended as would prevent Mr Stevenson from moving a motion that the Members of the Legislative Assembly for the ACT reject the pay rise recently granted by the Remuneration Tribunal.

I am happy to have the matter put immediately.

MR DEPUTY SPEAKER: We need that motion in writing, do we not, Mr Clerk?

Mr Kaine: He is moving the suspension of standing orders. The answer is no.

MR DEPUTY SPEAKER: Carry on, Mr Stevenson. You have five minutes.

Mr Kaine: The answer is no.

MR DEPUTY SPEAKER: No, he has moved suspension of standing orders.

Mr Kaine: He is seeking leave to suspend standing orders.

MR DEPUTY SPEAKER: No, he is moving suspension. He is moving straight into it.

Mr Kaine: "I am seeking leave", Mr Deputy Speaker.

MR DEPUTY SPEAKER: What are you seeking leave to do?

Mr Kaine: He said that he was seeking leave to suspend standing orders.

MR DEPUTY SPEAKER: No, he said that he was moving that so much of standing orders be suspended as would prevent him from moving a motion. So, he is not seeking leave.

Mr Kaine: If he is going to waste our time, the end result will be the same.

MR STEVENSON: As I mentioned, I had no intention whatsoever of wasting the members' time, which is why I said that I was happy to have the matter put immediately.

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

> That the question be now put.

Mr Collaery: Mr Deputy Speaker, do we have to have a vote? I raise a point of clarification.

MR DEPUTY SPEAKER: Yes, we do.

Mr Collaery: Do standing orders require a vote on it?

MR DEPUTY SPEAKER: They do, to suspend standing orders, Mr Collaery.

Mr Jensen: On a point of order, Mr Deputy Speaker: I understood that we should be voting on the motion by Mr Kaine that the question be put.

MR DEPUTY SPEAKER: The motion is to suspend standing orders.

Mr Jensen: On a point of order, Mr Deputy Speaker: I believe that Mr Kaine actually moved that the question be put, and we should vote on that.

MR DEPUTY SPEAKER: Yes, the question is: That the question be now put.

Question resolved in the affirmative.

Original question put:

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

Mr Duby: Mr Deputy Speaker, for the benefit of members, I advise that Ms Maher will be absent from the Assembly this afternoon.

The Assembly voted -

AYES, 1	*NOES, 15*
Mr Stevenson	Mr Berry
	Mr Collaery
	Mr Connolly
	Mr Duby
	Ms Follett
	Mrs Grassby
	Mr Humphries
	Mr Jensen
	Mr Kaine
	Dr Kinloch
	Mr Moore
	Mrs Nolan
	Mr Prowse
	Mr Stefaniak
	Mr Wood

Question so resolved in the negative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Statement by Chairman

MR KAINE (Leader of the Opposition), by leave: The resolution of the Legislative Assembly of 23 May 1989, which established the Public Accounts Committee, requires, amongst other things, that it examine all reports of the Auditor-General which have been laid before the Assembly. The committee is also required to report to the Assembly, with such comments as it thinks fit, on any matters in those reports, or any circumstances connected with them, which the committee considers should be brought to the attention of the Assembly.

On 30 April 1991 Mr Speaker presented to the Assembly the Auditor-General's Report No. 3 of 1991 relating to the efficiency audit of ACTION. The committee has agreed that, rather than presenting a printed report to the Assembly, I, as the presiding member, should make a statement on the committee's examination of audit report No. 3.

On 9 May the committee wrote to the former Minister for Finance and Urban Services seeking a submission on the matters raised in the audit report. The Acting Secretary of the Department of Urban Services responded on behalf of the ACT Government Service on 19 June. The committee has examined both the Auditor-General's report and the submission from the Department of Urban Services. The committee also sought further comment from the Auditor-General on the department's submission.

The efficiency audit looked at contractual and industrial arrangements for the ACTION bus fleet. The Auditor-General did not comment in detail on the matter raised relating to industrial arrangements, having reported separately on that matter in audit report No. 1. The Auditor-General found that ACTION was continuing to make illegal payments of meal allowances to workshop staff. The committee notes ACTION's comments that payments would continue and that the matter would be addressed in structural efficiency principle negotiations. The committee, Mr Speaker, will monitor the action taken in respect of the Auditor-General's concerns on that matter.

Report No. 3 concerned two areas of ACTION's operations: A review of bus acquisition and refurbishment policy, and an assessment of the management of supply and purchasing. The Auditor-General made seven recommendations. The committee notes the Auditor-General's comments that "in general, ACTION accepts all the recommendations" and that "differences between Audit and ACTION are more semantic than real".

In determining whether to proceed to holding public hearings in relation to the matters raised in this report, the committee considered the action taken or proposed by ACTION, which was outlined in both the audit report and the department's submission.

The committee notes that the submission states that ACTION agrees with or supports five of the seven recommendations and, whilst not fully supporting the Auditor-General's comments in relation to another recommendation, will be reviewing contract provisions to act on the recommendation. The final recommendation, the seventh, concerned the future structure and administrative arrangements for ACTION. The submission did not comment on this recommendation, other than to state that it was a matter for government to determine. The committee agrees with that.

The committee believes, Mr Speaker, that the audit report and the submission adequately address the matters raised by the Auditor-General, and at this time further committee inquiry is not warranted. However, the committee will maintain an interest in the contractual arrangements operating at ACTION over time.

ESTIMATES - SELECT COMMITTEE
Appointment

MS FOLLETT (Chief Minister and Treasurer), by leave: I move:

That -

(1) a Select Committee on Estimates be appointed to examine the expenditure proposals contained in the Appropriation Bill 1991-92;

(2) the Committee comprise such Members of the Assembly who notify their nominations in writing to the Speaker by 13 August 1991;

(3) that 3 members of the Committee shall constitute a quorum of the Committee;

(4) the Committee report by 1 November 1991;

(5) if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing and circulation; and

(6) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Very briefly, Mr Speaker, the motion that we have before us, I believe, is the result of consultation between the parties in this Assembly, so I trust that it has the support of members here. I think it is a very valuable exercise that the Estimates Committee undertakes each year, and on this occasion, by dealing with the motion today, we are allowing the Estimates Committee to make an early start on that task. I think that reflects the fact that in previous years we have found the committee to be an extremely valuable exercise for all members but also an extremely time consuming one. It seemed to me that, as the members became more familiar with Estimates Committee procedure, the more they wished to find out and the more demands were placed on our bureaucrats to provide information. So, I am glad to see that the committee will be able to start early.

The proposal that is before us is pretty much as the Estimates Committee proposal was in 1989, during the first period that we were in government. The main feature of it is that it offers all members of the Assembly the opportunity to be members of the committee. All they have

to do, in effect, is put forward their names to the Speaker by 13 August. Notwithstanding that it might become a rather large committee, the quorum requirement will be only three members, so members will be able to take part in the issues that interest them particularly, the issues about which they particularly want to get some information and examine estimates.

Mr Speaker, just in closing, I believe that the Estimates Committee will have the advantage of having Ms Karin Malmberg as its secretary. I think that will ensure that their work will be conducted in an extremely efficient and thorough manner. In finally commending the motion to the Assembly, I would like to say that I wish the Estimates Committee very well in its extremely important work.

MR MOORE (4.20): Mr Speaker, I would just like to make the point that the Estimates Committee, of which I have been a member in the last couple of years, in both years of its existence, is one of the most important committees of this Assembly because it gives the opportunity for the Assembly to burrow into the workings of each of the departments. One of the most positive aspects of the select committee, I believe, is the forthright way in which Ministers of both governments have responded to questions of the Estimates Committee, and the way in which they have made their departments and their departmental officers available to the committee. I think it is a very positive move for public accountability. I welcome this select committee, and I look forward to working on it.

MR JENSEN (4.21): Mr Speaker, very briefly, as the chairman of the two Estimates Committees that have been conducted by this Assembly, I endorse the remarks made by Mr Moore. I am looking forward with interest to participating in that process.

Mr Berry: You did not say thanks for the consultation.

MR JENSEN: I would like to note the fact that there was consultation between the Government and the Rally on this issue, and that is quite appropriate, I would suggest.

Question resolved in the affirmative.

ADJOURNMENT

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

> That the Assembly do now adjourn.

Assembly adjourned at 4.22 pm until Tuesday, 13 August 1991, at 2.30 pm